

LUPUS UK



A
Legacy
Guide

“Caring for People with Lupus”

THE LUPUS UK LEGACY GUIDE

The LUPUS UK Legacy Guide does not attempt to offer a comprehensive summary of legacy options nor does it try to make a thorough and exhaustive resume of present law regarding the drawing-up of a will. The Guide is a first step; there is no substitute for taking properly-qualified advice on such an important issue.

We hope that readers will find the contents easy to absorb and through the Guide will be encouraged to make a first will or to update an earlier version, putting in place such legacies as they see fit.

‘Where there’s a will, there’s a way...’

The contents of this Legacy Guide do not necessarily reflect the opinions and views of the Trustees, Officers or staff of the registered charity LUPUS UK.

WHY MAKE A WILL?

Well, many people don't, although they may have meant to, many times over. Failure to make a will means more of what you leave might be wasted in tax. It may also result in your exact wishes not being carried out and it can cause much heartache for members of your family at what is a stressful time in any event.

Leaving an out-of-date will can put dependants at financial risk and if dying intestate (without an effective will) the assets of the dearly departed might even finish up with the Treasury...

If a married person with children dies intestate the spouse inherits assets to the value of £125,000 and a life interest in half of what remains, the children sharing the other half. If there are no children, the spouse inherits £200,000 and half the remainder, the balance then passing in order to the next relatives (see below).

If there is neither a spouse nor children, the assets of the deceased pass in order to the next relatives ie the parents, siblings then their children, grandparents, great-aunts/uncles, finally to the Treasury.

Currently, the law does not recognise unmarried partners even if the relationship has endured for a number of years. Sound wills advice is needed in such a situation.

Making a will, always updateable, can bring matters to good order.

Why not take the straightforward steps to ensure that your estate will be distributed along the lines that you would wish?

THE ROAD NOT TO TAKE...?

Yes, buy a will form at the stationers, fill it in quickly and stow it away in the back of the kitchen drawer with all the other papers that you'll be sorting out tomorrow – or next year...

The family has a vague idea where it is, you filled it in correctly (?), signed and dated it (?), had it properly witnessed (?) and all is well with the world. The facts are that DIY wills may be open to misinterpretation, may be ambiguous, may be full of scorings-out. Only when the testator dies will these and other problems come to light. Bad wills can take a long time to unravel and that time can be very costly.

Wills may be sold by will-writing franchisees, be on computer disc or in book format and many of these have been overseen by advisers who are legally-qualified. However, few such options offer the important face-to-face opportunity ensuring that your wishes are being recorded, laid down clearly for yourself and, ultimately, for your executors and beneficiaries. Try this checklist:

- **Do you have a properly drawn-up will already?**
- **Has your will been properly executed?**
- **Is your will accurate and up-to-date?**
- **Was your will written by a qualified professional?**
- **Is your will securely stored?**

Very few of us would attempt to draw up our contract of employment or rewire half the house and the same duty of care applies to our wills.

THE PREFERRED ROUTE?

If wanting to take the professional option, perhaps your family has been turning to the same firm of solicitors over many years, or perhaps you know friends who are comfortable with their legal advisers?

When approaching solicitors, most now have a set of reasonable fees for the writing of wills and are pleased to offer quotations. Should married couples want wills reflecting their joint wishes, it is possible to have mirror (or back-to-back) wills drawn up, often at a lesser charge than two entirely separate wills.

- Writing a will when you are older is better than no will at all, but we rarely know what lies ahead and earlier is preferable.
- It is always possible to update your will at some future point. Occurrences such as the birth of grandchildren, the death of a beneficiary or changes in your wishes may prompt will update.
- The Law Society (0870 606 6575) or Will Aid (0870 606 0239) can offer help in locating an appropriate solicitor local to you.
- Depending on your circumstances, you may need expert wills advice with regard to Inheritance Tax, special clauses in your will, creation of a charitable trust and many other variations.
- Ensure when you sign your will that it is dated, that the two witnesses are present at that point and that they sign in their respective capacities. *If a beneficiary of your will is a witness to it, that person does not inherit, nor would his/her spouse.*
- Once your will is completed, lodge it safely at eg your bank and keep a copy at home. You may wish to show the copy to your executor(s) to be sure that they are aware of your wishes.

LEGACIES

A legacy recorded within your will is a properly-worded statement of your wish to leave monies to named individuals, charities or other organisations.

Clear instructions should be laid down as to the full names of any person who is to inherit, together with the present known address and the sum of money that he or she is to inherit.

This same detail is required if a charity is to be a beneficiary, where it is very important to be sure of its proper and full title, Head Office address and registered charity number. Similar information should be recorded for other organisations who are to benefit under the will.

Testators often leave fixed sums to eg family members in their wills. With legacies to charities which may rank after family bequests (ie from the remaining monies) it may be better to record these as 'X% of the residue of the estate' in the will – in case monies are not then sufficient to pay a previously-stated fixed amount.

Some testators record percentages for all their beneficiaries so that, however large (or small) the net amount for final distribution, those to inherit will at least receive the percentage originally indicated.

Bequests to charities may take different forms:

A PECUNIARY BEQUEST where a sum of money is left to be used by the charity as it sees fit.

A SPECIFIC BEQUEST where a sum of money is left to the charity but is to be used for a restricted purpose, eg for research.

A RESIDUARY BEQUEST where the residue or a percentage of the residue is left to the charity, for restricted or unrestricted use.

ABOUT LUPUS AND LUPUS UK

LUPUS is a demanding illness of the immune system with a wide variety of symptoms and is capable of damaging major organs.

More than 50,000 people across the UK have lupus, mainly women. Diagnosis remains difficult and family doctors are often too slow to pick up on the condition and refer patients towards specialist care.

Lupus impacts long-term on the quality of life for patients and this can also affect their family members, friends and business colleagues.

LUPUS UK has supported people with lupus for over twenty-five years and has thirty regional groups operating throughout the United Kingdom.

The charity offers an extensive book list for patients and publishes a wide range of fact sheets, leaflets, posters and brochures which explain the disease and the work of LUPUS UK. A Guide to the Diagnosis of Lupus for GPs has been distributed, also a Guide to Lupus for Nurses and Associated Health Professionals.

‘News and Views’, the national magazine, is published three times each year and enjoys international readership. The magazine features good articles on lupus and makes best use of colour presentation.

Lupus Awareness Month in October is a highlight of the year when members and regional groups make strong efforts to further public awareness about lupus. A number of other national lupus groups now also use the month of October in this way.

World Lupus Day is celebrated on May 10th and is a good focal opportunity to further publicise lupus and the burden on the lupus patient.

LUPUS IS INCURABLE – DO HELP US



to assist people in achieving their diagnosis



to support those with the lupus condition



to educate health professionals about lupus



to fund essential research into the causes



to ensure better lupus awareness by the public

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