

Wills: you can DIY them, but should you?

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Getting a template for a DIY Will couldn't be easier - they can be obtained from a stationery shop or online for as little as £20. But just because you can, doesn't always mean you should. The cheap option of writing a Will yourself and avoiding professional charges can seem attractive but a simple mistake can mean that your estate, and your beneficiaries, end up paying a much higher price - so it can be a risky approach. If errors are made or if the Will is not witnessed in accordance with the strict witnessing requirements, the Will could end up being completely invalid.

The implications of this can be serious. Not only are you at risk of leaving your family in a financial and emotional mess but your testamentary wishes in respect of who you want to inherit your estate might be ineffective. Furthermore, your estate can be diminished in value due to legal bills or unnecessary tax or charges that could have been reduced with better planning. Even if your affairs seem simple, the DIY approach can be far from straightforward. A DIY Will often does not allow for changes in circumstances for example if you have children after you have made the Will.

Recent surveys have suggested that two thirds of people die without leaving a valid Will. This means that their estate will instead fall to the people that the law provides for, which may not always accord with the deceased person's wishes.

For example, Jersey and Guernsey law make no provision for those people who live together but have never married to automatically inherit any part of their partner's estate if their partner dies without leaving a valid Will. If the person who has passed away owns the home in which the couple reside, and also has children from a previous relationship, the estate assets, including the home, will fall to the children and the surviving partner is at risk of being left homeless and penniless.

Many people think that having drawn up a DIY Will they have adequately completed succession planning only for their families to discover, after their death, that their Will was not as effective as they had hoped. DIY Will packs can lack thorough instructions meaning that vital information can be missed out. For example, they do not always mention that you should name a substitutional

beneficiary in case the person you want to inherit your estate ends up passing away before you, and they cannot properly advise you as to the intricacies of the law that you might need to be aware of when considering your estate planning.

Instructing a lawyer to draw up your Will for you means that there is less chance of it being challenged. Your lawyer will keep accurate records of your wishes and a note of your meetings and calls with them which means that the Will and its meaning is less open to interpretation. Your intentions and wishes will be clearly set out and you will be advised upon the implications of these. Plus, the cost of asking a lawyer to draw up a Will might only be a fraction of the cost to your heirs of doing it yourself and getting it wrong.

Do it yourself? You can, but at your own risk!

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