

Why make a Will?

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What is a Will?

Your Will enables you to set out what should happen to your property, assets and personal possessions (together called your estate) when you die. It also gives you the opportunity to name an executor, a guardian for any minor children or to list funeral wishes and preferences.

Why do you need two types of Will in Jersey?

Jersey law divides assets into 'immovable' and 'movable' assets. It is best to make separate Wills to cover each type of asset because different legal rules apply to the succession of each and a different procedure must be followed when dealing with each type of asset post death.

Immovable estate

Immovable assets consist of land, buildings on land, leases of more than nine years, flying freeholds and mortgages known as "hypothèques conventionnelles".

Movable estate

Everything else is considered to be a movable assets. This includes bank accounts, jewellery, furniture, cars, shares relating to share transfer apartments and intellectual property such as online files and assets.

Who can make a Will?

Anyone who is of sound mind and (i) 16 or 17 and married or (ii) 18 or over can make a Will.

Why should you make a Will?

A Will ensures that your estate is distributed in accordance with your wishes after your death. If you don't make a Will, your estate may be distributed very differently from what you would have wanted. Making a Will can help unnecessary stress for those closest to you and can provide them with certainty during a difficult time.

Why should I consult a lawyer?

You can draw up your own Will covering your movable assets but we would always recommend that legal advice is given. Jersey law imposes restrictions upon to whom and in what proportions your movable assets can be distributed in your Will and your lawyer can guide you in this respect.

There are also strict validity requirements for Wills of immovable assets so you should always consult a lawyer otherwise your Will may not be considered to be valid.

Why should I consult Ogier?

Ogier can advise and assist you with putting your wishes into writing, giving you peace of mind.

When is my Will effective?

Your Will only comes into effect after your death so, if your circumstances alter, you can make changes to it at any time.

What happens if I do not make a Will?

If you die without making a valid Will, the law will apply the intestacy rules which are explained in our briefing [Who can benefit from my Will?](#)

How do I make a Will?

It is simple and easy to start the process. You should think about what you would like to happen to your estate, our briefings [Things to consider when making a Will](#) and our [Wills Questionnaire](#) will help you to do this.

About Ogier

Ogier provides practical advice on BVI, Cayman Islands, Guernsey, Jersey and Luxembourg law through its global network of offices. Ours is the only firm to advise on these five laws. We regularly win awards for the quality of our client service, our work and our people.

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