



## Why choose a solicitor to make a Will?

**We know** what you are going through, and we are here to help.



## The Banner Jones way

When it comes to Wills, **one size does not fit all**. It is important that you fully understand the decisions that you are making and that we can ensure your instructions are reflected accurately and correctly in your Will.

We will offer a lot of practical advice throughout the process and will ensure that your wishes are put into perspective so that it is clear how your estate will actually be administered.

Having your Will properly drafted by a legal professional should be seen as an investment to ensure that your estate is administered in accordance with your wishes and in a manner that minimises the impact of Inheritance Tax.



By choosing **Banner Jones** to write your Will, you will ensure that;

- your wishes are realistic, and that the Will reflects your instructions.
- your estate is arranged in a manner that maximises the Inheritance Tax position.
- any attempts to challenge the circumstances in which your Will was made can be robustly defended
- any other possible unwanted claims against the estate are identified and addressed where possible.
- your will is stored, for free, as long as needed
- any advice that we give you is delivered within strict regulations and backed by robust professional indemnity insurance.

## What we offer

- Flexible appointments (phone/video/face to face)
- Home visits
- Providing Witnesses
- Including a full analysis of your assets and liabilities, to ensure there are no knock-on-effects further down the line
- Inheritance Tax and estate planning advice with every Will
- Identifying if additional wealth management and investment advice would be beneficial and referral to a trusted independent financial adviser
- Free storage of your original Will for your life
- Registration onto the National Will Register database
- Quick turnaround on Wills



If your Will is straight forward the cost will still be relatively low and you can still be confident of the above. If it is more complex, we will clearly explain any additional costs required and the benefit and reasons for those costs. You will then be free to decide how to progress.

**97% of our clients would  
recommend us to a friend**

(Ongoing Client Survey)



I was very pleased with Banner Jones in the way they carried out all the Will and Probate work. I would not hesitate to use Banner Jones again.

Mr & Mrs C, Chesterfield



## Fixed Fee Promise

Billed on completion

	SIMPLE WILL	COMPLEX WILL*
Individual	£250 + VAT	£1000 + VAT
Couple	£450 + VAT	£1400 + VAT

\*Complex Wills will include instructions Life Interest Trust Wills and Discretionary Trust Wills.

**Life Interest Trust Wills** – will include providing bespoke advice tailored to the client(s) individual circumstances and needs. Will include checking the title of the property and preparing the Notice of Severance. We will update the title of the property with the Land Registry if the title is registered and provide the client(s) with an updated title document for their records advising that if they sell the property in the future they must own their substitute property as tenants in common in order for the clause in their Wills to be effective. If the property is unregistered, then we will endorse the deeds to reflect the Notice of Severance in accordance with their Will wishes and provide additional costs information in respect of voluntary first registration should they wish to instruct us to do this separately.

**Discretionary Trust Wills** – will include providing bespoke advice tailored to the client(s) individual circumstances and needs. This will also include drafting bespoke side letter of wishes in respect of the Discretionary Trust providing structured guidance for their Trustees for when the time comes. This could also include severing joint tenancies where applicable and updating with the Land Registry/ endorsement of the deeds as above.

## Will & LPA's Packages to suit, and **save** you money

Package includes a **Will** and **2x LPA's** per Individual.  
LPA's available for Property & Financial Affairs **and** Health & Welfare.

	SIMPLE WILL & LPA'S	COMPLEX WILL & LPA'S
Individual Will & 2 x LPA's	<b>£850</b> + VAT Plus Disbursements*	<b>£1500</b> + VAT Plus Disbursements*
	£50 PACKAGE SAVING	£150 PACKAGE SAVING
Couple Will & 2 x LPA's	<b>£1200</b> + VAT Plus Disbursements*	<b>£2000</b> + VAT Plus Disbursements*
	£150 PACKAGE SAVING	£300 PACKAGE SAVING

\*Disbursements – OPG Court Registration Fee, which is currently £82 per LPA (subject to Fee Exemptions/Reductions where applicable)

## Why choose a solicitor to make a Will?

You can get a Will made at the bank, buy a **"Will Pack"** from the supermarket or download a form from the internet with which to make your own **"DIY Will"**.

There are lots of Will Writing companies around too, so why do people use legal professionals?

**HERE ARE JUST A HANDFUL OF REASONS...**

### SOLICITOR VS WILL WRITER VS DOING IT YOURSELF

#### Solicitor/legal professional

Legal professionals have the necessary experience and skill to ensure that a watertight Will is written that truly carries out your wishes. Wills can sometimes be complex and a trained legal professional, in addition to putting your instructions down on paper, can also provide advice on things like inheritance tax, or discuss whether Trusts maybe required to protect vulnerable beneficiaries.

At Banner Jones, our solicitor led teams can guide you through the process step by step giving you the peace of mind that your wishes are met.

#### Will-writing companies

The "Will-writing" companies you see advertised are not law firms and the Will Writers may not have any legal training. Some do have training so it's always best to check, but even if they do, they will not be regulated. Will writers are completely unregulated and are therefore not accountable to any professional body.

If you had cause to complain after using a Will-writer, there are no guarantees that your complaint will be dealt with. The same is true for a Will you wrote yourself. Law firms, however, are bound by strict regulations set by the Solicitors Regulation Authority and in the unlikely event that you were not happy with the service provided by your solicitor; you have the safety net of a complaints procedure that you can follow.

#### DIY

We like to compare DIY Wills with DIY Dentistry, you can do it yourself but it's not advisable! With so much at stake, we encourage you to honestly answer the following question: Do you know what you are doing well enough to bet everything you have on it? For the benefit of your executors, legal professionals generally ensure Wills are "jargon-free" except where it is important to use a word with a specific legal meaning to avoid ambiguity. Small differences in the wording of gifts, for example, can produce quite different results. Home made Wills and nonprofessionally drawn Wills are often unclear and legally uncertain, the consequences of which can be expensive to sort out and put right.

There are strict rules governing how a Will must be signed and witnessed in order for it to be legally valid. Without proper legal knowledge and training, it is easy to fall foul of these criteria and make the Will you made by yourself or by an untrained/unregulated Will-writer, worthless. The best way to ensure that your last wishes are clear is to instruct a legal professional.



## Insurance

All law firms must have Professional Indemnity Insurance, which means that your beneficiaries could make a claim for compensation in the unlikely event that your Will has not been written properly. Will-writers do not have to have insurance. If something went wrong, you would not have the back up of proper insurance.

## Safe storage of your will

Your will may need to be stored for many years before it is used. It is therefore imperative that your Will is stored somewhere safe and dry where it can be easily retrieved when needed. Law firms are bound by strict rules governing how they store Wills and, even if a firm goes out of business or is taken over, the Solicitors Regulation Authority keeps track of who takes over custody of all the Wills they were keeping. Some law firms do charge for storage so it's worth checking, Banner Jones will store your Will for free for life.

Not all Will-writers offer Will storage, and those that do may not have fire proof safe rooms. Another factor to consider is that if a Will-writer goes out of business, there is a good chance that any Wills kept will be lost due to the lack of a regulating body.

## Challenges post-death

A Will can be challenged after your death if there is reasonable doubt about the circumstances in which your Will was made. Two common examples of this are; 1/ if you made your Will under pressure from someone else, or 2/ if you had sufficient mental capacity at the time the Will was made.

Legal professionals ensure that such doubts are removed by the use of a proper "attendance note" that, backed by their insurance, shows instructions are taken from a client with sufficient mental capacity and under no pressure from anyone else.

Unregulated and "DIY" Wills may not be able to withstand challenges about how the Will was made as well as those made by a solicitor.

## Independence

Many organisations through which you can write a Will, your bank for example, insist on being appointed as executors. Creating a Will with a solicitor ensures that you retain flexibility and decision making with regards to the choice of executors. Your will: your choice. Appointing a professional executor such as a solicitor can be a benefit however, as it does take the pressure away from your grieving relatives and they have experience in administering Wills and estates.

## Key point

It is generally advisable to use a solicitor or to have a solicitor check a will you have drawn up to make sure it will have the effect you want. This is because it is easy to make mistakes and, if there are errors in the will, this can cause problems after your death. Sorting out misunderstandings and disputes after your death may result in considerable legal costs, which will reduce the amount of money in the estate.

**Citizens advice** - <https://www.citizensadvice.org.uk/family/death-and-wills/wills/>



# What can happen when a Will is **not drafted properly**?

There are many different reasons that a Will can be ineffective. Often resulting in a lengthy legal battle, legal bills and unnecessary tax. Unfortunately, all too often, our Wills and Dispute Resolution teams advise on matters caused by an ineffective Will.

According to figures from the CLS, around **38,000** families every year will go through a prolonged probate ordeal as a result of a poorly drafted or ineffective DIY Will. Up to 10% of the value of a person's estate can be taken up by additional fees caused by an ineffective Will. With the average estate in the UK worth £160,000, this could equate to a bill of around **£16,000 in unnecessary fees**.\*

\*from <https://www.aprilking.co.uk/blog/when-diy-wills-go-wrong/>

## Examples of situations that we have encountered:

### Incorrect Advice on a Trust

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A couple using a will writing company were advised to set-up a trust that promised to protect their assets from a variety of things such as care-home fees and inheritance tax.

The couple paid over **£3,000** for their wills and trust deeds without ever really understanding what they were being provided with or an explanation of how the trust was supposed to work.

A few years later they came in to see us to update their will and we identified that their house was now owned by their trustees as it had been put into trust. This meant that they effectively no longer owned their own property and so they couldn't leave it in their will as they had wished. To make matters worse, the trust deed was expressed to be irrevocable so they couldn't simply 'undo' the deed and restore the property to their ownership.

The terms of the will and the trusts deeds actually conflicted with each other, which served to complicate matters even further.

The will company, as unfortunately, can very common, had gone into liquidation and therefore they were not able to approach them to complain and seek their assistance.

We had to make an application to the high court in Leeds to set aside the trust on the basis that it was created as a result of a mistake. The costs of this application were around **£5,000** altogether.

Clients should also be very wary of bold claims that they may be able to avoid care fees etc as this is invariably not correct in the majority of circumstances.

### A will with a drafting error

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We acted for executors in relation to a claim for construction of the terms of a Will, in circumstances in which the drafting solicitors had made a drafting error, which resulted in uncertainty as to the correct interpretation of the Will. We were successful in resolving this matter and securing payment of the Executors costs by the negligent solicitors.

This shows that you should also be careful when choosing a solicitor to write a will but in the unlikely event that something does go wrong you are the solicitors will often cover the costs.

# Why Choose Banner Jones?

- Fixed Fee Promise on Wills & Probate
- Solicitor led legal professional Will writers
- Home and Hospital visits available
- Free Will storage for life
- Free registration of all Wills on **'The National Will Register'**
- Quick turnaround on Wills
- **97%** of our clients would recommend us to a friend



**We know** that Making a Will is often seen as a daunting prospect for a lot of people, but here at Banner Jones we'll take you through it step by step ensuring that your Will represents everything you want it to. Most of our clients say it's such a relief to have finally done it and usually they have been putting it off for ages.

**Talk to Banner Jones** - We are ready to help you



**Kathryn Wheeldon**  
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## Disclaimer

The information contained in this update does not constitute legal advice. It's our best assessment of the current position and is in places based on opinion. In order to bring you a comprehensive guide we have included some financial information, but this does not constitute financial advice. If you want specific advice, please contact us.