

'Can't take it with you'- new BBC programme- 70% of people die without making a Will!

'Can't take it with you' is a new BBC programme on Friday nights at 9 pm about making your Will before you die, including talking about your wishes with your families, and complications in modern families. On Friday 14 January Lesley and David featured. She wanted to leave half her house to a cat charity and David wanted her to leave everything to his children from a previous marriage. She did not want his children to benefit from her half of the house, as she said 'I don't do children'.

Wanting different wishes when there are children from a previous relationship is very common. This is important as it shows how crucial it is to set out your wishes in your will, with someone with professional qualifications and expertise to put your mind at rest. If they had not made a will it would fall under intestacy. This is as follows, as Lesley did not have children her half would pass to her husband, which he wanted to pass to his children on his death under intestacy. The intestacy rules (the government rules who decide who inherits if you do not make a will) did not reflect her wishes at all. Conversely if he had not made a will and he had died first, everything would have passed to her as his wife, leaving her free to leave it all to her cat charity, if she had then made a will after his death

Tom and Keira had a similar scenario. He had step children from a previous marriage who he wanted to inherit and she wanted Tom to leave her everything, she did not have children. She thought why should his step children inherit when they sit at home not working, with young children. Tom thought, although they are his step children, they were his daughters in his mind. He had not formally adopted them however, and they therefore did not have an automatic right to inherit on his death. He had to make a will to ensure they received any assets from his estate. Keira initially wanted everything to go to her, and then she was going to leave her estate to charity.

In both cases they managed to resolve their differences by leaving their estate on life interest trusts. This meant Tom left 2/5 of his estate to his step daughters, and 2/5 on life interest to Keira if he died first with only one fifth going to Keira absolutely. Lesley and David left their share of their property on life interest to the survivor. On the survivors death it would pass to their specified beneficiaries, David's children in his will, if he died first, and the cat charity in Lesley's will.

This programmes shows how important it is to make a Will, but 70% people die without making a will! If you really care about your loved ones and want to ensure your estate is dealt with as you would like, and do not want to leave heartache and resentment behind, you must make a Will.

Further you should use a specialist in this area and preferably a member of STEP, the Society of Trust and Estate Practitioners who have the letters TEP after their name. Nicola Cochran LLB (Hons) TEP of Rowberry Morris solicitors specialises in will drafting and trusts. She is also a member of STEP and Solicitors for the Elderly and is a member of the Law Society Private Client section. Further there are reasonable fixed fees for preparing your Wills. Nicola is on 0208 334 4860 and 4a the Square, Richmond, TW9 1DZ. Email nicolacochran@rmrichmond.co.uk