

CONTENTS

Introduction

1. Probate Generally	12
Applying for Probate	13
Application for Probate	14
2. Producing a Will – General Points	15
3. The Reasons for Making a Will	17
Divorced and separated Persons	19
Cohabitation	20
4. The Decision When to produce a Will	21
Ownership of Property	22
Children	22
Marriage or Remarriage	22
Employment	22
Illness	23
Divorce and Separation	23
Increase in personal Wealth	23
The Provisions of a Will	23
Money You Have Saved	24
Property	24
Land	24
Insurance Policies	25
Shares/Trusts	25
Personal Effects	26
The Funeral	26
The Use of Your Body After Death	27
Making A Recital	27

5. Making Provisions in Your Will	28
Who to name	28
Naming Individuals in your Will	28
Children	28
Mental Illness	29
Bankruptcy	29
Animals	29
Groups	29
Leaving Money/Gifts to Charity	30
6. Writing a Will	31
Preparation of a Will	31
Listing Those Who will Benefit from Your Will	32
The Choice of an Executor of Your Will	32
The Presentation of Your Will	33
The Wording of a Will	33
Safekeeping of a Will	47
7. The Contents of the Will	38
Key Steps when Preparing a Will	39
The Thirty-Day Clause	40
The Use of A Statutory Will Form	41
International Wills	41
Sample Last Will and Testament	42
8. The Intervention of the Courts	40
The Right to Dispose of property	46
Former Spouse	47
Child of the Deceased	48
Stepchildren	48
Dependants	48

9. Wills and Taxation	50
Deed of Variation	50
Inheritance Tax	51
Amount of Inheritance Tax Payable	51
Exemptions From Tax	52
Business Property	54
Potentially Exempt Transfers	55
Life Insurance Policies	55
Gifts With reservation	55
The Payment of Tax	56
Deductions From The Estate	56
Gifts To Charitable Institutions	56
10. Making a Will in Scotland	58
11. The Serviceman's Will	61
PART TWO – OBTAINING PROBATE AND ADMINISTERING ESTATES	
12. Administering Estates	64
The Formalities	64
Funeral Arrangements	65
The Responsibility of Executors	65
The Executors Initial Steps	66
The Value of the Estate	66
Bank Accounts	66
National Savings	67
Building Societies	67
Life Insurance	67
Stocks and Shares	67
Pensions	68

State Benefits	69
Businesses	69
Farms	69
Residential property	68
Personal Possessions	70
Income Tax	70
13. Applying For Probate	72
Letters of Administration	73
Applying For Letters of Administration	73
The Probate Registry – Applying for Probate	74
Filling In the Forms	74
Sending The Forms	75
Attendance at the Probate Registry	76
Letter of administration	76
Inheritance Tax	77
The Grant of Probate	77
14. The Distribution of The Estate	79
The Distribution of the Estate of The Deceased	79
Specific Legacies and Bequests	79
Transferring Property	79
Preparation of Final Accounts	80
Where a Will Exists	81
Where Beneficiaries are Deceased or Living	82
The Children’s Trust Under Intestacy Rules	83
Appendix 1	
Example of Executors budget	
Appendix 2	
Useful forms	
Index	

INTRODUCTION

This brief book is intended for the person who wishes to understand the law as it affects probate and also the basic principles behind producing a will. It will benefit those who wish to proceed to probate without the use of a solicitor and who wish to understand the finer points of the law as it affects a last will and testament. It will also be suitable for the person who wishes to use a solicitor but wants to understand more generally.

The book is structured so that, in the first section, all the important elements of the production of a will are laid out with all key areas covered. General points are outlined along with the reasons for making a will. The actual production of a will is covered with a sample will drawn up. In addition, taxation issues are covered, along with the role of the courts. Wills and probate in Scotland are also covered.

The second section of the book deals in depth with the grant of probate and also letters of administration. This is followed by an examination of the distribution of estates and the role of the executor.

Contemplating one's will is not the most cheerful of subjects but it is absolutely essential that every person has a last will and testament produced long before their death.

Understanding the meaning and nature of probate and wills is essential in order to ensure that a person's estate is administered effectively after their death.
