

Richard Woodward & Associates

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Thank you for your enquiry, please relax and let me do all the work for you, with thousands of local clients and over **35** years Will writing experience, I am well placed to help you whatever your circumstances, and I will talk to you in plain English with no legal jargon, your Wills will also be written with understandable wording & no VAT on prices.



Single Standard Wills £125 each

Complex or Specialist Trust Wills £275 each

A Pair of Protective Property Trust Wills £550
(Including arranging tenants in common)

A Pair of Lasting Powers of Attorney £375 per person
(1 x Property & Finance + 1 x Health & Welfare)
+ Government LPA Registration Fees of £184

Offer for Couples, a Family Bundle £1100 (Saving you £200)
A Pair of Protective Property Trust Wills & 4 Lasting Powers of Attorney
(2 x Property & Finance + 2 x Health & Welfare)
+ Government LPA Registration Fees of £368

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- 1) Only £50 to Update Your Will in the Future
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Fee excludes (IHT) taxable estates

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CHURCH VIEW HOUSE | 17 CHURCH VIEW | ST NEOTS | PE19 2BB



Who gets what if you don't make a Will or your Will is lost.

You are married and your estate is worth less than £322,000

Your surviving spouse/civil partner inherits everything.

You are married your estate is worth more than £322,000 and you have no children.

Your surviving spouse/civil partner inherits it all.

You are married your estate is worth more than £322,000 and you have children.

The first £322,000 and the personal possessions goes to the spouse/civil partner,

The remainder will be divided in half, with half going straight to the surviving spouse/civil partner and the other half being divided between any surviving children.

You are not married but have children

Your children will inherit everything equally, again if a child has predeceased you, then their children will get their parent's share.

You are not married and have no children

Your surviving relatives will inherit in the following order.

1. Parents
2. Brothers or sisters or their children (or children's children etc)
3. Half-brother or sisters or their children (or children's children etc)
4. Grandparents
5. Uncles or aunts or their children (or children's children etc)
6. If you have no surviving spouse/civil partner, parents, children, siblings, grandparents, uncles, aunts, cousins, first cousins etc then everything will go to the Crown.

Make a Will & Store it Safely

Gobbledygook



‘Language that is meaningless or is made unintelligible by excessive use of technical terms’

We have intentionally removed most ‘gobbledygook’ from our Wills as we believe a modern Will should be understandable. Many firms justify their amazingly high prices by including pages of ‘legalese’ that is already covered by the 3rd Edition STEP provisions, in other words 2 lines of text (The Standard Provisions of the Society of Trust and Estate Practitioners (3rd Edition) shall apply in your Will covers everything not printed. However, there is one word that we are regularly asked about.

‘ISSUE’

The word ‘issue’ means **‘Bloodline children’** that are your ‘lineal descendants’ if this word was replaced by the word ‘children’ in a Will it could be argued that this meant

1. Stepchildren
2. Godchildren

And that is **not** what most families want. **Note:** Adopted children have in law the same status as ‘Bloodline children’ but they have no claim on their natural parent’s estate.



Q: STEP, who are they?

A: STEP is the ‘Society of Trust and Estate Practitioners’

They are a global professional association for practitioners, many of you will notice in your Will the wording, The Standard Provisions and all the Special Provisions of the Society of Trust and Estate Practitioners (3rd Edition) shall apply, the use of the Standard Provisions offers many advantages, the final document is much shorter, drafters and client can concentrate on the beneficial provisions which matter most.

SECRET COURT SEIZES BILLIONS

From the Elderly and Mentally Impaired



A secret court is seizing the assets of thousands of elderly and mentally impaired people and turning control of their lives over to the State - against the wishes of their relatives. The draconian measures are being imposed by the little-known:

‘Court of Protection’

Set up in 2007 to act in the interests of people suffering from Alzheimer's or other mental incapacity. The court hears about 23,000 cases a year always in private involving people deemed unable to take their own decisions. Using far-reaching powers, the court has so far taken control of more than **£3.2billion** of assets.

The officials are legally required to act in cases where people do not have a ‘lasting power of attorney’ which hands control of their assets over to family or friends. Families trying to cope with a mentally

impaired loved one are forced to apply for a court order to become a deputy to access money, they said they felt the system put them under suspicion as it assumed at the outset that they were out to defraud their relatives. The problems begin when someone is suddenly unexpectedly mentally impaired. Without this document relatives must apply to the courts and the anonymous:

‘Office of the Public Guardian’

Part of the Ministry of Justice based in an office block in Birmingham, is required to consider the background of the families to decide if they are fit to run the ill or elderly person's affairs. The organisation has **300** staff, costs **£26.5million** a year to run. It prepares reports for the Court of Protection. In many cases relatives must complete a 50-page form giving vast amounts of personal information about themselves and their own finances and their relationship with the person they wish to help care for.

Most of the applications are decided on without holding a hearing, other applications relating to personal welfare, or large gifts that may be contentious require the court to hold a separate hearing to decide the case. The Office of the Public Guardian then charges **yearly fees of up to £1500** to supervise these activities.

‘Jean was Horrified’

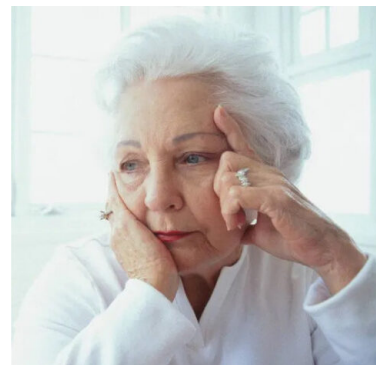
David and his wife **Jean** were **73**, they **DID** consider making ‘**Lasting Powers of Attorney**’ (LPAs) but wrongly concluded that they were only for old people with **DEMENTIA**, and would leave it for now.

‘This is what happened’

David had a serious stroke in **2010** and although he eventually left hospital to live at home, he had lost his capacity as defined by the **2005 Mental Capacity Act** and could not make financial decisions. Jean, desperate for money to raise funds to reorganise the house and pay for David’s carers made enquiries about **EQUITY RELEASE** but was horrified to find out that as she and David owned the house jointly, David was not allowed to sign because of his condition and Jean could not sign for David because there were no LPA’s in place and

Jean’s only option was to apply to the ‘**Court of Protection**’ to get permission to obtain the equity release, the legal costs & fees were nearly **£3,000** and it took **18 months** to sort out.

David died in **2019**, and in those **9** years, apart from the ongoing intrusion and bureaucracy of the ‘**Court of Protection**’ Jean had spent in the region of **£18,000** in various fees and costs obtaining and maintaining the ‘**Deputyship Order**’. (See page 4 opposite)



‘what a nightmare’

No ‘Lasting Powers of Attorney’ in Place!

What are the estimated costs?

Initial application Legal & Court Fees for Deputyship Orders

£2,000 - £3,000

Ongoing Fees estimated

£1,500 per year for the lifetime of the impaired.

WHY MIGHT YOU WANT A 'Lasting Power of Attorney' for **'Health & Welfare'**

WHO WOULD YOU TRUST WITH YOUR LIFE, YOUR FAMILY or a STRANGER?

Because without a 'Health and Welfare' Lasting Power of Attorney if you 'lost capacity' someone you don't know and had never met is exactly who you would get to make decisions about, what you eat, what you wear, your medical care and they would be able to override the wishes of your family in any respect of your health & welfare if they felt they needed to!



'Here is an example' Peter aged 81 has late-stage Alzheimer's, his family cannot look after him, so he lives in a nursing home. Then Peter is diagnosed with a brain tumour, of course he is unaware of this as he lacks the capacity to understand. Peter had always said to his family that if ever he had cancer he never wanted to any serious operation or chemotherapy. But because Peter had not made a 'Health and Welfare' Lasting Power of Attorney the people in charge of his care decided **against the pleas** of Peter's family and gave the hospital the permission to operate on Peter's brain, remove the tumour.

It saved Peter's life, but he lived on for a miserable 4 years, further debilitated by the surgery, weakened by the chemotherapy and when he died he was completely confused and in a near vegetative state! If Peter had made a 'Health and Welfare' Lasting Power of Attorney appointing his wife and daughters as his attorneys they would have had the 'power to refuse' the lifesaving treatment that Peter had, which would have allowed Peter to die peacefully.

How can you "lose capacity?"

Anyone of any age can 'lose capacity' common causes are:

Accident - Stroke – Dementia

WHY YOU DEFINITELY NEED A 'Lasting Power of Attorney' for **'Property & Finance'** A Step-by-step INCAPACITY SCENARIO

DAY 1: David aged 58 has multiple strokes and family told he will never recover.

DAY 9: All bank accounts with David's Name on are 'frozen' **including the joint account**, his wife Fiona is unable to sign on David's behalf.

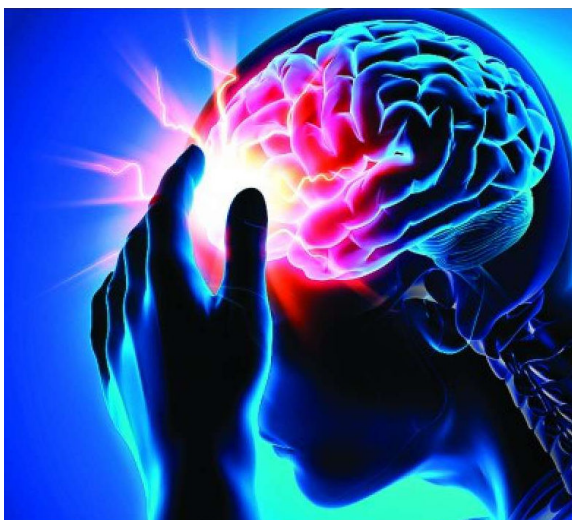
DAY 10: Fiona needs to make an application to the 'Court of Protection' but must borrow money from her son as their joint bank account is frozen, the total cost of this application is between **£2,000 & £3,000**.

DAY 14: Fiona must establish a new bank account in her own name to receive her personal pension that was previously paid into the frozen joint account.

DAY 30: Due to David's physical situation there is an urgent need to move to a bungalow, but this cannot happen as Fiona is unable to sign for her husband, so she will have to wait for the 'Court of Protection's decision on her application.

DAY 116: The 'Court of Protection' makes its ruling, Fiona will be made 'deputy' but firstly she must take out a bond to protect her own husband's assets against her mismanagement, cost **£550** each year.

Day 118: 'Court of Protection' tells Fiona how much she can write out a cheque for, Fiona must keep detailed accounts and make regular reports to the Court there will be more fees for different reports with an average estimated cost at up to **£1,500** each year.



FACT: All of this will go on day in and day out, every month of every year until Fiona's husband David dies. If Fiona and David had made Lasting Powers of Attorney, they could have avoided all the stress, intrusion & bureaucracy created by the 'Court of Protection' but time and time again they put off deciding until David was struck down and the decision was taken away from them. **This is happening in thousands of homes in England today.**

TIME AFTER TIME

Bob & Ann **'PUT IT OFF'**



TO PAY CARE HOME FEES

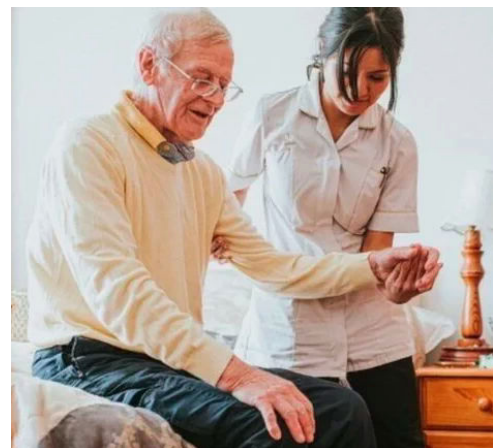
Leaving their children's future in the hands of

FATE !

Bob & Ann 72 owned their home worth **£480,000** which they wanted to leave their children. Bob & Ann thought they had planned well but after Bob died his wife developed dementia was moved to a **'nursing'** home, Ann's house was sold, and the money used to fund the **£9,000 per month 'nursing' home costs.**

Ann lived in the **'nursing'** home for 4 years, and **over £450,000** of her money was spent on her care, when Ann died only **£28,000** was left. Stories like this are common, the sad thing is Bob and Ann **'knew about' 'Protective Property Trust Wills'** but **'time after time'** kept **'Putting Off'** upgrading their old Wills. With **'Protective Property Trust Wills'** Bob & Ann for only **£550** would have protected **50% (£225,000)** of their homes value for their children.

The cost of care has risen dramatically in the last few years, gone are the days of £400 per week. Locally in St Neots one of the new care homes recently built which is very nice and like a 5 Star hotel inside, the starting price for a room is **£1,650** per week for someone with basic care needs, rising to well over **£2,000** per week for people with dementia and severe physical needs.



Tenants in Common

V

Joint Ownership

How do 'Protective Property Trust Wills' work? Firstly, it is important to understand how property can be owned, it can be owned **'two'** totally different ways, either **'jointly'** where if one owner dies the survivor become the **100%** owner known as **'right of survivorship'** or as **'tenants in common'** where each owner holds a separate **50%** share and if that owner dies their share can be left in a Will to who they want.

In the case of **'Protective Property Trust Wills'** it goes into a **'Property Trust'** within the Will and usually the ultimate beneficiaries are your children, but they only inherit on the death of the second owner, the trust fully protects the survivors right to remain living in that home and move if they wish, plus much more.

It is this situation we need to protect **50%** of you homes value against being assessed for care fees, as the first person to die **50%** share go into the **'Property Trust'**.

Apart from writing your Will with everything you want in it and including the **'Property Trust'** we do a search at the land registry to establish how you own your home.

If it is held Jointly, we fill in a land registry form call a **SEV**, both joint owners sign it, then it is sent to the land registry, and the ownership will then become **'tenants in common'**.

The new wording you will see on the title under **SECTION B Proprietorship** will read **'no disposition by a sole proprietor unless a trust or corporation'**.

This type of Will is also very useful for other situations for example if you buy a house with a partner or if you are in a 2nd or 3rd marriage and you wish to protect your share or investment in a property for your children and make sure it does not go to a new partners family.

Q: What are the main technical reasons for Challenging a Will?

A: Lack of testamentary capacity.

For a person to make a valid Will they must: Be able to understand that they are making a Will, and the effect of making that Will. Know the nature and value of their estate. Understand the consequences of excluding/including certain people in their Will. Not be suffering from a disorder of the mind that might influence their views. The fact that a testator is eccentric or was experiencing certain delusions does not necessarily mean there is a lack of testamentary capacity. (Banks v Goodfellow (1870)).

A: Lack of valid execution.

The will must be in writing and signed by the testator (the person making the Will) or signed by someone in their presence under their direction. It must appear the testator intended by their signature to give effect to the Will. The testator's signature must be made or acknowledged in the presence of a minimum of two witnesses who are present at the same time. There is a legal presumption that a Will has been validly executed, unless evidence can be provided to show the contrary.

A: Lack of knowledge and approval.

For the Will to be valid, the person making the Will must have knowledge of, and approve, its contents. You can challenge a Will based on lack of knowledge even if the Will appears to be executed properly, and even if you know the testator was of sound mind.

A: Undue influence.

You could challenge a Will if someone unduly influenced, coerced or put under duress the person who was making the Will.

A: Rectification and construction.

Sometimes a Will is drafted that does not properly carry out the testator's intentions. This could be either because of an administrative error or because the Will writer did not understand the testator's instructions.

SAFE WILL STORAGE IN ST NEOTS

MAJOR PROBLEM 1 (Dementia)



Month after month, year after year we get calls, mum/dad has died, we found your card, did you do the Will? do you have it? we can't find it. As people get older and become forgetful, or get dementia, they look at their Will, then hide it somewhere odd and no one can find it, this happens all the time.

MAJOR PROBLEM 2 (Families)



The other major problem with storing your own Wills is 'Intentional Destruction' of your Will by family members who do not like what you have written, especially a problem where different families or 2nd relationships are involved, things may seem cosy now, but time can change everything, this also happens all the time.

Benefit. Only £50 whenever you want to update your Will.

Benefit. 50% Discount on Will Writing for your executors & family.

Benefit. Only £750 for our grant only **PROBATE** services, saving your estate **£245** off our normal low fee of **£995**.

(Excludes Court Fees & IHT400 Applications)

Only £25 / year per Will

Payment by Standing Order or DDM so that it shows up on your Bank statements making your Will traceable to us.

HOW

*Return your Wills to us **TRACKED DELIVERY** or by **HAND** to **RWA Legal** at 17 Church View, St Neots PE19 2BB & we will send you details how to pay, **EASY**.*

The 'Family' Bundle

PROTECT YOUR FAMILY'S FUTURE



A Special Offer for Couples
(Saving You £200)

**A Pair of 'Protective Property Trust Wills
& 4 Lasting Powers of Attorney (LPAs)**

Bundle Price £1100

**Government Fees to Register the 4 LPAs
of £368 Are Not Included**

(LPAs include 2 for Property & Finance & 2 for Health & Welfare)
(Tenancy Severance to Tenants in Common Included with Property Trust Wills)

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