

Date:...../...../.....

Last Will & Testament

Jane Doe

Last Will and Testament

THIS WILL is made by me Jane Doe (born 9/07/1980) of Penkridge Medical Practice, Pinfold Lane, STAFFORD, ST19 5AP.

1. Revocation

I Jane Doe revoke all earlier wills and declare this to be my last will.

2. Appointment of Executors and Trustees

- 2.1 I appoint my husband John Doe to be my Executor and Trustee but if he is unable or unwilling to act or if he dies before proving my will I make the following appointments instead.
- 2.2 I appoint my husband's mother Eliza Doe and my husband's father Jackson Doe and my father Malcolm Jones and my mother Clara Jones as my substitute Executors and Trustees.
- 2.3 If all my above appointed Executors and Trustees are unable or unwilling to act or if they shall die before proving my will I revoke their appointment and I make the following further appointments instead.
- 2.4 I appoint my husband's brother Frank Doe and my sister Sarah King as my backup Executors and Trustees.
- 2.5 I appoint as my trustees those of my executors who obtain probate of this Will.
- 2.6 In this Will the expression 'my Trustees' means (as the context requires) those of my executors who obtained probate and the trustees for the time being of any trust arising under this Will.
- 2.7 Any of my executors who is a solicitor may charge fees for work done by him or his firm (whether or not the work is of a professional nature) on the same basis as if he were not one of my executors but employed to carry out the work on their behalf.

3. Guardianship Appointment

If I am the sole surviving parent with parental responsibility for my children then I make the following appointments:

- 3.1 I appoint my husband John Doe to be the guardian of my daughter Harriett Doe and my son Harry Doe.
- 3.2 In the event of John Doe predeceasing me or being unwilling or unable to act at any time during the minority of my children I appoint my husband's brother Frank Doe and my sister Sarah King to act in his place.

4. Provision for Pets

If my husband John Doe shall predecease me it is my wish and desire that any pets in my possession at the date of my death shall be provided with a good home for the remainder of their natural lives and to this end, I give my pets together with the sum of three thousand pounds free of all taxes to my sister Sarah King on the understanding that Sarah King will honour my wishes concerning the welfare of my pets.

5. Funeral Directions

5.1 I wish my body to be cremated.

5.2 It is my wish that my funeral be conducted as a celebration of my life. I would prefer that my funeral be both simple and respectful. Any arrangements for the disposal of my body should be as green and eco friendly as possible. My funeral should not be religious in nature.

5.3 If practicable I request that my body or any part thereof be used for therapeutic purposes.

6. Specific Gifts of Chattels and Other Personal Property

I leave the following specific gifts:

6.1 I give to my daughter Harriett Doe my all my jewelry.

6.2 I give to my son Harry Doe my my Tanglewood Evolution TSF guitar.

6.3 The specific gifts given within this cause shall be free of any inheritance tax and other taxes or duties payable as a result of my death.

7. Definition of My Estate

In my Will where the context so admits 'my Estate' shall mean:

7.1 All of my property of every kind wherever situated.

7.2 All my property of every kind wherever situated over which I have a general power of appointment.

7.3 The money investments and property from time to time representing all such property.

8. Administration of My Estate

My Trustees shall hold the residue of my estate over which I have a general power of disposition on trust for sale with the power to postpone the sale to pay testamentary expenses and debts including mortgages secured on real or leasehold property and any inheritance tax in respect of property passing under this Will or which becomes payable because of my death on any lifetime transfer by me or payable because of my death on property in which I hold a beneficial interest as joint tenant. My trustees shall hold the residue on the trusts of the following clauses.

9. Gift of Residue

My Trustees shall pay my residuary estate to my husband John Doe but if this gift fails the following provisions of my Will shall apply.

10. Further Gift of Residue

10.1 Subject as above my Trustees shall hold my Residuary Estate as follows:

- a** To my daughter Harriett Doe a 50% share and if she dies before me leaving a child or children living at my death then such child or children shall take in equal shares the share of my residuary estate which their parent would otherwise have inherited.
- b** To my son Harry Doe a 50% share and if he dies before me leaving a child or children living at my death then such child or children shall take in equal shares the share of my residuary estate which their parent would otherwise have inherited.

10.2 In calculating the shares of my residuary estate my Trustees shall not take into account any inheritance tax payable and attributable to my residuary estate and then after the division the shares subject to inheritance tax shall have such tax attributed to them.

10.3 If any share or shares of my residuary estate given by sub-clause (1) shall lapse or fail then such share or shares shall accrue to the other share or shares which have not lapsed or failed in the proportions which they bear to one another so that no share of my residuary estate shall be undisposed of by this sub-clause.

11. Substitutional Provisions

11.1 If the above provisions for the distribution of my estate fail my Trustees shall hold my Residuary Estate as follows:

- a** To my husband's mother Eliza Doe a 25% share.
- b** To my husband's father Jackson Doe a 25% share.
- c** To my father Malcolm Jones a 25% share.
- d** To my mother Clara Jones a 25% share.

11.2 In calculating the shares of my residuary estate my Trustees shall not take into account any inheritance tax payable and attributable to my residuary estate and then after the division the shares subject to inheritance tax shall have such tax attributed to them.

11.3 If any share or shares of my residuary estate given by sub-clause (1) shall lapse or fail then such share or shares shall accrue to the other share or shares which have not lapsed or failed in the proportions which they bear to one another so that no share of my residuary estate shall be undisposed of by this sub-clause.

12. Trusts for Minors

All residuary gifts are subject to the recipient attaining twenty-one years of age and until such attainment s31 Trustee Act 1925 shall not apply and my Trustees may at their discretion apply income for their maintenance education and benefit and to the extent that they do not, shall retain the balance for the beneficiary absolutely.

13. Administration Provisions

The Standard Provisions and all of the Special Provisions of the Society of Trust and Estate Practitioners (2nd Edition) shall apply.

Attestation

Dated this day of Two Thousand and

SIGNED by the above named Jane Doe as and for her last Will
in our presence and attested by us in the presence of Jane Doe
and of each other.

.....
Signature of Testator

.....
Signature of first Witness

.....
Signature of second Witness

.....
Full names of first Witness

.....
Full names of second Witness

.....
Occupation of first Witness

.....
Occupation of second Witness

.....

.....

.....

.....

.....

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.....
Address of first Witness

.....
Address of second Witness



YOUR WILL EXPLAINED

JANE DOE

This is an overview as at 17th December 2019 of your Will created using Mylastwill.co.uk. The significant clauses in your Will are explained below in plain English with additional information, notes and commentary. If you have any questions, please email info@mylastwill.co.uk.

OPENING

A will begins by clearly identifying the person who is making the will (the 'testator'). It is also usual to include the testator's address. If the testator is planning on getting married, details will be included at the beginning of the will together with a revocation clause to ensure that this overrides any previous Wills documents.

Your Will States...

THIS WILL is made by me Jane Doe (born 9/07/1980) of Penkridge Medical Practice, Pinfold Lane, STAFFORD, ST19 5AP.

1. Revocation

I Jane Doe revoke all earlier wills and declare this to be my last will.



In Plain English...

Your Will begins by identifying you by name, confirming your address and date of birth. There is also a section titled 'Revocation' this simply ensures that if you have an existing will in place, this new document will replace it.

EXECUTORS AND TRUSTEES

What is an Executor and a Trustee?

An Executor is a person who is responsible for carrying out the wishes of the deceased person. Amongst other things their role is to locate, manage and disburse the assets of the estate. Being appointed as an Executor can be both an honour, and an obligation depending on the complexity of the estate and the issues that can arise.

Once Executors have completed the general administration of an estate they can then distribute assets to the beneficiaries. Where assets are being passed to an adult this is a simple task. However where assets are instead left to a child or grandchild for example, somebody will need to look after the assets until the beneficiary comes of age; these people are known as 'Trustees'.

Your Will States...

2. Appointment of Executors and Trustees
 - 2.1 I appoint my husband John Doe to be my Executor and Trustee but if he is unable or unwilling to act or if he dies before proving my will I make the following appointments instead.
 - 2.2 I appoint my husband's mother Eliza Doe and my husband's father Jackson Doe and my father Malcolm Jones and my mother Clara Jones as my substitute Executors and Trustees.
 - 2.3 If all my above appointed Executors and Trustees are unable or unwilling to act or if they shall die before proving my will I revoke their appointment and I make the following further appointments instead.
 - 2.4 I appoint my husband's brother Frank Doe and my sister Sarah King as my backup Executors and Trustees.
 - 2.5 I appoint as my trustees those of my executors who obtain probate of this Will.
 - 2.6 In this Will the expression 'my Trustees' means (as the context requires) those of my executors who obtained probate and the trustees for the time being of any trust arising under this Will.
 - 2.7 Any of my executors who is a solicitor may charge fees for work done by him or his firm (whether or not the work is of a professional nature) on the same basis as if he were not one of my executors but employed to carry out the work on their behalf.

In Plain English...

You have appointed **John Doe** to be your main executor. If **John** is unable or unwilling to act, instead you have appointed **Clara Jones, Malcolm Jones, Jackson Doe and Eliza Doe**. You have appointed **Sarah King and Frank Doe** as backup if all else fails.

Notes: An Executor is entitled to have expenses paid out of the estate, so the task should not be a financial burden. In most cases your Executors would appoint solicitors or professional Executors to deal with the administration (particularly where a property is involved). Again these costs can be paid out of the estate.

Trustees are legally bound by the various Trustee Acts to act carefully and properly, in short they must act in the beneficiary's best interest, and will be unable to benefit from the trust themselves (unless they are also beneficiaries of the trust).

GUARDIANS

What is a Guardian?

A Guardian is a person that has the powers and responsibilities of a parent concerning the child's support, care, education, health, and welfare. If a child is under 18 when you pass away, it is your Guardian(s) who will take custody and provide a place for the child to live.

Your Will States...

3. Guardianship Appointment

If I am the sole surviving parent with parental responsibility for my children then I make the following appointments:

- 3.1 I appoint my husband John Doe to be the guardian of my daughter Harriett Doe and my son Harry Doe.
- 3.2 In the event of John Doe predeceasing me or being unwilling or unable to act at any time during the minority of my children I appoint my husband's brother Frank Doe and my sister Sarah King to act in his place.

In Plain English...

You have appointed **John Doe** to be your main guardian. If **John** is unable or unwilling to act, instead you have appointed **Sarah King** and **Frank Doe**.

Notes: The appointment of a guardian takes effect on death, provided that there is no surviving parent with parental responsibility. If there is a surviving parent with parental responsibility the appointment of the guardian takes effect only on the death of the surviving parent. Without a guardianship appointment, a court would decide who should be given custody after your death.

PETS

A Will can help protect our loved ones, but also our pets. It is important to ensure your pets always have a home to go to, and details of who should look after them have been included in your Will.

Your Will States...

4. Provision for Pets

If my husband John Doe shall predecease me it is my wish and desire that any pets in my possession at the date of my death shall be provided with a good home for the remainder of their natural lives and to this end, I give my pets together with the sum of three thousand pounds free of all taxes to my sister Sarah King on the understanding that Sarah King will honour my wishes concerning the welfare of my pets.

In Plain English...

You have appointed your husband **John Doe** to take care of your pets. If **John** is unable or unwilling to act, instead you have appointed **Sarah King**. You have left £3000 towards the care of your pets.

FUNERAL

By including your funeral wishes in your Will, when the time comes your loved ones will know what you wanted, and will be spared from having to make difficult decisions on your behalf.

Your Will States...

5. Funeral Directions
 - 5.1 I wish my body to be cremated.
 - 5.2 It is my wish that my funeral be conducted as a celebration of my life. I would prefer that my funeral be both simple and respectful. Any arrangements for the disposal of my body should be as green and eco friendly as possible. My funeral should not be religious in nature.
 - 5.3 If practicable I request that my body or any part thereof be used for therapeutic purposes.

In Plain English...

You wish to be Cremated, and you wish for your funeral to be 'a celebration', 'simple', 'green', 'non religious', in style.

You wish to be an organ donor for therapeutic purposes only.

GIFTS

Gifts or legacies are specific items or amounts of money that pass to particular individuals, organisations or charities before your estate is distributed to the 'residuary beneficiaries'.

Your Will States...

6. Specific Gifts of Chattels and Other Personal Property

I leave the following specific gifts:

 - 6.1 I give to my daughter Harriett Doe my all my jewelry.
 - 6.2 I give to my son Harry Doe my my Tanglewood Evolution TSF guitar.
 - 6.3 The specific gifts given within this cause shall be free of any inheritance tax and other taxes or duties payable as a result of my death.

In Plain English...

You have left: Your all my jewelry to Harriett Doe and your my Tanglewood Evolution TSF guitar to Harry Doe. These will pass even if your partner John Doe is still alive.

Notes: If when your time comes the particular item gifted is no longer in your possession, the gift will fail. The same is true for gifts of money (pecuniary legacies). For example, if you leave £30,000 to a family member, but your estate is worth only £5000 after any funeral expenses or debts have been settled, then the family member would only receive £5000.

BENEFICIARIES

Your beneficiaries will benefit from your residuary estate after you have passed away. Your 'residuary estate' is what remains after debts, administrative expenses, taxes, gifts and funeral costs have been paid.

Your Will States...

7. Definition of My Estate

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- 7.1 All of my property of every kind wherever situated.
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My Trustees shall hold the residue of my estate over which I have a general power of disposition on trust for sale with the power to postpone the sale to pay testamentary expenses and debts including mortgages secured on real or leasehold property and any inheritance tax in respect of property passing under this Will or which becomes payable because of my death on any lifetime transfer by me or payable because of my death on property in which I hold a beneficial interest as joint tenant. My trustees shall hold the residue on the trusts of the following clauses.

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12. Trusts for Minors

All residuary gifts are subject to the recipient attaining twenty-one years of age and until such attainment s31 Trustee Act 1925 shall not apply and my Trustees may at their discretion apply income for their maintenance education and benefit and to the extent that they do not, shall retain the balance for the beneficiary absolutely.

In Plain English...

Your partner **John Doe** will inherit all of your estate. If he passes away before you then your estate will be distributed as follows: You will leave **50%** to **Harry Doe** with his children as his substitute beneficiaries and **50%** to **Harriett Doe** with her children as her substitute beneficiaries.

If a minor were to benefit then they will receive their inheritance at the age of **21** years old, and if all else fails you will distribute as follows: You will leave **25%** to **Clara**, **25%** to **Malcolm**, **25%** to **Jackson** and **25%** to **Eliza**.

Notes: Some assets are not part of your residuary estate and do not pass under your Will. Notably most jointly owned property will pass to the surviving joint owner(s). Also assets held on trust will pass to the beneficiaries named in

the trust (this is particularly common with life insurance and pension funds).

ADMINISTRATION

A properly drafted Will should contain administrative provisions. These are powers that your Executors and Trustees have that allow them to deal with your estate.

Your Will States...

13. Administration Provisions

The Standard Provisions and all of the Special Provisions of the Society of Trust and Estate Practitioners (2nd Edition) shall apply.



In Plain English...

This is a standard way of providing your Executors with various technical and routine powers that they may need to administer your estate properly. Additional information on these 'STEP' provisions is available on the STEP website www.step.org.