

BELVEDERE WILLS ESTATE PLANNING



Wills and Estate Planning Guide:

*How to leave more
to the ones you love*



ABOUT BELVEDERE WILLS

A quality service from a team that cares about you and your family

About Belvedere Wills

Offering specialised guidance on crafting Wills, Trusts, and beyond, with a commitment to providing peace of mind, our expertise ensures that nothing is left to chance, and your satisfaction is guaranteed.

Everyone's circumstances are different, and we understand that. Wealth protection and preservation are our key aims and we provide a full estate planning service, therefore affording you later-life protection.

Unquestionably, a Will and any associated estate planning, are some of the most important legal documents you will make in your lifetime. As the effect of a Will isn't realised until you pass away, it is particularly important that your Will is built around you and your aims. You state your wishes, for your wealth and assets and how they should be distributed.



Meet Antony Morris, LPA expert

I have a great desire to help people, I take the time to understand their circumstances, their goals and the path they have taken to get to this point. My knowledge, my honest approach and my many life skills put me in the best position to deliver these mutual goals.

I've been in business for 15 years, I'm a member of the Society of Will writers, The Institute of Professional Willwriters, Maplebrook Edge Network and BNI which all hold me accountable for my decision making and for my professional approach.



WILLS

A Will sets out how you want your money, property and possessions to be distributed after your death and allows you to appoint guardians for children under the age of 18.

When should I write a Will?

It is generally accepted that no-one knows when death will occur.

You work hard. Everyday. You've spent a life grafting to arrive at where you are today.

In the end we want to give the fruit of our entire life's efforts to those we love. We give our life's efforts as a gift. This is the greatest gift we can give it is everything we own. Be sure this is done correctly - write a will!

If a valid Will cannot be found after your death, your wishes won't be considered, and the rules of intestacy are followed instead. This can have unintended consequences and create stress and disputes between family members.

Having a Will gives you peace of mind that your gift will go to your loved ones, and they'll be grateful for the rest of their lives - that you wrote a legally valid will.

7 good reasons to make a Will:

- 1. Ensure the right people inherit**
Give children unequal shares if you choose to do so, include stepchildren, and exclude an estranged spouse.
- 2. Choose guardians for children**
Avoid a court deciding who looks after children under the age of 18 if both parents have died.
- 3. Appoint executors you trust**
The executors you appoint will gather and distribute your assets.
- 4. Benefit an unmarried partner**
Unlike spouses and civil partners, your unmarried partner won't inherit even if you live together.
- 5. Avoid inheritance tax**
The intestacy rules could lead to your family paying unnecessary inheritance tax.
- 6. Make provision for pets**
Ensure that your cherished companions are taken care of.
- 7. Gift treasured possessions**
Give jewellery or family heirlooms to people who will appreciate them.



WILL TRUSTS

A Trust in a Will ensures that beneficiaries don't receive their inheritance outright. Will Trusts are only set up after you pass away and the Will is read.

What is a Trust?

Trusts protect assets so that they can't be squandered or inherited by the wrong people. For instance, you might not give your partner your share in the family home, but you could give them the right to live there. Other types of Trusts are very flexible. They allow beneficiaries to inherit at a convenient time, for example after a divorce has been finalised. A properly written Will Trust can help to protect 50% of your largest asset - your home - from many attackers. It can also help to protect other assets after you have passed away.

How do Trusts work?

Assets in a Trust are managed by Trustees in accordance with your wishes. Trustees are people you appoint and are often family members and friends. If you wish, you can appoint a professional Trustee, such as a solicitor, to help guide the decision-making.

9 things that can go wrong if you don't have a Trust:

- 1. Your surviving spouse remarries**
Your spouse's Will is automatically cancelled, their new spouse inherits and children could be disinherited.
- 2. Your children get divorced**
Half of your children's inheritance could be lost in their divorce settlement.
- 3. An inheritance is squandered**
Adult children could make poor choices and even go bankrupt.
- 4. Beneficiaries inherit abroad**
Children living overseas have to deal with different inheritance tax laws.
- 5. House is sold to pay for care**
If you need care, a local authority can recoup the cost by selling your house.
- 6. Vulnerable person loses state benefits**
A beneficiary may be ineligible for benefits if they inherit a lump sum outright.
- 7. House sale drags on**
Potential house buyers could be put off because the probate process takes months or even years.
- 8. Inheritance tax bites future generations**
Children and grandchildren inherit your money and property, swelling their own estates.
- 9. You have to change your Will**
A discretionary Will Trust allows you to alter the distribution without making a new Will if your circumstances change.



LIFETIME TRUSTS

Putting assets in Trust during your lifetime is the ultimate way of protecting them. Lifetime Trusts are more expensive than Will Trusts but they have additional advantages.

What are the advantages of Lifetime Trusts?

Will Trusts only become effective when a death occurs. In contrast, Lifetime Trusts are up and running while you're still alive. This means all the benefits of Trusts can help you (the settlor) while you are alive!

This helps to:

- Protect against care fees - assets in a Lifetime Trust do not need to be part of a means-assessment provided the Trust was not set up deliberately for this purpose.
- Speed up a house sale - there's no need to wait for a grant of probate to come through. A house in Trust can be sold immediately.
- Prevent beneficiaries inheriting at a bad time - if they are going through a divorce, half of their inheritance would be at risk.
- Stop a beneficiary losing benefits means-tested state benefits could be lost if a beneficiary inherits a substantial sum.
- Ensure that beneficiaries don't inherit overseas they might have to pay inheritance tax in their country of residence.

Who are the Trustees?

When you set up a Trust, you are free to appoint whoever you like as trustees. People often choose close family members and friends. You can also be a trustee of your own Trust. To make doubly certain that your wishes will be followed, you can appoint a professional trustee such as a solicitor. And while you are still alive, you have complete freedom to add or remove trustees.

What can you put into a Lifetime Trust?

People most often put property into a Lifetime Trust, but you can include pretty much anything you own, from cash and investments to cars, boats, and even paintings. You can add more than one asset type - the most crucial aspect is the overall asset value.

We offer two products:

Asset Protection Trust (APT)

This Trust could be suitable if your house is worth less than £325,000 or if you own a house jointly and it's worth under £650,000. If the value is above this figure, you would have to pay an immediate inheritance tax charge of 20% on the excess.

Asset Protection Trust Plus (APT+)

Our most popular Trust avoids the 20% Trust entry charge, even if your house is worth over £325,000 (£650,000 for a couple). For large estates, the APT+ has a very valuable feature: the trustees can claim an inheritance tax relief called the "Residence Nil Rate Band"). This is not possible with cheaper Trusts (including the cheaper APT).



POWERS OF ATTORNEY

A Lasting Power of Attorney is a legal document that is only valid in your lifetime. In it, you give people you trust the legal power to make decisions on your behalf.

Why use a Lasting Power of Attorney?

If you develop dementia and lose mental capacity, you will need someone to help you manage your bank account and day-to-day care. A Lasting Power of Attorney is required for someone to have the legal right to do this, including your spouse. Loss of capacity is most likely in old age, but it can also be the result of a serious disease or accident. If a person has lost mental capacity, it is too late to make a Lasting Power of Attorney. Your loved ones would then have to apply to court for the legal power to make decisions for you.

How do Lasting Powers of Attorney work?

When you set up a Lasting Power of Attorney, you nominate one or more attorneys to make decisions. Attorneys are typically family members, but they can be friends, neighbours, or a professional such as a solicitor. There are two different Lasting Power of Attorney documents:

Health and Welfare

Your attorneys can make decisions about where you live, how you wash, dress and eat, and your medical care. You can give them the right to refuse medical treatment on your behalf.

Property and Financial Affairs

Your attorneys can manage your bank accounts, investments, pensions, and benefits. They can buy and sell property, pay your bills, and purchase items you need.

What can go wrong if you don't have Lasting Powers of Attorney?

Kate Garraway's story

Kate Garraway is a TV presenter on Good Morning Britain. In March 2021, her husband Derek Draper, who has now sadly passed, caught COVID-19 and was in a coma for several months.

Despite being his wife, Kate couldn't access investments, bank accounts, bills and insurance policies in Derek's name. She couldn't re-mortgage their home to raise funds. She wasn't even allowed to see his medical notes.

At the same time as having to deal with Derek's absence and care, these practical problems made her life very complicated, she told Good Morning Britain:

"I can't get access to things because, legally, I haven't got Power of Attorney and this stuff that goes on when you're dealing with a situation where someone has been sick for a long time," she said.



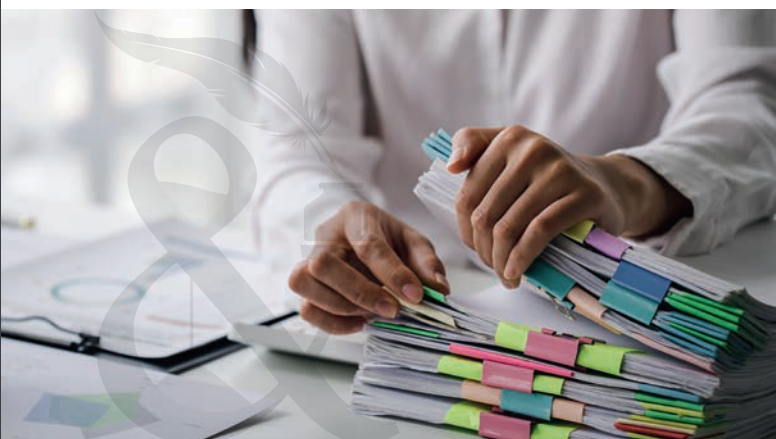
OTHER SERVICES

Inheritance Tax planning

If you have a large estate, it's likely to be subject to inheritance tax at 40%. Your family could end up inheriting a lot less as a result.

Inheritance tax is only due if your estate exceeds a certain threshold. But more and more estates are having to pay it because house prices have gone up so much. They've increased by 43% in the last 10 years! Even if your estate wouldn't pay inheritance tax today, it could by the time you pass away.

We can give you bespoke advice on ways to reduce your inheritance tax liability



Document storage

It's all too easy for Wills to get lost. They can be misplaced in a house move, or damaged in a fire or flood. If you've given your Will to someone for safekeeping, they may not be able to find it at the time you pass away.

To avoid this, we can store your Wills, Trusts and other legal documents for a small monthly fee. We keep them in a secure facility and issue you with a storage certificate. For extra traceability, your executors will see our name on your bank statements alongside the monthly payments.

Probate

When someone passes away, the executors of their Will need to apply for a grant of probate. They can do this themselves, but it's time-consuming and easy to make a mistake.

If estate administration isn't carried out by a professional, it can cause problems later on. These include inheritance tax relief not being available when a surviving spouse dies, and Trusts being incorrectly implemented.

We offer great value, fixed-cost estate administration services. Unlike many solicitors, the cost is based on the complexity of your estate and not a percentage of the estate value. For extra traceability, your executors will see our name on your bank statements alongside the monthly payments.

Never **too early**, but it could be **too late**



WILLS THAT WORK FOR YOU



**BELVEDERE WILLS
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