



# Wills, Trusts, Probate & Powers of Attorney

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**Curtis  
Parkinson**  
solicitors



The friendly, experienced team here at Curtis Parkinson know exactly how worrying and heart-breaking it can be dealing with all the issues surrounding the death of a loved one and we are here to help by putting our experience and care at your disposal in dealing with the issues which arise.

Making the appropriate provision for the future for you and your family is what we all want and you can, by making a will and by appointing an attorney of your choice, as it is always wise to appoint an attorney who you trust who can if you become unable to do so, deal with your finances and make decision about your health and welfare. No one knows what the future will hold. Because we understand, that this can be daunting we offer you free initial guidance on how we can help with all the matters connected with will writing, trusts, probate and Lasting Power of Attorney from our offices in Bulwell and Clifton, Nottingham.

## Wills

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Why make a will? We spend our lives working to provide for ourselves and our loved ones. You may have a house or property (in the UK or overseas), shares, savings, investments as well as personal possessions. Making a will ensures that when you die your assets are distributed according to your wishes. Everyone should have a will, but it is even more important if you have children, you own property or have savings, investments, insurance policies or you own a business.

Many people put off writing a will for one reason or another; however it is important to understand that without one, should the unexpected happen, you will have no control as to who your estate will go to leaving spouses, children or other members of the family in

a helpless position at a very distressing time. In the worst case, someone who you don't like, or some distant relative may make a claim on your estate. By making a will, you will be able to decide exactly who will get your money, property and possessions upon your death and who will have the responsibility of organising this (the executor). You will also be able to specify guardians, if required, for any dependent children to ensure their future welfare, or set up a trust to manage your assets for the benefit of your dependents.

## How we can help

Making a will doesn't have to be a stressful or worrying task and certainly not one to be put off! Here at Curtis Parkinson we make it as straightforward as possible. We will also be able to update any will should your circumstances change through marriage or divorce. We promise to handle your requirements sensitively and efficiently, explaining all the legal aspects in a clear and straightforward manner.

### Costs: Last Will and Testament

Simple Single Will – From £150.00

Simple Joint Wills (ideal for couples) – From £225.00

All prices shown exclude VAT and any necessary expenses which have to be paid to others. Prices correct as at 1st August 2016. For extra peace of mind and an assurance against the loss of the will, whether misplaced or even stolen, we offer an optional additional service of registration with the Certainty National Wills Register for £20. We also offer a Free Will Scheme to clients in association with a number of charities. (Subject to conditions – please Contact us now for details) In conjunction with leading local funeral directors, A W Lymn The Family Service or C Terry Funeral Directors, we can also offer a Free Voucher towards funeral costs valued at up to £100. We are also able to securely back up your Will on the Certainty National Wills Register: <http://www.certainty.co.uk/home/index.ashx>

For more information, please call us now on 0800 0566042.



# Trusts

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## What is a Trust?

A trust is a flexible way of giving away assets without passing them directly to the beneficiaries. You can set up a trust at any point during your life.

A trust, for example, can be used to:

- Look after assets for beneficiaries who are not capable of doing so for themselves – usually children or a mentally incapacitated dependant.
- To help ensure a family business remains within the family.
- To reduce the risk that the beneficiary will lose the asset (eg: through divorce or bankruptcy)
- To provide a lifetime income for one beneficiary (eg: a spouse) whilst retaining the capital for the benefit of others (eg: children or grandchildren)

A trust can also form part of your tax plans as it may help to reduce potential tax liabilities and may be created when you die as part of your will.

## How we can help

The team at Curtis Parkinson in Nottingham has many years' experience in setting up trusts. As there are a number of different types of trust, we would recommend that you speak to us to go through the benefits and enable us to advise you on which type would best meet your needs. This includes assisting you with the creation and running of a trust, ongoing administration and registering it with HM Revenue and Customs. For more information, or to speak to a member of the team, please contact us now.



# Probate

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'Probate' is the distribution of a person's property, money and possessions after they die.

Providing you create a will, the person/s named in this (the executor) will be responsible for organising this distribution in accordance with your wishes. On the other hand if you die without leaving a will, the law will decide who gets what. If the named executor cannot, or does not want to be involved in probate, it normally falls to your next of kin.

## How we can help

Probate can, be complicated as the executor as to apply to the Probate Registry to be appointed prior to being able to distribute your property and possessions which means the executor is dealing with part of the High Court without any experience whilst trying to understand the jargon and relevant documents. All of which adds further to the distress of losing a loved one.

This is why many people choose to instruct us to either act as an executor as we have the experience to sympathetically handle the affairs of the deceased, thereby taking the burden from a grieving person; or alternatively to appoint us to act as solicitors to the executors and guide the executor through probate. We will advise on the appointment of suitable executors when taking instructions on drafting your will. Contrary to some we do not base our charges on the percentage value of your estate but only charge for work actually undertaken which can mean a considerable saving.

For more information, please contact our legal team.



# Lasting Powers of Attorney

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## What is this?

A Lasting Power of Attorney is a legal document which gives someone (the attorney) authority to make certain decisions on someone else's behalf. Lasting Powers of Attorney have replaced Enduring Powers of Attorney since 2007 and are a more versatile document.

There are two types of Lasting Powers of Attorney (LPAs)

**Property & Affairs:** allows the attorney to deal with your property and finance as you specify, even before capacity is lost;

**Health and Personal Welfare:** allows the attorney to make decisions on your health and welfare only when you lack the mental capacity to do so yourself. When choosing an attorney, it is vital that you chose a trustworthy person with the necessary skills to make the appropriate and beneficial decisions on your behalf. You can appoint more than one attorney and instruct them to either work together or independently depending on specified circumstances.

## When can your attorney act?

Your attorney can only act when the document has been signed by both of you and independently witnessed by a 'certificate provider' that you understand the nature and scope of the document and haven't been unduly coerced into signing. It must also be registered with the Office of Public Guardian to become effective.



# Why make a Lasting Power of Attorney?

It is prudent to create a Lasting Power of Attorney, as you never know when they may be needed. They are not restricted to the elderly and infirm as no one has a crystal ball as to what lies in the future, or when the Lasting Power of Attorney may be needed. Without a Lasting Power of Attorney it may be necessary to apply to the Court of Protection to appoint a deputy if you lose capacity for any reason, through suffering an accident, illness, stroke or any number of unforeseen events that may mean you lose the capacity to make decisions for yourself. The appointment of a deputy is a long and expensive process, which can lead to disputes between family members and the deputy appointed may not reflect your wishes or desires.

## How we can help

As an impartial and sympathetic third party, Curtis Parkinson can draw up the lasting power of attorney and advise you on the best courses of action if you are considering this option. Please Contact us now at our Nottingham office for a free initial conversation. For more information on Wills, Trusts, Probate and Lasting Power of Attorney, and to arrange an appointment:

# Contact us now

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