

in  
your  
corner

The logo for jmw, featuring the lowercase letters 'jmw' in a white, bold, sans-serif font. A small red dot is positioned above the 'j'.

Wills During a Crisis

[jmw.co.uk](http://jmw.co.uk)

With the official lockdown now in place in response to Covid-19, we are living through unprecedented times. With the situation constantly changing, it can feel like we might never get back to 'normal'.

We appreciate that this may leave a lot of people feeling unsettled and worried about how the pandemic might affect their lives and the lives of loved ones long term.

In uncertain times, it can be helpful to think of practical steps which you can take to plan for the future for you and your family. For example, now might be a good time to revisit your estate planning and ensure that everything is up to date and reflects your current wishes. Thinking about your estate now and taking steps to put the relevant documents in place can make life easier both for you and your family in later life and on your death.

In these rapidly changing times, one thing that hasn't changed is that JMW is here to help; whether it be with a review of your existing Will, drafting a new one or putting Lasting Powers of Attorney in place.



## Reviewing Your Existing Will

It is important to keep your Will under review, as it may be that it needs to be updated following major life events such as marriage, the birth or your children, divorce, bereavement or a windfall. Failure to update your Will could result in it being unclear or inadequate when it comes to administering your estate which could in turn increase the chance of the estate administration becoming contentious, something we all hope to avoid.

Similarly, your asset base may have changed significantly since your Will was first drafted and it may be that you would now benefit from inheritance tax planning advice as the current structuring of your Will may not be tax efficient.

JMW can offer you a free review of your current Will to ensure that it reflects your wishes, or provide you with help and advice on how this should be amended to better reflect them.



## Drafting a New Will

If required, we can assist you with drafting a new Will, or a Will for any family or friends who might need some assistance.

Putting a Will in place is important for everyone and will make it much easier for your family or friends to administer your estate when you die. It allows for clarity as to your wishes which can alleviate some of the stress of dealing with the estate for those that have survived you. Furthermore, if you have not put a Will in place then your personal representatives will have no choice but to share out your assets in accordance with the law of intestacy, which might not reflect your wishes. This is particularly important for those that wish to provide for an unmarried partner, as the law as it currently stands does not allow for a partner to inherit through the rules of intestacy. Contrary to popular belief, there is no such thing as a "common law spouse" when considering the devolution of an estate.

Furthermore, for anyone with dependants, your Will would be the forum in which you set out your decision as to how those dependants will be cared for on your death and who will be their guardian.

A Will is especially important for anyone with a significant estate, as correct advice and planning at an early stage can help to reduce the inheritance tax liability on your death, which in turn will benefit those you have sought to provide for in your Will.



JMW's Wills and Trusts team is able to provide you with specific and expert advice on the drafting of Will in order to ensure it is drafted appropriately to reflect your wishes. We are able to advise and draft the documents remotely and on an emergency basis where required. We are currently advising clients using telephone or video conferencing facilities and mainly operate by email. For those individuals who prefer post, then we can also arrange that too.

We have also developed options to allow you to have the documents executed whilst social distancing too, to ensure that there is no increased risk to signing, or reason to delay doing so.

## Lasting Powers of Attorney

Whilst ensuring that your Will is up-to-date and adequate should make life easier for your loved ones when trying to administer your estate, this will do nothing to assist in a situation where you lose capacity during life.

Many people assume that a Lasting Power of Attorney is something which you only need to think about as you reach old age. However, as these documents need to be put in place before an individual loses capacity it is vital to deal with the administration of appointing attorneys sooner rather than later.

A Lasting Power of Attorney allows your appointed attorneys to deal with financial or health decisions on your behalf once you have lost the capacity to do so yourself. This, for example, means that your attorney would have access to your bank accounts in order to pay your bills for you or could make decisions about your care if unwell. You can have different attorneys for financial and health decisions.



Ensuring that you have dealt with your Lasting Powers of Attorney means that you have control over who is appointed and will have the opportunity to make sure that they are aware of your wishes to allow them to act in your best interests if the need should ever arise.

If you would like to discuss the process of putting Lasting Powers of Attorney in place, our team at JMW are on hand to provide advice or complete the necessary steps for you.

If you would like to discuss any aspect of your estate planning JMW are on hand and are fully equipped to advise and assist you remotely. Please contact us to set up a virtual meeting or phone consultation, or to obtain some more information.

# FAQs

## **How do I make a will at home in the coronavirus outbreak?**

Our solicitors can help you every step of the way to create a will from home, which means you are able to adhere to social distancing rules. Once your will has been written, our legal experts can check it over, ensuring your wishes are clear and easy to understand.

You will then be free to print and sign your will alongside two witnesses.

## **How do I get people to witness my will when I'm self-isolating?**

With millions of people across the UK currently self-isolating to minimise the risk of catching COVID-19, more people are choosing to write a will to ensure their wishes are followed in the event of their death.

The law in England and Wales states that a will must be signed alongside two witnesses. If you are self-isolating and need people to witness and sign your will, it is important that you do not put it off. You could arrange for both of your witnesses to watch through a closed window as you sign your will. Then, after ensuring your witnesses have recently washed their hands, you can pass your will through your letterbox for them to sign.

They can then return the will to you through the letterbox, allowing you to put it somewhere safe.

## **Why do I need to check my will with a solicitor?**

A solicitor can help you to ensure your will is valid by checking for mistakes and ensuring that nothing has been left open to interpretation. Any grey areas could make it more likely that your will is contested.

At JMW, our wills experts offer an unrivalled service, ensuring you are supported at every stage of the will-writing process. We are dedicated to maintaining your safety, and so will conduct all communications over the phone or using video calls.

# FAQs

## Can a Solicitor help with my LPA remotely?

Absolutely. Solicitors can take instructions for LPA's and send signature copies remotely. You would require only person to witness the LPA's but the solicitor can guide you through the process. It is possible for the Solicitor to become your 'certificate provider' by video conference and once the signed LPA's are returned to us, we can also send the original forms to the Office of the Public Guardian for registration and return.

## How do I register a death during the coronavirus lockdown?

Most register offices across the country are offering telephone appointments to register a death. In some cases, appointment requests can be made through an online portal. A death should be registered within five days.

Find your local register office on the [government website here](#). You will then be able to set up a free telephone appointment to register the death.

The cost of a death certificate is £11, with an invoice sent out to you in the post following your appointment.

## Can I get a grant of probate during the coronavirus lockdown?

Yes, you can apply for probate by speaking to a solicitor over the phone. Our probate solicitors are trained to handle cases over the phone, ensuring you can get your application sorted as quickly and safely as possible.

We will discuss your unique circumstances in detail to gather information about your loved one's estate, and prepare your application. We will then send this out in the post for you to sign.

Once you are satisfied, your application can be submitted to the probate registry. Your grant of probate will then be sent out in the post once it has been approved.

## Can I apply for probate without seeing a solicitor?

With lockdown enforced across the country, our solicitors are offering a telephone service to protect the safety of our clients. This means you can apply for probate without going to see a solicitor face to face.

When your probate application has been submitted and approved by the probate registry, your grant of probate or grant of letters of administration will be sent to you in the post.

# FAQs

## How do I calculate the value of an estate when the banks are closed?

Banks and building societies across the UK are currently closed, which means you will be unable to go into a local branch to discuss your loved one's accounts. You will be able to access this information by calling the bank. Should you require assistance with this, our solicitors are happy to help.

## Can I still value a property when estate agents are closed?

Our probate specialists are able to accept an estimate or online valuation for your loved one's property. A virtual valuation can be carried out [by visiting the Purplebricks free house valuation page here.](#)

The only time where an online valuation will not be accepted is if you are dealing with an estate that is close to the inheritance tax threshold of £325,000 (for 2020/21). If your loved one had previously inherited all of their spouse's estate, the inheritance tax threshold may be £650,000.

## Can I administer an estate during the lockdown?

If you have received a grant of probate or grant of letters of administration, this means you are permitted to close bank accounts, sell property and collect funds from the estate. At this time, you should be able to deal with banks and building societies over the phone; however, you may need to send them your grant through the post in order to prove your right to administer the estate.

### Talk to Us

Speak to our experienced and knowledgeable solicitors today about wills in a crisis by calling JMW Solicitors on **0345 872 6666**

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your  
corner



**SOLICITORS FOR YOU  
AND YOUR BUSINESS**

Any questions? Please contact us on:

Call us **0345 872 6666**  
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