

# Beware of Unregulated Writers and Invalid Wills



**2010 Update**

Recent publicity surrounding the issue of unregulated will writers making fundamental and disastrous errors when preparing wills has caused concern and emphasised the need to ensure that this complex task is undertaken only by solicitors as specialists.

The need for a valid, enforceable will is undisputed. Very few people would wish for their assets to be distributed under the antiquated laws of intestacy, where distant relatives can benefit from the valuable property and assets that have been built-up over a lifetime. Only property held under one specific form of joint ownership can automatically pass to the other joint owner at death, meaning that a spouse or civil partner may be unable to inherit outright assets or funds needed to maintain their cost of living.

Unfortunately we are seeing increasing numbers of clients who have been either misled or have misunderstood the nature of the ownership of their property and, as a result, have discovered that their spouse or children would not automatically receive the full benefit of their assets in the event of their death. Even more complex and problematic are the issues faced by those who own their own businesses or have substantial property, assets or holdings to pass on to the next generation.

Those with minor children or intended beneficiaries under the age of 18 are most at risk from the dangers of an invalid will, as the Court could be left to decide not only Legal Guardians but also the Trustees who would control funds on behalf of these children until they are of an age to inherit in full. It is rare that a parent would be happy to leave such fundamental decisions to the Court, and we always have to advise that the only way to ensure your wishes are carried-out after your death is to ensure that you have a valid and complete will.

Creating a valid and complete will can be a simple procedure in the hands of a qualified and regulated solicitor with many years' experience, and we can also offer advice and assistance with all areas connected to the creation of the will and help you to check and understand the nature of any jointly owned property that you hold.

For a comprehensive and individual will-writing service, please contact us at our Cockfosters Office on 020 8441 1556 or our Barnet Office on 020 8364 9955 or by w-mail to [law@pwjsolicitors.co.uk](mailto:law@pwjsolicitors.co.uk)

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