**WILL QUESTIONNAIRE**

Matters for your consideration before completing the following are :-

1. **A Will is a legal declaration, in written form, of your wishes regarding the disposal of your possessions and money after your death. For those with children under 18, it should be stated in a Will who should be the children’s Guardians – otherwise the Courts could decide.**

**You should also note that any dependent either living with you or away from home for whom you are financially responsible may be able to contest your Will if you have not made reasonable financial provision for them. A dependent is any of the following:**

1. **a husband or wife**
2. **a former husband or wife who has not remarried**
3. **a child**
4. **any person other than a child who, in the case of any former marriage, you treated as a child of the family of that marriage,**
5. **any person living with you and supported by you at the time of your death.**
6. **Executors**

Executors are the person or people chosen by you to be responsible for dealing with your affairs in accordance with the terms of your Will.

You should choose your Executor(s) with care and consider appointing people you know and trust and whom you believe will be capable of accepting this responsibility when the time comes. An Executor may also take a benefit under your Will.

Some of the tasks involved in administering an estate may be onerous, time consuming and often need legal and taxation expertise. You may therefore wish to consider appointing a professional Executor such as Sydney Mitchell. Established over 200 years ago we have a specialist Probate Department with the necessary skills and expertise to provide an impartial Executive service.

1. **Guardians**

Guardians have care and control of your children during their minority. They can be the same people as your Executors and or Trustees or totally different. Ideally they should be in easy contact with the Trustees who are responsible for managing any Trust fund for your children.

1. **Specific Bequests**

Any item not specifically gifted in your Will must be dealt with in the rest of your Estate. This means that it is usually sold and the proceeds distributed in accordance with the terms of your Will. Any item gifted must be described sufficiently to identify it clearly.

1. **Pecuniary Legacies**

Set figures of money can be given to individuals or Charities. These gifts take priority over gifts of “residue” (see below). Legacies to Charities are exempt for Inheritance Tax purposes.

1. **Residuary Estate**

The “Residue” or “Residuary Estate” is a legal term describing all that is left after payment of debts, expenses, taxes and distribution of any Legacies (either Specific or Pecuniary).

1. **Inheritance Tax**

Inheritance Tax becomes liable on your estate if the value is in excess of **£325,000**. Anything gifted to a husband or wife is exempt, as are gifts to Charities. Your Will may be an important tool to help reduce your tax liability. If you believe your estate is taxable we recommend you contact us to seek our specific guidance on this matter.

**SECTION 1 – PERSONAL DETAILS**

|  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | You | | | | |  | Your Spouse or Partner | | | | |
| Surname |  | | | | |  |  | | | | |
|  |  | | | | |  |  | | | | |
| Title |  | | |  | |  |  | | |  | |
|  |  | | | | |  |  | | | | |
| Forename(s) in full |  | | | | |  |  | | | | |
|  |  | | | | |  |  | | | | |
| Any other name by which you are known |  | | | | |  |  | | | | |
|  | | | | |  |  | | | | |
| Date of birth |  |  |  | |  |  |  |  |  | |  |
|  |  | | | | |  |  | | | | |
| Town and country  of birth |  | | | | |  |  | | | | |
|  | | | | |  |  | | | | |
| Occupation |  | | | | |  |  | | | | |
|  |  | | | | |  |  | | | | |
| Address |  | | | | | | | | | | |
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|  | Postcode | |  | | |  |  | | | | |
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| Telephone No. (day) |  | | | | |  |  | | | | |
|  |  | | | | |  |  | | | | |
| Telephone No. (evening) |  | | | | |  |  | | | | |
|  | | | | |  |  | | | | |

**SECTION 2 – YOUR PERSONAL CIRCUMSTANCES**

1. Marriage cancels a Will unless it is written to take into account a specific marriage taking place :

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Are you married to your partner? | | | Yes | |  | No | |  | |
|  | | | | | | | | | | |
| Do you intend to marry in the near future? | | | Yes | |  | No | |  | |
|  | | | | | | | | | | |
| If yes, by what date? |  |  | |  | | |  | |

**Please ensure that details of your future spouse are included above.**

1. Divorce will affect gifts to your former spouse or their appointment as executor:

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Are you separated, legally or otherwise, from your husband/wife or are you intending to become separated in the near future? | You | | | | Your Partner | | | |
| Yes |  | No |  | Yes |  | No |  |
|  |  |  |  |  |  |  |  |
| Are you divorced or intending to be divorced in the near future? If Yes, please state the name of estranged/divorced spouse. |  |  |  |  |  |  |  |  |
| Yes |  | No |  | Yes |  | No |  |
|  |  |  |  |  |  |  |  |

1. The law gives certain rights to anyone who is wholly or partly maintained by you at the time of your death, and to your spouse or common law spouse.

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Do you pay money towards the maintenance of any person who will not be a beneficiary under your Will? | You | | | | Your Partner | | | |
| Yes |  | No |  | Yes |  | No |  |
|  |  |  |  |  |  |  |  |
| Do you have a spouse or common law spouse who will not be included in your Will? |  |  |  |  |  |  |  |  |
| Yes |  | No |  | Yes |  | No |  |
|  |  |  |  |  |  |  |  |

If the answer to any of the above is yes, please give details and reasons :-

|  |  |
| --- | --- |
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1. The term “children” or “issue” when used in a Will does not include step-children.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Do you have any step-children who are to be included in the Will? |  |  |  |  |
| Yes |  | No |  |
|  |  |  |  |
| Does your partner have step-children who are to be included in  the Will? |  |  |  |  |
| Yes |  | No |  |
|  |  |  |  |

1. If you wish your entire estate to pass to your spouse or partner and subsequently to your children in the form of a “Family Will” please complete sections 3, 4, 5 and 6.
2. If you are single, or you are married but your beneficiaries are not your children, please complete sections 3, 4, 5 and 7.

**SECTION 3 – FUNERAL INSTRUCTIONS**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Please tick appropriate box | For Yourself | | | For your Partner | | |
| Cremation | |  |  | |  |
| Burial | |  |  | |  |
|  |  | |  |

If you wish to give more specific instructions please detail below

|  |
| --- |
|  |
|  |
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|  |

**SECTION 4 – YOUR EXECUTORS**

Who do you want to be the Executors of your Will? (You may appoint one or more Executors)

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | First Executor | |  | Second Executor | |
| Surname |  | |  |  | |
|  |  | |  |  | |
| Title |  |  |  |  |  |
|  |  | |  |  | |
| Forename(s) in full |  | |  |  | |
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| Address |  | |  |  | |
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|  | Postcode | |  | Postcode | |
|  |  | |  |  | |
| Relationship to you |  | |  |  | |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | Third Executor | |  | Fourth Executor | |
| Surname |  | |  |  | |
|  |  | |  |  | |
| Title |  |  |  |  |  |
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| Forename(s) in full |  | |  |  | |
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|  | Postcode | |  | Postcode | |
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| Relationship to you |  | |  |  | |

**SECTION 5 – GIFTS OF SPECIFIC ITEMS OR CASH (LEGACIES)**

Please list any gifts of specific items or cash that you wish to make in your Will.

|  |  |  |  |
| --- | --- | --- | --- |
| Item/Cash Sum | **Full name, address and relationship of beneficiary** | **Is this relationship to yourself, your partner or both of you** | |
|  |  | Self |  |
| **Partner** |  |
| **Both** |  |
|  |  | Self |  |
| **Partner** |  |
| **Both** |  |
|  |  | Self |  |
| **Partner** |  |
| **Both** |  |
|  |  | Self |  |
| **Partner** |  |
| **Both** |  |
|  |  | Self |  |
| **Partner** |  |
| **Both** |  |
|  |  | Self |  |
| **Partner** |  |
| **Both** |  |

## SECTION 6 – A FAMILY WILL

A "Family Will" is one in which all of your assets, apart from any legacies, pass to your spouse or partner provided that he or she survives you by 28 days. This 28 day period covers the eventuality of you both being involved in an accident and your deaths occurring close together.

If your partner dies before you, or within the 28 day period your children (including any you have legally adopted) will inherit in equal shares. If any of your children have already died then his or her own children will take the share their deceased parent would otherwise have received. This principle will extend in the same way through all generations.

1. If you are likely to have more children in the future it is better not to name them, so that you do not have to prepare a new Will each time a child is born. Otherwise, please give the full names of your children in the space below.

|  |  |
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1. Unless you state otherwise, your children will be entitled to their inheritance at the age of 18. If you wish, you can defer this entitlement, but for tax reasons it is not advisable to use an age later then 25.

|  |  |
| --- | --- |
| Please state the age at which you would like your children to become entitled to their inheritance |  |
|  |
|  |

1. Please give the full names and addresses of the people you would like to act as guardians for your present, or any future children should you, and your partner if applicable, die while your children are under the age of 18.

We recommend that you discuss and agree this with the proposed guardians first.

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | First Guardian | |  | Second Guardian | |
| Surname |  | |  |  | |
|  |  | |  |  | |
| Title |  |  |  |  |  |
|  |  | |  |  | |
| Forename(s) in full |  | |  |  | |
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| Address |  | |  |  | |
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|  | Postcode | |  | Postcode | |
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| Relationship to you |  | |  |  | |

1. It is possible that all of your beneficiaries may die before you. This is especially important where you have young children and are making a family Will.

If you wish to cover this eventuality, please give details of the people or charities you would like to benefit.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **(a)** | | Surname |  | |
|  | |  | |
| Title | |  |  |
|  | |  | |
| Forename(s) in full | |  | |
|  | |  | |
| Address | |  | |
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| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Relationship |  | Is this relationship to | you |  | your partner |  | both |  |

*(grandchild, son, niece etc.)*

|  |  |
| --- | --- |
| Please state share (% or third, quarter etc.) |  |
| Please state the age at which you would like them to become entitled to their share, normally 18, 21 or 25. For tax reasons an age not greater than 25 is recommended |  |
|  |
|  |

If this beneficiary dies before you should their share:-

|  |  |
| --- | --- |
| Be paid to the children of this beneficiary? |  |

or

|  |  |
| --- | --- |
| Be added proportionately to the other shares? |  |

or

|  |  |
| --- | --- |
| Be paid as follows: |  |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **(b)** | | Surname |  | |
|  | |  | |
| Title | |  |  |
|  | |  | |
| Forename(s) in full | |  | |
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| Address | |  | |
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| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Relationship |  | Is this relationship to | you |  | your partner |  | both |  |

*(grandchild, son, niece etc.)*

|  |  |
| --- | --- |
| Please state share (% or third, quarter etc.) |  |
| Please state the age at which you would like them to become entitled to their share, normally 18, 21 or 25. For tax reasons an age not greater than 25 is recommended |  |
|  |
|  |

If this beneficiary dies before you should their share:-

|  |  |
| --- | --- |
| Be paid to the children of this beneficiary? |  |

or

|  |  |
| --- | --- |
| Be added proportionately to the other shares? |  |

or

|  |  |
| --- | --- |
| Be paid as follows: |  |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **(c)** | | Surname |  | |
|  | |  | |
| Title | |  |  |
|  | |  | |
| Forename(s) in full | |  | |
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| Address | |  | |
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| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Relationship |  | Is this relationship to | you |  | your partner |  | both |  |

*(grandchild, son, niece etc.)*

|  |  |
| --- | --- |
| Please state share (% or third, quarter etc.) |  |
| Please state the age at which you would like them to become entitled to their share, normally 18, 21 or 25. For tax reasons an age not greater than 25 is recommended |  |
|  |
|  |

If this beneficiary dies before you should their share:-

|  |  |
| --- | --- |
| Be paid to the children of this beneficiary? |  |

or

|  |  |
| --- | --- |
| Be added proportionately to the other shares? |  |

or

|  |  |
| --- | --- |
| Be paid as follows: |  |

**SECTION 7 – RESIDUARY ESTATE OR RESIDUE**

Only complete this section if you have not completed Section 6.

The residue of your estate is what is left after any liabilities, funeral expenses, taxes, administration expenses and legacies have been paid.

|  |  |
| --- | --- |
| 1. If you wish to leave the residue of your estate to your spouse or partner please tick the box |  |

If you have ticked this box your Will, will be prepared so that the residue will pass to your spouse or partner provided that he or she survives you by 28 days. This 28 day period covers the eventuality of you both being involved in an accident and your deaths occurring close together.

1. Please give details of those people or charities you would like to share in your estate if the gift to your partner does not take effect.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **(a)** | | Surname |  | |
|  | |  | |
| Title | |  |  |
|  | |  | |
| Forename(s) in full | |  | |
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| Address | |  | |
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| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Relationship |  | Is this relationship to | you |  | your partner |  | both |  |

*(grandchild, son, niece etc.)*

|  |  |
| --- | --- |
| Please state share (% or third, quarter etc.) |  |
| Please state the age at which you would like them to become entitled to their share, normally 18, 21 or 25. For tax reasons an age not greater than 25 is recommended |  |
|  |
|  |

If this beneficiary dies before you should their share :-

|  |  |
| --- | --- |
| Be paid to the children of this beneficiary? |  |

or

|  |  |
| --- | --- |
| Be added proportionately to the other shares? |  |

or

|  |  |
| --- | --- |
| Be paid as follows: |  |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **(b)** | | Surname |  | |
|  | |  | |
| Title | |  |  |
|  | |  | |
| Forename(s) in full | |  | |
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| Address | |  | |
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| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Relationship |  | Is this relationship to | you |  | your partner |  | both |  |

*(grandchild, son, niece etc.)*

|  |  |
| --- | --- |
| Please state share (% or third, quarter etc.) |  |
| Please state the age at which you would like them to become entitled to their share, normally 18, 21 or 25. For tax reasons an age not greater than 25 is recommended |  |
|  |
|  |

If this beneficiary dies before you should their share :-

|  |  |
| --- | --- |
| Be paid to the children of this beneficiary? |  |

or

|  |  |
| --- | --- |
| Be added proportionately to the other shares? |  |

or

|  |  |
| --- | --- |
| Be paid as follows: |  |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **(c)** | | Surname |  | |
|  | |  | |
| Title | |  |  |
|  | |  | |
| Forename(s) in full | |  | |
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| Address | |  | |
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| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Relationship |  | Is this relationship to | you |  | your partner |  | both |  |

*(grandchild, son, niece etc.)*

|  |  |
| --- | --- |
| Please state share (% or third, quarter etc.) |  |
| Please state the age at which you would like them to become entitled to their share, normally 18, 21 or 25. For tax reasons an age not greater than 25 is recommended |  |
|  |
|  |

If this beneficiary dies before you should their share:-

|  |  |
| --- | --- |
| Be paid to the children of this beneficiary? |  |

or

|  |  |
| --- | --- |
| Be added proportionately to the other shares? |  |

or

|  |  |
| --- | --- |
| Be paid as follows: |  |

**SECTION 8 – YOUR ESTATE**

**Completion of this section will help us to provide our best advice in preparation for drafting your Will.**

1. Please enter below the approximate value of your assets, your partner’s assets and assets held in joint names after deduction of any outstanding liabilities such as loans or mortgages.

|  |  |  |
| --- | --- | --- |
| Assets held in your name | Assets held in your partners name | Assets held in joint names |
|  |  |  |

Certain assets may not form part of your estate:

1. Joint assets may pass directly to the survivor
2. Pension benefits may be distributed at the discretion of pension trustees
3. Life policies written in trust will be payable under the terms of the trust.

| Do you own your own home either in your sole name or jointly with your partner? | |  | | |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Yes | | |  | No |  |
|  | | |  |  |  |
| If Yes, is the property Freehold or Leasehold? |  | |  |  | | |  |
| Freehold | |  | Leasehold | | |  |
|  | |  |  | | |  |

| Do you own any assets jointly other than with your partner? | | | |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Yes |  | No |  |
|  |  |  |  |
| Name of joint holder |  | | | | | | |
|  |  | | | | | | |
| Description of assets |  | | | | | | |
|  |  | | | | | | |
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|  |  | | | | | | |
|  |  | | | | | | |
| Total value of assets |  | Proportion owned by you |  | | | | |

1. The passing of assets held outside England and Wales may be affected by the law of the country in which they are situated, and you may need to make a foreign Will.

| Please indicate if you have any assets outside England and Wales |  |  |  |  |
| --- | --- | --- | --- | --- |
| Yes |  | No |  |
|  |  |  |  |

If yes, please give details

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
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|  |  | | | | |
| Have you made a Will in the relevant country? | |  |  |  |  |
| Yes |  | No |  |
|  |  |  |  |

| 1. Are you a beneficiary under an existing trust? |  |  |  |  |
| --- | --- | --- | --- | --- |
| Yes |  | No |  |
|  |  |  |  |

If yes, please give details

|  |  |
| --- | --- |
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**SECTION 9. DECLARATION**

I am of sound mind. I have read the information at the beginning of this form drawing attention to my responsibility to consider the circumstances of any dependants that I may have. The information supplied by me on this form accurately reflects my circumstances and freely stated wishes for the preparation of my Will.

Signed \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Witnesses

1. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 2. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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Please return completed form to: BUC Trust Services

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Herts WD25 9JZ