

Avoid the Heir Hunters!

How making a will can help you avoid an unwanted appearance on the BBC show

The upcoming Christmas period is a time when many people spend time with those who mean most to them – their family and friends. These are often the people they would most like to benefit when they die but over 60% of adults still put the future of their loved ones in jeopardy by not making a professionally drafted will.

Any person who dies without a will will have their estate distributed under the archaic and outdated Intestacy Rules which date back to 1925. In today's complicated families with second or subsequent marriages, cohabiting couples and children born outside marriage, the Intestacy Rules simply don't meet the wishes that most individuals would have.

Under the intestacy rules, surviving blood relatives of the deceased would inherit the estate between them and it would be divided depending on the number of surviving family members and their relationships to the person.

If the person who has died leaves children as well as a spouse then the spouse does not receive the entire estate as many people assume. If the deceased's estate is substantial then this can be extremely detrimental to the surviving spouse, often giving them a much lower standard of living than that which they are used to, at a time that is undoubtedly the most emotional and difficult time in their life.

Many people often think that

drafting a DIY will from a stationers or a will-drafting company is the answer but this is potentially risking your loved ones' inheritance because any will which has not been completed correctly is automatically invalid and the person deemed to have died intestate.

If a will-drafting company drafts a will negligently, there is no regulatory body to look to for compensation. Compared to the cost of a hundred or so pounds to make a will with a fully regulated, qualified solicitor, is it worth risking your loved ones' inheritance?

It is even more important for someone without close family or those who would want people or charities outside of their family to benefit to make a will.

The popular BBC programme *Heir Hunters* features genealogists whose job it is to locate family members of people who die without leaving a valid will. This often leads to distant long-lost cousins receiving inheritance from a relative that in many cases they did not even know existed.

It is likely that the deceased in these cases would have had friends or charities that they would rather have benefited from their estate, but under the Intestacy Rules, the friends and charities would receive nothing.

The existence of a valid will would avoid the need for genealogists completely, with the entirety of the deceased's estate passing to their intended beneficiaries.



The Intestacy Rules also don't provide for any gifts to charities, non-family members, unmarried or couples living as man and wife, so for people in this situation, getting a will drafted is even more important.

Put simply, a will is the most important document you will ever sign and provides for the security of your loved ones or bequests to charities after your death.

Most people would agree that a small outlay now is preferable to the potential years of hurt and hardship suffered by your loved ones who have not benefited from your estate in the absence of a will. Make an appointment today and make sure your family and friends are looked after following your death. □

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Readers should consult professional advisers before acting upon the issues raised in this article. If you would like further advice regarding any of the issues raised please contact Christopher Linton at Hooper & Wollen Solicitors in Torquay 01803 213251 or e-mail christopher.linton@hooperwollen.co.uk.

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