

Steve Dodge writes on Wills.

No not the heir to the throne, your last Will and Testament.

We were approached recently by a friend of someone who had died to discuss the deceased's financial affairs. Because the deceased left no Will, it created all sorts of problems.

The chap who died was a widower, he and his late wife never had children, he was an only child and apparently (it is being looked into) both his parents were only children also, meaning he has no immediate relatives.

The first problem was the data protection act, which prevents us from disclosing information about anyone without their permission. If a Will existed it would appoint an executor and we could thus talk to them about the deceased's affairs. With no Will we cannot divulge information except to the next of kin, so without either we were a bit stuck.

The second problem is paying for a funeral. His bank has the same problem we did, without a Will they cannot divulge the account balance and so the "friend" does not know if there's enough cash in the account to pay the funeral director. The bank would pay the undertakers bill direct without probate or letters of administration being granted, but how do you organise a funeral without knowing if there is a way of meeting the cost?

Another problem is that without a Will the "Laws of Intestacy" apply, which in simple terms set out a "pecking order" of who gets the money, which includes cousins but excludes "Wives of Uncles" for example. If we can't find a "Next of Kin" as no legal beneficiaries exist the government takes the money.

I hope the above demonstrates the clear need for a Will no matter if you are married, single divorced old or young. They need not be complicated and are really quite simple things.

The words used in Wills are basically old English. Will means wishes, testament means statement, intestacy means without a statement of wishes (will) and executor is someone who executes or carries out the deceased's wishes.

Our advice is always to see a solicitor to have your will drawn up correctly, sure there's a modest cost but look at the mess left behind in the above example by not having one.

If you have children under age 18, you must also appoint Guardians for them in your Will, or would you be happy for your local council to decide who should look after your children if you met an early fate.

The message could not be simpler "Make a Will".