

**Ashwood Law** Estate Planning

Ashwood Law House  
7 Newton Road, Heather, Leicestershire LE67 2RD

T: 01530 267150

E: [advice@ashwoodlaw.co.uk](mailto:advice@ashwoodlaw.co.uk)

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



**ashwoodlaw**  
estate planning







# ➤ What happens if I don't make a Will?

GETTING TO GRIPS  
WITH THE BASICS



Writing a Will can feel daunting, but it's the best way to ensure your wishes live on after your death.

**W**riting a Will can feel daunting, but it's the best way to ensure your wishes live on after your death. With a Will, you can specify what happens to your assets and make provisions for your dependents after you pass away – from giving gifts to loved ones and charities to appointing guardians for young children. This guide explains some of the common situations that can occur if you die without a Will – often called dying intestate – and how writing a Will can make a difference.

	Will	No Will
	<b>Specify who inherits</b> and how much. Family members, friends and charities can all be named beneficiaries. You can even make provision for the care of your pets after your death.	<b>The law decides who inherits</b> and this may not be who you want. Unmarried partners and stepchildren have no rights under intestacy rules. Inheritance for children is only protected until the age of 18. Full blood siblings take priority over half siblings.
	<b>Provide security</b> for your dependents and avoid issues of co-ownership or potential conflict between your relatives	<b>Family disputes can arise</b> when an estate is divided according to intestacy rules – especially if this results in co-ownership of a property.
	<b>Appoint Executors</b> of your choice who are willing to take on the task and respect your wishes.	<b>Legal administrators are appointed</b> rather than Executors selected by you. Administrators charge for their time, reducing the overall value of your estate.
	<b>Prevent delays</b> with Executors in place, they can act immediately after your death – notifying organisations, making funeral arrangements and overseeing the distribution of assets.	<b>Loved ones could face financial hardship</b> while administrators wait for authorisation to manage your estate and distribute funds.
	<b>Safeguard your children's future</b> by selecting guardians of your choice to care for those aged under 18. You can also set up a trust, so children inherit money or property at a specific age.	<b>A court appoints guardians</b> for your children. Although close family members are prioritised, the court's choice might not reflect your wishes. If no-one applies to become a guardian, children could be placed into care.
	<b>Minimise Inheritance Tax</b> by utilising exemptions and reliefs and setting up financial trusts.	<b>Dying intestate can be expensive</b> due to legal disputes and tax bills. In large estates, the intestacy rules can lead to inheritance tax being due on first death if the estate is divided between the surviving spouse and the deceased's children.

The value of investments can go down as well as up and you may not get back the full amount you invested. The past is not a guide to future performance and past performance may not necessarily be repeated. The Financial Conduct Authority (FCA) does not regulate Will writing, tax and trust advice, and certain forms of estate planning. Tax rates are based on current legislation and are subject to change.



## WHAT HAPPENS IF I DON'T MAKE A WILL?

---

*With a Will, you can specify what happens to your assets and make provisions for your dependents after you pass away.*



### **WE'RE HERE TO HELP**

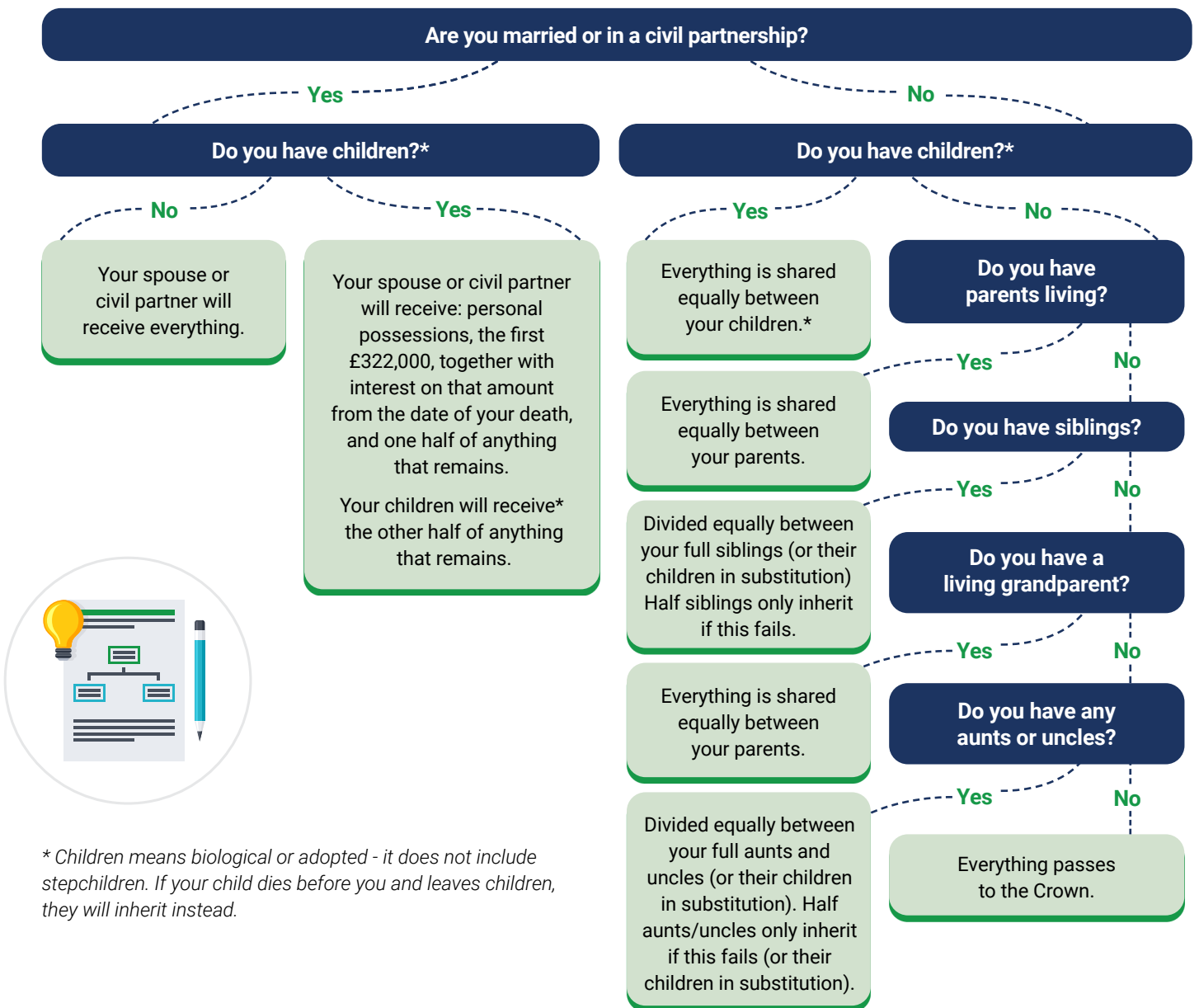
Writing a Will ensures your wishes are clearly set out and helps protect your loved ones from unnecessary stress and uncertainty.

If you have not made a Will, and would like to discuss putting one in place, please feel free to contact us.

# Rules of intestacy flowchart

## Real life intestacy scenarios

1. Sue didn't make a Will because she thought Mary and Adam would be treated equally. Only her sister Mary inherited because Adam was her half-brother
2. James died leaving his partner Sam and their two young children. As they were not married, Sam received nothing instead James' children will inherit at 18. The only option for Sam is to apply to court for reasonable provision, which can be a complex and expensive process
3. When Frank' died without a Will, his estate was divided between his wife Jill and daughters from a prior marriage. Jill had to sell a property that she wanted to keep to pay her stepdaughters and Inheritance Tax
4. Imran and Nita owned a house as tenants in common. When Nita died intestate, her parents inherited her share of the property as well as other assets Imran now co-owns the property with Nita's parents.



## Warning statement

Information within this document is based on our current understanding and can be subject to change without notice and the accuracy and completeness of the information cannot be guaranteed. It does not provide individual tailored advice and is for information purposes only.

No part of this document may be reproduced in any manner without prior permission.