Why Thomas Dunton?

We have been helping the local community for over 40 years and have built a reputation for being professional, approachable and sensitive when it comes to handling our clients' legal concerns. We strive to ensure you understand the complexities of planning for the future and the potential pitfalls that may occur after death. The result? Much needed reassurance that the things that matter most to you will be dealt with just as you had hoped.

For advice on individual circumstances, please call 01689 822554 or email wills@thomasdunton.co.uk

Here to help with all of your legal requirements:

- Wills & Probate
- Lasting Powers of Attorney
- Conveyancing
- Business services
- Personal Injury
- Family & Children
- Employment
- Disputes

Accredited LEXCEL Practice Management Standard – The Law Society

Solicitors Regulation Authority

Accredited Children Law – The Law Society

Accredited Personal Injury – The Law Society

Accredited Conveyancing Quality Scheme (CQS) – The Law Society

Association of Personal Injury Lawyers – apil – Accredited Practice

resolution – first for family law

fsb – Experts in Business

Contracted with the **Legal Aid** *agency*

This guide is not a full statement of the law. Individual advice should be taken before taking any action. The information in this leaflet is of a general nature and may not reflect your individual circumstances. Please also note that details may change.

www.thomasdunton.co.uk

THOMAS DUNTON SOLICITORS

We are independent solicitors with a wealth of expertise and experience to assist with all your legal needs. Here are just some of the things our clients have said about us...

"You have been utterly brilliant when we needed you most."

"Wonderful and understanding. Guided me through the process and presented all the options in a way I could understand."

"Extremely helpful and efficient. Service provided was faultless from start to finish."

"Been a customer for years. Wouldn't go anywhere else."

"In this day and age of impersonal internet services, we feel lucky to have dealt with a firm which operates at the human level."

reviewsolicitor

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THOMAS DUNTON SOLICITORS

Your guide to

Planning for the Future

LOCAL PROFESSIONAL TRUSTED

Getting older and thinking about the future can seem an overwhelming and daunting task. But it doesn't have to be. By making a will and having lasting powers of attorney in place can provide comfort and peace of mind that you have planned appropriately for your future.

Wills

Why do you need a will?

It is always recommended that you have a valid will as it enables you to:

- Say who you wish to benefit from your estate
- Consider and provide financial care and guardianship for your children or future children and other dependants
- Avoid the complications of intestacy (where you die without having made a will)
- Appoint the most appropriate person to manage your estate as executor

Reviewing your will

If you already have a will, we recommend you review it every two to three years. It should be updated to reflect any change in your circumstances, including:

- If you have recently married or are planning to
- If you now have children or other dependents
- Buying a property in joint names
- If you are contemplating divorce proceedings
- If anyone mentioned in your will has died
- Any major change in your financial circumstances, such as an inheritance
- Changes in the law relating to inheritance tax

If you do not have a will

Your estate will be distributed in accordance with the law of intestacy. If you have no relatives your whole estate could go to the crown. Did you know that:

- Without a will, a widow may not automatically inherit all her husband's estate and vice versa
- If you are living with your partner, but not married, they will receive nothing in your death
- A Grant of Letters of Administration has to be obtained appointing personal representatives to administer the estate

Power of Attorney

What is an LPA?

A Lasting Power of Attorney (LPA), is a convenient and powerful legal document which gives legal authority to another person (an attorney), to make decisions, in your best interests, and take action regarding your financial affairs and/or future care.

Lasting Powers of Attorney – how useful are they?

It's reassuring to know that you can put in place Lasting Powers of Attorney, which allow the people you love to speak for you if you are unable to make decisions yourself. To draw up an LPA you must however, have full mental capacity, so it is recommended that you do this as soon as possible.

There are two types of LPAs: a **Property and Finance LPA** and a **Health and Welfare LPA**. Together, they are designed to allow your attorneys to deal with all aspects of your life. As this is such a large responsibility, it is recommended that you appoint two to three attorneys that you trust fully.

What happens if you do not have an LPA?

If you were to become mentally incapable no one would have authority to deal with your property and finances. This means accounts could not be paid and money would not be available to pay for your day-to-day needs. If your property needed to be maintained, let or sold, no one would be able to do so. Personal decisions could not be made on your behalf, for example where you should live or what medical treatment you should have. An application would need to be made on your behalf to the Court of Protection. A receiver, usually a member of your family, will be appointed by the court to manage your affairs.

This may be time consuming and costly and may also cause inconvenience and distress to you and your family. Apart from the initial expense, you would be required to provide annual accounts to the court.

Who can make an LPA?

Anyone over the age of 18 who has the full mental capacity to understand the use and effect of an LPA.

Probate

Probate is the administration of a person's estate upon death. If you have a will your executor applies for probate if the estate is over £5000. If under £5000 it may be possible to administer the estate without a grant of probate.

We will prepare all the necessary papers to apply for a grant of probate or letters of administration, collect any assets and distribute them according to the will or if there is no will, under the rules of intestacy.

Inheritance Tax (IHT)

A person can now leave up to £325,000 of assets to anyone without paying IHT. This is known as the Nil-Rate Band (NRB). Married couples have a combined NRB of £650,000. There is also a Residential Nil-Rate Band (RNRB) which can help your estate pay less inheritance tax. The RNRB enables the estate of certain people to claim an additional nil-rate band to set against residential property left to their children, stepchildren, grand-children, or to the spouses of any of these. Our experts can advise you on how best to protect your estate and minimise the amount of inheritance tax that will have to paid.

Care Home Fees

We can advise you as to the steps you can take to reduce the impact of care home fees on your estate.

We will talk to you about the risks involved in transferring assets to your children and make sure that you understand the consequences of your decisions.

For more information, please email **wills@thomasdunton.co.uk**, contact us on **01689 822554**, or visit our website **www.thomasdunton.co.uk**

Don't leave legal issues too late: seek advice at the earliest stage.