A.D.E WILLS · ESTATE PLANNING, OXFORD

A plain-English guide

The Will Guide

Making a Will, properly — and knowing why it matters.

A clear, unhurried walk through what a Will really does, what happens to your family without one, and the straightforward ways we can help you put one in place. No jargon, no pressure, and nothing to decide today.

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Safe to do business with
Code Compliant

WHY IT MATTERS

A kind, sensible thing to do

A Will is simply you setting out, in advance, what you'd like to happen — so the people you love aren't left guessing at the worst possible moment.

Very few of us enjoy thinking about not being here, and that's entirely natural. But a Will isn't really about endings. It's about staying in control of decisions that would otherwise be made by a rigid set of rules, and sparing your family a great deal of difficulty at a time when they'll have little capacity to cope with it.

It is also far simpler than most people expect. The decisions turn out to be smaller than imagined, the process is short, and once it's done it stays done — you can change it whenever life changes. Most of our clients say the same thing afterwards: they feel a real sense of relief.

WHAT MAKING A WILL ACTUALLY GIVES YOU

Control	You decide who inherits, in what shares, who raises your children if you can't, and who handles everything afterwards. Without a Will, the law decides it for you.
Certainty	A clearly written Will removes the guesswork — and with it, most of the arguments. Disputes between families usually start where wishes were assumed rather than written down.
Protection	You can keep property in the family, provide for someone who needs looking after, and make sure a partner or stepchild who wouldn't otherwise inherit is properly provided for.
Peace of mind	It's off your mind — and easy to update as your circumstances change over the years.

WHO THIS GUIDE IS FOR

Anyone who'd like their wishes respected and their loved ones spared unnecessary stress — whether you're writing a first Will or revisiting one made years ago. It explains the law and practice in England and Wales, and every legal term is explained as it comes up.

What happens if you don't make one

If you die without a valid Will, a strict legal formula decides who inherits — and it may bear no resemblance to what you would have wanted.

Dying without a valid Will is known as dying **intestate**. When that happens, the **rules of intestacy** take over. These are a fixed order of relatives set out in law, based purely on marriage and blood relationship. They take no account of your wishes, your relationships, who depended on you, or what you had always said you wanted.

Your estate is shared out under those rules only after debts, funeral costs, administration expenses and any tax have been paid.

THE PART THAT CATCHES PEOPLE OUT

Without a valid Will, the law decides who inherits under the rules of intestacy — and **unmarried partners and stepchildren can be left with nothing**.

It makes no difference how many years you have been together, whether you share a home, or whether you have children together. A partner you never married has no automatic right to inherit anything at all. A stepchild you raised as your own is not included unless you legally adopted them.

THE RULES CAN ALSO MEAN

- Money passing to distant relatives ahead of the people closest to you.
- No say in who looks after your children under 18, or who manages your estate.
- Delay, extra cost and paperwork for the people left to sort everything out.
- Part of your home having to be sold to fund a share someone is legally entitled to.
- Nothing at all for friends, carers or charities you would have wanted to remember.

A COMMON MYTH, GENTLY CORRECTED

Many people assume everything simply passes to their partner, or that the family will sort it out sensibly between them. In reality the intestacy rules are applied to the letter — and families can't simply agree to set them aside — changing the outcome afterwards takes a formal legal step, and everyone who'd lose out has to agree.

Who inherits if there's no Will

The order below applies in England and Wales. Each step is only reached if there is nobody in the step above.

Married or in a civil partnership, with children	Your husband, wife or civil partner receives all your personal possessions, **the first £322,000** of your estate, and **half of anything above that**. Your children share the other half between them. A child's share is held in trust until they turn 18 (or marry earlier).
Married or in a civil partnership, no children	Your husband, wife or civil partner inherits **the whole estate**, including all personal possessions.
Not married or in a civil partnership	Your partner receives **nothing** under these rules, however long you have been together. The estate passes down the order below instead.

IF THERE IS NO SPOUSE OR CIVIL PARTNER, THE ESTATE PASSES IN THIS ORDER

1. Children
2. Parents
3. Brothers & sisters
4. Half-brothers & sisters
5. Grandparents
6. Aunts & uncles
7. Half-aunts & uncles
8. The Crown

NOT ON THE LIST AT ALL

Unmarried partners · stepchildren you haven't adopted · close friends · carers · charities · godchildren · in-laws

None of these can inherit under the intestacy rules, no matter how important they were to you. A Will is the only way to make sure they're included.

If someone in one of these groups has already died, their own children usually take their share. The £322,000 figure applies to deaths on or after 26 July 2023 and is reviewed periodically. A husband, wife or civil partner must also survive you by 28 days to inherit under these rules.

Who does what

Four roles do most of the work in a Will. Once you know what each one means, the rest of the decisions become much easier.

Executors	The people you trust to carry out your Will and handle the practical steps after you've gone — collecting in your assets, paying debts and tax, and passing everything on. Most people appoint two, and you can name up to four. Choose people who are organised, likely to outlive you, and willing to do it — always ask them first. An executor can also be a beneficiary, and very often is.
Beneficiaries	The people or charities who receive something under your Will — a share of your estate, a particular possession, or a set sum of money. It's sensible to name a back-up for each one, in case someone dies before you do.
Guardians	The people you'd choose to bring up your children under 18 if you and their other parent weren't able to. Naming them in your Will puts your choice on record, rather than leaving a court to decide without knowing your wishes. As with executors, do ask them first — they can decline the role if it's sprung on them.
Trustees	The people who look after anything held in trust — most commonly a child's inheritance until they're old enough to receive it. Many people appoint the same people as both executors and trustees, which is perfectly sensible.

WORTH KNOWING

Naming guardians is the single most common reason younger families finally make a Will. Without it, if the worst happened, who raises your children could ultimately be decided by a court that never met you.

IF A CHILD INHERITS

Anything left to a child under 18 is held in trust until they reach the age you've chosen. You can set that age later than 18 — many people choose 21 or 25 — and you can give your trustees the power to release money earlier for education or a first home. If a child or grandchild has a disability or would be vulnerable receiving money outright, a trust is often the kindest way to provide for them. Do ask us about it.

What a good Will covers

A Will only works properly if it covers everything. Gaps are where problems start.

Specific gifts	Particular things left to particular people — a ring, a watch, a piece of furniture, a car, a sum of money, or a donation to a cause you care about. Describe each one clearly enough that nobody has to guess which item you meant.
The residue	Everything that's left once specific gifts, debts, funeral costs and any tax have been settled — usually the largest part of an estate. This is the most important clause in the whole document. If your Will fails to say where the residue goes, that part falls back into the intestacy rules, which is called a *partial intestacy*.
Back-ups	What should happen if a beneficiary dies before you do. Without a back-up, that gift can fail and fall into the residue — or out of your Will altogether.
Guardians	Who raises your children under 18, together with any wishes about their upbringing and any trust arrangements for their money.
Funeral wishes	Burial or cremation, and anything you'd like the day to include. These are wishes rather than binding instructions — the decision legally rests with your executors — but recording them removes an enormous amount of anxiety for a family trying to do right by you. It's worth mentioning them out loud as well as writing them down.
Letter of wishes	A separate, private letter that sits alongside your Will. It isn't legally binding, but it's the natural place for smaller sentimental gifts, the reasoning behind a difficult decision, or guidance for your trustees and guardians. Unlike your Will, it can be updated any time without formality.

KEEP IT CURRENT

In England and Wales, **marriage or a new civil partnership revokes an earlier Will automatically** — unless that Will was made in contemplation of that particular marriage or civil partnership, and says so. It's one of the most common ways people end up intestate without realising.

It's also worth looking again after a divorce or separation, a new baby or grandchild, buying a home, a real change in your finances, or the death of anyone named in your Will.

MAKING IT VALID

Signing it properly

A beautifully written Will that is signed incorrectly is not a Will at all. This page matters more than any other.

Incorrect signing is one of the most common reasons an estate runs into difficulty. The requirements are not complicated, but they are strict, and a mistake usually only comes to light when it's too late to put right. We provide a step-by-step **Signing Guide** with every Will so that nothing is left to chance.

WHAT THE LAW REQUIRES

- You sign your Will yourself, in the physical presence of **two independent witnesses** — or, if you're not able to sign, someone else can sign for you, in your presence and at your direction.
- Both witnesses then sign it while you are still there watching.
- All three of you are in the room together, paying attention, for the whole process.
- Nothing is added, altered or attached to the document afterwards — later changes need a new Will or a properly signed codicil.

WHO MUST NOT WITNESS YOUR WILL

A witness — or that witness's husband, wife or civil partner — **cannot inherit anything under the Will they witness**. The Will stays valid; their gift is simply lost. The only exception is where two other witnesses who receive nothing also signed — but it isn't a risk worth taking.

So no beneficiary should witness your Will, and ideally none should even be in the room. Executors are frequently left a gift, so it's usually unwise to ask an executor to witness it either. Neighbours, colleagues or friends who receive nothing under the Will are ideal.

ONE MORE THING

You must also have *testamentary capacity* when you sign — meaning you understand that you are making a Will and what it does, have a broad idea of what you own, and have considered the people who might reasonably expect to be provided for. This is rarely in doubt, but where there's any question about it we'll discuss it openly with you and arrange an assessment with an independent specialist if that's the sensible course.

WHERE TO KEEP IT

The original signed Will is the one that counts. If it can't be found, the law presumes you destroyed it on purpose, and your executors face a costly application to prove a copy. Tell your executors where it is, or ask us about our **Safe Will Plan**: secure fireproof storage, a password-protected copy, a yearly review reminder, free registration on the National Will Register, and straightforward release to your executors when the time comes.

HOW WE HELP

Three ways to make your Will

The same careful service, however we meet. The Will you end up with is exactly the same — only the way we get together differs.

Home Visit

from £400 single · £565 couple

In person, at your kitchen table. We come to you at home — or you're very welcome at our Oxford office, for the same price. Relaxed, unhurried, and often the easiest way to talk things through properly. Available across Oxfordshire and Buckinghamshire, extending to Hertfordshire and Bedfordshire.

Online

from £245 single · £405 couple

By video, wherever you are. A friendly video appointment from the comfort of home, available right across the UK. A telephone appointment is available as a backup where video isn't practical. Our lower-cost option, with exactly the same expert guidance.

Emergency

from £795 single · £995 couple

Priority, when time is short. For urgent situations — a hospital or hospice admission, a recent diagnosis, or imminent surgery. We take instructions within 24 hours and prepare a draft within 48, with signing and an independent second witness arranged for you. If you or someone you love needs a Will in a hurry, please just call.

EVERY WILL WE WRITE INCLUDES

- **Unlimited draft changes** — we keep refining until every word says exactly what you mean.
- **A Clause Clarification Guide** — plain-English notes explaining what each part of your Will actually does.
- **Your finished Will printed and posted** to you on quality paper, ready to sign.
- **A clear Signing Guide**, so witnessing and signing are done properly and your Will is valid.
- **The reassurance of Society of Will Writers accreditation** — your Will is written by an accredited member, working to their Code of Practice and holding full professional indemnity insurance.

NOT SURE WHICH SUITS YOU?

You don't need to decide now. A short, no-obligation phone call is the easiest way to work out what fits — and we'll always point you to the simplest, best-value option for your circumstances. Prices are fixed and confirmed in writing before you instruct us.

Jargon buster

The words you'll meet when making a Will, explained once and for all.

Intestacy	The strict legal rules that decide who inherits, and how much, when someone dies without a valid Will. The rules are in charge, not you.
Testator	The person making the Will — that's you. (You may still see the old-fashioned "testatrix" used for a woman.)
Executor	The person you appoint to carry out your Will: collecting in your assets, settling debts and tax, and passing everything on to your beneficiaries.
Beneficiary	Anyone who receives something under your Will — a person, a charity, or a trust.
Guardian	The person you appoint to bring up your children under 18 if you're no longer able to.
Residue	Everything left in your estate once specific gifts, debts, funeral costs and any tax have been paid. Usually the largest part, and the most important clause in your Will.
Estate	Everything you own at the date of your death — property, savings, possessions and investments — less anything you owe. Some things pass outside it, including jointly owned property.
Probate	The legal process that confirms your Will is valid and gives your executors formal authority to deal with your estate. Smaller or simpler estates can sometimes be dealt with without it.
Codicil	A short formal document that amends an existing Will. It must be signed and witnessed in the same way. For anything beyond a very minor change, a new Will is usually clearer and safer.
Clause Clarification Guide	Our own plain-English companion document, supplied with every Will, explaining in ordinary language what each clause of your Will actually does.

A PROMISE ABOUT LANGUAGE

We write Wills that are legally precise and still readable. If any part of your Will doesn't make sense to you, we haven't finished — tell us, and we'll put it in words that do.

A SIMPLE NEXT STEP

Ready when you are

The hardest part is usually just starting. A short, friendly conversation is the easiest way to see what you actually need — and what you don't.

There's no obligation and nothing to decide on the spot — just a warm, plain-English chat about your situation. Whenever you're ready, we're a phone call or an email away.

A QUICK CHECKLIST TO BRING ALONG

- A rough idea of who you'd like to inherit, and roughly in what shares.
- Who you might appoint as executors, and whether you've asked them.
- If you have children under 18, a thought about who could act as guardians.
- Any existing Will, and a note of where the original is kept.
- Any questions on your mind, however small. There's no such thing as a silly one.

Let's have a chat

Call **01865 507174**, email **info@adewills.co.uk**, or request a call back at **adewills.co.uk/contact-ade-wills**

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OTHER ORGANISATIONS YOU MAY FIND USEFUL

Citizens Advice	Free, confidential, independent advice — 0800 144 8848 (England), 0800 702 2020 (Wales) · citizensadvice.org.uk
Probate & IHT helpline	HMRC guidance on probate and Inheritance Tax — 0300 123 1072
Public Trustee	Can act as executor where there is nobody suitable — 020 3681 2759