A.D.E Wills

A PLAIN-ENGLISH GUIDE

The Will Guide

Making a Will properly, and knowing why it matters.

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

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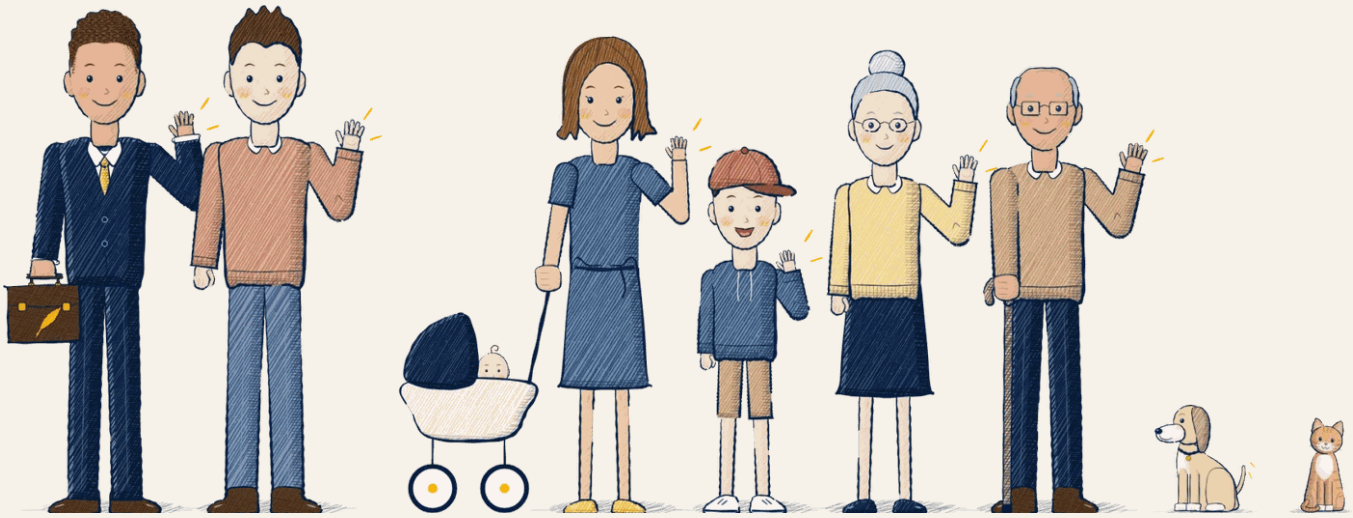
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BEFORE YOU START

The decisions you'll make

This guide goes into the detail. It explains the law in England and Wales, the people you'll name and how to make sure your Will works when it's needed.

Most Wills come down to a handful of decisions. You don't need every answer before we meet, but it helps to have thought about each one. The pages that follow explain what you need to know to decide.

Who will carry out your Will?

Your executors, and whether the same people should look after any trusts.

See page 5

Who would raise your children?

Guardians for any children under 18, if no parent is there to do it.

See page 5

Who should inherit, and in what shares?

The heart of your Will: who receives what is left after gifts, debts and costs.

See page 6

Are there particular gifts?

A keepsake, a sum of money or a gift to a charity close to your heart.

See page 6

What if someone dies before you?

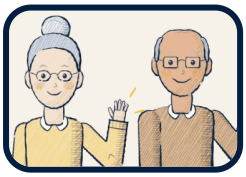
Back-up choices, so no gift fails and nothing falls outside your Will.

See page 6

Where will your original Will be kept?

Somewhere safe and findable, so your executors can put it to work.

See page 7



Who this guide is for

Anyone ready to plan a Will in detail, whether it's your first or a replacement for one made years ago. If you'd like a shorter introduction first, our Wills Starter Guide covers the essentials. Both are free at **adewills.co.uk**.



WITHOUT A WILL

What the law does if there's no Will

When someone dies without a valid Will, the law decides both who inherits and who deals with the estate.

Dying without a valid Will is called dying **intestate**. The **rules of intestacy** then set out who inherits, in a fixed order of relatives based only on marriage, civil partnership, blood relationship and adoption. Your estate is shared out under those rules after debts, funeral costs, administration expenses and any tax have been paid.

With no executors named, the person entitled to deal with the estate is usually the nearest relative under the same rules. They apply to the court for **letters of administration** before they can act, which can add time and cost at a difficult moment.



PARTNERS AND STEPCHILDREN

Living together gives no right to inherit under the intestacy rules.

A partner you never married or formed a civil partnership with is not on the list at all. If you had lived together as a couple for the two years before your death, or they depended on you financially, they may be able to ask the court for reasonable provision, but that is slow, costly and never certain. A stepchild is only included if you legally adopted them.

Anything you own as "joint tenants", such as a home or a joint bank account, passes straight to the other owner whether or not there is a Will.

In practice, this can 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 deals with your estate.
- Part of your home having to be sold to pay a share someone is legally entitled to.
- Nothing at all for friends, carers or charities you would have wanted to remember.

Can the family change it afterwards?

Only in a limited way. Everyone who would lose out has to agree and sign a formal legal document. A child under 18 can't agree, so where children are involved it usually needs the court's approval, if it's possible at all. A Will avoids the problem altogether.



THE RULES AT A GLANCE

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 equally. A child's share is held in trust until they turn 18.
Married or in a civil partnership, no children	Your husband, wife or civil partner inherits **the whole estate**, including all your personal possessions.
Not married or in a civil partnership	Your partner receives **nothing** under these rules, however long you have been together. Your estate passes down the order below instead.

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

1. **Children**
2. **Parents**
3. **Brothers and sisters**
4. **Half-brothers and half-sisters**
5. **Grandparents**
6. **Aunts and uncles**
7. **Half-aunts and half-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, however important they were to you. A Will is the only way to make sure they're included.

If a child, brother or sister, or aunt or uncle 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 from time to time. A husband, wife or civil partner must survive you by 28 days to inherit under these rules. If you're separated but not yet divorced, your husband, wife or civil partner still inherits unless there is a formal judicial separation.



THE PEOPLE IN YOUR WILL

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: collecting in what you own, paying debts and any tax, and passing everything on. Most people name two. You can name more, but no more than four can apply for probate at the same time. Choose people you trust, who are organised and who you'd expect to be there for your family when the time comes, and ask them first. An executor can also inherit under your Will, and very often does.



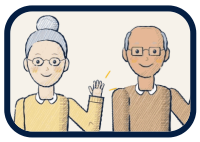
Beneficiaries

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 would choose to bring up your children under 18. A guardian usually only steps in if no parent with parental responsibility is still alive. Naming them puts your choice on record, rather than leaving a court to decide without knowing your wishes. Do ask them first.



Trustees

The people who look after anything held in trust, most often a child's inheritance until they are old enough to receive it. Many people appoint the same people as executors and trustees, which is perfectly sensible.



WORTH KNOWING

Once your Will is signed, let your executors know they've been named and where your original Will is kept. It makes their job far easier when the time comes.

IF A CHILD INHERITS

Anything left to a child under 18 is held in trust until they reach the age you choose. You can set that age later than 18, and many people choose 21 or 25. You can also let your trustees release money earlier for things like 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 GOES IN 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 car, a sum of money or a donation to a cause you care about. Describe each one clearly enough that nobody has to guess what you meant.



The residue

Everything left once gifts, debts, funeral costs and any tax are settled, usually the largest part of an estate. If your Will doesn't say where the residue goes, that part falls under the intestacy rules: a "partial intestacy".



Back-ups

What should happen if someone dies before you. Without a back-up, a gift can fail and fall into the residue, or out of your Will altogether.



Guardians

Who would raise your children under 18, with any wishes about their upbringing and how money is held for them.



Funeral wishes

Burial or cremation, and anything you'd like the day to include. These are wishes rather than binding instructions, but writing them down removes a great deal of worry for your family. Tell them too.



Letter of wishes

A separate, private letter kept with your Will. It isn't legally binding, but it's the natural place for smaller sentimental gifts, the reasons behind a difficult decision, or guidance for your trustees and guardians.



KEEP IT CURRENT

In England and Wales, getting married or forming a civil partnership cancels an earlier Will, unless the Will was made with that marriage or civil partnership in mind and says so.

Divorce or dissolution doesn't cancel your Will, but your former partner is treated as if they had died, so any gift to them, and their role as executor, falls away. It's worth a fresh look after a 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 carefully written Will that is signed incorrectly is not a valid Will. This page matters more than any other.

The rules are not complicated, but they are strict, and a mistake usually only comes to light when it's too late to put right. That's why every Will we write comes with a step-by-step Signing Guide, so nothing is left to chance.



What the law requires

- ✓ You sign your Will in front of **two witnesses who are both there at the same time**. If you can't sign, someone else can sign for you, in your presence and at your direction.
- ✓ Each witness then signs in your presence. It's simplest if all three of you stay together in the same room until everyone has signed.
- ✓ Your witnesses must be able to see you sign, in person. Witnessing over a video call is no longer allowed.
- ✓ Nothing is added, crossed out or attached afterwards. Any later change has to be made formally, which we do as a Will update or a new Will.

WHO MUST NOT WITNESS YOUR WILL

A witness, or the husband, wife or civil partner of a witness, can't inherit anything under the Will they witness.

The Will stays valid, but their gift is lost. Choose two independent adults who receive nothing under your Will, such as neighbours, colleagues or friends. Executors are often left a gift too, so it's best not to ask them either.

One more thing

You also need what the law calls **testamentary capacity**: you understand that you're making a Will and what it does, have a broad idea of what you own, and have thought about the people who might reasonably expect to benefit. If there's ever a question about it, we'll talk it through with you first and, only with your permission, arrange an assessment by an independent specialist.

Where to keep it

Your original signed Will is the one that counts. If you kept it yourself and it can't be found, the law presumes you destroyed it to cancel it. Keep it somewhere safe and dry, never unstaple it or attach anything to it, and tell your executors where it is. For Wills we write, we can also store it for you in our fire-resistant cabinet and release it to your executors when the time comes.

HOW WE WORK

Making your Will with us, step by step

From the first conversation to a signed Will kept safe, here is what happens and when.

1 **A free initial chat**
Online or over the phone, with no obligation. We'll work out which service suits you and confirm the fixed fee in writing before any work begins.

2 **Your instructions meeting**
At your home or our Oxford office, by video, or urgently if time matters. We talk through each decision in this guide, at your pace.

3 **Your draft and booklet**
We send your draft Will with a personalised booklet explaining each clause in plain English. Our invoice comes with it.

4 **Changes until it's right**
Ask for as many changes to the draft as you need. We keep refining until every word says what you mean.

5 **Your Will printed and posted**
Once you're happy and payment is made, your finished Will is printed, bound and posted to you with a step-by-step Signing Guide and a complimentary pen.

6 **Signing and safekeeping**
You sign with two independent witnesses, as on page 7, or we can attend and conduct the signing for you. Then keep it safe, or let us store it.



FIXED FEES

Wills start from £245 for a single Online Will. Every fee is fixed and confirmed in writing before we start, and no VAT is charged. Our Wills Starter Guide and **adewills.co.uk/wills-pricing** set out every price.

Call 01865 507174

PLAIN ENGLISH

Jargon buster

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

Administrator	The person who deals with an estate when there is no valid Will. They apply for "letters of administration" rather than probate.
Beneficiary	Anyone who receives something under a Will: a person, a charity or a trust.
Codicil	A formal document that changes an existing Will, signed and witnessed in the same way. We don't use them: small changes are made as a Will update and bigger ones as a new Will, which is clearer for everyone.
Estate	Everything you own when you die, less anything you owe. Some things pass outside your Will, such as property owned as joint tenants, and some pensions and life insurance.
Executor	The person you appoint to carry out your Will: collecting in your assets, settling debts and tax, and passing everything on.
Guardian	The person you appoint to bring up your children under 18 if no parent with parental responsibility is still alive.
Intestacy	The legal rules that decide who inherits, and how much, when someone dies without a valid Will.
Letter of wishes	A private, non-binding letter kept with your Will, giving guidance to your executors, trustees or guardians.
Personal possessions	Your belongings, such as furniture, jewellery, cars and household items. The law calls them "personal chattels". They don't include money or business assets.
Probate	The legal process that confirms your executors' authority to deal with your estate. Smaller or simpler estates can sometimes be dealt with without it.
Residue	Everything left in your estate once specific gifts, debts, funeral costs and any tax have been paid.
Testator	The person making the Will: you.
Trust and trustee	A trust is an arrangement where trustees look after money or property for someone else, such as a child until they reach a set age.
Witness	An independent adult who watches you sign your Will and then signs it too. You need two.



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.

GETTING READY

Preparing for your appointment

A little preparation makes your meeting quicker and means nothing gets forgotten.

Useful to have to hand

- ✓ Full names and addresses of the people you'd like to include.
- ✓ A rough list of what you own: your home and how it's owned, savings, investments, pensions, life insurance and anything abroad.
- ✓ Any particular gifts, and back-up choices if someone dies before you.
- ✓ Any existing Will, and where the original is kept.

Our free **Will Writing Checklist** at **adewills.co.uk** takes you through it.

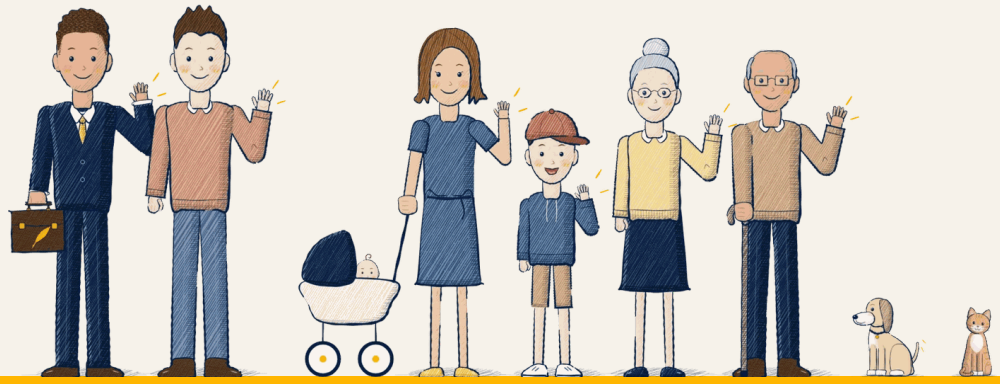
LET'S HAVE A CHAT

01865 507174

Email **info@adewills.co.uk** or book a free 15-minute call at **calendly.com/ade-wills/15min**.

OTHER ORGANISATIONS YOU MAY FIND USEFUL

Citizens Advice	Free, independent advice. Adviceline (England) 0800 144 8848 · Advicelink (Wales) 0800 702 2020 · citizensadvice.org.uk
GOV.UK	Who inherits if someone dies without a Will: gov.uk/inherits-someone-dies-without-will
HMRC	Inheritance Tax helpline for people dealing with an estate: 0300 123 1072



A.D.E Wills

Call
01865 507174

Email
info@adewills.co.uk

Visit
46 Woodstock Road, Oxford, OX2 6HT
(by appointment)

Opening hours
Monday to Saturday, 8am to 6pm

Your Will is written by a full member of the Society of Will Writers, working to their Code of Practice and holding full professional indemnity insurance. We are professional Will writers, not solicitors. This guide is general information about the law in England and Wales as at November 2026. It is not personal legal or financial advice and does not create a client relationship. The law can change, and our fees are always confirmed in writing before you instruct us.