



Specialists in Wills, Trusts and
Lasting Power of Attorney

*Giving you
Peace of Mind*



AR Wills & Estate Planning
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We are an independent company of Estate Planners specialising in Wills, Trust and Lasting Powers of Attorneys. We are members of the Society of Will Writers and are associated with some of the top, legal minds in this specialised area.

We pride ourselves on personalised service and attention to detail. From instruction to completion, we take pride in offering an individual service at every stage.

We would welcome the opportunity to discuss your requirements. Please call us on **01455 457847** or visit our website at www.arwills.co.uk to book an appointment in the comfort of your own home.

We are here to help you leave all you have to the ones you love.

Will and Testament

None of us know what the future holds. Yet so many people delay making a will and testament.

Of course it comforts us to think we can put off this important duty until later. But if an unforeseen eventuality arises the lack of a will can cause an inordinate amount of discomfort to our nearest and dearest.

We can let our loved ones grieve in peace by putting our affairs in order with one single bold step.

AR Wills allows those you've left behind to benefit from the way you lived your life. It allows you to write a will that reflects your principles and priorities, while letting your friends and family know how much they meant to you with what you have left them.

It ensures those closest to you can work through their bereavement in the most trouble free way, and get on with living their lives instead of untangling yours.

Why do I need a Will & Testament

If you die without a professionally drafted will, the Government will choose who inherits your estate. This often means those most dear to you will miss out on the assets you wished they would get.

The only way to avoid the Government deciding your last will and testament is to leave a valid, professionally drafted will. If you leave a will that is years out of date, it will still take precedent over any subsequent verbal wishes. This may result in a loved one feeling forgotten or neglected and disagreements among your family and friends.

The best way to avoid such a situation is keep an up to date will and testament.

AR Wills ensures all your estate is examined by professionals who listen to your wishes, advise on your assets and guarantee your legacy is left to your carefully selected beneficiaries.

What is included in my Will and Testament?

AR Wills offers a comprehensive will writing service so you can feel confident all the elements of your estate reach their rightful recipients.

Your Will and Testament will:

- Name your executors and trustees as the people you feel have the integrity to oversee the distribution of your estate.
- Identify who you wish to inherit your estate and to what degree they will benefit from it, whether in monetary terms or by bequeathing them your possessions.
- Appoint suitable guardians for your children rather than leaving the decision to a court.
- Instruct any last wishes to be carried out so our priorities, preferences and principles may live on once you've gone.
- Address any difficult family circumstances to avoid disagreements and fall-outs among your loved ones.
- Allocate a donation to any chosen charity.
- Make a provision for any pets you leave behind.

A Will and Testament will ensure you live on through your children and loved ones, without any undue hassle to them.



Lasting Power of Attorney

Longer lifespans may give us more years on the clock but they also leave us prone to ageing illnesses.

The longer we live the more likely we are to suffer dementia, Alzheimer's, Parkinson's disease and stroke, among other mentally debilitating ailments. They can all rid us of the mental capacity to make good decisions.

We are though able to put measures in place to enable others to act on our behalf should we succumb to a devastating illness.

AR Wills offers you the opportunity to future-proof the handling of your financial and health matters should such an event arise. It enables you to assign a person to make decisions and manage your affairs on your behalf. And it also guarantees your family won't have to face the daunting prospect of asking a court to appoint a representative for you.

An AR Wills Lasting Power of Attorney will give you peace of mind that someone you trust is acting in your best interest when you may not be able to act for yourself.

Why do I need a Lasting Power of Attorney?

If you suffer an illness which diminishes your capacity to make good decisions and you haven't put a Lasting Power of Attorney in place, no one can act with best intentions on your behalf.

And your family will have to navigate the arduous, slow and expensive process of having the Court of Protection appoint a representative to handle your affairs.

If you lose the mental power to manage your money without a Lasting Power of Attorney your partner may also lose access to any joint investments and bank accounts you own.

The best way to avoid the difficulties of frozen assets and family disputes in such situations is to have a Lasting Power of Attorney in place.

AR Wills ensures you will have official decision makers, of your choice, to act carefully in your best interest when deciding on health care and financial matters, should you be unable to make rational decisions.

What is included in my Lasting Power of Attorney?

AR Wills' Lasting Power of Attorney gives you an assurance the best decisions will be made on your behalf when you struggle to make them alone.

Your Lasting Power of Attorney will appoint someone of your choice:

- To handle your bank accounts, investments and taxes so your wealth is secure and your financial affairs are kept in order.
- To manage your property, mortgage payments and utility bills so your life continues to run like clockwork around you.
- To choose the best course of action with regard to your health and the care it may require.

An AR Wills Lasting Power of Attorney will give you comfort that all which should be done for you will be done for you, if your mental powers are diminished by illness.



Property Protection Trust (PPT)

Life can change in ways we never expect and it is hard to imagine how things will evolve once we've died.

It does go on without us and for those we leave behind the trials and tribulations of life still lie in store. Giving a surviving partner and other successors some security against changes in fortune is a rational concern and priority for many.

We can protect them from unforeseen circumstances by placing our share of the value of a home in a protective property trust. AR Wills Later Life Planning allows you to safeguard your share of the value of a property from certain eventualities once you are gone.

It allows you to pass it on to someone other than your co-owner so, in the case of your survivor re-marrying, your portion of the property value is ring-fenced and won't fall into the hands of someone you've never known.

An AR Wills Property Protection Trust also protects your share of the property from wealth assessors if your survivor falls into financial difficulty or needs to move into a residential care home.

Why do I need a Property Protection Trust

If you die without placing your share of your property into a property trust it can easily fall into the hands of a stranger. This means those you wished to inherit your wealth may never benefit from it.

The best way to guarantee this doesn't happen is to place your share of your property into a protective property trust.

If your surviving partner requires medical or residential care, the home you hoped to bequeath to family could be at risk. If your survivor remarries but is outlasted by their next partner your home may go to people you've never met.

A protective property trust prevents your share of the home being taken away from the beneficiaries you wish to receive it.

AR Wills protects your share of a property from becoming an accruable asset when circumstances out of your control dictate.

It allows you to be flexible with your share of a property so your successors are guaranteed to gain from your estate.

What is included in my Property Protection Trust?

AR Wills offers a secure protective property trust so you know your share of a property will reach the right people and be used for the right ends.

Your Property Protection Trust will:

- Name your trustees as the people you feel have the integrity to manage your Property Protection Trust.
- Give your surviving partner the right to live in the property for the remainder of their days.
- Allow you to pass on your share of the value of the property to someone other than the joint-owner.
- Give your surviving partner the right to sell the property and buy another, with profits from the sale split between them and the trust.
- Place your share of the value of a new property bought by your surviving partner into your Property Protection Trust.
- Protect your share of the value of the property from wealth assessors claiming assets against debts accrued by your surviving partner.
- Protect your share of the value of the property from wealth assessors covering medical or residential care costs for the surviving owner, should you wish.
- Prevent your share of the value of the property being passed on to a new partner of the joint-owner should they remarry after your death.

A Property Protection trust will ensure your share of the value of a property is used for the right reasons and reaches the people you want.

Family Asset Protection Trust (FAPT)

We are all keen to protect our assets for our loved ones. If we have children, we are motivated to provide for them throughout their lives and want what is best for them. You may wish to ensure that the assets you have worked hard to acquire during your lifetime are passed on to your chosen beneficiaries after your death.

However, a Will can only control the assets that you own at the date of your death and if these are eroded during your lifetime, there will be little if anything for your beneficiaries to inherit. The Family Asset Protection Trust (FAPT) has been specifically designed to protect your assets for you during your lifetime and give you the peace of mind that they can pass on securely and intact to your spouse, your children and their bloodline (or other named beneficiaries) after your death.

Why do I need an AR Wills Family Asset Protection Trust (FAPT)?

Benefits of the Family Asset Protection Trust (FAPT) are:

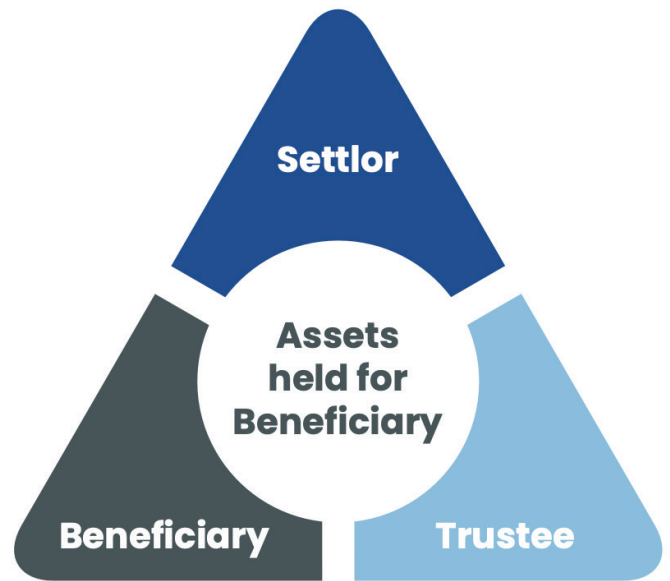
- No probate fees or delays
- No estate claims
- No sideways disinheritance
- No court of protection control
- Ring fencing assets
- Financial protection from relationship failure
- Protection for benefit dependent beneficiaries
- Protection from generational inheritance tax



What is included in my AR Wills Family Asset Protection Trust (FAPT)?

A Family Asset Protection Trust (FAPT) can protect what you have whilst you are alive to pass on to the ones you love, at a time convenient for them, after you are gone. It will:

- Name your trustees as the people you feel have the integrity to manage your Family Asset Protection Trust (FAPT).
- Allow you to pass on your share of the assets in the Family Asset Protection Trust (FAPT) to someone other than the joint-owner of the assets.
- Included in the Family Asset Protection Trust (FAPT) package is a will and the Lasting Powers of Attorney





The Structure of Trusts

Another name for a Trust is a 'Settlement' and the person creating a trust is known as the 'Settlor'. A Trust can be created during the settlor's lifetime.

A Trust is administered by 'Trustees' who must hold the assets of the Trusts on behalf of the Beneficiaries and are not permitted to personally benefit from the Trust as a result of their appointment. In certain types of Trust, a person is appointed to act on behalf of the Settlor if he or she is unable to act for themselves.

In many Trusts, the Settlor is also a Trustee and a Beneficiary.



How the FAPT Works

During your lifetime

Once the Trust has been created, you can use it to 'ringfence' your assets. Most people will protect their home and their savings, leaving some 'working capital' in their current account for day to day living and bills. Income from savings protected within the Trust can be paid directly into your current account to supplement earnings or pensions.

Just like a safety deposit box, assets can be added or removed during your lifetime.

If you have large expenses that cannot be met out of normal income like a new car, a holiday or house repairs, the appropriate sum is transferred to your account from the Trust.

You are named as the 'Principle Beneficiary' and retain full control of assets with the Trust while you are alive and have capacity. You are free to move home, or release equity from it at any time.

The Family Asset Protection Trust is fully reversible, so if you change your mind at any time in the future, we are able to return everything back to how it is now.

If you become mentally incapable

If you lose mental capacity, the Law states that you are no longer allowed to manage your own affairs. Assets held within the FAPT will then be managed by your Trustees on your behalf. Assets held outside the FAPT, unless you put Power of Attorney in place, your estate will fall under control of the courts.

Your Trustees can effectively stand in your shoes to make decisions on your behalf but these must be for your benefit. They are able to add or remove assets or use the income from the Trust to help you and improve the quality of your life.

How the FAPT Works

If you go into care

If you go into care, and you do not have a spouse or dependent relative living in your home, you will need to decide whether to sell it or rent it out. If you have gone into care and have lost mental capacity, your Trustees will need to make this decision for you. If the property is sold, the proceeds will continue to be protected within the Trust.

After your death

After your death, the FAPT continues to work to protect your assets for your beneficiaries. The FAPT can continue to hold the assets safely within it or pay them out to specified individuals or charities.

The FAPT becomes extremely flexible after your death and has potential to continue protecting your family for 125 years from the day it was created. That means that all of the following benefits can not only protect you and your children but can also protect your grandchildren and great grandchildren!

Control beyond the grave

A discretionary Trust allows the Settlor to decide how the Trust can be administered after their death.

Therefore protecting grandchildren and children who may have physical disabilities or learning difficulties.



Benefits of the FAPT

No Probate fees or Delays

A key benefit of the FAPT is the avoidance of the need to obtain a Grant of Probate for your property.

If you have less than around £5,000 outside your Trust at the date of your death, many or all of the delays and costs typically associated with winding up an estate can normally be avoided.

While the administrations of an estate can often take a year or more and can cost thousands of pounds, this can be avoided with the FAPT and the assets protected by it can be distributed to your beneficiaries in a matter of days if desired.

“Potential Saving: Thousands of pounds”

No Estate Claims

Not all family circumstances are straightforward. A claim against an estate can take years to defend, cost thousands in legal fees, and result in the loss of a large percentage of the estate. Even if the claim fails the legal fees and delays can cause major problems.

Unlike a Will the FAPT cannot be challenged on your death, so even if a claim is brought against your estate, this will only apply to any asset outside the Trust such as working capital in your current account. If this is kept to a minimum, claims are quickly withdrawn.

“Potential Saving: Tens of Thousands of pounds”



Benefits of the FAPT

No Sideways Disinheritance

Many people are concerned about the effects of remarriage after first death. The FAPT allows you to benefit your spouse without the risk of losing the assets to his or her new spouse or children.

The Trust allows you to 'lend' your assets to your spouse after your death. These assets can then be repaid to the Trust either on the death of your spouse or on some other specified event (such as remarriage) and will pass under the terms of your Trust to your children or other beneficiaries.

“Potential Saving: Entire Estate”



No Court of Protection Control

As previously mentioned, you are no longer allowed to manage your own affairs if you become mentally incapable and a special court called the Court of Protection will take control of assets outside your FAPT. This is to protect you from yourself and to prevent the unscrupulous from taking advantage of you.

The FAPT allows you to choose the Trustees who can control your assets without the supervision of the Court. For most families, this allows common sense to prevail without the 'red tape', costs and delays normally experienced by those under the supervision.

“Potential Saving: Thousands of pounds”

Ring Fencing assets

Many people are concerned about the effects of remarriage after first death. The FAPT allows you to benefit your spouse without the risk of losing the assets to his or her new spouse or children. It can also provide protection from other third party debtors and assist with care home fees.

“Potential Saving: Entire Estate”

How the FAPT Works

AR Wills' Family Asset Protection Trust (FAPT) can protect what you have whilst you are alive to pass on to the ones you love, at a time convenient for them, after you are gone. It will:

- Name your trustees as the people you feel have the integrity to manage your Family Asset Protection Trust (FAPT).
- Allow you to pass on your share of the assets in the Family Asset Protection Trust (FAPT) to someone other than the joint-owner of the assets.
- Included in the Family Asset Protection Trust (FAPT) package is a will and the Lasting Powers of Attorney



Benefits of the FAPT

Protecting from Care fees

A side benefit of the FAPT is that assets correctly held within it cannot be taken to pay for your care. With care fees often costing thousands of pounds per month, many feel that it is unfair to work all their life only to have their home and savings taken away in the last few years of their lives.

The FAPT offers effective protection from care fees provided that at the time the assets were protected it was not reasonably foreseeable that you would need to go into care.





The Rules on Long Term Funding

You will normally be expected to pay for the full cost of your care if you have capital outside your Trust in excess of £23,250, unless you qualify for NHS Continuing Care. Chargeable assets include your home or any other property you own, bank and building society savings, National Savings and investments, Premium Bonds, ISAs, shares, Unit Trusts and other investments. Business assets can also be taken into consideration.

Assets correctly held in Trust and some life assurance policies are 'disregarded assets' if set up correctly and at the right time. If after a means test it is established that your chargeable assets are below the threshold, the local authority must pay for the full cost of your care needs not met by your income.

We will give you personalised advice on the suitability of the FAPT to your circumstances.

It is not within the scope of this brochure to provide a full explanation of the rules. Please contact us with any specific queries.

Appointing Trustees

It is important that your Trustees are independent and act in your best interest at all times.

You are free to replace your Trustees at any time but you should take extreme care in doing so. Trustees administer the Trust in accordance with the provisions in the Trust document. Trustees may be family members.

Naming Beneficiaries

It is normal to name your spouse or partner (if you have one) and your children and their bloodline as your beneficiaries after your death. In fact, the trust can reflect your wishes as recorded in your Will, or hold assets for specific beneficiaries. You can of course name any beneficiaries including charities if you wish.

The beneficiaries are not entitled to anything from your Trust during your lifetime and are classed as 'potential beneficiaries' after your death. The structure means that different people can benefit from the assets in your Trust at different times as is the most flexible and efficient way to leave your estate.

Bullet Point Summary

- **Assets passed instantly on death**
- **No probate fees for the assets in Trust**
- **Control beyond the grave**
- **Protection from sideways disinheritance**
- **Ring fencing of assets against bankruptcy and divorce**
- **Provisions for beneficiaries on benefits**
- **Trustees can be family members**



Other Services

Secure Storage

Letter of Wishes

Trust Registration

Trust Annual Minutes

Property Registration

Severance of Tenancy

Declaration of Trust

Vulnerable Persons Trust

Childrens Trust

Trust Administration

Grant of Probate





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