



## Historic article – illustration only

### Making a Will in Guernsey

*It's simple so no need to 'wait and see'*

Making a Will in Guernsey is straightforward and not the difficult, complicated or expensive process it may seem or is often made out to be. Moreover, not being sure now is no excuse because once you have made your Will you can change it at any time.

*What is a Will?*

In a nutshell, a Will is a clear, concise statement of how you want your assets dealt with after your death. It is written by you (the testator), naming one or more people to act on your behalf (the executor(s)), to gather in your assets (your estate), pay your outstanding liabilities (anything from the gas bill to loans from the bank), and distribute the balance in accordance with the wishes you have laid down in your Will.

*Why make a Will?*

Firstly, and importantly, it offers reassurance and definitive guidance to family and friends at a very emotional time. Secondly, it provides you with certainty that, subject to any over-riding legislation, your assets will go to the people or charities that you want to receive them. Lastly, it will prevent potential problems if you die without a Will (intestate).

*What are my assets?*

Typically, your assets will be made up of what is called *Real Estate* (houses and land) and *Personal Estate* (bank account, shares, car, jewellery, house contents and so on). You may have one Will that covers both estates or a separate Will for each.

*How do I make a Will?*

The first and most important consideration is to take sound legal advice and ensure that the Will you are making, and the bequests you want to leave, are both valid under Guernsey law.

The best way to achieve this is to visit your Advocate because Guernsey law is unusual in the way that certain assets are dealt with in different circumstances. An Advocate will be able to offer professional advice that will fit with your circumstances and ensure that after your death your assets will be passed on as you intended.





There are also certain, very important formalities that must be adhered to when completing a Will otherwise the Will, or parts of it, may be invalid. A good example is that the testator must sign or acknowledge the Will in front of two witnesses who are both present at the same time. These witnesses must not be beneficiaries or the spouse or descendants of the testator.

*Who can I leave my assets to?*

Guernsey law is quite specific on this and the myriad of permutations, depending on individual circumstances, place a complete analysis beyond this article. However, subject to the law, there is no problem leaving assets to spouse, children (including illegitimate children), remoter issue, family, friends and charities.

In our experience, through client meetings and acting as executors, this is often the area where there are misunderstandings and misconceptions. Our website gives more details, but there is nothing better than meeting with us to discuss your individual circumstances.

*Meeting with an Advocate*

To get the most from your meeting with an Advocate it is best to take along every possible piece of information available. From our website you can download a form for completion. This will ensure that our Advocates can give the best possible advice straightaway and then write your Will quickly and efficiently.

At this time you will also need to decide on the appointment of your executor. This can be a family member or friend, but remember that it can be a difficult and time-consuming job and, because of this, increasing numbers of our clients are appointing their Advocate to act.

This leaflet is only intended as a guide, so please visit our website for more detailed information and then contact our Wills, Probate and Trusts team to arrange a meeting and obtain details of our costs.

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