



Goldsborough-Pike & Co.

*Specialists in Wills and Lasting Power of Attorney.
Your Guide to help protect your legacy*

Heritage Wills | Power of Attorney | Partnership Wills
Inheritance Tax | Life Interest Wills | Contesting a Will
Probate



A photograph of a man with a grey beard and a striped shirt sitting on a wooden floor, reading a large open book to a young child. The child is sitting on the floor, looking at a tablet. The background shows a living room with a sofa and a chair.

Inside your information guide:

1. About us... So you know what we're all about.

2. Heritage Wills - how to help protect your legacy and ensure that it is left to the ones that mean the most to you.

3. Concerns over rising care cost fees? How to help protect your estate with Life Interest Wills.

4. Difference between "Joint Tenants" and "Tenants-in-Common."

5. Important things to consider when starting a Will.

6. Lasting Power of Attorneys and why you need them.

7. Aftercare and Frequently Asked Questions.

About Us

Goldsborough-Pike & Co

A local family run firm, located in the centre of Newcastle

“Amy was outstanding, professional and put our minds at rest. Cannot speak more highly of Amy and would like to express my thanks.
– Mr H”

As a local family run firm, located in the centre of Newcastle and providing home visits, we pride ourselves in looking after our clients' interests like we would our family. We cover the whole of the North East from Berwick down to North Yorkshire.

Our Head Legal Advisor, Amy Goldsborough-Pike, has first-hand experience of issues which arose due to not having the correct documents in place when needed. Amy explains:

"I, like so many others, went through the difficulty of watching my Grandmother's health deteriorate, which ended in her needing 24- hour assistance going into a care home. Whilst this was difficult enough for my Grandfather and indeed the entire family, not having the correct documents in place increased, not only the upset but the money that had to be paid, that otherwise could have been avoided and saved.

Because of this, I am passionate about helping others avoid the difficulties my family faced by advising our clients of the documents which could save their family hassle in the future. This hopefully gives everyone peace of mind and one more box ticked, allowing them to enjoy their well deserved golden years."



Amy Goldsborough-Pike
Head of Legal, LL.B. (Hons), LL.M, PgDip,
GCILEx

Free advisory appointments: We truly believe everyone has the right to free legal advice, therefore, at Goldsborough-Pike & Co. we offer free advisory appointments whenever you or your family need us, so you don't have to worry about looking at the clock or indeed incurring charges.

Set fees: With our set fees advised from the outset, there will be no shocks or surprises. What makes us different from other law firms is that we will never ask for money up-front. Our fees will only be due once you have signed your new Will or Lasting Power of Attorney papers. We feel this is important to show our commitment to you.

CILEx regulated Legal Advisors and Solicitor supervision: All of our regulated Legal Executives and advisors keep up to date with legal changes, giving you the best advice. Their work is also supervised by a Solicitor, so you have peace of mind that your new Will is perfect for your family circumstances.



Heritage Wills

Protecting Your Family

Wills and your family Heritage. How to help protect from third parties acting against your wishes

Most people assume their existing Will provides protection to their children's inheritance, unfortunately in reality this is not the case.

Many of our clients assume that leaving everything to their children means it will automatically pass onto their grandchildren. Unfortunately, life has many twists and turns, relationships break down, and stepchildren and new partners may arrive. As a consequence of this, your grandchildren may not get to benefit from your family's heritage.

Clients are often surprised to learn that even if they name a child in their Will, other people may be in line to benefit from their inheritance, not their grandchildren. Our advisors can discuss the advantages of a Heritage Will, which helps to protect your children's and grandchildren's inheritance from outside influences.

A Heritage Will is there to protect your legacy and help protect any money you leave, away from third parties such as:

- **Your child's separated wife or husband** - If your child is separated but not yet divorced, any inheritance that they receive will go into their assets to be taken into account. If they don't have a Will themselves and die, everything goes to their separated partner.
- **Future step-parents to your grandchildren** - If your child dies without provisions in place for your grandchildren, the inheritance will likely go to your son/daughter-in-law, who could then re-marry.
- **Another person's grandchildren** - Step-children are a common way of life, however, this could mean leaving your grandchildren with nothing if their parent receives your child's inheritance.
- **Local Authorities** - If your child needs care in the future, Local Authorities don't look at inheritance within a Heritage Will.
- **Benefits** - If your child is on benefits, they will not be affected by receiving their inheritance in a Heritage Will.
- **Creditors** - If your child has been bankrupt we can look at ways to help protect their inheritance in the future.

With a Heritage Will, your children's inheritance can be placed into separate accounts, which only each child has access to, allowing them to spend it on themselves and their children. Structuring your Will this way would help protect your children's inheritance away from third parties when you pass, such as a separated spouse of your child making a claim against their inheritance.

In essence, it is placed into a "safety-net" for your family's future generations. By protecting your legacy through a Heritage Will you can ensure it will be secure and your children and grandchildren will be able to benefit.

Life Interest Wills

Helping To Protect Your Property

The Simple steps a homeowner can take to protect their assets by having a Life Interest Will

With the rise in an ageing population, Care Home Costs are rapidly increasing, and many homeowner's assets will be means-tested by their local authority to help pay for their care. This came into force in 1993, under the Community Care Act 1990, where, if someone required care the local authority looks to use their assets until they are reduced to the lower limit of £14,250. Unfortunately, within this, the family home would be counted towards those assets.

As a recent figure, 2019 saw four hundred homes sold every week to fund care, and in 2018 alone 21,120 homes were sold for the same reason.* Without the correct Will and procedures in place, a couple could see their assets massively diminished. So how do you help protect it?

The wrong thing to do

There are many myths about what people can do to protect their assets. The most common assumption is to simply sign over their property to heir children, or put it in an 'asset protection trust', and then live for seven years.

As appealing as this sounds, this is not as smooth as you might think. The local authority are savvy to such acts, and looking at recent case law, usually take this as deliberate deprivation. Meaning, they see you as 'giving' your property away unlawfully and therefore can rescind the transfer. On top of this, the 'seven-year rule' only applies to your inheritance tax and therefore, can not help here.

“After working all our lives and contributing to the system, now my husband has fell ill and needs care the local authority wants to penalise us it's just not fair.”

The right thing to do

What we advise is to make a Life Interest Will. This is where a couple become tenants-in-common (see tenants-in-common section), each leaving their share of the family home to their beneficiaries upon their death. By doing this, should the remaining spouse/partner need care in later life they would only be means-tested on their 50% share of the property.

Even if you do not see future care home fees being an issue, the important thing is that couples need to act in advance. Once either the husband or the wife passes or indeed loses mental capacity, they will no longer be in a position to utilise this legal option.

Many of our clients assume their wishes will be granted even if the husband or wife remarries after their death. What they possibly don't know is that a Will becomes void upon remarriage. This could mean, that if the remaining person were to remarry, the new spouse becomes next in line to inherit any assets ahead of their own children. Possibly disinheriting them entirely.

Therefore, the simple step of making a Life Interest Will will help protect each person's share in the family home. Ultimately ensuring your family is protected and you have invested in peace of mind for the future.



'Tenants in Common'

The difference between 'Tenants in Common' and 'Joint Tenants'

There are two ways a couple can own a home; these are **Joint Tenants** and **Tenants in Common**.

If you own a house with your partner as **Joint Tenants**, you and your partner are equally entitled to the whole of the property. Whichever passes first, their interest will automatically pass onto the surviving partner.

Should the surviving partner then need care, the whole value of the property will be taken into account when an assessment is made by the local authority to see if they have the means to pay for their own care. Should the remaining partner remarry, their new spouse would automatically become first in line to inherit the family home.

Alternatively, if the couple own the property as **Tenants in Common**, each would have a set share in the property (most common being 50% each), which they may leave to whomever they wish in their Will. They could opt to leave their partner the use of their share for life, after their passing this share would then be passed onto your children or grandchildren. If the surviving partner were to need care in the future the children's or grandchildren's share would be protected and not counted towards an asset.

Importantly this is **NOT** seen as an act of 'deliberate deprivation' of assets for the purposes of a care home fees assessment as you are protecting the share of the first to die not the survivor.



Things to consider before writing your Will

Two important things to consider before writing your Will

“

With my gift list, I don't need a new Will if I change my mind on who gets what gifts.

”

Your Executors

Choosing your executors is an important and personal part of your Will. These are the people that look after, pay any debts out of your estate, and distribute it to your loved ones according to your Will.

While you can just appoint one executor, we always advise appointing at least two. They will be able to act independently or together but will ensure your Will is dealt with by someone you trust.

Your executors can also be people you would like to benefit from your estate, meaning children or siblings are a great choice.

You do not need a professional as your executor. While we would always advise using a professional for probate matters, leaving that decision up to your preferred executors allows them to choose and deal with matters without the possible high cost of a firm.

Your Beneficiaries

What are beneficiaries? Beneficiaries are the people who will ultimately benefit or receive anything you have gifted to them within your Will.

There are many ways you can gift your estate, dividing it up, gifting specific items, giving amounts to charity, etc. Meaning each Will should be tailored to you and not identical to every Tom, Dick, and Harry.

Thankfully, drafting a Will to meet your needs, and not just using a general template, is something we pride ourselves in. Our legal specialists will work with you and help you determine the best way to bequeath your estate to the ones that mean the most.

Small Gifts?

We don't expect you to decide everything straight away, you need time to think to make it just right for you. Our legal advisors will be able to prepare a flexible "gift list" that sits alongside your Will. This is an ideal way to distribute small gifts as you can fill one out at any time, and also change as and when your circumstances change.

Your advisor can offer you a free tailored "gift list" with your new Will to fill out at home.



Lasting Power of Attorney

What is a Lasting Power of Attorney and why do I need one?

Without these documents in place, you could be leaving your family with a very costly application to the Court of Protection.

Thinking and talking about what would happen if our faculties deserted us is uncomfortable. Yet it's important to consider how much worse the situation would be if you had a stroke, serious accident or dementia (e.g. Alzheimer's) without sorting it first.

If someone has difficulties that mean they can't make decisions anymore, they will need help managing their finances and welfare. A Lasting Power of Attorney (LPA) are legal documents where someone (while they still have mental capacity) nominates a trusted friend or relative to look after their affairs if they lost capacity. The key points to remember...

- Don't think you suddenly give up control. You can choose whether it can be used either before, or only when, you lose mental capacity.
- You can cancel and re-do your Power of Attorney at any point. Meaning those changes in family circumstances will not affect your control.
- Your representative should only ever make a choice for you if you're unable to make that specific decision at the time it needs to be made.
- If you lose mental capacity you can no longer make a LPA, meaning you will have to make a costly application to the Court of Protection.

Did you know, if a person loses mental capacity without a LPA in place, their spouse may be frozen out of their joint account?

The Health and Welfare Lasting Power of Attorney

In a nutshell, the Health and Welfare document sees a nominated individual make decisions over day-to-day healthcare and medical treatments. It also deals with any health and social care issues. A Health and Welfare LPA can only be used after the person loses capacity, not before.

Property & Financial Affairs Lasting Power of Attorney

Your Property and Finance LPA allows your loved ones to make decisions regarding your estate and financial affairs. This may be as simple as your chosen attorneys being able to pay your bills on your behalf.

As a comparison from your Health and Welfare, this document can be used straight away. For example, if you were unable to get out of the house and still had mental capacity, but needed to pay your electric bill, your nominated individual could go on your behalf, with your consent.

Frozen Joint Accounts

What many people are not aware of is that not having this document in place could mean that any joint accounts are likely to be frozen if one partner loses mental capacity. Banks do this to protect the person without mental capacity however, this could leave the other partner in a difficult financial position.

Aftercare and FAQ's

Aftercare is just as important to us as the first time we meet you

Our existing clients are important to us; our aftercare includes:

Only a phone call away

Any questions after signing your new Wills are dealt with as an important factor for us. You can speak to one of our friendly support staff, or your advisor, who are always more than happy to help.

Free Amendments*

We all know that life circumstances can change all too quickly, therefore, we offer you the ability to make changes to your new Will within the first year (*usual charge of £25 admin fee after the first 12 months).

Storage

We appreciate that a Will is not something you or the family wants to deal with until it is needed. We therefore always advise storing it with us so that it will not be lost or damaged and so that we can be there to talk your family through the next steps.

Newsletters

You can choose to keep up-to-date with any changes in the law, and further things that may interest you regarding your Will throughout the year, with one of our GP & Co.

- Newsletters.

Questions that often come up at an initial free appointment

Frequently asked questions

Q. I have a Will, do I need to renew it?

A. If your current Will is right for your circumstances, then there is no reason to get a new Will. We're happy to give you that legal advice free of charge, for your peace of mind

Q. Do I need a complex Will?

A. Everyone's circumstances are different, during your initial free appointment we can go through your needs and indeed a basic Will may fit you.

Q. Do you do home visits?

A. Yes, if an office appointment isn't suitable, we will arrange to come and see you at no extra cost.

Q. We haven't heard of a Heritage Will, are they new?

A. They are a form of Discretionary Trust which has been adapted to fit the needs of modern family life.

Q. When do I pay?

A. You will only ever pay the pre-agreed fee when you have signed your new Will and/or Lasting Power of Attorney forms.

Q. How long will it take you to draft my new Will?

A. Normally your Will is written and available to sign within 2 weeks. However, if your circumstances mean that you need a Will urgently, we can provide a same day service.



**BOOK YOUR FREE, NO
OBLIGATION APPOINTMENT AT
OUR NEWCASTLE OFFICE
OR
IN THE COMFORT OF YOUR OWN
HOME.**

Online: www.gpandco.com

Telephone: 0191 313 0123



Goldsborough-Pike & Co.

(Home appointments available Wednesday and Fridays)



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