

A.W.G

AUSTEN
WHETHAM
& GUEST

SOLICITORS



Peace of Mind

50+



At AWG Solicitors we find that there are many common questions asked us by people as they approach retiring age and beyond.

This booklet will answer some of these questions, to help both existing and new clients.



Do I need to appoint someone to look after my affairs? – and should I do so now or later?

It is best for you to look after your own affairs while you can – making sure you get professional advice and assistance when you need it.

However, everyone has to remember that the day may come when they are not able to look after their own affairs. It is essential that, whilst capable, you should appoint one (or preferably two) trusted persons to be your Attorneys to act on your behalf if you are ever unable to do so yourself.

So what do I do?

The appointment of a person or persons to act on your behalf is made in an 'Enduring Power of Attorney'.

This is a document that appoints a relative or trusted person to look after your affairs if you become unable to do so.

If you do not know of a suitable person, one of our experienced Solicitors will be happy to be appointed as your Attorney.

You should make an Enduring Power of Attorney whilst you have the legal capacity.

Sadly, if you postpone this task you run the risk of leaving it too late. We recommend that everyone over the age of 55 makes an Enduring Power of Attorney. By making this appointment you will be able to rest assured that your plans for the future will be properly arranged on your behalf, whatever your circumstances.

Your Enduring Power of Attorney, by law, must be in a prescribed form. The form allows certain options to be selected and conditions to be added. You should take good legal advice before signing the form.

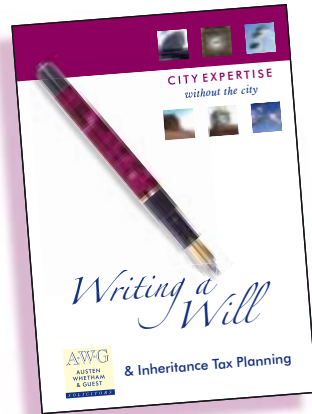
Have your form prepared by AWG Solicitors to ensure that all will run smoothly after the form has been signed.

How can I ensure that on my death all my wishes are carried out and that there are no arguments about what should happen to my belongings and assets?

You should make a Will. By doing this you are being kind to yourself, your relatives and friends and it prevents any trouble or unnecessary expense after you have died.

Good skilled lawyers like those at AWG will ensure that your Will is prepared with the minimum of fuss and the right amount of care. The best wording will be used to ensure that your wishes are recorded accurately and unambiguously so that your estate will be administered in accordance with your wishes on your death.

For further, more detailed information on Wills, please ask a Receptionist or any member of staff for our pamphlet 'Writing a Will & Inheritance Tax Planning'.



Can I update my Will as the years go by?

Changes to Wills can be made by making a 'Codicil' (an addition to a Will) or by making a new Will which will revoke the previous Will (this has the advantage of all your wishes being recorded in one document).

Every so often you will probably wonder if your Will is just right, because for example:

- Your circumstances may have altered
- Births, deaths and marriages may have happened in your family
- The nature of your assets could be different
- Inheritance Tax laws might have been reviewed

You should review your Will regularly, especially if your circumstances change.

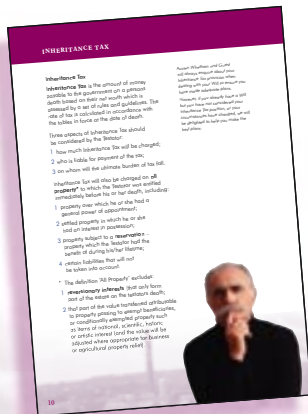
AWG Solicitors can prepare or modify the required documents for you.

Who Will Administer My Estate After My Death?

The persons who will administer your Estate after your Death are the Executors who have been appointed in your Will. They will either be close members of the family or close trusted friends, acting either alone or jointly, for example with one of our Solicitors if that is what you want.

They can handle all or as much of the administration of the estate themselves as they wish, with as much or as little assistance from ourselves as either you have directed in your Will or as they feel appropriate. Such assistance at all times will be provided in the most efficient and economical way.

Again, for further, more detailed information on Inheritance Tax, please ask a Receptionist or any member of staff for our pamphlet 'Writing a Will & Inheritance Tax Planning'.



I've paid taxes all my life. I don't want my estate to have to pay tax again on my death. How can I achieve this?

At AWG we have a skilled and experienced team who can advise you on legitimate ways of minimising your liability to Inheritance Tax.

After a lifetime of paying taxes, many people are disappointed to learn that on their death Inheritance Tax ('death duties') have to be paid at the rate of 40% on the amount by which the value of their estate exceeds the 'threshold limit' which is £285,000. This can lead to considerable tax bills, and often a large proportion of the tax has to be paid before a deceased person's estate can be administered.

***If the worst comes to the worst
I don't wish to be kept alive for
the sake of it. What can I do?***

You need a 'Living Will' (also known as an Advance Directive). This is a document which gives you the chance to record in writing (whilst you are able) your wishes in the event of you becoming terminally ill or very seriously incapacitated with no chance of recovery.

It gives you the chance to set out the approach which your Doctors and your family should follow in these circumstances, and enables your family to have your guidance on what can be a very difficult decision.

In an age of advanced medicine, where life can sometimes be prolonged to the stage where it no longer has any real meaning due to serious and incurable disability or illness, more and more people are making a Living Will.

At AWG our skills and expertise in this field are excellent. We have researched the subject thoroughly and are in an excellent position to help you strike the right balance as to the issues involved in making a Living Will and how to best resolve them.



What happens if I lose the capacity to run my affairs?

So long as you have made an Enduring Power of Attorney (see page 3) we can assist your Attorneys in registering the document at the Court of Protection, should the need arise.

When Registration is needed, we have established procedures for discussing the matter with you and for complying with the necessary legal requirements so that Registration can be obtained as quickly and as efficiently as possible.

If you have not made an Enduring Power of Attorney, all is not lost because there is an alternative but experience shows this is a less attractive way forward. Someone on your behalf can apply to the Court of Protection for a Receiver to be appointed by the Court to run your affairs. This is far more expensive, bureaucratic and time consuming.

Your close family and friends will normally be very pleased if you are able to save them this burden by having made an Enduring Power of Attorney at the right time – please see the text on page 3.



I've heard that AWG can do all the necessary work for me when and if needed – but what precisely can they do?

AWG Solicitors offer not only professional legal advice but also practical assistance in a range of other ways – we tailor the help we give you to suit your individual needs.

Typical services we offer to older people especially are:

- 1 Administration – we can arrange to receive all incoming mail on your behalf, process it and supply ongoing summaries as to the content of such mail and the action we have taken in response to it
- 2 We can ensure that your financial records are kept up to date
- 3 We can help you with tax returns and ensure that you pay your taxes
- 4 Where we are appointed Attorney, we can pay your expenses from your bank or building society accounts
- 5 We can make arrangements with care providers to enable you to remain in your own home as long as possible





- 6 When and if the time comes, we can give you whatever help you may need on selecting the best residential or care home for you, to include advising and ensuring that the terms of your contract with the Care Home are right for you
- 7 We can undertake a thorough health check of your finances and advise you as to the best way to finance your long term care
- 8 We can ensure that you receive all the assistance (both financial and otherwise) from the State to which you are entitled. There is a great variety of help available, but it's easy to miss out on some financial or other help unless one keeps a watchful eye on the regulations. Our staff know what is available and can ensure you receive the right help at the right time
- 9 We can keep proper financial accounts of what is happening to your money.
- Financial records are desirable. We prepare accounts in an easy to understand way. In our experience this reduces substantially, and will often eliminate, the extent to which any interested party can raise arguments about the way that Attorneys or relatives have handled your affairs on your behalf over the years
- 10 We can assist your Attorneys or Receiver in accessing your assets so as to ensure that all the necessary funds are available to pay your expenses

AWG are well placed to help you:

- Geographically – we are right in the heart of the local area
- Personal skills – we have good personable and approachable staff
- Legal Training and experience – we have all the skills and expertise you will require

We have built up experience over many years of acting for:

- People who were born and have worked in the West Dorset area throughout their lives
- People who have come to live here
- People from further afield

In particular, we have handled the affairs of people who, knowing they will need more legal help as the years go by, have wanted the right legal arrangements set up for them whilst they are fit and healthy, and then have them implemented.

Everyone needs to have the right legal arrangements and documents set up whilst they are capable, and then to have those arrangements implemented as needed.

If you follow this route, you can relax, and look ahead to the future with confidence that your family will appreciate the thoughtful arrangements which you made over the years with your lawyer for your and their welfare and happiness.



We hope you will choose AWG Solicitors to help you make sure your affairs are in order as you get older.

Here are some of the people who will be able to help you when you contact us:



PETER ALEXANDER

Peter has been helping clients resolve all types of Family dispute for many years with excellent results. His skills in drafting Wills and Trusts Documents are incomparable. His kindly and engaging manner appeals to all clients



EILEEN SKINNER

Clients warm to Eileen's pleasant kind manner. She has worked at AWG for over 30 years and has excellent knowledge of the practical aspects of AWG's work.



TRUDI CRADDOCK

Trudi joined AWG in 2003 after working in the Health Service. She enjoys being part of a team who place the emphasis on 'going the extra mile' to help clients wherever they can.



RICHARD WARNER

Richard's legal skills have been acquired over 30 years experience as a Solicitor and more recently as a member of STEP (the Society of Trust and Estate Practitioners)



NEIL CREW

Neil is excellent at problem solving! And at anything to do with book keeping and accounts. Clients warm to his courteous and considerate manner.



ELIZABETH WEST

A mother of two growing boys and a Solicitor since 1981, Elizabeth is experienced in dealing with clients in a friendly and understanding way, visiting them at home where needed.



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