

How to make a good Will

What makes a good Will? Obviously, one that is up to date and valid.

But more importantly, a good Will is one to which you have given very careful thought and left something, not necessarily money, to as many friends and family members as possible.

To see how this works in action, take the very different Wills of two famous television personalities, Johnny Morris and Richard Whiteley. When Johnny Morris, the former Hot Chestnut Man and presenter of Animal Magic, died in 1999, he left almost his entire estate to one man, Terry Nutkins, who had been his co-presenter on Animal Magic, and who was not even family.

Seven years after his death, Morris's furious family are still arguing over the Will.

By contrast, when Countdown presenter Richard Whiteley died in 2005, he included just about everybody – his current partner, his son by journalist Lesley Ebbetts, his niece, and even his old school, Giggleswick, in his Will.

The result of this is that Whiteley is fondly remembered for his thoughtful, generous and even-handed Will, not only by his beneficiaries, but by his public as well. There are even glowing comments about it on Whiteley's fan website.

Of course, these two celebrities both left sizeable estates, and Whiteley's was valued at over £4 million. But however much – or little – you have to leave, you can ensure you are remembered with affection, or its exact opposite, hatred, for ever more, depending on the wording of your Will.

In the 1950s, an elderly aunt left me £1000, a sum which later enabled me to put down a deposit on my first house. Half a century on, I still fondly remember this aunt, whose generosity got me onto the first rung of the property ladder at an early age. My other deceased relatives, who left me nothing, are long forgotten.

Neither of my parents left me anything at all, not even a picture or keepsake. Do I remember them with any affection? Not really – it is very sad.

"The essence of a good Will is that it ensures promises made in your lifetime are kept," says Brian McMillan, Director General of The Society of Will Writers, which has 1700 professional will writers on its books. "Unless an item is bequeathed in a proper legal manner in the Will, there are no guarantees that the promisee will get it.

"It cannot be left to chance. Whatever bequests you want to make, these should be enshrined in writing in your Will in such a way there can be no arguments.

"There are still recriminations over Princess Diana's Will as, although she left legacies to her 17 godchildren, these were not distributed as there was no power within the wording of her Will to make her executors, her mother and brother, hand them over.

"But Wills are not necessarily about wealth. Even items of only sentimental value can make a difference between harmony and rancour in families. If you have promised, say, the family Bible to a particular grandchild, make sure that grandchild gets it by including it specifically in your Will."

The Last Will and Testament of somebody is a most important document and countless dramas, novels, and films open with 'the reading of the Will' where hopeful beneficiaries gather in front of the family lawyer. In the past, only the Wills of the rich and famous were of much importance or interest, but nowadays, many ordinary people have quite a lot of value to leave.

In novels, especially Victorian novels, Wills were specifically designed to sow discord and conflict among family members because, of course, that was where the drama lay.

But in real life, a bad or unfair Will can tear a family apart in such a way that it will never repair itself. "It is almost always the will, or lack of it, that causes the everlasting family problems," says Brian McMillan, who adds that 67% of all adults now die without leaving a valid Will.

This means that whatever their wishes may have been, they are not carried out after their death. Unless that all-important piece of paper is present, properly drawn up and witnessed, nothing will happen as the deceased wanted. Lack of a Will can also mean that a husband or wife is made homeless if one dies intestate.

Even once a Will is made, it should be reviewed every three to five years, or whenever circumstances change, not forgetting that marriage, and also nowadays a civil partnership, invalidates all former Wills. So, every now and again, get out your Will and scrutinise it carefully. An out of date will is worse than no Will, as it must reflect the current situation so to be executed properly.

My late partner John Sandilands gave such careful thought to his will that two years after his death, his beneficiaries have all become close friends. This is very rare indeed, according to Brian McMillan. John named six major beneficiaries – myself, his two exes and three close relatives. There were no children to complicate matters.

There were also numerous smaller bequests. He left his valuable collection of model cars to his ex wife's current husband, his model soldiers and his car to his ex-wife's teenage son, and various pictures, pieces of jewellery, solid silver picture frames and so on, to many of his friends.

Many people are amazed that John's two exes and myself have become close friends after his death, but this is just an example of how a good Will can create harmony and affection instead of rancour.

After John died, one of my most urgent tasks was to make a new will, as he had been one of my beneficiaries.

It is also important to appoint executors who will get on with each other, and who are happy to be executors, as it is often an onerous job these days, particularly where the estate attracts inheritance tax. One friend found herself co-executor with a woman she hated, and the two of them could not work together. In the end, they had to appoint a solicitor, at great expense. In another case, a relative of mine who was appointed executor of her mother's will, decided she didn't want the responsibility and again, appointed a solicitor who took a large chunk out of the estate as his fee.

Executors have to be scrupulously honest, as there are many opportunities to steal both money and goods without the beneficiaries knowing or suspecting. After all, only the executors know the contents of the will until probate is granted, when it becomes public knowledge. Then all hell can break loose, if others go to look at the will and accuse the executors of stealing or misappropriating funds. Executors can, though, claim necessary expenses for carrying out their task.

The Society of Will Writers was founded in 1994 to put the business of writing Wills onto a professional footing. If you contact the Society, a Will writer will come to your home and discuss your last wishes. "We are now a fully recognised profession," explains Brian McMillan, "and we only specialise in this area of the law.

"Most people use solicitors to draw up their Wills but since 1998, solicitors have not been trained in this. There is a major fear factor about making a Will, as nobody likes to think about their death. But over the past few years Wills have become more important, as ever more estates come into inheritance tax.

"You can't always avoid the tax, but a good Will leaves everybody happy. That is something to think about carefully while you are alive."

To contact the Society of Will Writers, a non-profit organisation, call 01522 687888. Their website, www.thesocietyofwillwriters.co.uk/ has much useful information you can download.

Age Concern also publishes advice about Wills, and their Factsheet 7 can be downloaded free from www.ageconcern.org.uk, or by calling 0800 00 99 66.

