

legal update

BONALLACK & BISHOP
SOLICITORS

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Private Client Newsletter
Issue 3 Spring 2008

Living together - you could be at risk!



In this issue

Living Together—you could be at risk.



The Stark Reality of not having a Will.



How can we Protect Ourselves?



Typing become a bit of a Headache?



Home Information Packs
what's it all about?



Are you aware:

- If you are home owner - who will end up with the property if you split up?
- If you are a home owner - you may be vulnerable to an unnecessarily high Inheritance Tax bill?
- If you are a tenant and your name is not on the lease will you be homeless if you split up or your partner dies?
- What would happen if you died? Does your partner risk being left homeless?
- There is no such thing as "common law marriage"
- If you are an unmarried father are you aware that you may have no legal rights over your own children?

Living together without getting married is increasingly common. Latest statistics show that 12% of British adults co-habit. Yet how many of them have taken any advice on the

legal position? Probably, very few. The sensible thing to do is to take advice from a specialist family solicitor.

What can we do to help protect your position?

Bonallack and Bishop have the largest specialist family law department in Salisbury, Andover and Amesbury with members of three specialist Family Panels and particular expertise dealing with issues surrounding cohabitation – involving family law, property matters, wills and tax issues.

Co-Habitation Agreements – These are also gaining in popularity. If you live together and want to set out your wishes on the distribution of your property in the event that your relationship ends, contact our specialist Family Solicitors.

12% of British adults co-habit

Tax Planning – Inheritance Tax no longer just affects the rich - with the average house worth over £200,000 co-habitees are especially vulnerable to large Inheritance Tax bills as they do not have the benefit of the special exemption available only to married couples. Proper advice from our tax planning Solicitors allied to a Will can protect your position – and may save you many thousands of pounds.

Pre-Nuptial Agreements - If you are currently living together but thinking of getting married you might want advice on Pre-Nuptial Agreements. These are becoming increasingly popular.

*For further information contact :
The Family Department at either the
Amesbury, Andover or Salisbury office.*

Can you believe that over 70% of the population do not have a current accurate Will. Don't be one of them – if you are, you risk dying intestate (i.e. without saying who should inherit your property). This could leave a very uncertain future for your family, friends and even business partners. Our specialist solicitors in our offices in Salisbury, Andover and Amesbury strongly advise that you make a Will and review it from time to time - we offer value for money fixed fees for simple straightforward Wills.

Free Wills and Deed Storage

We are happy to store your Will and House Deeds free of charge.

Why do I need a Will?

If you do not make a Will:-

- Your family could be involved in unnecessary costs and delay and you will have no control over what happens to your property.
- Disagreements may arise between how your property is split between your family.
- You may not have made enough financial provision for your spouse.
- Your family home may have to be sold to distribute the assets unless you make the position clear to the contrary.
- There might be more tax to pay.
- You could leave your business partners unprotected resulting in a forced sale of the business.
- If you are co-habiting without having married then your partner will have no automatic right to any part of your estate.

In contrast, if you make a Will you do have some control over what happens to your property after you die and can ensure:-

- Those you care for are provided for.
- You decide who should deal with your estate.
- You choose someone to look after your

Over 70% of the population don't have a Will - Why You Need One

- young children.
- You can keep tax payable on your death to a minimum.
- You can remember family and friends by leaving them particular gifts.
- You can avoid disputes over your property from first and second families.
- You can make proper provision for your co-habitee if you were not married.
- You can provide a smooth handover of your business.
- You can consider any foreign property you own.

Do not forget your estate may be far more valuable than you think and will include the following:-

- Your home.
- Your business.
- Your savings.
- Any insurance or pension policies.
- Your personal possessions.
- Second homes.

I want to make a Will –

What should I do next?

Before you make a Will you should think about:-

- The nature and value of your property.
- Who you would like to benefit from your

Will, including your partner, children, any previous family and your extended family and friends.

- Your business interests.
- Tax implications - especially Inheritance Tax.
- Who you would like to choose to administer your estate.
- Who you would wish to look after your children if you were not able to.
- Do you have any particular wish for your funeral arrangements.
- Do you want to donate any of your organs or allow your body to be used for medical purposes.

Probate and Estate Administration

When someone close to you dies somebody has to deal with their Estate. A person's Estate is considered to be made up of the money, property and any possessions they had at the time of their death. The process of Probate involves collecting any money that is owed, settling any debts due (including outstanding taxes) and dividing the estate amongst the respective beneficiaries.

All assets (including property) in an estate will remain frozen, until the Probate Registry gives the authority (via a document known as a Grant of Representation) to the individual(s) nominated in the Will, the Executor. If you have no Will, then it is up to the most appropriate member of the family to act on behalf of the Estate. If there is a Will the Estate will pass to the people named in the Will. If there is no Will, certain rules known as the Rules of Intestacy will apply.

Whether you are an Executor or the next of kin, our specialist solicitors can provide practical guidance to help you deal with the administration of someone's Estate. We can help you determine the size of an estate for Probate and Inheritance Tax purposes. We can prepare an application for the Grant of Representation on your behalf and help you lodge the required forms with the relevant organisations to collect monies due to the Estate and settle outstanding debts.

We can arrange the transfer or sale of any shares and work with our residential conveyancing solicitors to handle the sale of any property or land owned by the deceased.

Tax Planning – Can I Save Money?

Inheritance tax is no longer just for the rich. With the huge increases in house prices over the last 10 years, more and more people are at risk of incurring a substantial inheritance tax bill on their death. Don't leave it to chance – speak to one of our Wills team now – you could find yourself saving tens of thousands of pounds.

For further information contact the Wills and Probate Team at either the Amesbury, Andover or Salisbury office.



"News that HM Revenue & Customs (HMRC) have yet again lost millions of personal details should really worry us all", says Tim Bishop, Senior Partner of Salisbury based solicitors Bonallack and Bishop.

The HMRC have a history of this kind of problem. A previous fraud case of "stolen identity" involved criminals obtaining the details of employees of Network Rail and the Department for Work and Pensions (DWP) and making a variety of claims using the HMRC website. So many claims were made that the site was closed on 2 December 2005. HMRC estimate that the fraud cost them £15m. In the latest case, there has not yet been any

loss to any of the people whose identities were lost. However, the theft of an individual's identity can be enormously stressful as well as financially damaging and it is the UK's fastest-growing crime. The UK fraud prevention group, CIFAS, estimates that a "total hijack" of identity could cost a victim as much as £8,000 and require 400 hours of time spent before things are back to normal.

57,302 cases of Identity Theft in an 8 month period.

CIFAS also report that in the January - September 2007 period there were 57,302 cases of identity theft.

"There are a number of simple things we can all do to limit the risks of identity theft. So we're pleased to offer a downloadable fact sheet from our website listing 80 practical tips that people can implement." says Tim.

"However, this does not solve the problem of HMRC losing our details or allowing them to be stolen. While there is no legal precedent

Another Legal Guide from Bonallack & Bishop Solicitors

80 PRACTICAL TIPS TO HELP COMBAT Identity Theft

BONALLACK & BISHOP SOLICITORS

ALL YOU NEED TO KNOW

for what happens if a case of identity theft arises from this latest huge error, the implications for the government should this happen would be enormous. Let's hope the discs are found quickly".

Download our FREE booklet today, visit www.bishopslaw.com

Free Download How we Help you to Combat Identity Theft

"You needn't worry about 2 finger typing ever again" claims our Senior Partner, Tim Bishop.

Tim uses 'Dragon Naturally Speaking No.9' voice-activated software to do the majority of his typing. "For the last nine months I have been using Dragon and now do at least 70% of my typing. My practice director, who can type at 70 words per minute, also raves about Dragon, finding it quicker than her own typing. I have produced memos, e-mails, statements and even court orders. It has significantly increased my efficiency, now I can get that letter off by e-mail immediately without having to wait for it to be typed and then have to check it again.

"For the last nine months I have been using Dragon and now do at least 70% of my typing. The Practice Director, who can type at 70 words per minute also raves about Dragon"

Top Tips - Our Brilliant Alternative to Typing

I believe this is a technology whose time has really come; the new generation of computers have much faster processing speeds which really have allowed voice-activated software to come of age. I'm amazed that so few other people use it. It's so simple—it only takes 10 minutes to train and you are ready to go. It's also so cheap we picked up our versions for around

£95 on Amazon. Gradually I'm introducing the rest of the firm to it.

They say that necessity is the mother of invention. I had a spell when I was largely without a secretary and Dragon really saved the day. Since then I haven't looked back. I now have a secretary but she only works part-time and in addition finds the time to do much more interesting work for me rather than simply copy typing all day. I'm such a fervent salesman for this bit of software; I only wish I had shares in the company!"

For further information contact Tim Bishop on 01722 422300



Home Information Packs

What's it all about?

Bonallack & Bishop can provide a complete pack for you within a few days.*

A Home Information Pack is simply a collection of documents about your home: it includes

- a description of the type of property you have;
- evidence that the property belongs to you;
- information relating to the area in which you live so that buyers know if there are issues about subsidence, etc;
- an energy performance certificate which has to be completed by a qualified person.

Putting the pack together will take a few days* and the cost of it will be £295 inclusive of VAT. With our HIP you can also choose a credit option for just £325.

Home information packs are not complicated, but it has meant that all of us have had to change the way we do things. You must also have a HIP pack even if you do not use an estate agent.

Once you have ordered your Home Information pack then the job of Marketing your property can begin.

You can order your pack several ways:

- Telephoning or dropping in. Ask any of our three offices to speak to the HIPs team; or
- Click on the "Order your HIP Today" icon on our website home page www.bishopslaw.com – complete the form and click the submit button. The process begins automatically and you will be contacted by the surveyor to visit your property; or
- Ask your Estate Agent to contact us on your behalf.

Bonallack & Bishop have conveyancing teams in each of our offices in Salisbury, Andover and Amesbury experienced in the process of buying and selling homes and will be pleased to help you.

* If your deeds are held by another solicitor or if we need to contact the freeholder of your leasehold property this will take longer but you will still be able to market your property even if these prove difficult to get hold

of. Faxed search results may take longer to come through.

For further information contact :

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If you, a friend or colleague would like to receive our Commercial or Private Client Newsletter by email then please contact liz.granville-sharp@bishopslaw.com

Free drop in Legal Surgeries at Salisbury office (Tuesday 5.15-7pm) and Andover office (Wednesday 5.15—7pm)

Free drop in Family Law Surgeries at Amesbury office (Wednesday 2-5pm)

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