

# Wills & Certainty: Misplacing your Will is a Recipe for Disaster

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It goes without saying that making a Will and keeping it up to date is essential. If you do not have a Will, or if any of your assets are not dealt with under the terms of your Will, for example if one of your beneficiaries has died and you have not specified who should inherit in place of that beneficiary, legal rules known as the 'Intestacy Rules' will dictate who will receive your assets (or those not dealt with by your Will) after you have died.

The beneficiaries under the intestacy rules are not always who you would expect – for example where there is a married couple with children, the surviving spouse will not always receive the entirety of the deceased spouse's estate. This will ultimately depend on how much the deceased's estate is worth.

When clients are making Wills, we are often asked 'How will my family or friends know that I have made a Will, and where the original Will is stored?'. This is an important question – if your family or friends believe that you have not made a Will, your estate may be distributed on the basis of an assumed intestacy, and therefore in accordance with the intestacy rules.

If your family or friends think that you have made a Will, but they cannot find the original, the presumption will be that the original has been destroyed (unless there is evidence to the contrary), which will result in your estate being distributed in accordance with the intestacy rules.

Whilst your family could, of course, make enquiries of local solicitors and banks to check whether your Will is stored with them, this can be a time consuming process at a difficult time, and may not result in the Will being found.

A much quicker option is to make a search of Certainty, the National Wills Register. Certainty maintains an electronic record of Wills made by solicitors. No details of the Wills themselves are disclosed, and the Register is not open for public scrutiny, but a search made by Certainty can quickly reveal whether a Will has been made, and where it is stored.

All Wills prepared by Taylor Walton can be stored safely in our strong room and registered with Certainty free of charge.

We often hear that clients have been intending to make or update their Wills for a number of years, and have never got around to it. Now that you are thinking about your Will, why not take the next step and review it to make sure it is up to date, or arrange an appointment to make a Will if you do not have one?

For more information in relation to the topics discussed in this article, visit our [Private Client](#) page.

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