

THORNLEYS SOLICITORS

LIVING TOGETHER – MAKE A WILL



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Ltd.**

If you are living together, make a Will. That's the message the Law Society and we at Thornleys are trying to get across to the ever-growing number of people who choose to live together rather than many.

Imagine the situation - a couple have lived together for many years but not married. They both contribute to the running costs of their home but it is owned by only one of them. To all intents and purposes they live like a husband and wife. That is until one of them dies - then the real problems start.

The difficulties arise because in the eyes of the law a couple who are living together 'as man and wife' have none of the rights of an actual married couple - particularly when it comes to sorting out a deceased partner's belongings (or 'estate'). Because they are not related, there is no automatic right to large parts of the estate, as there would be between husband and wife.

How the estate is distributed when there is no Will, is governed by complicated rules known as the Intestacy Rules and these say that the next of kin, i.e. the closest relative of the deceased, has total control.

To many people, the thought of someone else deciding what to do with belongings the couple enjoyed together is most distressing, but it could get worse. In extreme cases, the next of kin could actually (and legally) enforce the sale of the property from under the feet of the surviving partner.

Long running family disputes could also surface as people try to get their own back on the surviving partner by cutting them off from estate proceeds - leaving them with very little indeed.

It may not be all doom and gloom, however. If the surviving partner was financially dependant on the deceased, or they had lived together for more than two years before death they can go to court to make a claim on the estate but this involves complicated legal proceedings. Whatever happens, there are likely to be lengthy and distressing court proceedings to go through before a decision is made. All this on top of the distress of having lost their partner. Whichever way you look at it, there is too much at risk and things would be so much easier if both partners made a Will.

They could leave each other whatever they wanted - including the property and any other items they bought together. For less than the cost of a TV licence, they could have the complete peace of mind a Will brings, and assurance that should the worst happen their partner will not be left out in the cold.

So the message to couples living together is that if you don't want to worry or leave your partner in a potentially very difficult and distressing situation, see a solicitor and make a Will.

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