



why you would need a statutory will

Where a person is unable to write their own Will because they do not have the mental capacity to do so, perhaps due to a medical problem or as a result of an accident, then concerns may be raised about what will happen to their home, money and other belongings when they die.

Alternatively, if someone has already made a Will it may need to be changed perhaps because the person has received a substantial compensation payment and Inheritance Tax planning is now required or, because there have been substantial changes in the person's situation since their last Will (such as a marital breakdown) or because an asset left to an individual in a Will is to be sold (such as a property) and guidance needs to be obtained about what happens to the proceeds of sale.

In such cases the Court of Protection can make a Statutory Will. To do this the Court would investigate and determine what is in the person's best interests and look at such things as:

- The person's past and present wishes.
- The person's feelings, beliefs and values.
- Other factors that the person would be expected to consider if they themselves were making the Will.

The process of making a statutory will application is complex and if you wish to make an application on an individual's behalf who has lost capacity, seeking expert legal advice from our Court of Protection team early is essential, especially as getting it wrong could end up with you having to pay some/all of the Court's costs.

For your peace of mind...

Most of the Latimer Hinks legal professionals are members of recognised specialist practice organisations, including:

Society of Trust & Estate Practitioners (STEP)
STEP are the most experienced and senior practitioners in the field of trusts and estates.

Solicitors for the Elderly (SFE)
SFE are committed to providing and promoting robust, comprehensive and independent advice for older and vulnerable people, their families and their carers.

All of our private client team are **Dementia Friends** and Natalie Palmer is a **Dementia Friends Champion**.

Contact Details:

In the first instance please contact Natalie, Daniel or Jennifer.

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(Our address and telephone details are below.)