



WILL & WISHES LETTER(S) UPGRADE APPLICATION FOR LEGAL PARTNERSHIPS

Number of new Wills required:

Number of new Wishes Letters required:

Number of Deed of Appointment/Retirement of Trustees:

(These will only be required if the Clients want to change Trustees of the existing Trusts. Executors can be changed as part of the new Wills, please fill in separate application form to change Trustees)

SUMMARY OF NEW INSTRUCTIONS (TICK IF CHANGES ARE REQUIRED)

Amendments to Wishes Letter(s)

Solidus Plans – action of Client Wills on first death

Beneficiary Protection Plans – action of Client Wills on first death

Children's details

Executors

Guardians

Chattels

Specific legacies

Funeral wishes

Qualifying Business or Agricultural Assets

SETTLORS' DETAILS

Settlor 1

Title

Full name

Country of
Domicile

UK

Other

D.O.B.

Settlor 2

Title

Full name

Country of
Domicile

UK

Other

D.O.B.

Address

Tel.

Postcode

Email

FINANCIAL INFORMATION

Please provide approximate values to ensure that we can confirm the most appropriate planning.

	First Settlor	Second Settlor	Joint Assets
Principle Private Residence	£	£	£
Savings and Investments (excluding Pensions)	£	£	£
Other Property	£	£	£
Qualifying Business Assets	£	£	£
Pensions	£	£	£
Death In Service	£	£	£
Total Assets	£	£	£

Solidus will rely on this information to provide the correct advice

IMPORTANT - Has either Testator been previously widowed? Yes No
If yes please detail in notes section

Trust Beneficiaries for Wishes Letter(s)

The Beneficiaries under the Trust(s) are discretionary Beneficiaries. With a Discretionary Trust the Trustees decide the detail of **who** benefits from the Trust, and **when** they benefit, from those classes or named Beneficiaries defined below. **Please remember that the Settlor will not be Beneficiaries.** Trustees, provided they are not the Settlor, **can** be Beneficiaries.

Have any Trustees, Beneficiaries or Executors died (if so please detail below)

Please review your existing Wishes Letter(s) (copy available in your Solidus binder) and advise any amendments below.

Amendments to Wishes Letter(s)

Copy of existing Client Wills included?

First Settlor

Second Settlor

SOLIDUS PLANS - ACTION OF CLIENT WILLS ON FIRST DEATH

The Solidus Plan integrates the Will of a Client with the lifetime Trust framework. On the death of the first spouse, advice needs to be taken but apart from any minor gifts, the available Nil Rate Band ("**NRB**") will be directed to the Solidus Trust using all or part of the available NRB allowance. The surviving spouse enjoys the benefit of these assets, and any residue above the NRB can be gifted absolutely or on a life interest. When the second spouse dies any debt is repaid to the first spouse's NRB Trust and is then available for the children (or selected Beneficiaries). The residue of the second to die's estate is directed to their Solidus Trust or between additional Beneficiary Protection Trusts for the primary use of a given Beneficiary/ies and future generations.

Absolute gifting allows the surviving spouse unrestricted access to their deceased spouse's estate but offers no protection.

The NRB gift requires the Clients to own sufficient assets in their own name to make the NRB planning effective. Typically, the primary residence should be owned as tenants in common and some liquid assets may need to be owned individually. In most cases, the surviving spouse is granted unrestricted access to their deceased spouse's estate. The severing of ownership into tenants in common on the main residence will be carried out if required.

In most cases, estates that qualify for the new Residence Nil Rate Band (RNRB) tax allowance will utilise the allowance of both spouses on the death of the second spouse. This will be claimed by the Executors and Trustees as an additional part of the probate process.

Where Clients have large estates and one spouse has assets approaching £2 million (or expected to be), then the RNRB allowance should be used on the death of the first spouse, if tax planning is the priority.

Please note in certain circumstances, where the main residence value is under £700,000, in order to claim the RNRB allowance all or part of the share of the property of the first to die may have to pass to the estates of the children.

NIL RATE BAND REQUIRED

ACTION OF CLIENT WILLS AFTER THE NRB

Distribution of assets above NRB

Value above NRB to surviving spouse absolutely

Value above NRB to surviving spouse on a life interest

Beneficiary Protection Plans – Action of Client Wills on first death

The Beneficiary Protection Plan integrates the Will of a Client with the lifetime Trust framework. On the death of the first spouse the estate will be either be directed absolutely to the surviving spouse, into a NRB Will Trust or into a life interest Trust (property or all assets). When the second spouse dies, their estate is then left in equal shares to a number of Trusts for the children to benefit from or to an individual Trust for the children to share.

Absolute gifting allows the surviving spouse unrestricted access to their spouse's estate but offers no protection.

It is important to consider NRB planning for the first to die in order to offer legitimate protection of these assets for the surviving spouse and children. NRB planning can use a mix of assets after first death.

An alternative approach is to leave the estate of the first to die on a lifetime interest to the surviving spouse. This is commonly used for more elderly Clients where protection of the first to die's estate value is important to the Client, guaranteeing their legacy to their children. This planning is also used where the Clients wish to retain personal control, after the death of both of them, over the final distribution of their individual assets e.g. in the case of remarriage. Life interest planning may be used for the main residence only or in all assets.

It is also possible to have both NRB and life interest in all assets with the Beneficiary Protection Plan.

Another approach is to grant the surviving spouse the equivalent of a life interest in the primary residence and/or all other assets, without using an NRB Will Trust. This is commonly where second marriages exist. It is important that Clients fully understand that such planning restricts rights of the surviving spouse to enjoy the benefits of the first to die's estate e.g. right to residency and/or income only from investments, but not an absolute right to capital.

In most cases, estates that qualify for the new Residence Nil Rate Band (RNRB) tax allowance will utilise the allowance of both spouses on the death of the second spouse. This will be claimed by the Executors and Trustees as an additional part of the probate process.

Where Clients have large estates and one spouse has assets approaching £2 million (or expected to be), then the RNRB allowance should be used on the death of the first spouse, if tax planning is the priority.

Please note in certain circumstances, where the main residence value is under £700,000, in order to claim the RNRB allowance all or part of the share of the property of the first to die may have to pass to the estates of the children.

Estate to spouse absolutely (no protection)

OR

Nil Rate Band protection

Value above NRB to surviving spouse absolutely

Value above NRB to surviving spouse on a life interest

OR

Life interest in property

Other assets to spouse absolutely

OR

Life interest in all assets

Protects all assets and provides income from investments and right to live in property

Estates approaching or exceeding £2,000,000

Where an estate exceeds £2 million, the ability to claim the available RNRB tax allowance in full is reduced and is lost if the surviving spouse's estate exceeds £2.7 million. In order to maximise planning on estates it may be beneficial to consider using Nil Rate Band planning. The Clients must also decide if they want to use their RNRB allowance now or risk the surviving spouse losing the ability to claim this allowance on their death. If the Clients decide to use the RNRB allowance on first death, they need to leave a proportion of the qualifying residence to their children directly. This will result in the surviving spouse having to share partial ownership with the children to allow the RNRB allowance to be claimed. The gift to the children can be an absolute share of the property or a life interest. Please ensure that Clients are made aware of this if the allowance is to be claimed on the death of the first spouse.

Option to bank RNRB on first death

Yes

No

OWNERSHIP OF MAIN ASSETS

If a NRB or life interest approach is taken, it is advisable to ensure that substantial assets (bonds, savings and property) are owned individually and not jointly. The adviser may deal with the financial planning but Solidus can separate the ownership of property into Tenants in Common by drafting a Deed of Severance and Equity Share Deed.

If you require this additional service please tick

FOREIGN PROPERTY

Please note that all foreign property is excluded from our planning.

CHILDREN'S DETAILS

Please confirm your children's full names, addresses and date of birth (if not already provided in the Trustee section). **Confirm the child is your natural child.** Please note that step child is not a legal term, so such person would be identified by their full name and address.

Name	Address	D.O.B.	Gender	Settlor 1 natural/ legally adopted	Settlor 2 natural/ legally adopted	Both Settlers
				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Is the intention that the children will benefit equally from the Trust framework?

Yes No If no, provide instructions

If a child dies leaving children, should their children inherit?

Yes No If no, provide instructions

If a child dies whilst married, should their widow/widower benefit from the estate?

Yes No If no, provide instructions

FURTHER WILL INSTRUCTIONS

Executors

The job of the Executor is to make sure the wishes expressed in the Will are carried out. In most cases the Executors will appoint Solidus IEP or our legal partner to do this and the work associated with the Trust in order to maximise the benefit of the planning, however it is at the Executors' discretion. Please provide details of your Executors, normally the same as the Trustees of your Trust.

Name	Address	Relationship to whom

Guardians

Please provide guardian details for any children under the age of 18.

Name	Address	Relationship to whom

Chattels

If you have any specific items e.g. jewellery you wish to leave, please provide details below.

Description	Recipient (name and full address)	Relationship to whom

Specific Legacies

Please give details of any specific cash gifts and when they are to be made:-

Select 1 if it is a gift on the death of the first spouse, select (2) if it is a gift to be made on the death of the second spouse and select (3) on death irrespective of whether on first or second death.

Gift description (e.g. £10,000)	Gifts to be made (see above)	Recipient full name and address	Relationship - to whom
	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/>		
	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/>		

Funeral Wishes

Settlor 1

Cremation

Burial

None

Settlor 2

Cremation

Burial

None

Notes – additional Client information/questions/requests

Clients with Qualifying Business or Agricultural Assets

The provision of additional Trust planning for clients with qualifying business (BR) or agricultural (AR) assets can realise significant tax and long-term protection benefits through the use of advanced Business Trust planning. It is best practice to ask the accountant of the Client to confirm the current status of any such assets before adding this planning to any client framework. Business planning is advised for all larger estates to maximise RNRB planning.

Do the Clients want to add a Business Trust(s)?

Settlor 1

Yes

No

Settlor 2

Yes

No

MENTAL CAPACITY

In English Law, the case of Banks v Goodfellow (1870) provided us with a test considering a person's mental capacity and whether they have due knowledge and understanding to make a Will. In essence, a person must have a firm understanding of what they hold in their estate, how they wish to distribute their estate and the effect that this will have. They must have arrived at their decision on how to distribute their estate on their own, without the influence of others, and the contents of their Will must reflect their true wishes and intentions.

The following questions must be completed by the instruction taker, this is important for your own protection:

	Testator 1	Testator 2
Does the Testator(s) understand that they are giving instructions from which their Will shall be drafted?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
Does the Testator(s) recollect in general terms what is owned by them?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
Is the Testator(s) aware of who might be considered to have a moral claim on their estate – friends or relatives – even if they choose them not to benefit?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
Is the Testator(s) broadly aware of how the estate will be shared out?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
How long have you known the Testator(s)?	<input type="text"/>	
Have Wills previously been prepared for the Testator(s) and are copies available?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>

Was there a discussion about earlier Wills? If so, please detail what was discussed

Was the meeting face to face?

Yes No

Were there any signs of confusion or memory loss?

Yes No

Have there been any recent bereavements?

Yes No

Yes No

Yes No

Yes No

Who was present when instructions were taken and why?

DATA PROTECTION STATEMENT

Solidus IEP Ltd ("**Solidus**") is totally committed to full compliance with the requirements of the General Data Protection Regulations ("**GDPR**") and the Data Protection Act and will follow procedures which aim to ensure that all employees and legal and professional partners, who have access to any personal data held by or on behalf of Solidus, are fully aware of and abide by their duties under GDPR.

Solidus, in respect of its business purpose, needs to collect and use information from Licensees and their referred clients in order to operate and carry out its function as Will and Trust authors. This information is handled and dealt with properly however it is collected, recorded and used, whether it is held on paper or within computer data records.

CONFIRMATION OF INSTRUCTIONS

Client authorisation

We hereby instruct Solidus to draft the relevant Wills to upgrade our estate planning. We agree to pay the costs even if we fail to complete the planning.

For the purpose of compliance with Data Protection Laws, we consent to Solidus holding our personal details, together with those of our Trustees and Beneficiaries. These details will only be used by Solidus for the purpose of this planning and will never be sold to or shared with third parties for the purpose of marketing.

Following the completion of this planning, we authorise Solidus or their legal partners to contact us directly if there is a requirement which we or the Trustees need to be made aware of.

Print Name	<input type="text"/>
Signature	<input type="text"/>
Date	<input type="text"/>
Print Name	<input type="text"/>
Signature	<input type="text"/>
Date	<input type="text"/>

Adviser's confirmation

As the Financial Adviser to the above Client(s) I understand that I am responsible for the advice, signing and witnessing of the documentation.

I agree to all aspects of the planning being reviewed by Solidus' legal partners if required.

Please prepare the documentation under existing law and I accept Solidus' Terms of Engagement which are available in the Licensee area of their Website.

Sending this application form via email, with or without signature, also constitutes my agreement to the above terms.

Print Name	<input type="text"/>
Signature	<input type="text"/>
Date	<input type="text"/>

Please return this application to:

By post:

Solidus IEP Ltd, Premier House,
1-5 Argyle Way, Stevenage,
SG1 2AD

By email:

applications@solidustrusts.co.uk