



# NO WILL NO CONTROL

THE ISSUES CAUSED BY NOT BEING ABLE TO  
FIND THE WILL AT DEATH

# Introduction

Most people fail to consider the importance of their documents when it comes to how and where they are stored and how they can be found when needed.

The Society of Will Writers (Services) Limited trading as The National Will Archive, has been storing Wills and other legal documents for customers of its Members for over 15 years, and holds in its specialist storage facility several hundred thousand Wills, Powers of Attorney and other documents.

To meet the demands of more complex family arrangements, it has never been more important to store some specialist legal documents, such as your Will, where others cannot get access to it and to protect your privacy.

The National Will Archive operates a unique personalised service for

clients of the storage facility, and at an affordable annual cost, when you consider the thousands it could cost your estate in the event your Will or other documents to try and put matters right in the event the documents cannot be found.

You are under no obligation in law to store your Will elsewhere and many people still store it at home, but it does make it vulnerable to theft, damage or destruction through flood or fire or simply getting lost.

It will cost you nothing to get more information from the National Will Archive, and by applying for information puts you under no obligation.



# Keeping your documents safe

When you consider how many important documents you keep, it begins to make sense to think about what would happen if any got lost.

There are good reasons why your GP does not allow you to keep your own documents, most of these cannot be easily replicated, and the same is for Wills, property deeds, Powers of Attorney and many others.

You can go to the NWA's site and download an asset locator free of charge, and list all the documents you keep, fortunately many organisations are now going paperless, your TV licence is a prime example, but at this moment in time it does not apply to Wills.

Have you also ever considered why its called "My Last Will and Testament"?

It's because only the last Will you make is effective, and it's the original the Court want to see when your executors make an application for probate on your death. Whilst a copy can be presented to Court, and can be a complicated and long process, which could cause financial hardship to those you have left behind.

You finally took the plunge and made a Will, why risk everything you have worked for a small monthly or annual fee, have peace of mind knowing your documents are safe, and can be found when needed.



# Why store your Will

If you have read the preceding two pages, you will be aware that we consider the storing of your Will is important. The main question is *why*?

We have already explained in brief the meaning of the phrase “Last Will and Testament”.

Your Will is an extremely important and valuable document, it is an instruction and direction to your executors and trustees as to how they will act following your death – it is not a wish list of what you would like them to do if they feel like it.

Your executors need to be people you trust to do the job when required, it can be onerous on any one person which is why we always recommend a minimum of two and if you can appoint reserves – but that’s all very well if the Will can be found, if it can’t then it’s all been for

nothing and you will be considered as having ‘died intestate’ and your estate will be distributed according to those rules, which of course will not be what you may have wanted.

Another issue that could arise, and frequently does is where the Last Will fails, which it can do for many reasons, but an earlier Will is still in existence, but which could be totally different from your Last Will. If the older Will is viewed by the Court as valid it could be presented as the Last Will and the outcome totally different from what you may have planned.

If a copy Will is to be used as the original cannot be found, then the

Court will require affidavits from the witnesses and the person who wrote the Will – but what if these people have themselves died or cannot be found, the Court will take the view that you have died intestate.

The Court take a very simplistic approach to lost Wills. They assume that the testator had destroyed the current Will with the intention of making a new Will but never got around to it, and therefore the testator has died intestate.

# Powers of Attorney

We don't just store Wills - many of you will likely also have a Lasting Power of Attorney and the need to keep this safe is essential.

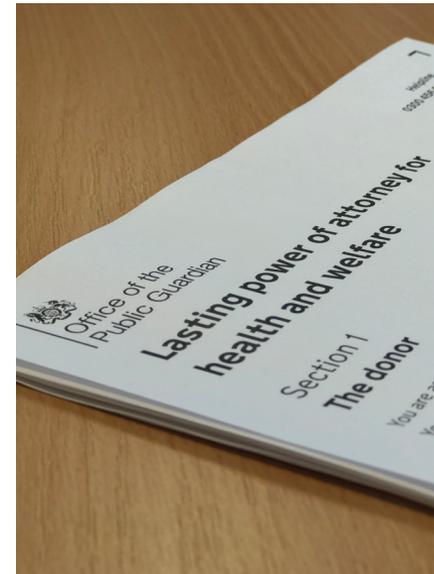
Lasting Powers of Attorney (LPA) can cause serious personal and financial issues if they cannot be found when you (the donor) are no longer able to act for yourself on personal and financial matters.

An LPA is not only expensive to produce in the first place, but can take 16 weeks to get it registered with the Office of the Public Guardian (OPG), so it is important that when completed it can be found.

LPA's only work whilst the Donor is alive, and their power dies with them. So are different from a Will in that respect, but where and how they are stored is the same. A lost unregistered LPA, and the Donor

has lost mental capacity cannot be rewritten without the guidance of the Court of Protection - at this stage the Attorney's will make application and if the CoP agree that new documents are required, they will arrange the drafting and will cost several thousand pounds to do.

If the documents have been registered it should be possible to apply for copies from the OPG, but this again could take time to arrange, and either of these situations could cause hardship, not only for the Donor but also the family if they are being asked to fund certain services such as rent, rates food etc. or care costs.



# Why store with us



As the name implies, we specialise only in storing Wills, LPA's and other related documents in a dedicated and secure facility.

The National Will Archive is part of the group of companies which support the Society of Will Writers, the UK's (now the world's) largest and leading specialised body representing professional Will Writers and protecting the interests of the consumer.

The Society, founded in 1994, oversees its Members and the actions of the companies that form part of the group, as well as vetting all the Partner Firms that are listed on our web site as being "safe to do business with".

Today the Society has Members around the world, especially where there are UK citizens living and working abroad but who retain assets and family in the UK.



# What can you expect from us?

## What can you expect from a service offered by the National Will Archive as part of the Society of Will Writers group of companies?

We always like to think outside the box where we can, and bring that little bit extra – go the extra mile, giving both service and value for your money.

When you store with the NWA, you can be assured that every precaution is taken to protect your documents from theft, fire and flood, pretty standard in most companies who store documents.

But what others don't do is the following 5 part service and as standard in the pricing package.

1. Upon receipt into our store, the contents of the package are checked against what you say has been sent, if anything is missing you will be contacted immediately;
2. We scan to the cloud, all the documents we have received creating a unique file in your name just in case the unforeseen happens. Being part of the Society, we have access to the best services and if we have to apply for probate using copies, working closely with your executors;
3. We check the documents for validity, this can only extend to date, signature and the details of the witnesses to ensure they are not also beneficiaries, any problems we will contact you and work with you to sort it out;
4. The documents, if fully approved are then put into store having been given a unique reference and you will be sent two ID cards for yourself and your executors as well as a list of what has been sent to store;
5. Finally any documents withdrawn are again scanned, to ensure any changes that may have been made during its time in store are recorded.

# Contact us



The team at the Society of Will Writers are always on hand to help you. Please feel free to get in touch via any of the methods below.

## The National Will Archive (Storage direct line)

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**Email:** [custody@willwriters.com](mailto:custody@willwriters.com)

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## The Society of Will Writers (Head Office)

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