

GUIDE

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# Memorandum of Wishes

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About  
My Will

# Who are we?

We are professional Will Writers who have established ourselves in the market since 2003.

We differ from most firms of Solicitors or Will Writers in that not only are we experts in Will Writing, many of our consultants are fully qualified Independent Financial Advisers who are regulated by the FCA.

This allows our Will Writers to consider many different aspects of your personal circumstances and offer individual solutions if required.

AboutMy Will's primary aim is to maintain customer satisfaction; this has always been our company ethos and always will be.

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# About this guide

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In this guide we are going to explain why we often draft Memorandum of Wishes for our clients, especially if they are appointing guardians, or have many small gifts to make, or are having a Discretionary Trust in their Wills.

Based on this guide you should have a much better idea if you need to a Memorandum of Wishes or not.



This guide is applicable across England and Wales.

**0800 234 6847**

or visit

**aboutmywill.co.uk**

## What is a Memorandum of Wishes?

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A Memorandum of Wishes is an informal letter which should be kept together with your Will but not attached to it (as this will then make it part of your Will).

It can be as detailed as you wish and can be used to convey your wishes to your family, Executors and Guardians of your minor children in order to give them guidance after your death.

Although it is not legally binding, it does allow you to express yourself in detail in a private document (A Will once registered with the Probate Registry becomes a public document) and if you select your Executors carefully, you can be confident that they will carry out your wishes to the letter.

## When should you create a Memorandum of Wishes?

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A Memorandum of Wishes should be created at the same time as you have your Will drafted and finalised.

Because it is not part of your Will you can change the document as often as you want to.

So, if you are using a Memorandum of Wishes to gift small items in your home such as any collections you may have, then if you change your mind at any time and want to gift more or less to your beneficiaries, just update the Memorandum of Wishes to reflect your changes.

If you have appointed Guardians for your children in your Will then you may want to give your Guardians written instructions on what you want, and as your children grow older you can update the Memorandum of Wishes to reflect any new instructions.

You may have deliberately excluded some of your family from your Will and although there may be very good reasons for the exclusion, it is potentially dangerous putting these reasons in your Will that can become a public document for all to see. Instead, it is much safer to detail your reasons in a Memorandum of Wishes and if your Will is ever challenged your Executors can use your Memorandum of Wishes as evidence as to the real reasons why you made the exclusions.

## **Does a Memorandum of Wishes need to be signed and witnessed?**

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You should sign and date your Memorandum of Wishes as you would a letter. However, DO NOT have your signature witnessed as this could potentially change the Memorandum of Wishes into a more legal document and this cause additional trouble for your Executors and Beneficiaries.



### **Did you know?**

A Memorandum of Wishes is not legally binding. You are relying on your Executors to carry out your wishes because you have asked them to, not because they are legally obliged to.

# How can I find out more?

The quickest way to get started is to speak to one of our Will Writers so we can carry out a No Obligation Will Review.

We will show you exactly what is included in your will and if you don't have a Will we will explain in detail the best Will for your financial circumstances.

If you have any questions that you would like to ask about the process, the guide or Will Writing in general please call us on:

## Step 1

**Talk to one of our Will Writers.**

We'll discuss your requirements and how we can help.

## Step 2

**Drafting & Payment.**

Once we have received your payment we will draft your will for your confirmation, we will review your will until you are happy.

## Step 3

**Distribution & Sign.**

We'll post you instructions on how to sign your Will. Or if you opted for a home visit you can sign it with a Will Writer present.

**0800 234 6847**

or visit

**[aboutmywill.co.uk](https://www.aboutmywill.co.uk)**