

Where there's a will, there's a way ... of disinheriting your estranged spouse.

Case Study

Annette* called the helpline as she had just separated from her husband, Steve*, and wanted to make sure that he did not inherit anything if she was to die before him. They had previously created mirror wills together in which they left everything to each other.

We advised Annette that if she were to divorce Steve her current will would automatically read as if any reference to him was removed entirely. However, we pointed out that while she was going through the divorce process, which can take a long time, there was a risk of Steve inheriting under her current will if she did not change it in the meantime.

Annette was advised to draw up a completely new will which left nothing to Steve. We also recommended that she complete a letter of wishes to sit alongside this will, setting out the reasons for her decision, so that it would be difficult for Steve to make any claims against her estate.

We also explained that Annette would need to understand how their home was owned to see whether it would be included as part of her estate. The most common situation is that property is owned "jointly", which means that if she died, the property would automatically pass to Steve as the joint owner. As her property was owned jointly with Steve, we recommended that she convert it into a tenancy in common, which would allow her to leave her share to whoever she chose in her new will.

Armed with this advice, Annette was able to take control and protect her interests and assets.

If you have any queries about making a will, why not call the Harry Hall legal helpline? Its available to all Gold members with an active policy.

* Names changed to protect the caller's identity