

HAROLD BENJAMIN

POCKET GUIDE

Private Client



Who we are

Private client has always been an important service offering to Harold Benjamin's clients.

We pride ourselves in offering the very highest levels of legal services together with a personal and friendly approach.

A private client solicitor helps manage your affairs including elderly client care advice, Powers of Attorney, Wills, estate or probate administration, Trusts and tax matters.

Acting for individuals, families, estates, trusts and family businesses, the private client team aims to build long term relationships with clients to help preserve and manage their wealth for their own benefit and for that of future generations.

We also act for clients who are based outside the United Kingdom or have overseas interests.

We are able to call on expertise from other departments of the firm to provide a wide-ranging service to our clients on all aspects of their affairs. We will also liaise with other professional advisers, including accountants, bankers, land agents, investment managers and financial advisers, to provide a comprehensive and seamless service.

Core team



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CONTENTIOUS WILLS & PROBATE



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How can we help?

What plans can be made to care for you or your elderly relatives?

We can assist in helping families plan for their futures, including:

- Advice to Attorneys and Deputies.
- Asset protection.
- Court of Protection applications and proceedings.
- Deputyship appointments.
- Lasting Powers of Attorney and their registration.
- Wills.

What happens to you if you are unable to deal with your affairs?

You may become unable to deal with your affairs through physical or mental deterioration. You can make a Lasting Power of Attorney (LPA) that lets you choose the people who you want to control your affairs if you become unable or unwilling to manage them yourself.

- A Health & Welfare LPA appoints people to make decisions about your daily routine, medical care, moving into a care home and life-sustaining treatment. It can only be used when you are unable to make your own decisions.
 - A Property & Financial Affairs LPA appoints people to make decisions about your money and property e.g. paying bills, collecting benefits and selling your home. It can be used as soon as it's registered, with your permission.
 - If you do not make an LPA and you are no longer able to deal with your affairs, someone can apply to the Court of Protection to be appointed as your Deputy to look after your property and, if the Court accepts there is a need, your health and welfare.
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What will happen to your children under 18 and everything you own when you die?

- A Will should give clear instructions as to who you wish to appoint guardians to look after your children whilst they are under 18.
- A Will should also state the people you choose to distribute the possessions and property that form your 'Estate' according to your wishes.
- If no Will exists, the Courts will decide who will look after your children and the law will decide who will inherit your Estate and who will administer it. These may be relatives you do not know or with whom you have had little contact.

Did you know:

Making a Will can reduce the amount of Inheritance Tax due on your death?

If you die without a Will your spouse, civil partner or partner will not necessarily automatically inherit everything from your estate?

If you have assets in multiple jurisdictions or if you or your parents were born abroad then this will need to be taken into account when making a Will?

How can we help?

Losing a loved one is a truly stressful experience. How can Harold Benjamin help guide you through the maze of paperwork?

We can:

- Help locate the last Will, or establish whether there is a Will and who should be dealing with the Estate as executors or administrators.
- Liaise with financial institutions.
- Obtain the Grant from the Probate Court which will enable the Estate to be wound up.
- Ensure that all the correct tax returns are made.
- Deal with debts and expenses and ensure the Estate is distributed to the right people whether there is a Will or intestacy.
- Provide a set of accounts showing all receipts and payments on behalf of the Estate.

How can you protect what you own and ring-fence it for the benefit of others?

A 'Trust' is a legal arrangement where one or more 'trustees' are made legally responsible for holding assets. A Trust can be made in your lifetime or under your Will.

There are different types of Trusts which can be set up depending on what you wish to achieve, for example:

- To minimise taxes payable on your savings, investments, life policies or other assets.
- To ensure assets are passed to the right people at the right time, for example: when beneficiaries are old enough or settled in their relationships.
- To protect a vulnerable person and ensure they have sufficient funds to be cared for.

How can you ensure as much of what you own is left to your family and friends and not to the Revenue?

With careful planning at the appropriate time we can help you to:

- Identify ways to reduce the Inheritance Tax which your Estate might otherwise pay.
- Guide you through the complex rules which might otherwise cause you to pay Capital Gains Tax.
- Offer practical, workable, legitimate solutions which should not compromise your lifestyle.
- Help you to avoid signing up to expensive or complex schemes which may be unnecessary, risky or inappropriate.
- Review your Will to ensure that it does not prevent your Estate from benefiting from the new Residential Nil Rate Band allowance for IHT. This is increasing annually and by 2021 could be worth for a married couple with children an additional £350,000 tax free allowance.

What you should do now:

1. Make a Will.
 2. Make Health & Welfare and Property & Financial Affairs LPAs.
 3. Take advice regarding Inheritance Tax.
 4. Do it TODAY.
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How can we help?

Fine Art

We advise collectors, galleries, trustees and estates on a wide range of legal issues affecting fine art and the art market.

Our services include:

- Art-related aspects of succession planning, Wills, Trusts and tax issues.
- Dispute resolution in cases of defective title, provenance, authenticity and attribution.
- Import/Export: assisting clients to ensure that they are fully compliant with tax and legal considerations when transporting works of art across borders.

Charities

- We advise individuals in the establishment and registration of charities.
- We advise grant-making Trusts, charitable companies and charitable incorporated organisations.

How to challenge a Will and Attorneys/Deputies

Sometimes, there may be grounds to challenge a Will, or make a claim against an Estate or object to the appointment or conduct of an Attorney or Deputy.

The validity of a Will, and therefore whether its terms should be carried out, can be challenged, but only in certain circumstances

To make such a challenge you would have to demonstrate either that the person making the Will did not really intend what was written in it or that it was not properly signed and witnessed by all parties. Alternatively, you would have to show that the person making the Will did not have the mental capacity to make the Will or that they had no knowledge or understanding of the terms of the Will and did not truly approve it. As a further alternative, you would have to prove that the deceased was under undue influence when making the Will and was effectively forced to make the Will.

If someone believes a Will does not make fair provision for them, or they have been left out of the Will entirely, what can they do?

If they are a spouse or former spouse (not re-married), a child or treated as a child of the deceased or had been maintained by the deceased prior to death, they may be able to make a claim under the Inheritance (Provision for Family & Dependents) Act.

How can we help?

Their claim would be for reasonable financial provision in all the circumstances. If they are successful, the Court can order a payment be made to them from the Estate, which will reduce the entitlements of other beneficiaries.

What if someone is behaving improperly as an Attorney or a Deputy, or you object to their appointment as Attorney or Deputy?

You can make an application to the Court of Protection to object to their appointment, or to have them removed or replaced, or have their powers restricted.

If any of the above circumstances apply to you either as a potential claimant, as an executor or as an Attorney or Deputy, Marina Vincent and Sarju Kotecha can advise you and represent you on any Court proceedings.

Claims brought before the Courts are strictly time limited and, therefore, if you are considering bringing a claim, or an Executor potentially dealing with a claim, we recommend you contact Marina Vincent or Sarju Kotecha as soon as possible in order to take advice.



What they say

"Very happy with the service provided. The communication between all parties was good and expedient. There was very little stress as things were explained to me as matters progressed."

"Harold Benjamin has acted on various matters for my family over the years and we have always been totally satisfied with the service provided."

"Rigorous and thorough – no stone left unturned. Thank you for an excellent job. Well done."

"From our initial approach and meeting and throughout the entire process, everything relating to our case was handled with detailed, sensitive, swift and expert attention. I felt from the off that the team brought enormous experience to our issue."

"It was a huge relief to come to a solicitor who was helpful, listened to me and interpreted my needs so perfectly. It was a great help to receive such efficiency, kindness and professional help in sorting out my matter as well as such wise advice. Invaluable."

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