

**WILL CLARITY STATEMENT**  
**FOR THE WILL**  
**of**  
**ALICE BLOGGS**

**(REFERENCE 04JZD / AB33)**

ABC Wills Ltd  
Abbotsfield House 43 High Street Kenilworth  
Warwickshire CV8 1RU  
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# Will Clarity Statement

You have testamentary freedom to leave your estate to whom you choose. However, this does not stop a claim from being made on your estate from a disgruntled beneficiary. The purpose of this statement is to document your voice at the time you provide your instruction to your advisor. The purpose is to evidence and document how and why you have reached a decision and where a claim is made, to strengthen the planning you have chosen. Where your voice is not clear, the risk is that the voice of the person making the claim would be louder and so could result in your voice being lost altogether.

If a claim is made on your estate, the burden is on the claimant/disgruntled beneficiary to evidence that they have a valid claim. A judge would require as much information as possible to evidence your voice at the time you gave instructions regarding your Will. The purpose of this statement is to document, where possible, your choices and maximise the potential of your wishes to be honoured.

## Preliminary Information

1. This statement is made by JOHN DOE of ABC Wills Ltd following the preparation of the Will of ALICE BLOGGS of 67 The Road The City AB1 2AB. It is made with the express intention of confirming the arrangements and circumstances in which the said Will was prepared and executed.
2. It is intended that this statement should be retained with the said Will and referred to as a contemporaneous *Will Clarity* statement and it is given with the express permission and agreement of ALICE BLOGGS.
3. It is intended that this statement is considered to represent the voice of ALICE BLOGGS and document and clarify the intended wishes of ALICE BLOGGS and distribution of the estate.
4. It is understood that this statement will not prevent a claim being made on the estate of ALICE BLOGGS. Where an eligible applicant can demonstrate that they were financially dependent on ALICE BLOGGS, *immediately before death*, and that they have not received reasonable provision in the Will, they may have a valid claim.

## Initial contact

1. I was first contacted by ALICE BLOGGS on 2nd February 2019.
2. ALICE BLOGGS was already an existing client of mine for 2 years.
3. I had never made Will(s) for ALICE BLOGGS. Any previous Wills made are attached to this statement and have been revoked by ALICE BLOGGS on execution of the current Will.

## Revocation of earlier Wills and testamentary dispositions

1. It is confirmed that ALICE BLOGGS fully understands that the execution of the said Will revokes all former Wills and testamentary dispositions.
2. Any distributions in the earlier Wills do not take effect.

## How the instructions were taken

1. ALICE BLOGGS initially provided instructions at a face to face meeting on 28th November 2018.

2. The notes of that first meeting and any subsequent meetings held before execution are stored on my Will file that accompanies this statement
3. It was apparent from my meetings with ALICE BLOGGS that she was able to see, hear and communicate with me without any limitation that caused me concern.

### **Risk Assessment - Mental Capacity**

1. During the course of my dealings with ALICE BLOGGS, I gave consideration to and applied the "Golden Rule" laid down in *Kenward -v- Adams* and in my view, ALICE BLOGGS has the necessary mental capacity and the reasons set out below explain how I came to this conclusion. I was satisfied that ALICE BLOGGS:
  - a. understood that she was making a Will and why she was doing so; and
  - b. demonstrated that she understood the nature and extent of her assets and the obligations she had in respect of such; and
  - c. had her own views and rationale behind any variations to earlier Wills she may have made; and
  - d. did not demonstrate any signs of mental impairment or illness; and
  - e. when asked, she was able to confirm that she had no medical history that would affect her capacity to make a Will; and
  - f. with no signs of confusion or mental capacity issues, I was of the view that ALICE BLOGGS had the necessary testamentary capacity as laid down in *Banks -v- Goodfellow* to provide me with her instructions.
2. I have documented in the Will file ALICE BLOGGS's explanation as to why she has made any significant changes to her previous Will(s) or why she has not provided for any member of her close family. For the avoidance of doubt, I do not believe that any such changes are as a result of any lack of testamentary capacity.

### **Clarity of Intent**

1. ALICE BLOGGS declares that ALFIE BLOGGS (son) is introduced to the estate and it is confirmed that it is ALICE BLOGGS's knowledge and belief that following the birth of ALFIE BLOGGS (son) provision should be made for ALFIE BLOGGS (son).
2. ALICE BLOGGS declares that OWEN SMITH (ex-husband) is excluded from the Will and it is confirmed that it is ALICE BLOGGS's understanding and belief that there has been an irretrievable breakdown of the relationship with OWEN SMITH (ex-husband) and OWEN SMITH (ex-husband) should receive no part of the estate. The reason for this is that ALICE BLOGGS does not agree with the life choices made by OWEN SMITH (ex-husband)
3. ALICE BLOGGS declares that HOPE FOR ELEPHANTS Charity No. 12345 is receiving an increase in provision from the Will and it is confirmed that it is ALICE BLOGGS's knowledge and belief that provision should be made for HOPE FOR ELEPHANTS Charity No. 12345 as ALICE BLOGGS strongly supports this Charity.

### **Risk Assessment - Third Party Interference**

1. I can confirm that I saw ALICE BLOGGS on her own to take the instructions for her Will. I was satisfied that during the meeting(s) there was no indication or suggestion that ALICE BLOGGS was being unduly influenced by any third party.

2. The instructions given by ALICE BLOGGS were clear and rationally explained without input from any third party
3. After taking instructions from ALICE BLOGGS and during all subsequent contact with her, there was no indication or suggestion that she was making the Will against her own will, or through coercion or any poisoning of the mind by third parties.
4. I have documented in the Will file ALICE BLOGGS's explanation as to why she has made any significant changes to her previous Will(s) or why she has not provided for any member of her close family. For the avoidance of doubt, I do not believe that any such changes are as a result of any inappropriate or unlawful interference by any third parties.
5. I did make it clear to ALICE BLOGGS that if she had any concerns about the provisions of her Will she could speak to me privately. She gave me no such indication.

**Statement of Truth of ALICE BLOGGS**

I confirm that the contents of this report by JOHN DOE are an accurate reflection of matters relating to the preparation and execution of my Will.

Date signed \_\_\_\_\_

Signed by ALICE BLOGGS \_\_\_\_\_

**Statement of Truth**

I, JOHN DOE confirm that:

- a. the contents of this statement are true to the best of my knowledge and belief; and
- b. that I have no beneficial interest in the estate of ALICE BLOGGS

Date signed \_\_\_\_\_

Signed by JOHN DOE \_\_\_\_\_



STATEMENT OF EXECUTION  
FOR THE WILL  
of  
ALICE BLOGGS

(REFERENCE 04JZD / AB33)

ABC Wills Ltd  
Abbotsfield House 43 High Street Kenilworth  
Warwickshire CV8 1RU  
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# Statement of execution of the Will dated 25th February 2019 by ALICE BLOGGS

## A. Preliminary Information

1. This statement is made by JOHN DOE of ABC Wills Ltd following the preparation and execution of the Will of ALICE BLOGGS of 67 The Road The City AB1 2AB on 25th February 2019. It is made with express intention of confirming the arrangements and circumstances in which the said Will was prepared and executed.
2. It is intended that this statement should be retained with the said Will and referred to as a contemporaneous *Statement of Execution* and it is given with the express permission and agreement of ALICE BLOGGS.

## The execution and after care

1. For a Will to be valid, the formalities described in Section 9 of the Wills Act 1837 must all be present. This document confirms that these formalities were present at the time you executed your Will.
2. I can confirm that the Will was correctly executed by ALICE BLOGGS in my presence and in the joint presence of the attesting witnesses, JOHN DOE (External Advisor) of Abbotsfield House 43 High Street Kenilworth Warwickshire CV8 1RU and PETER JONES (Neighbour) of 65 The Road The City AB1 2AB who also signed the Will in the presence of ALICE BLOGGS and each other.
3. I can confirm that I was unaware at the time of execution of the Will by ALICE BLOGGS of any change in the mental capacity or demeanour of ALICE BLOGGS that called into question her capacity to make a valid Will.
4. I genuinely believe that the Will executed by ALICE BLOGGS on 25th February 2019 represents the true last wishes and instructions of ALICE BLOGGS



**Statement of Truth of ALICE BLOGGS**

I confirm that the contents of this report by JOHN DOE are an accurate reflection of matters relating to the preparation and execution of my Will.

Date signed \_\_\_\_\_

Signed by ALICE BLOGGS \_\_\_\_\_

**Statement of Truth**

I, JOHN DOE confirm that:

- a. the contents of this statement are true to the best of my knowledge and belief; and
- b. that I have no beneficial interest in the estate of ALICE BLOGGS

Date signed \_\_\_\_\_

Signed by JOHN DOE \_\_\_\_\_



LARKE V NUGUS STATEMENT  
of  
JOSEPH O'BRIEN

(REFERENCE 04JZD / JB123 )

ABC Wills Ltd  
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# Contemporaneous statement of preparation and execution of the Will dated 10th January 2016 by JOSEPH O'BRIEN

## (Larke v Nugus)

### Preliminary Information

This statement is made by JOHN DOE following the preparation and execution of the Will of JOSEPH O'BRIEN of 1 Mile Road Upper Rugby RG4 9KL on 10th January 2016. It is made with the express intention of confirming the arrangements and circumstances in which the said Will was prepared and executed.

### Initial contact

- 1) I was first contacted by JOSEPH O'BRIEN on 10th May 2015.
- 2) JOSEPH O'BRIEN was a new client who made a direct approach to me.

### How the instructions were taken

- 1) JOSEPH O'BRIEN initially provided instructions over the telephone on 11th November 2015.
- 2) The notes of that first meeting and any subsequent meetings held before execution are stored on my Will file that accompanies this statement
- 3) It was apparent from my meetings with JOSEPH O'BRIEN that he was able to see, hear and communicate with me without any limitation that caused my concern.

### Risk Assessment - Mental Capacity

- 1) During the course of my dealings with JOSEPH O'BRIEN, I gave consideration to and applied the "Golden Rule" laid down in *Kenward -v- Adams* and in my view, JOSEPH O'BRIEN had the necessary mental capacity and the reasons set out below explain how I came to this conclusion. I was satisfied that JOSEPH O'BRIEN:
  - a) understood that he was making a Will and why he was doing so; and
  - b) demonstrated that he understood the nature and extent of his assets and the obligations he had in respect of such; and
  - c) did not demonstrate any signs of mental impairment or illness; and
  - d) when asked, he was able to confirm that he had no medical history that would affect his capacity to make a Will; and
  - e) with no signs of confusion or mental capacity issues, I was of the view that JOSEPH O'BRIEN had the necessary testamentary capacity as laid down in *Banks -v- Goodfellow* to provide me with his instructions.
- 2) I have documented in the Will file JOSEPH O'BRIEN's explanation as to why he had made any significant changes to his previous Will(s) or why he had not provided for any member of his close family. For the avoidance of doubt, I do not believe that any such changes are as a result of any lack of testamentary capacity.

### **Risk Assessment - Third Party Interference**

- 1) I can confirm that I saw JOSEPH O'BRIEN on his own to take the instructions for their Will. I was satisfied that during the meeting(s) there was no indication or suggestion that JOSEPH O'BRIEN was being unduly influenced by any third party.
- 2) The instructions given by JOSEPH O'BRIEN were clear and rationally explained without input from any third party
- 3) After taking instructions from JOSEPH O'BRIEN and during all subsequent contact with him, there was no indication or suggestion that he was making the Will against his own will, or through coercion or any poisoning of the mind by third parties.
- 4) I have documented in the Will file JOSEPH O'BRIEN's explanation as to why he had made any significant changes to his previous Will(s) or why he had not provided for any member of his close family. For the avoidance of doubt, I do not believe that any such changes are as a result of any inappropriate or unlawful interference by any third parties.
- 5) I did make it clear to JOSEPH O'BRIEN that if he had any concerns about the provisions of his Will he could speak to me privately. He gave me no such indication.

### **The execution and after care**

- 1) I understand the nature and the practical requirements of section 9 of the Wills Act 1837.
- 2) I can confirm that the Will was correctly executed by JOSEPH O'BRIEN in my presence and in the joint presence of the attesting witnesses, JOHN DOE (External adviser) of Abbotsfield House 43 High Street Kenilworth Warwickshire CV8 1RU and MICHAEL BROWN (External adviser) of University Hospital Centre Upper Rugby RG1 6QC who also signed the Will in the presence of JOSEPH O'BRIEN and each other.
- 3) I can confirm that I was unaware at the time of execution of the Will by JOSEPH O'BRIEN of any change in the mental capacity or demeanour of JOSEPH O'BRIEN that called into question their capacity to make a valid Will.
- 4) I genuinely believe that the Will executed by JOSEPH O'BRIEN on 10th January 2016 represents the true last wishes and instructions of JOSEPH O'BRIEN

### **Statement of Truth**

I, JOHN DOE confirm that:

- a) the contents of this statement are true to the best of my knowledge and belief; and
- b) that I have no beneficial interest in the estate of JOSEPH O'BRIEN

Dated this .....

Signed by JOHN DOE .....