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Our lawyers have been described as “**down to earth and approachable**”, “**a cracking team**” who provide a “**professional and good value service**” by the Chambers Guide to the Legal Profession.

Our clients say they think our staff are: “**professional, knowledgeable, efficient, friendly, and reliable**”, “**approachable, well informed and with a good understanding of our business**”.

We specialise in services for Individuals, Businesses and the Social Housing sector.

Ring us on 020 8313 1300 to talk about what you need and how we can help.



**MARSONS**  
Solicitors



## Important News and Advice for Individuals

**“I don’t have a Will. I’m not worried, I’ll get round to it one day”**

### Do you know the risk?

If you don’t make a Will making it clear who should get your property when you die, the law will decide for you and it won’t be divided up as you expect. Most people assume that if you die “intestate” (without leaving a Will), everything goes to your spouse/ civil partner or your children, but this is not always the case – and for unmarried/ non civil partners, things can be even more difficult.

In the absence of a Will, the Administration of the Estates Act 1925 decides who in your family receives what from your estate and this depends on your personal situation when you die.

Married with children? Then your surviving spouse receives:

- All personal items such as car, furniture, clothes and jewelry
- A legacy of £250,000
- Any money left over is divided in half. One half is divided between the children (either outright or in trust if they are under 18). The other half is held in a trust with your wife or husband receiving only a lifetime interest. On the death of your wife or husband, this half will go to the children.

This leaves a terrible financial headache for your surviving spouse and children.

Typical problems include:

- If the matrimonial home is in your sole name, it may have to be sold to satisfy the various family claims.
- If the children are under 18, their share will be placed in trust and may make dealing with assets, and being financially secure, difficult for the surviving parent/spouse.
- Inheritance tax may be due if the value of the Estate passing to beneficiaries, other than the surviving spouse, is worth more than £325,000 (2012/2013 tax year). There will be no opportunity for tax planning.

Married but no children? Then your surviving spouse receives:

- All personal items such as car, furniture, clothes and jewellery.
- A legacy of £450,000 and half of the balance outright.
- The remaining balance then passes to various relatives – firstly to your parents if either are still alive, if not then equally amongst brothers and sisters.

The point is, elderly relatives may have no need of the funds and indeed an inheritance at this stage may upset their own inheritance tax planning.

Wouldn’t you prefer your spouse to have it all?

### Living with someone?

If you are not married and you have no children but, for example, you live with someone, your parents and siblings will have the right to benefit in your Estate above that of your partner. Even if you have children, your partner will still lose out.

The only way to avoid this is to make a Will. Then you get to choose:

- Who gets your property;
- How to make sure they pay the least possible amount of inheritance tax;
- Who sorts out the estate – it is important to choose executors who can cope with the paperwork that will be involved in probate.

Failure to make a Will leaves too much to chance and those you love most can lose out.

### Making a Will is a must, not an option.

Call Katrina London on 02083131300 or email her on [katrina.london@marsons.co.uk](mailto:katrina.london@marsons.co.uk) to discuss making a Will, or if you want to review your existing Will.

## Did you know “Will Writers” are not qualified solicitors?

In fact, anyone can call themselves a “Will Writer” without having any legal qualifications or experience. Do you want to risk your assets or would you prefer to make sure that your family gets everything you want them to have?

You have probably seen Will Writers soliciting for business in the area. They often advertise in local papers and Parish magazines, but also on the internet. It is important that you understand why using a solicitor to prepare your Will is crucial to getting things right.

- Solicitors are qualified – a solicitor has to have passed the relevant exams and obtained a practicing certificate which is renewed on an annual basis. Every year we are required to prove that we are up to date with the law by doing 16 hours of training every year in order to renew the practicing certificate. The law surrounding Wills and probate (including tax law) is complex and changes all the time. You want someone drafting your Will who is up to date. Will Writers do not have legal qualifications.
- We have to have insurance – if things go wrong (and we certainly hope it does not) solicitors are fully insured to compensate for any negligence or breach of contract. Will Writers do not need any insurance.
- We are regulated by the Solicitors Regulation Authority – if you are unhappy you can

pursue your complaint through the Firm’s complaints procedure, through our regulatory body and the Legal Ombudsman. These bodies can order compensation and rectify a wrong. Will Writers are not regulated by anyone.

- As solicitors our fees can be checked by the Court if you are unhappy with them.

“Will Writers” are unqualified, unregulated and uninsured.

The Law Society has been consistently pressing for regulation to cover Will writing to ensure consumer protection.

Drafting a Will is not expensive and doing it right is the only way to ensure your wishes are carried out. If you have already made a Will with a Will Writer, or perhaps using a form bought off the internet, you really should check that it is valid and does what you want it to do (and that any tax implications have been taken into account).

Marsons Solicitors are your local independent solicitors. Drafting a Will does not cost much and it is one of the most important documents for you and your family.

Contact Katrina London on 020 8313 1300 or email her on [katrina.london@marsons.co.uk](mailto:katrina.london@marsons.co.uk)



## Getting tenants out – do you know what to do?

The rise in lettings in the property market means there are more first time landlords.

If tenants don’t leave voluntarily, you have to get a possession order from the County Court. If you try to evict tenants without an order, you may be liable for aggravated damages and may even find yourself facing criminal charges.

We can help you evict tenants legally and in most cases we can do this for a fixed fee.

Contact Thomas by email at [thomas.djan-krofa@marsons.co.uk](mailto:thomas.djan-krofa@marsons.co.uk) or telephone him on 020 8313 1300 to discuss your requirements.

## The Smartest Move

Our skilled team of conveyancers have many years experience of providing a high quality, efficient service to clients in Kent and all over the South East.

Our work includes:

- Sales
- Purchases
- Buying or selling additional land
- Shared ownership and other type of buyer initiative schemes
- Re-mortgages

We recognise that time is important to you when you are buying and selling your home or investing in property. We also understand the frustration of not knowing what is going on – you can talk to us whenever you need to

and we will make sure that you really know what is happening.

Our fees are good value and we always tell you the total cost – some firms may look cheaper but with us

there are no hidden charges so no last minute surprises about how much it will cost you.

To get a quote for our fees please email [melanie.lobina@marsons.co.uk](mailto:melanie.lobina@marsons.co.uk)

“I just thought I would like to take this opportunity to say thank you to you for all the help you have given our clients over the past 15 years. Whether it is first time buyers, home movers or remortgages, you and your team are always available to talk to them in a professional and friendly manner. You have the ability to explain the intricacies of the conveyancing process in terms they can relate to, from the start of the process through to completion. It beats a call centre every time.

Many of my clients that I have recommended to you have remarked at how good your service is, compared to their previous experience with solicitors. They say it certainly made the process less stressful. It is so important for our business that, when we recommend a company, we know our clients will be in safe hands. Please pass my gratitude onto the rest of the team and you can rest assured that I will continue to recommend you at all times.”

*Simon Heron, Director – Bellegrove Mortgage Services Limited*

## The Compensation Culture

Our specialist personal injury team includes two partners who are members of the Law Society’s Personal Injury Panel, which means they are accredited as being skilled specialists. We are also members of the Association of Personal Injury Lawyers (APIL) who are dedicated to maximising damages for claimants and campaigning for better laws to improve safety.

We believe that clients who have injuries which stop them working, sometimes for years, and are still suffering should receive proper compensation. This is not “compensation culture” but money that will support you through the financial difficulties you are likely to face and to get you the private medical treatment you need to get you back on your feet as soon as possible.

**However, the law is changing – no more 100% compensation**

The Legal Aid Sentencing and Punishment of Offenders Act became

law as at 1st May 2012 and will come into force on **1st April 2013**.

It is going to have a huge impact on all personal injury claimants. While you will still be able to use a solicitor on a “no win, no fee” basis, the days of receiving 100% of your award of damages will probably be over.

At the moment, when a solicitor wins your case, they get a success fee for taking the risk of getting nothing if you had lost.

This success fee is currently payable by the opponent’s insurance company. From April 2013, it will have to be paid by the successful claimant out of his **compensation**. While there will be a limit of 25% of the damages, this means that in many cases, claimants will only get 75% of their money.

If you have had an accident already and are unsure whether to claim, don’t hesitate to talk to us now. If you have a valid claim, we can put you on a no win, no fee agreement and make sure you get the full 100% of what you deserve. You just need to sign the agreement with us before April 2013.

Call Beth King or Tamsin Day on 020 8313 1300 or email either at [beth.king@marsons.co.uk](mailto:beth.king@marsons.co.uk) and [tamsin.day@marsons.co.uk](mailto:tamsin.day@marsons.co.uk)

## Text message myths

Have you received text messages telling you how much your recent accident claim might be worth? Or encouraging you to claim for mis-sold payment protection insurance?

If you have, it doesn’t mean your details have been passed on by your bank or your insurers. These texts are often just spam – they are sent out randomly to millions of people, some of whom might actually have a claim but most don’t.

Solicitors are strictly forbidden from cold calling so these texts do not come from qualified legal professionals. They are generated by companies who sell leads to claims management companies who are not solicitors. Always use solicitors for your legal work – we are qualified, insured and regulated!