• WILLS AND PROBATE: IT'S ALL ABOUT THE LIVING

Wills and probate work are all about the living. That's the view of Collas Crill's probate specialists who say that while they're dealing with the estates of the deceased, they are very much working with those left behind.

'Our job in administering the estate is to carry out the wishes of the deceased,' said Collas Crill's Jersey probate legal assistant Marianne de Sousa. 'Of course we are often seeing people at one of the lowest points in their lives - when they have lost a loved one - and we never treat this lightly.

'But we are very often the bearers of good tidings, to the friend left a specific legacy to "...go and have a good meal on me...", or perhaps the family members who find out just how much their relative thought of them, but could never quite say it when they were alive.

'It is an absolute privilege to be the one to deliver such good news.'

There can, of course, be bad news too, since the business of probate and making wills encompasses all aspects of life, says Marianne. 'Sadness and happiness; peacemaking, confrontation and negotiation. Over the years I have been privileged to pass on messages that have been absolutely life changing to some.'

She added: 'People often think you must be near death before even considering making a will. When they finally come to meet us, the fear can sometimes be quite tangible.'

But when the process turns out to be far less of a burden than they believed, thoughts often turn to how vital it is to have a current will at any age.

A young couple may wish to change their will on the birth of their first child; a widow or widower may wish to change their will to reflect their circumstances; someone recently divorced may need specific advice on how best to deal with matters if they were to pass away.

What happens to our assets - property or personal possessions, including bank accounts - if we do not have a will in place (to die intestate)?

A couple with all their assets in joint names may consider a will unnecessary, believing that if one dies then everything will automatically pass to the survivor. But what if both die at the same time or very close to each other: how are the joint assets then divided?

Those of us with spouses and children may be confident our family will inherit: but do we know how our assets will be divided?

And what about single people without children, to whom will their assets pass on death?

Marianne says that these and other issues are important to consider, with your family lawyer.

'Leaving a will is basically leaving everything in order for those we leave behind and - for those of us who like to be in control - the last chance to have the final word!'

On 4 April 2011, Collas Day in Guernsey and Crill Canavan in Jersey merged to form Collas Crill.

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