

## More to Writing a Will Than You Think

Don't leave a legacy of confusion, cost and strife

There's more to writing a will than listing a few assets, beneficiaries and executors, hoping that one's wishes will be carried out after passing on. Instead, a will should be structured to meet individual circumstances under the advice of seasoned experts well-versed in multi-jurisdictional legal, tax, and asset management matters.

One common misconception about writing a will is that a person only need consider estate planning in old age, or shortly before passing on. In contrast, setting up estate planning structures the moment one starts working or accumulating assets can help avoid significant tax and administration costs associated with wills prepared later in life.

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Failing to structure a will at a young age can lead to unexpected consequences. If one passes away without a will, their family may face the expenses and complications of seeking Letters of Administration through a probate court. Additionally, dying intestate means relinquishing control over how assets are distributed. In Nigeria, for example, when an individual dies intestate, the question as to who inherits what is determined by law, either through Customary law, Islamic law, or the Administration of Estate Law, each having different succession rules regardless of the deceased's intention.

And even if one does have a will and die testate, if they are unaware of the tax and other legal implications that apply to their assets after death - in both Nigeria and other countries - they may leave their beneficiaries a mountain of bother and expense.

Even if one has a will and passes away testate, being unaware of the tax and legal implications affecting their assets post-death can burden your beneficiaries with expenses and complexities.

In Nigeria, assets distributed through a will are taxed at 10%, calculated based on the asset's value at the time of the

testator's death. This could result in substantial taxes, especially for assets that have appreciated significantly.

Similarly, countries like the United States, the United Kingdom, and South Africa impose varying inheritance taxes on estates exceeding certain thresholds. The tax percentages can range from 18% to 40% in the United States, 40% in the United Kingdom, and 20% to 25% in South Africa.

Contested wills, challenges to authenticity, or declarations of invalidity can further complicate matters, potentially preventing beneficiaries from accessing assets as per the deceased's wishes.

For uncontested wills that have been correctly advised and structured by accredited trustee professionals, the process should unfold as follows. Firstly, the will is sought for. Secondly, a discovery process declares that the will is found and is valid. Thereafter the will is marked and read to the beneficiaries and executors, usually at the Probate Registry where the assets reside. Finally, a Grant of Probate is sought and obtained.

Each step involves specific procedures, administrative requirements, and supporting documentation. For instance, when reading the will, various documents such as the executor's oath, affidavits from attesting witnesses, an inventory of the deceased's personal property, and schedules of debts and funeral expenses may be necessary.

To facilitate beneficiaries' access to a Grant in Probate from the Probate Court in the jurisdiction where most assets are located, it's essential to simplify the process and make it cost-effective.

This Grant in Probate can then be used to apply for Resealing of Principal Grants of Probate in other Nigerian states or countries where additional assets exist. Qualified estate management professionals can guide individuals to the right property and ownership experts, legal advisors, and tax consultants in each jurisdiction where their assets are situated.

With so many tax, executorship, jurisdictional, legal, and technical pitfalls associated with drafting a will or structuring an estate plan, it is important to seek advice, structure, and oversight from experienced estate planning professionals.

Furthermore, since there is no one-size-fits-all approach to estate planning, professional guidance is crucial to prevent beneficiaries from enduring years of expenses and challenges after one's passing.

At Coronation Trustees, we offer comprehensive support for your personal and business succession objectives. Our seasoned team can assist in setting up a tailored, efficient, and tax-effective plan. We would walk with you through the process as your partner and confidant. Contact us today at 01 2797644-47 or email us at [trustees@coronationnt.com](mailto:trustees@coronationnt.com) to begin your journey.