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The Secrets Many Will-writers and Solicitors Would Prefer You Not to Know

A Guide provided by Rod Jones of Convenient Wills

1 Welcome

Thank you for requesting this report. I hope you find it helpful, enlightening, and informative. Further, I hope it will stop you becoming another statistic of malpractice.

This report must be regarded as a source of information to supplement your own knowledge. The report's purpose is to equip you with information to help you identify the marketing tricks used by some professional will-writers and solicitors to entice you to use their services -- to the exclusion of other (sometimes better value-for-money, or better quality) will-writers.

This report is provided on that basis. We regret we cannot accept any responsibility or liability for any adverse outcomes for you or your family, no matter how caused. In addition, we do not accept any liability for any mistake, error, or omission from this guide.

This report is one of a number of guides and reports available from our web site www.convenient-wills.co.uk; they cover a wide range of aspects dealing with estate planning in general, and making your Last Will & Testament and Lasting Powers of Attorney in particular.

All our downloadable guides and reports use hyperlink technology. This allows you, if you are reading the document direct from a computer with access to the Internet, to click on a hyperlink (indicated with blue, underlined text) and you will be taken through to the appropriate article. Please note that the guide is not designed to be printed off; if you wish to print off the guide please [contact us](#) and we will send you an amended version.

If you require further information or clarification on any aspect of this guide then please do not hesitate to contact me. I will be only too pleased to help.

And finally, as you read this guide you may realise that it would be a lot easier, quicker, and simpler for a professional to just get on with making your Will for you. We would like to help. Please [click here](#) to read the full features and benefits of our home visit service, or [click here](#) to register your interest (without obligation) in our services.

Rod Jones

Rod Jones A.C.I.B.

Proprietor of **Convenient Wills**

2 Introduction

By reading this report, and implementing its findings, you could increase the size of the inheritance for your beneficiaries of your estate by avoiding many hundreds of pounds or even thousands of pounds in unnecessary fees. In some cases the savings could amount to tens of thousands of pounds.

There are a number of ways you can make your will - see our guide [`17 Good Reasons to Make your Will`](#) for more information. For all but the most simple of estates though our recommendation would be to use the services of a professional will-writer; they will:

- save you time (by removing the need for you to do the research yourself);
- save you money (in the longer term - because many 'home made' wills fail because of incorrect or unclear wording, or incorrect completion), and
- give you peace of mind knowing that when your 'time comes' your estate will go to the people you want to benefit from your lifetime's work.

Following a number of will-writing 'scams' in recent years the industry is now agreeing its own code of conduct. In due course it may even become fully regulated. In the meantime the general public continue to be exposed to some clever marketing tricks, some not so clever tricks, and some tricks that are verging on outright deception. The purpose of this fact sheet is to share with you some tips that will help you:

- ♦ identify some of the tricks used by solicitors and will-writers [and their marketing departments] - so you can be forewarned of what to look out for; and
- ♦ obtain real value for money, and enjoy the peace of mind having an up-to-date Will provides.

The 'tips' are not provided in any specific order.

3 The Basic Signs

In this report we class non-specialist will writers as those who do not have any formal training or those who 'dabble' in will-writing occasionally. Many of these will provide a satisfactory Will but there is a greater risk that they will not; you could, in effect, be wasting your money. If your circumstances are complex then the risk of wasting your money is greater still.

A good sign of the the 'non-specialist' will-writer is that they dabble in drafting wills i.e. Their main business is something else e.g. Financial services, or accountancy, or [in the case of solicitors] they are normally involved in property conveyancing, family law, commercial law or are generalist solicitors i.e. They are 'jack of all trades but a master of none'.

Specialist will writers include solicitors who focus on drafting wills, trusts, and LPAs, and will writers (such as ourselves - Convenient Wills) who focus 100% on this small, specialist field. All will provide you with a perfectly adequate, satisfactory Last Will and Testament ("Will") that will meet your needs and do the job required - though some will be more comprehensive in the overall service they offer.

Whether you use a specialist or non-specialist Will writing service the final fee you pay though may vary significantly from provider to provider. This is especially true when you calculate the total costs which might include the drafting of the will, storage, executor costs, Probate fees, and pre-paid funeral plans.

In view of the importance of a Will we recommend you locate a specialist will writer.

4 Look out for the Loss-Leading Price

Many people perceive that all 'Wills' are the same and therefore believe the lowest priced 'Will' offers best value.

This is not correct.

This perception makes people vulnerable to the clever techniques used by marketing departments of some will writing and solicitor firms - as it is known by these professional marketers that most enquirers often book an appointment with the 'cheapest' provider; the applicant believes that their research (i.e. the ringing around for a price quote) has saved them money. What the applicant does not realise (or at least not until the appointment time - by which time it is too late) is that the price quoted has been manipulated deliberately to 'catch' the many people who believe 'lowest price is the best price'.

The technical name for this is 'bait advertising'.

For the solicitor and/or will-writer though, the booking of an appointment gives them the opportunity to get the business first, business they would not otherwise have had if they had quoted a 'realistic' price. They know few people will even realise they have been 'misled', and of those who do only a very small percentage will have the courage to walk away from the interview.

Now, all the will-writer or solicitor does is recommend more and more services to their client until the initially unprofitably-priced transaction becomes profitable - and with the client as a 'captive audience' in the solicitor's office or their own home there is often little resistance to this form of pressure selling. Products/services 'up-sold' include:

- ♦ providing the will you actually need - rather than the 'very basic' will you were originally quoted for. We have seen cases where the inclusion of gifts to children incur additional costs! More often it is the inclusion of a complex trust in the Will to provide a benefit that you thought was provided within the original price that you were quoted. The result is still the same: the price of the Will suddenly increases -- sometimes by as much as £400;
- ♦ the inclusion of 'trusts' to provide benefits you had not considered. For example the protection for a disabled child, reduction of inheritance tax, property protection from long-term-care funding etc. The will-writer makes you aware of the benefits of including these trusts. The inclusion of these trust clauses -- as indicated above -- often results in a significant price hike;
- ♦ executor appointments - which can cost you and your estate 1% to 5% of your gross value of your estate -- paid for at the time of your death.
- ♦ expensive lifetime update services; pre-paid funeral plans; and annual storage fees.

Our Tip To You:

- ♦ When you make your initial enquiry just be aware of how prices are manipulated to 'entice' you to book an appointment. The price quoted may not be the final price you pay.
- ♦ When making your initial approach note if the will-writing firm or solicitor clarify and quantify your specific needs. If they just give you a price quote - or a 'Our wills start at ...' response then exercise caution before proceeding further.

At Convenient Wills we have a transparent charging policy; no client will be asked to commit until they know what they will receive, when, and for how much. Only when the client knows this information do we proceed to take their instructions - assuming the client wishes to proceed.

5 'Free Wills' are Rarely Free; You Just Pay Later

'Free' Wills are often offered by the High Street Banks and by charities as part of 'Free Wills Week'. But these Wills are rarely free, and can prove very expensive in the longer term.

The charities ask for a donation to them be included in your Will. The Banks usually require you to appoint them as your 'executors' -- whereby they then charge 4 to 5% to sort out your affairs when you die.

The proof that the 'Free Will Weeks' are profitable is the fact that year-on-year the exercise is repeated by those same charities involved, As there is significant financial outlay by each charity (i.e. The charities pay the solicitor for their time; the solicitors do not give their time for free!) the repetition of the exercise would be in breach of the Charity Commission's rules if these 'Free Wills week' exercises were not profitable.

So how does free become expensive? Lets just suppose your Will gives 99% of your estate to your children and just 1% to charity. Now it might not appear that much on the face of it - just 1% given away- but 1% of an estate containing a property valued at £150,000 is a pretty expensive 'free' Will.

Further, the word 'Free' usually only applies to the supply of a very basic, simple Will. You will need to look in the 'small' print to see this override. So if your needs are more complex than the very basic (and most people's are) then you will be expected to contribute towards the cost of your will, often paying as much as other will-writers would charge without asking you to make a donation to charity.

6 Annual Storage Fees

Many home visit Will writers, Banks, and solicitors warn clients of the dangers of storing of their Wills on their own premises. The solution, they claim, is to store the Wills with them.

Firstly, there are some dangers of storing a Will at home. The risk is that the Will will go 'missing'. For most people however this risk is far smaller than the risk of the executors not being able to locate the original Will, or of the Will being destroyed in a major house fire. The executors will search a testator's home from top the bottom and only then begin the daunting and time consuming exercise of ringing around all the local solicitors and Banks and Will writers to see if they can locate a missing Will.

In most cases the best solution is to keep the will at home, or if need be, to store your Will at the Central Probate Registry. This second option presently costs £15 per Will. It has the advantage that should you pass away and Probate is applied for then of the Probate Office will search the Probate Registry for your Will. This means that the probability of you being deemed to have died intestate is reduced.

So why do the Banks, solicitors, and Will writers suggest the Will be stored with them? The answer is because they can:

- charge an annual fee for storage (which over a period of time can amount to a sizeable sum); and
- offer their [highly profitable] Probate services to the family when the testator dies and the family need to collect the original Will.

Most solicitors do not charge for storage.

The High Street banks offer 'free' wills, and even more generously 'free storage' - at first sight a bargain. But the proviso is [usually] that you appoint them as your executor. See section 8 for more details of this rip off.

7 All Wills Are Not The Same

As a general rule, most people perceive that all wills are the same. But this is simply not true.

Price comparison is easy; value-for-money comparison though is very difficult. Rarely are advice, products, and services supplied by two providers so identical that a simple cost comparison will determine who offers the best value. Sections 4 and 5 of the report show how price is deliberately manipulated to gain market opportunity.

Significant differences can also be found in:

- ♦ **the powers granted to your executors:** Some wills contain only a few 'powers'. Those supplied by true specialist will writers (including Convenient Wills) include the full powers -- often resulting in your will being at least 5 pages in length.
- ♦ **the level of advice you receive:** Some will writers will take 20 minutes to complete the instruction taking process - others, like Convenient Wills, will take an hour and a half. Why the difference? The answer is because we are comprehensive, exploring all the avenues that should be explored to ensure your 'Will' will meet your needs, exactly - and [equally importantly] you understand your options, and the risks, so you can make an informed decision.
- ♦ **the quality of the final product:** Most will writers use quality paper reflecting the importance of the document, and provide a 'bound master will' - it is easy to save money by using poorer quality materials. Or, as many Internet providers do... ask you to print your own!
- ♦ **the supply of draft copies of your wills:** Some will writers do not provide draft wills. Others do (ourselves included) provide draft wills - as they allow you the opportunity to reflect upon your instructions to ensure the Will meets your requirements before going to final print. The supply of draft wills is an extra cost, and slows the process down, but does give a greater level of service to the client.
- ♦ **the supply of copies of your final will:** Some will-writers do not automatically supply copies of your wills - you have to buy them. We supply as many copies as you need - for no extra charge.
- ♦ **home visits:** Few solicitors will come to your home; this tends to be the domain of the home-visit will-writers. Obviously there is travel time, and costs, that therefore need to be factored into the prices when comparing a home-visit will writer with an office based solicitor.
- ♦ **signing and witnessing:** Some will writers (and a few solicitors) will expect you to undertake your own attestation of your wills without guidance or supervision. Others will charge a fee for undertaking

the service, and yet more provide a full or partial service - so again there are different levels of costs being incurred - making direct comparison very difficult.

8 Being an Executor Is Not Particularly Difficult

Some will writers and solicitors would like you to believe that sorting out an estate is something only a professional can do. This is incorrect.

In many cases, and especially where the estate is simple, it is not difficult to sort out a deceased person's estate. It might be time consuming, but generally it is not difficult. (We acknowledge it is more complex where property and trusts are involved, and that professional advice may then be needed in such cases.)

Most people will have heard of horror stories in sorting out a deceased persons estate, and assume it will apply to them. With a properly drafted Will the risk of such nightmares should be significantly reduced - but many will-writers and solicitors will let you continue to believe that the executors role is difficult - that way they can sell to you their very profitable 'executorship' services.

The way this trick works is something like this:

Consultant: 'Who do you wish to appoint as your executor?'

Client: 'My husband, and my son.'

Consultant: 'Being an executor is very difficult, and time consuming. Does your husband and son have the skills and the time? We can offer XYZ to do it for you; that will save your family the trouble. Do you want to appoint them?'

Client: 'Ok.'

There you have it, job done. And as a client you have just written off several £1,000's in otherwise avoidable fees.

It is not uncommon for solicitors to promote the appointment of themselves as your executors. And the High Street banks. Some home-visit will-writers promote their services too.

Our Tip To You:

- Before holding the meeting with your will-writer / solicitor decide who you would want to sort out your estate in the event of your death; there is usually no need to appoint a professional executor to do so - a trusted family member can do the task.
- When discussing your needs with your solicitor / will-writer advise them of your chosen executor and insist they (the will drafter) insert a clause into your 'will' allowing your executors to use the services of a professional if required. Meanwhile the initial appointment of executor should remain as your chosen family member.

This is the way we, Convenient Wills, and many other independent will writers work.

9 Solicitors and Will-Writers Do Not [Always] Give Unbiased Advice

The public perception is that when they are being given advice by their solicitor or will-writer that the advice is impartial, balanced, and the 'best advice' for their client's circumstances. In many cases this perception is correct - but not always.

You can see the potential conflict: Does the instruction taker sell you simple mirror wills for £X, or sell complex mirror wills (which include, say, a trust) and earn £3X. The position is aggravated where the price of the simple mirror wills are artificially lowered (see Section 4) as a loss leader to entice the client, and the complex will price artificially hiked; in these cases the difference might be £5X.

The ability to up-sell so easily works on the fear factor that many people have of disinheriting their children, loosing their house to fund long term care costs, or paying avoidable inheritance tax. You, as a client, may not spot the subtle pressure to buy the more expensive Will being exerted by a professional salesperson.

Our Tip To You:

- Be prepared to pay extra for the inclusion of a trust clause in your will - but consider whether the 'hike' in price reflects the true work done (i.e. The extra time required to explain how the trust works, the

extra stationery costs etc) - or are you being up-sold products that are disproportionately profitable for the will writer.

- ♦ Ensure your adviser explains both the benefits (which they will do) and the risks (which they might not) of including any such trust clause in your will.
- ♦ Better still - when choosing which will-writer/ solicitor to use ask them to provide a quote for a tax-efficient will or a will containing a Protective Property trust. Make sure the quote includes the production of your bound wills, and severance of tenancy where required. By obtaining a price quote at this stage you can identify from a range of providers who offers real value for money.

Incidentally, we (Convenient Wills) do not charge extra for the inclusion of a complex trust in a Will. We have chosen this policy deliberately as it removes the temptation to recommend a more complex Will when a simpler Will will achieve the desired outcome.

10 Will Writing is Unregulated

You may not be aware of the fact that Will writing is presently an unregulated activity. This is one secret a high proportion of will-writers want to remain a secret. For others it is a fact that they will want you to be made very much aware of.

Solicitors will claim that they are regulated, which is true. They are regulated by the Law Society. Regulation however is not a guarantee that you will have better service, or a better quality Will. Indeed, we have examples of some atrociously drafted Wills made by solicitors.

Members of the Society of Will Writers and the Institute of Professional Will Writers will claim they are regulated. The only regulation in place however is that imposed by the respected trade body. There is presently no national regulation of will writers.

And to add to the confusion further ... We are aware of some solicitors who give their will-writing business to non-solicitor will-writers!

There is no correlation between the quality of the finished product and the advice you will receive between a regulated Will writer (i.e. A solicitor) and an unregulated will writer.

The simple fact is that a poorly qualified, inexperienced, occasional will writer (be they a solicitor [who normally deals with conveyancing, commercial law or family law], or an inexperienced, untrained Will writer [looking for some extra pocket money by advertising on the Internet] is likely to offer a lower quality service and product than a solicitor or Will writer who drafts Wills frequently - such as Convenient Wills.

Not all Will writers are the same.

Our Tip To You:

- ♦ Be aware that many will-writers are untrained in the legalities of estate planning, tax and trust law. Many untrained will-writers can 'talk-the-talk' but if they are inexperienced at the level needed for your circumstances, their advice is likely to be inappropriate - and you could pay for it in wasted fees, and expensive court cases at a later stage.
- ♦ As far as possible identify the level of expertise you require, and the features, facilities and services you need.
- ♦ Do you need a will writer and estate planner who can set up offshore trusts, inter-vivos trusts etc - in which case you probably need a will writer who is a 'STEP' member.
- ♦ If you have a business, or tax planning issues, or have been divorced, or have a disabled child, or want to avoid disinherit your children then you need to use the services of a specialist solicitor or will-writer - such as Convenient Wills.
- ♦ If your needs are more general (i.e. You have a house, a family) then a generalist will writer will be adequate - such as a general practice solicitor, or a home visit will writer; though an experienced will-writer - such as Convenient wills - may explore and identify areas that need to be addressed that a less experienced will-writer or solicitor may not spot;
- ♦ If your estate is very, very simple then you could make your own will with a little help from a book.

11 Will-Writers Can And Do Correctly Draft Wills

A common public perception is that solicitors are the only people who can draft and check wills. This is not so. There are a great many high-quality Will writers who are not solicitors.

The Law Society would however like you to believe that only their members can draft wills, and check them. They have in the past used a few examples of poor service/advice and then claim this is typical of the poor standard of the will-writing industry as a whole. The solution, they claim, is to only use regulated will writers - and as solicitors are the only regulated body -- you should therefore use a solicitor. Clever marketing!

In the National Consumer Council report home-visit will-writers fared [generally] much better than solicitors. A copy of the report can be seen on our [web site](#). The Legal Services Consumer Panel in 2011 also came to the same conclusion.

12 A Will Is A Legal Document; Anyone [Who Has Been Trained] Can Check One

Online will-writers and national will-writing firms often proclaim that 'All their wills are checked by a solicitor' - presumably trying to enhance the public's perception of them by adding an air of respectability to their service -- by drawing upon the public's perception that only solicitors can draft wills. (See section 11 above)

But so what if your Will is checked by a solicitor - does that guarantee to make the Will error free? Sadly - in our experience - it does not; we have seen some horrendous omissions in wills drafted by solicitors.

13 [Some] Will-Writers Are Trained - Just Not In Estate Planning

This is a secret many of the national will writing firms do not want you to know - because you would not want your instructions taken by someone who has minimal legal experience, would you?

Some national will writing firms often make the claim that all their consultants are trained. The statement is true, they do employ skilled consultants - though they are often skilled at **selling** rather than providing estate planning advice.

In the past there have been a number of scams whereby the general public have been enticed to pay a fee -- often around £6000 -- to become a 'qualified' Will writer. Their training comprises a one week residential course, and the receipt of a laptop. After that they are allowed to claim to be will writers (and because they do not know differently, the consultant believes they are experienced.)

Two points we would like to make:

Effective estate planning requires an in-depth knowledge of :-

- ♦ The Wills Act 1837;
- ♦ Law of Property Act 1925;
- ♦ Administration of Estates Act 1925;
- ♦ Inheritance Tax - the exemptions and application
- ♦ Trust Law and the Trustee Act 2000;
- ♦ Taxation of trusts, income, and capital gains;
- ♦ Business Property relief and Agricultural Property Relief; and
- ♦ More

For most people it takes years to learn the finer points of these Acts and estate planning in general. Would you be happy trusting the drafting of your will - which deals with the distribution of all your estate - to such a potentially inexperienced person?

14 Online Wills Are Price Driven; Real Value for Money Is Rare.

You do see some incredibly low prices advertised on the Internet. And they must be very tempting - but before you rush to your computer to use these service providers reflect for a moment... The service you are buying into will most probably be like most products on the Internet: they are driven by price rather than quality. Anyone can undercut another provider - you just reduce the quality.

There are also common traps to watch out for:

- ♦ The printing and binding of your Will is often extra. (if the facility is available at all) Many people using Internet sites download their completed will for printing on their own printer and then staple their document together. This is not a secure fastening, and could allow the Will to be easily tampered with. Any suggestion of such will result in the Probate Office rejecting the will.
- ♦ When you add in the cost of printing and binding the Will then their costs for standard wills often become comparable with a face-to-face discussion provided by a solicitor or home-visit will writer. To detract further from these services you are doing all the research yourself, and you are typing in the information required - often without any fallback of professional indemnity insurance.

And do you know who you are dealing with? I have come across a number of high-profile web sites claiming to be members of a will-writing trade body -- but the membership of that trade body comprises just 1 member ... The owner of the web site!

Finally, the one big drawback to an online will is that the onus of identifying your options is placed upon you. Please see our guide ['11 ways to Make Your Will'](#) for more information.

15 Solicitors Like Handwritten and D-I-Y Wills For All The Wrong Reasons

It is rumoured that solicitors make more money (collectively) out of handwritten wills than they do (collectively) drafting wills for clients in the first place. The reasons are:

- ♦ too often the D-I-Y Will is poorly worded - leading to possible confusion over who should, and who should not, inherit; or
- ♦ a handwritten Will / D-I-Y Will is easily challenged for the existence of undue influence - where a potential beneficiary feels they have been 'robbed' of their just inheritance because the testator made their Will but excluded them. The argument is that the new beneficiary put pressure on the testator to make the Will the way that they did.

The only solution in either case is through the Law Courts - and of course you need a solicitor to challenge the Will and a solicitor to defend the will; it becomes a costly affair.

Our Tip To You:

- ♦ When you take into consideration your time to do the research to make your own will then the payment to a professional will-writer appears to represent good value for money. Then ...
- ♦ Add in [to the costs] the removal of the nagging doubt in your mind that you might not have done it correctly, and factor in to the calculations the reduction in the risk of error (and the financial savings as a result) and using the services of a professional makes sense.

16 Wills Can Contain Modern Language

In the 21st century why do some solicitors and will writers use phrases like 'I bequeath my...' rather than 'I give my ...'?

Technically speaking there is a reason - 'I bequeath' refers to a specific type of gift, and 'I devise' another type. But 'I give' is just as acceptable for both. If this same modern style is applied throughout your will then guess what? You, the testator, can understand your will.

So why do some solicitors and Will writers continue to use a traditional style will (as opposed to a modern style)? The answer is because your Will becomes that much harder for you to understand, and therefore

you perceive it is more complicated and sophisticated than it actually is. You, the client, think you are getting more for your money.

Further, if you ask for an explanation as to what certain clauses mean the solicitor/will writer will explain to you in a modern language - and they can charge you more for their time.

17 **Convenient Wills** would like to help you

Making your will can be time consuming and relatively stressful. The more you research into what should be included in a Will the more you realise there is yet more to learn. And even when the task is done you may have nagging doubts about its legality and validity if you have not used the services of a professional.

Using a professional will-writer can be quicker and more cost effective in the longer run.

Convenient Wills is the only home visit, specialist Lasting Powers of Attorney & will-writing business located in Newcastle-under-Lyme that covers North Staffordshire, South Cheshire and North Shropshire.

Convenient Wills takes pride in the level of service, and professionalism we provide to our clients. We are recommended by many financial advisers, mortgage brokers, accountants and even a stock broker - to their clients. But the best testimonial to our service is that we regularly receive referrals from our existing clients.

Convenient Wills, as a specialist home-visit will-writing service, offers you:

- ♦ **convenience:** we come to your home, thereby saving you travel costs, and time;
- ♦ **flexibility:** our appointments are held at times convenient for you, including daytime, evening, and at the weekend. There is no need for you to take time out from work;
- ♦ **a relaxed atmosphere:** the discussions are held in the comfort and relaxed atmosphere of your own home -- and not in an 'oppressive' office in your local (or not so 'local' in some cases) town;
- ♦ **time saving:** our experienced and friendly consultant will advise and guide you through all the options you should consider -- thus eliminating the need for you to undertake any prior research, such as searching the Internet or library to see what you should include;
- ♦ **a bespoke will:** your Will will be legal and personalised to match your exact wishes. This means, for example, that the names of your children will be included in your will rather than just referring to them as your 'children'; and we will draft your will to match your wishes rather than making your wishes fit into one of our pre-formatted template wills.
- ♦ **a fixed fee:** We do not charge extra for the inclusion of, say, a trust in your will (Unlike some of our competitors). Nor do we do increase our fees if we feel you can 'afford' to pay more; and
- ♦ **protection:** our processes (which includes visiting you twice) ensure your Will can be defended from claims of lack of capacity, undue influence, and fraud.

The full features and benefits of our home visit will-writing service is available on our [web site](#). To register your initial interest (without obligation) in our services just [click here](#).

Not all will writing services are the same.

No one likes to consider their demise; we though make the task relatively simple. If you would like to join our existing and growing group of satisfied customers please call Rod on:

(Stoke) **01782 639716** or click on

www.convenient-wills.co.uk

We hope you have found this fact sheet informative. If so then please feel free to share it with others.

More information and helpful, informative guides are available from our web site, or by calling us direct.

Convenient Wills

01782 639716 or 0800 072 5510.

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