

Simpler Law.



Simpler Homecare Platinum Plan.
A comprehensive plan with ultimate protection for you and your loved ones



Homecare Platinum Plan.

The *Homecare Platinum Plan* allows you to protect your assets here and now and to make decisions during your lifetime, which will protect them into the future.

The *Homecare Platinum Plan* is designed to provide comprehensive protection for you and your loved ones and to ensure that everything you have worked hard for is ultimately passed on to the people that you want to see benefit when you are no longer here.

This plan is designed for homeowners who not only want to protect their property and other assets during their lifetime but to ensure ultimate protection for their beneficiaries.

The *Homecare Platinum Plan* is different to standard end of life planning where your wishes are normally contained in documents that aren't actioned until after your death; and any "protection" of your

assets that you have planned will only come into effect posthumously. Instead, the plan allows you to protect your assets here and now and to make decisions during your lifetime, which will protect them into the future.

So, what are the possible threats and costs to your estate (everything you own) or your beneficiaries that need to be considered?

- ▶ Sideways Disinheritance
- ▶ Probate
- ▶ Undue Influence
- ▶ Bad Timing Allowing Third Party Attack
- ▶ Dependants Claims
- ▶ Inheritance Tax Liabilities
- ▶ Opportunists
- ▶ Loss of State Benefits



How does the *Simpler Law Homecare Platinum Plan* work to protect against these threats and how does it put you back in control?

The *Homecare Platinum Plan* can protect your assets, including the home you live in, by changing the way the assets are owned. The mechanics and benefits of using the *Simpler Law Homecare Platinum Plan* are simple - essentially a trust would be set up within your plan. Within the trust the above people would be involved.

You dictate exactly what you want to go into the trust, decide who you want to act as trustees to manage your assets, document exactly how you want your

assets to be looked after and who you would ultimately want to benefit from them when you are no longer here.

Once this has been set up your assets would then be owned by the trust.

The following pages discuss the advantages and protections that your trust is able to give.

Homecare Platinum Plan.

Service features and factors to consider

Sideways Disinheritance.

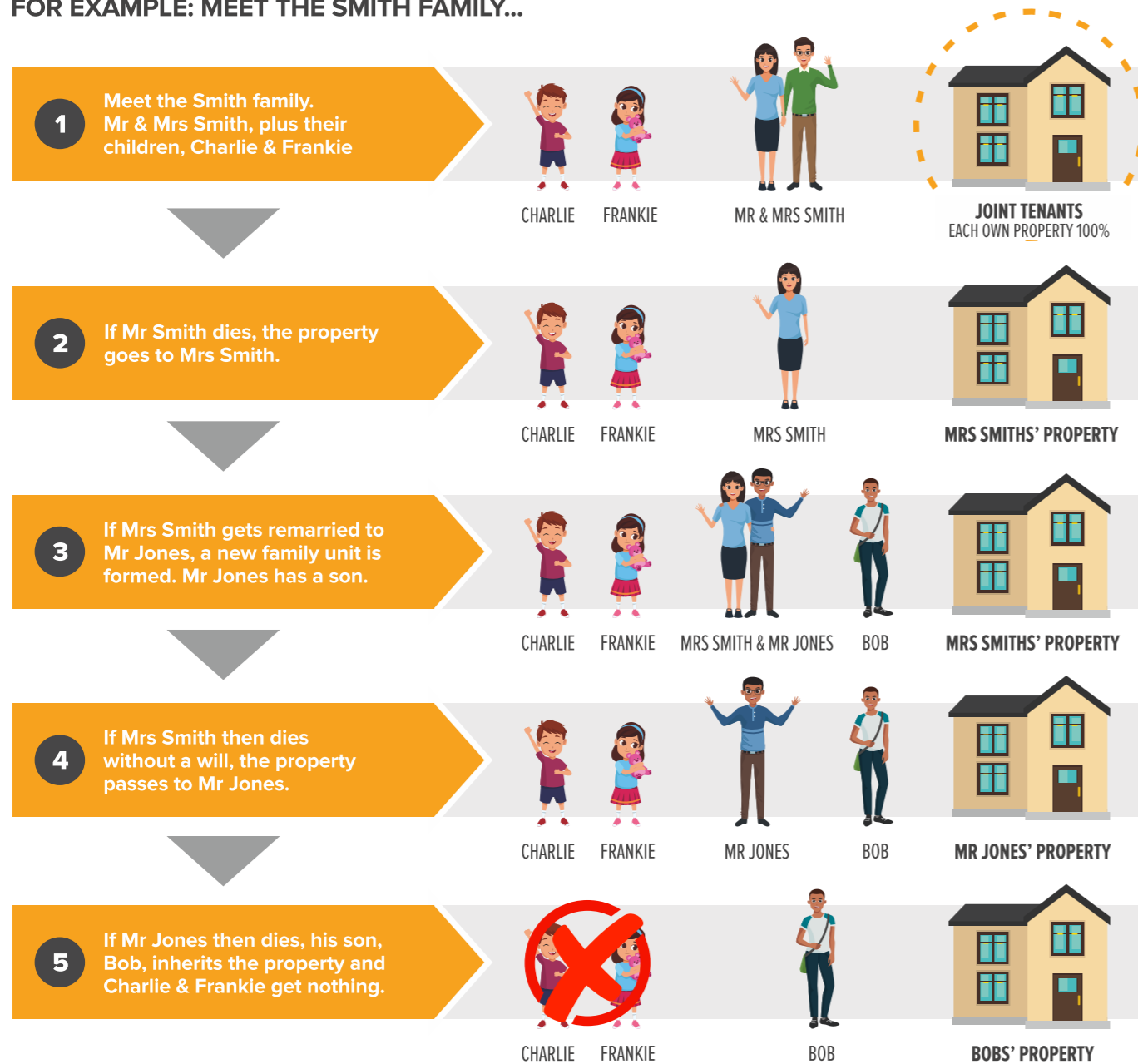
When couples own property, they usually do so as Joint Tenants. What this means is that each person is holding the property for the other so that when the first owner dies, the property passes in its entirety to the surviving owner. As the surviving owner now owns the property outright, any decisions they make in the future could inadvertently override the wishes of the person that has died and, without

any malice or intention, their beneficiaries could lose out altogether.

Clearly the risk of your beneficiaries losing out altogether is an undesirable one however, the **Homecare Platinum Plan** guarantees that this could not happen by ensuring that a surviving spouse or partner could always live in the property until their death but at the same time it could never be passed on

to anyone other than those who the deceased person had wished to inherit or benefit from it. "In 2016 alone, 9128 widows went on to remarry and nearly 36% of all marriages were a second marriage or higher for one or both of the couple according to the Office for National Statistics report on Marriages in England & Wales dated 28th March 2019."

FOR EXAMPLE: MEET THE SMITH FAMILY...



So, Mr Smith's children lose everything. This is, unfortunately, a common occurrence.



Probate.

If you die with assets typically worth more than £5,000 then your estate needs to go through the process of Probate to be distributed. This is regardless of whether you have made a Last Will and Testament or not, as it is based on what you own at the time you die, and its value.

The task of administering an estate can be time consuming, arduous, and expensive. The professional costs for administering an estate are often calculated using a percentage of the

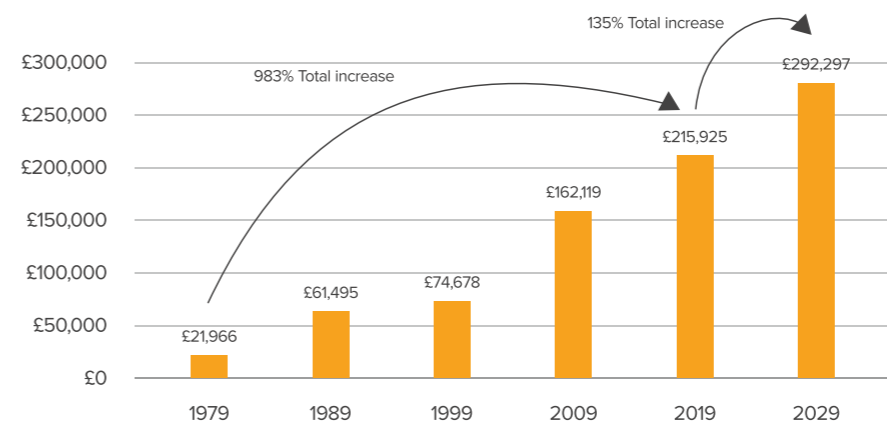
value of an estate. Think about the value of your family home today and how much it would cost to sort out at an assumed rate of 3%.

At the end of 2019, according to the Nationwide Building Society, the average house price was £215,925 at 3% this would cost £6,477 to administer without including any other assets. By 2029 according to The Global Property Guide the average house price is expected to be £292,297 which would see the probate fee going from £6,477

to £8,768. This may seem a steep jump but according to the Nationwide Building Society properties have increased almost ten-fold in that last 40 years.

By using the **Homecare Platinum Plan** to protect your assets you can mitigate probate costs or remove the need for probate altogether.

HISTORIC AND PREDICTED AVERAGE HOUSE VALUES



AVERAGE HOUSE VALUE (UK)

1979 = £21,966 Nationwide
1989 = £61,495 Nationwide
1999 = £74,678 Nationwide

2009 = £162,119 Nationwide
2019 = £215,925 Nationwide
2029 = £292,297 Global Property Guide

Homecare Platinum Plan.

Service features and factors to consider

Bad Timing.

The assets protected by the **Homecare Platinum Plan** can be passed to your beneficiaries without delay following your death, but sometimes this is not always the best course of action.

It can be very important that your beneficiaries receive assets at a time that is right for them as sometimes they do not want to benefit straight away from everything, instead opting to receive an income or take nothing at all initially.

This could be because there is a financial claim against them in the form of being sued or even going through insolvency proceedings. Having assets that are protected by the Plan would keep them outside of a beneficiary's estate and therefore prevent a potential financial loss to creditors.

The **Homecare Platinum Plan** would also prevent your assets from being attacked through your beneficiaries' divorce proceedings or through the death of your beneficiary and the subsequent remarrying of their spouse which could cause your grandchildren to lose out.

The **Homecare Platinum Plan** not only looks after everything that you have worked hard to achieve but can help ensure that the misfortunes of your chosen beneficiaries don't undo all your hard work and see everything go to waste or to people you would rather didn't benefit. Without the Plan, your chosen beneficiaries would instantly inherit from your estate at your death regardless of their personal situation or preferences.

Loss of State Support.

If assets are inherited by someone that is dependent on the state for benefits, such as a disabled person, then those benefits can stop due to means testing or other criteria.

Again, with your guidance on how you wish your beneficiaries to be treated this loss can be avoided and benefitting from the Plan can ensure that the beneficiary still qualifies for state support.

Again, without planning ahead none of this is possible as your beneficiaries inherit everything you have left them when you pass away; assuming of course there hasn't been a challenge on your estate following your death which can then significantly delay the administration process.

The **Simpler Law Homecare Platinum Plan** offers outstanding protection for you, your assets, and your beneficiaries but it doesn't stop there - There is more you can do to look after yourselves and ensure you don't burden your family and loved ones at a difficult time. Please read on.

Inheritance Tax Considerations.

The **Homecare Platinum Plan** is not designed to mitigate your own personal Inheritance Tax liability, but it can help your beneficiaries plan for theirs if one existed.

By making provision for your beneficiaries through the Plan, they can benefit from the 'inheritance' without it forming part of their estate, perhaps by receiving the income only or by receiving loans for example.

In such an example the 'inheritance' would not be liable for inheritance tax on their death.

Dependants Claims.

You may want to exclude certain individuals from inheriting your estate. You will potentially not even be aware that some people may have a claim against your estate after you have passed away.

There is an Act of Parliament that gives these rights, called The Inheritance (Provision for Family and Dependants) Act 1975 and so whilst you may not think that this could be a problem it is better to plan for the worst rather than just hoping for the best.

An article published in The Independent in 2013 went on to say "The number of family feuds over disputed Wills that result in cases before the High Court has risen dramatically as financial pressures and changing relationships drive a boom in legacy litigation. Figures obtained by The Independent show a 700 per cent increase over the last five years in the number of actions launched at London's High Court to challenge the provisions made in Wills. In addition, the number of cases aimed at having whole Wills declared invalid has nearly doubled".

The **Homecare Platinum Plan** itself will not prevent such claims from happening but anyone that makes a claim can only do so against your estate, subject to certain conditions, and so any assets that are protected by the Plan would be outside of any claim. Typically, those people who can make a claim against the estate are spouses, former spouses who have not remarried, children (including adopted children) and anybody who was financially dependent on the deceased at the time of death.

Undue Influence.

With your guidance, the **Homecare Platinum Plan** can exercise discretion and control at the time of your death to ensure that your chosen beneficiaries receive the assets without there being a risk from a partner or spouse (or indeed some other third party).

It is a sad fact that money and wealth can change people. At the time of carrying out your estate planning and protecting your assets with the Plan your beneficiaries, their spouses or partners may be part of a strong family unit, however this position can change.

Your beneficiaries could even meet someone new who may not share the same morals and values. Keeping assets protected by the Plan can also prevent the erosion of the funds through dependency issues such as drink, drugs, and gambling.

Opportunists.

It is unpleasant to think that someone would show affection and form an alliance with your surviving spouse / partner with an ulterior motive in mind.

It is, however, becoming more common for widows or widowers to be targeted by 'predators' who see an opportunity to take advantage of a vulnerable person in order that they may profit from the relationship. With your assets protected by the **Homecare Platinum Plan**, the opportunity to profit is removed.



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Lasting Power of Attorney (Property & Affairs)

If a person becomes unable to manage his or her affairs due to incapacity whether due to an accident, physical or mental illness, then it is essential that a Lasting Power of Attorney is in place. Without this document and its authorisation, no one, including your spouse or partner would be allowed to conduct your personal affairs which would include paying your bills, looking after your banking, managing your investments, caring for your property or looking after your business.

This document is required to be registered with The Office of The Public Guardian before it can be used and, depending on your personal and financial position at the time of registration, the OPG may charge a one-off registration fee.

NOTE: If you own property jointly with your spouse/partner, then there should be at least one other Attorney besides your spouse/partner selected so decisions can be made about your property.

By planning ahead and producing a Lasting Power of Attorney you are able to appoint trustworthy persons, giving clear instructions and setting boundaries as to how they are to handle your affairs should you be unable to do so in the future.

No one can create a Power of Attorney for you, and you must create one whilst you are mentally capable of doing so. If you fail to create a Lasting Power of Attorney whilst you have the mental capacity to do so, then no one will be able to act on your behalf, including your spouse or partner, without applying for a Deputyship Order through the Court of Protection, which can be both a lengthy and expensive process.

Not only would you and your family have to come to terms with the upset and emotions the illness or accident creates, but you would also have the added strain of dealing with officials for every decision.

A Court appointed Deputy still has restrictions on what they can do without the permission of the Court. The Court charge recurring fees for this continued supervision.

How much might it cost to become a deputy?

An application to become a Deputy for someone who has lost capacity without having an LPA in place carries an initial Court fee of £371. If the Court advise a hearing is required there will be an additional fee of £494.

To submit the application a medical assessment must be carried out to confirm the person the application relates to no longer has capacity to

make their own decisions. The medical professional is likely to charge a fee for this assessment.

Once an Order is received there is a Deputy assessment fee of £100 and an annual supervision fee of up to £320. Legal costs for assistance in completing the Court application can be around £2000 and a newly appointed Deputy may also have to take out a security bond.

All of these fees and costs, plus the time it takes, can all be avoided by ensuring a valid LPA is in place.

APPLICATION FEE	£371.00
HEARING FEE	£494.00
ASSESSMENT FEE	£100.00
GENERAL SUPERVISION FEE*	£320.00 p.a.

Source: <https://www.gov.uk/become-deputy/fees> (March 2023)
*This figure can vary



Homecare Platinum Plan. Lasting Power of Attorney (Health & Welfare)

This Personal Welfare document deals with matters relating to your social and health care needs.

If in the future you lack the ability to look after your own wellbeing, this document will entitle your Health and Welfare Attorney(s) to make choices on the following types of things:

- Deciding where you live
- Day to day decisions about what you will eat or the clothes you wear
- Decisions about medical care and the treatment you will receive
- Deciding when and where you will go on holiday
- Deciding what social activities you might participate in

In addition, The Lasting Power of Attorney (Health & Welfare) document will also ask you to decide whether you would want your chosen Attorneys to be able to make decisions with regard to life sustaining treatment.

This is a very powerful document that will ensure you have a say through someone that you trust, about your day-to-day care and wellbeing.

This document is required to be registered with The Office of The Public Guardian (OPG) before it can be used and depending on your personal and financial position at the time of registration, the OPG may charge a one-off registration fee.

Without these valuable documents in place, you have no voice. Your loved ones are then exposed to costs and further heartache. All of which can be avoided by having an LPA.



Simpler Law. Who Are We?

Simpler Law is part of a group of companies that specialise in end of life planning and private client services. Through acquisition and growth, it now has over 200,000 satisfied clients and has a 5-star Trustpilot rating.

Simpler Law is a nationwide company with clients throughout England, Wales, Scotland, and Northern Ireland. Whilst the head office is based in Lincoln, it has offices in Leicester, Cardiff, Birmingham, and the Northeast.

Our approach is mainly through a specialist phone-based team, but we also have a nationwide network of Advisors, to enable us to visit you in virtually every location across the UK, if required.



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Simpler Law Limited (a wholly owned subsidiary of HAIG Legal Group Limited (HAIG)) may, where necessary, sub-contract to its sister company, Fidelis Legal Services Limited, also a wholly owned subsidiary of HAIG, for other legal or estate planning work to be carried out in order to fulfil your requirements and meet your estate planning needs.

Simpler Law. Our Services

WILLWRITING & ESTATE PLANNING
LASTING POWERS OF ATTORNEY
TRUST & TAX SPECIALISTS
PROFESSIONAL TRUSTEE SERVICES
TRUSTEE ADVISORY & AGENT SERVICES
PROBATE & ESTATE ADMINISTRATION
PROFESSIONAL EXECUTOR SERVICES
SPECIALIST CONVEYANCING
SIMPLER CARE PLAN
SIMPLER INFINITY PLAN



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