



# Wills, Probate and Deceased Estate- Glossary

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Legal Terms in alphabetical order often used in Wills and Probate

## Abatement

the deceased's debts are paid out of the deceased's assets so all legacies are reduced by any shortfall after payment of the debts

## Ademption

where a Testator leaves a specific bequest, and it is not in fact present in the estate at date of death, the bequest fails

## Administrator

a person nominated to administer a deceased estate, authority comes from the Grant of Probate

## Assets

anything of value or usefulness that is owned by the deceased

## Beneficiary

any person or entity due to benefit from a deceased estate

## Bequest

a gift of chattels or property under a will

## Codicil

a testamentary document intended to alter the provisions of an existing will

## Contingent gift

a gift given to a beneficiary under a will, possibly but not certainly

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## Capacity

capability; in order to have the capacity to do so a person making a will must be at least 18 years old (UNLESS on active Military Service or a Mariner or Seaman at Sea which is called a Privileged Will) and of sound mind

## Domicile

the place a person usually regards as their permanent home

## Domicile of Origin

the person's parents domicile at birth, and determined by the parent's marital status

## Domicile of Choice

the place a person has chosen to regard as their permanent home despite having been previously domiciled elsewhere

## Estate

consists of everything a deceased person owns at date of death and includes the liabilities they may have

## Executor

someone nominated in a will to settle the estate of the deceased, their authority comes from the will

## Family Provision

supplying or fitting out members of a fundamental social group typically parents and children, including those maintained as such prior to a Testator's death

## Forfeiture

a person may not benefit under a will from a crime they committed and any benefit they may have gained will be lost

## Forfeit

a benefit lost or surrendered as a penalty

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### Guardian

a person appointed to take care of the person and affairs of a minor or incompetent adult

### Gift over

a gift given in a will which passes in turn to another beneficiary, should the original beneficiary not survive a given date or event

### Heir

an individual who succeeds to property

### Hereditament

something capable of being inherited

### Intestate

dying without leaving a valid will

### Intention

the person doing a will must intend to do so (make a will)

### Insurance Policy - Deceased's Life

the proceeds are paid to the deceased estate and distributed under the Will

### Insurance Policy - named beneficiary

the proceeds are paid to the beneficiary named in the policy

### Interest in Possession

an interest for life in a gift left under a will

### Joint Tenancy

when two or more persons are owners of property

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## Jurisdiction

a legal right to pass judgement in a defined geographical area

## Kinship

family relationship by blood, adoption or marriage

## Lapse

where a beneficiary has predeceased the death of the person conferring a benefit the benefit falls away

## Legacy

property bequeathed to another by will

## Life interest

an interest in a bequest which only last for the lifetime of the person receiving it

## Mental Capacity being

of sound mind

## Maintenance

a periodic or lumpsum payment made towards the expense support and upkeep of a person entitled to such benefit

## Next of Kin

the nearest blood relative of the deceased

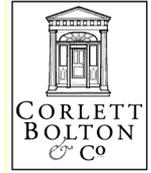
## Name

a unique combination given to a person usually at birth entitling them to exercise their legal rights under their name such as to draw a will

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## Obligation

a requirement established by law; see Family Provision

## Order

a direction given by the judiciary

## Partially Testate

dying leaving a valid will for part but not all of the Testator's estate

## Pecuniary

that which can be valued in money

## Pecuniary legacy

a gift to a beneficiary sounding in money

## Personal Representatives

the Administrators and Executives acting for the deceased

## Privileged Will

a person younger than 18 on active Military Service or a Mariner or Seaman at Sea may make a valid will

## Probate

the formal Certificate issued that certifies a will has been proven, validated and registered and gives authority to wind up the deceased estate in accordance with the will so proven

## Quantum

amount or extent in Latin such as the amount of an inheritance

## Quash

to set aside

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the part of an estate left over after payment of all liabilities and legacies

Residual beneficiary

the person or persons who take the remainder of an estate after all debts and specific legacies are paid out

Revocation

the act of burning, tearing or otherwise destroying with intention

Revoke

an act or recall or annulment

Signed

the act of signing one's name also if formally signed sometimes called executed

Signature

signed name, initials, or mark or thumb print intended to be regarded as a signature

Tenancy in

common a joint

estate Testator

a man or woman who makes a will (a woman is sometimes called a Testatrix)

Testatrix

a woman who makes a will

Trustee

one who holds legal title to a property in order to administer it for another

where a legacy is not described with sufficient clarity the gift will fail

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## Vested

settled or absolute, without a contingency

## Valuation

an expert opinion giving the market value of an item

## Will

a document setting out the future intentions of the Testator or Testatrix for the distribution of their estate assets after death

## Witness

a person who can give a first-hand account; a person to be present at a transaction to attest it took place such as the signing of a will

## Wholly Testate

dying leaving a valid will dealing with the whole estate of a deceased person

## X

a mark often made by signatories to a will or legal document if unable to sign their name

## Youth

a minor person under the age of legal competence

## Zero

no quantity or number

For further information on Wills, probate or deceased estates or any other private client law issues, please contact us on (01624) 676868

This publication is intended only to provide a brief guide. It does not purport to be comprehensive or to provide legal advice.

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