

Things to consider when making a Will

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Wills of Immovable Estate

This essentially covers Jersey freehold (and flying freehold) property. Property which is owned in joint names (where ownership is on a 'survivorship' basis) will automatically pass to the survivor on the death of one of the joint owners and will not be governed by your Will.

Who do you wish to leave your immovable estate to?

If you wish to split up a large property your Will should create the necessary boundaries and rights. You may wish to give a life enjoyment to someone, and the underlying ownership to another party. This can all be dealt with by your will.

Who would you want to receive your immovable estate if any of your first choices die before you?

You don't have to provide for this possibility but it can help to minimise the likelihood of updating becoming necessary.

Wills of Movable Estate

This applies to all other property owned in Jersey and includes share transfer properties, bank accounts, cars as well as intellectual property such as websites and online assets.

Do you have any preferences about cremation or burial arrangements or funeral plans?

You need not make any provision at all, but setting out what you wish to happen can make it easier for your family.

Who do you want be your executor?

The person who gathers together and distributes movable estate is called the 'Executor'. You should appoint someone who you trust and who is capable of administering your estate. You may appoint a professional executor such as Ogier, or choose a relative or friend.

Do you wish to name the person who you would want to take care of your children if you and your partner die while they are minors?

In Jersey the guardian of a child is called a tuteur and is nominated by a group of seven members of tutelle (usually a group of family, friends and advisers) to take care of the child's property. Your wishes are not binding but should be persuasive.

If you have any specific items (heirlooms) you may wish to specify them. If so, what are these items and who do you want to leave them to?

Your executor may have to liquidate your estate in order to distribute it between your chosen beneficiaries, so it's always best to provide for important or sentimental items.

Would you like to leave any sums of money to family, friends or charities?

You may wish to help a charitable cause or make a bequest to an employee, friend, or family member.

Who do you wish leave the rest of your movable estate to?

The remainder of your estate will be allocated after all debts have been paid and specific bequests have been provided for.

Who would you like to inherit your movable estate if any of your first choices die before you?

You don't have to provide for this possibility but it can help to minimise the likelihood of updating becoming necessary.

The information and expressions of opinion contained in this guide are not intended to be a comprehensive study or to provide legal advice and should not be treated as a substitute for specific advice concerning individual situations.

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