

# Where there's a Will... here's the way.

This Will Instruction Form should be easy to complete but these notes may assist you.

## **Previous Wills**

We need to know if you have previously made a Will. This information is important as any previous Will must be revoked in your new Will. If you have made a Will previously and have a copy of it we suggest that you send a copy to us. Even if you have made not made a previous Will a revocation clause will be included in your Will as a precaution.

## **Marriage/De facto Relationship**

If you are married or are in a de facto relationship we require information about your spouse/partner. We need to ensure that you receive proper legal advice about making provision for a spouse/partner in your Will or what may happen if you do not make any provision for them.

## **Children**

If you have children, whether children from your current marriage/relationship or children from a prior marriage/relationship, we need to know. Please provide us with details about all of your children including step-children and adopted children.

## **Executors**

These are the people who administer your estate after your death. They also are responsible for ensuring that your assets are distributed in accordance with the terms of your Will and that any other provisions in your Will are carried out. In 9 out of 10 cases, your appointed executor will employ solicitors to obtain a Grant of Probate and administer your estate. Anybody over the age of 18 can be an executor. Most people appoint family members to be their executors. It is prudent to appoint a reserve executor in case your executor dies before you or is unable to act as your executor due to ill health or the like.

If you are married or have a de facto partner and you are leaving them your entire estate or the majority of your estate it is sensible to appoint them as your executor. If you do not have a close relative or friend that you wish to appoint as your executor you can appoint us if you wish.

## **Gifts**

These are also called legacies or bequests and can be either a sum of money or any other thing that you own, such as jewellery, a motor vehicle, household items etc. You must ensure that you specify the sum of money or provide details of the object (ie if jewellery etc) precisely so that your executor can identify that object and ensure it is gifted in accordance with your Will. For instance, it is no good leaving someone your gold watch if when you die you have five different gold watches. It will not be known which one you mean and a dispute can arise. It is better to state "my antique gold Cartier watch with the gold and silver band".

## **Residue**

There has to be a sweeping up clause to catch everything not otherwise given away in your Will. Indeed you may not have made any gifts at all and your residuary estate may all be going to one person or a charity. You can leave your residue between several people either equally or in specified proportions. Again, as with executors, if you are leaving your residue to one person it is better to name a substitute to receive the residue if the first named person predeceases you.

## **Funeral Instructions**

These are not strictly necessary but your Will is a convenient place to state your wishes. It is particularly important to state your wishes in your Will if they may be different to your family members' beliefs. This can avoid a dispute between your spouse/de facto partner and your extended family. You can simply say you wish to be buried or cremated or you can give more extensive instructions.

## **Claims Prevention**

To help try and prevent any claims against your estate it is important for us to know if by choice you financially support anyone or if you are legally obliged by law or court order to financially support anyone (such as an ex-spouse, an ex-de facto partner, your children or grandchildren). If any of the people you financially support are not named as beneficiaries in your Will or you have catered for them in your Will but not in any significant manner, there is a chance that they may wish to make a claim against your estate. In addition, it is important that you tell us if you have any of the following - a spouse/de facto partner, children and grandchildren. They form part of the class of people who are legally able to make a claim against your Will. We will need to give you advice at the time of preparing your Will as to who can make a claim against your Will in your personal circumstances and the consequences of not including any of these people in your Will.

## **Other Relevant Information**

The Will Instruction Form covers nearly everything a solicitor will need to know to prepare your Will. However, if you have very special personal circumstances you think may be important please include details in the space provided.

# Will Instructions

## Personal Details

Your Full Name: \_\_\_\_\_

Address: \_\_\_\_\_

Suburb: \_\_\_\_\_ Postcode: \_\_\_\_\_

Email: \_\_\_\_\_

Tel: (home) \_\_\_\_\_ Mobile: \_\_\_\_\_

DOB: \_\_\_\_\_ Occupation: \_\_\_\_\_

Have you made a previous Will? Yes  No

Have you previously been married or lived in a de facto relationship? Yes  No

If married or de facto, are you currently separated from your spouse? Yes  No

If married, are you divorced from your spouse? Yes  No

Do you have any children including adopted or step-children? Yes  No

If yes, what are their full names and dates of birth:

Child 1: \_\_\_\_\_ DOB: \_\_\_\_\_

Child 2: \_\_\_\_\_ DOB: \_\_\_\_\_

Child 3: \_\_\_\_\_ DOB: \_\_\_\_\_

Child 4: \_\_\_\_\_ DOB: \_\_\_\_\_

Do you have any grandchildren? Yes  No

If you have grandchildren, who is their parent and what are their full names and dates of birth:

Name of Parent: \_\_\_\_\_

Grandchild 1: \_\_\_\_\_ DOB: \_\_\_\_\_

Grandchild 2: \_\_\_\_\_ DOB: \_\_\_\_\_

Grandchild 3: \_\_\_\_\_ DOB: \_\_\_\_\_

Name of Parent: \_\_\_\_\_

Grandchild 1: \_\_\_\_\_ DOB: \_\_\_\_\_

Grandchild 2: \_\_\_\_\_ DOB: \_\_\_\_\_

Grandchild 3: \_\_\_\_\_ DOB: \_\_\_\_\_

Name of Parent: \_\_\_\_\_

Grandchild 1: \_\_\_\_\_ DOB: \_\_\_\_\_

Grandchild 2: \_\_\_\_\_ DOB: \_\_\_\_\_

Grandchild 3: \_\_\_\_\_ DOB: \_\_\_\_\_

## Main Assets

Please give approximate values for each of the following:

House/Unit: \$ \_\_\_\_\_

Investment property: \$ \_\_\_\_\_

Car: \$ \_\_\_\_\_

Money in the Bank/Credit Union (including term deposits): \$ \_\_\_\_\_

Shares: \$ \_\_\_\_\_

Life Insurance: \$ \_\_\_\_\_

Are any of your assets held jointly with someone else? Yes  No

If yes, who with? \_\_\_\_\_

Do you own a company? Yes  No

If yes, please provide:

(i) The name of the company: \_\_\_\_\_

(ii) The names of all appointed current directors:

Director 1: \_\_\_\_\_

Director 2: \_\_\_\_\_

Director 3: \_\_\_\_\_

(iii) The owners of all issued shares in the company:

Owner 1: \_\_\_\_\_

Owner 2: \_\_\_\_\_

Owner 3: \_\_\_\_\_

Do you have a discretionary family trust? Yes  No

If yes, please provide:

(i) The identity of the Appointor of the Trust:

\_\_\_\_\_

(ii) The identity of the Trustees of the Trust:

\_\_\_\_\_

(iii) The identity of the beneficiaries of the Trust:

Beneficiary 1: \_\_\_\_\_

Beneficiary 2: \_\_\_\_\_

Beneficiary 3: \_\_\_\_\_

# Will Instructions

## Main Assets (cont.)

Do you have superannuation entitlements in a public superannuation fund? Yes  No

If yes, please provide:

(i) The name of the fund: \_\_\_\_\_

(ii) The value of your entitlements in the fund as at the end of the last financial year: \$ \_\_\_\_\_

Do you have superannuation entitlements in a self managed super fund? Yes  No

If yes, please provide:

(i) The name of the fund: \_\_\_\_\_

(ii) The names of all members of the fund:

Member 1: \_\_\_\_\_

Member 2: \_\_\_\_\_

Member 3: \_\_\_\_\_

(iii) The value of your entitlements in the fund as at the end of the last financial year: \$ \_\_\_\_\_

(iv) Do you have a binding nomination? Yes  No

If yes, please provide the name of the person(s) who will receive the benefit upon your death:

Person 1: \_\_\_\_\_

Person 2: \_\_\_\_\_

Person 3: \_\_\_\_\_

## Details of Additional Assets (if any)

1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

4. \_\_\_\_\_

5. \_\_\_\_\_

6. \_\_\_\_\_

7. \_\_\_\_\_

8. \_\_\_\_\_

9. \_\_\_\_\_

10. \_\_\_\_\_

## Liabilities (if any)

Mortgage/line of credit (who with): \$ \_\_\_\_\_

Credit card (who with): \$ \_\_\_\_\_

Credit card (who with): \$ \_\_\_\_\_

Personal loan (to whom): \$ \_\_\_\_\_

Other (specify): \$ \_\_\_\_\_

## Details of Additional Liabilities (if any)

1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

4. \_\_\_\_\_

5. \_\_\_\_\_

6. \_\_\_\_\_

7. \_\_\_\_\_

8. \_\_\_\_\_

9. \_\_\_\_\_

10. \_\_\_\_\_

## Executor (1)

Full name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_  
Postcode: \_\_\_\_\_

Relationship to you: \_\_\_\_\_

## Executor (2)

Full name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_  
Postcode: \_\_\_\_\_

Relationship to you: \_\_\_\_\_

## Substitute Executor (if any)

Full name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_  
Postcode: \_\_\_\_\_

Relationship to you: \_\_\_\_\_

## Guardians for Children under 18

(1) Full name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_  
Postcode: \_\_\_\_\_

Relationship to you: \_\_\_\_\_

(2) Full name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_  
Postcode: \_\_\_\_\_

Relationship to you: \_\_\_\_\_

## Substitute Directors / Appointors

If you are a director of a company, do you wish to nominate a substitute director in the event of your death and, if so, who?

\_\_\_\_\_

If you are an Appointor of a Trust, do you wish to nominate a substitute Appointor in the event of your death and, if so, who?

\_\_\_\_\_

# Will Instructions

## Gifts (if any)

Specify items or sums of money to be left to any persons or organisations. Insert the beneficiary's full name, address and, if they are under 18, please state their age.

Item/Money (1): \_\_\_\_\_

Full name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_ Postcode: \_\_\_\_\_

Relationship to you: \_\_\_\_\_ Age (if under 18): \_\_\_\_\_

Item/Money (2): \_\_\_\_\_

Full name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_ Postcode: \_\_\_\_\_

Relationship to you: \_\_\_\_\_ Age (if under 18): \_\_\_\_\_

Item/Money (3): \_\_\_\_\_

Full name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_ Postcode: \_\_\_\_\_

Relationship to you: \_\_\_\_\_ Age (if under 18): \_\_\_\_\_

Item/Money (4): \_\_\_\_\_

Full name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_ Postcode: \_\_\_\_\_

Relationship to you: \_\_\_\_\_ Age (if under 18): \_\_\_\_\_

Item/Money (5): \_\_\_\_\_

Full name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_ Postcode: \_\_\_\_\_

Relationship to you: \_\_\_\_\_ Age (if under 18): \_\_\_\_\_

## Residuary beneficiaries

Full name, address, relationship to you and age (if under 18):

Full name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_ Postcode: \_\_\_\_\_

Relationship to you: \_\_\_\_\_ Age (if under 18): \_\_\_\_\_

Full name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_ Postcode: \_\_\_\_\_

Relationship to you: \_\_\_\_\_ Age (if under 18): \_\_\_\_\_

Full name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_ Postcode: \_\_\_\_\_

Relationship to you: \_\_\_\_\_ Age (if under 18): \_\_\_\_\_

## Residuary beneficiaries (cont.)

Full name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_ Postcode: \_\_\_\_\_

Relationship to you: \_\_\_\_\_ Age (if under 18): \_\_\_\_\_

If any of your residuary beneficiaries die before you, do their children receive their parent's share? Yes  No

If no, who receives their share?

Full name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_ Postcode: \_\_\_\_\_

Relationship to you: \_\_\_\_\_ Age (if under 18): \_\_\_\_\_

Full name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_ Postcode: \_\_\_\_\_

Relationship to you: \_\_\_\_\_ Age (if under 18): \_\_\_\_\_

Full name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_ Postcode: \_\_\_\_\_

Relationship to you: \_\_\_\_\_ Age (if under 18): \_\_\_\_\_

## Funeral Instructions

Do you want to be buried or cremated? Buried  Cremated

Any other funeral instructions (ie name of cemetery, ashes scattered at sea):

\_\_\_\_\_

\_\_\_\_\_

## Please answer the following questions

Do you have a partner (married or de facto) who will not be named as a beneficiary? Yes  No

Are you separated? Yes  No

Do you currently provide financial support for anyone who will not be named as a beneficiary? Yes  No

Do you or your partner have a child or children who will not be named as a beneficiary (including illegitimate children)? Yes  No

Do you have a child who is disabled? Yes  No

Do you intend to marry or enter into a de facto relationship in the near future (ie within (say) the next six months)? Yes  No

If you have answered "yes" to any of the above questions, please make an appointment to see one of our specialist lawyers.

Your Signature \_\_\_\_\_ Date \_\_\_\_\_