

INSTRUCTION SHEET FOR WILL

Please print off, complete and return this document to us by email or post and we will contact you with a quote and to discuss further.

1. TESTATOR (Person making Will)

Name:

Address:

Occupation: Date of Birth

Telephone No: (H) (W)

Mobile No:

Email Address:

2. BENEFICIARIES

Are you married or are you in a defacto relationship (living with a partner)?

Yes No

If so, do you intend to leave your entire estate to your surviving spouse/defacto spouse?

Yes No

If so, please advise full names, addresses and ages below:

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3. CHILDREN

Do you have any children?

Yes

No

If so, please advise full names, addresses and ages below: (Please specify if children are step children)

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If you have appointed your wife/husband or defacto spouse as your sole beneficiary, in the event of him/her predeceasing you or failing to survive you for 30 days would you like your children to take your spouse's/defacto's share equally upon them attaining the age of 18 years or 21 years?

18 ☐

21 ☐

4. ALTERNATE BENEFICIARIES

Otherwise, please list who you would like to receive your estate.

Full name / Relationship / Age /Share or Gift

(a)

(b)

(c)

(d)

5. BEQUESTS

Please give specific directions as to any items of a personal nature that are to pass to any family members, associations, charities or any other person upon your death.

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6.

(a) **EXECUTOR/S - *This paragraph must be completed in all cases***

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(b) *If your first named Executor(s) predeceases you?*

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7. GUARDIANS

(a) Do you wish any person/s to be appointed guardians of any of your infant children? (Often two relatives or close friends are appointed guardians)

Name/Relationship/Address

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(b) Do you wish to complete guidelines for the guardians? (These are detailed instructions and preferences on how you wish your children to be raised).

Yes

No

8. FUNERAL DIRECTIONS

Do you wish to be:

Buried

Cremated

No preference

9. SPECIAL DIRECTIONS

(If any of the below mentioned matters require consideration or attention, we will need to obtain more specific instructions from you in order to properly look after your will and estate affairs. We will contact you directly about this.)

Superannuation Details

Nominated Beneficiary Form? Yes No

Interest in Family Companies/
Family Discretionary Trusts?

Yes No

Interest in Life Insurance?

Who is the Owner? Yes No

Business Succession Agreements?

Interest in Family or other
Business/Franchises etc?

Yes No

Shareholders Agreement/
Partnership Agreement?

Yes No

Have you been divorced/remarried
or are you in a defacto relationship?

Do you have any step-children? Yes No

Do you need to make provision for
disabled, spendthrift, vulnerable or
intellectually challenged beneficiaries
or beneficiaries in "risk" occupations
such as Doctors or other professionals?

A Testamentary Trust may be

appropriate. Yes No

(If yes then please complete number 10 below)

Do you face a risk of the prospect of challenges to your will? Have you disinherited any person who may be entitled to make a claim under the Family Provisions of the Succession Act?

Yes No

Will to be delivered by Financial Adviser?

Yes No

Will to be forwarded directly to you with appropriate instructions for execution?

Yes No

Do you have assets outside QLD or overseas?

Yes No

Where you born in England or Wales or have you resided there for over five (5) years?

Yes No

We will store the original executed will in our safe custody at no cost to you.

If we receive instructions to prepare your will it will be on the basis of the information you have provided to us. If you have failed to properly address the points raised in this questionnaire and fail to properly address the special directions and considerations required to prepare your will, you may not be protecting your family's future. If any of these additional matters apply to you, we suggest that you obtain professional advice and we accept no

liability whatsoever for preparation of documents if adequate and proper instructions have not been provided to us.

10. TESTAMENTARY TRUST - ADDITIONAL INFORMATION AND QUESTIONS

It is possible for your executor(s) to be the trustee(s) of the testamentary trust but we do not advise having the trustee and the beneficiary under the trust as the same person as this may weaken the asset protection available from the trust. However, if you are concerned, you could have the beneficiary as a co-trustee with an independent party. (Often your solicitor or accountant is prepared to take on this role).

If you have more than one child you wish to benefit under a testamentary trust we strongly recommend that you set up separate trusts for each of your children. This removes the problems associated with apportionment and potential conflict amongst the children in the future.

You will also need to nominate an appointor, who will have the power to remove a trustee and appoint a replacement if the necessity arises. (This is often your solicitor or accountant).

(a) Do you wish your executor(s) to be trustee(s) of the testamentary trust(s)?

Yes

No

If no, please advise full names and addresses of who you wish to appoint as trustee(s)?

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(b) Do you wish the beneficiary to become sole trustee?

Yes

No

If yes, at what age? (Usually 25 or 30)

25

30

(c) Who do you wish to nominate as appointor? (Please provide full name and address)

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If a prospective beneficiary does not survive you the part of your estate due to pass to that trust will usually pass to any other trust(s) you have established under you will. But if no beneficiary survives you then you will have to nominate where the funds will go. (This is usually siblings but can be anyone, including charities)

Please provide full name and address of the ultimate recipient(s) of your estate.

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11. FINANCIAL ADVISERS NOTES TO SOLICITOR

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If you would like to seek clarification on a particular issue or wish to seek any advice before completing this Instruction sheet please contact **Noel Duffy** direct on:

Business: 07 5502 3102

Mobile: 0422 994 151

E-mail: nduffy@duffylaw.com.au

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