

SUMMARY FOR WILL - MARRIED OR DEFACTO NO CHILDREN

WILL MAKER'S DETAILS

Will Maker's Full Name Stephanie Clark

Will Maker's Address 23 Clive Street, City Beach, Western Australia 6012 Australia

SPOUSE DETAILS

Spouse Full Name Jason Clark

Spouse Address 32 Clive Street, City Beach, Western Australia 6012 Australia

SUBSTITUTE EXECUTOR DETAILS

| FULLNAME | ADDRESS |
|-------------|------------------------------------------------------------|
| Mark Davies | 52 Wilson Way, Claremont, Western Australia 6010 Australia |

SPECIFIC GIFT DETAILS

NOTE: The following Specific Gifts are given out before the Residuary Estate.

| NO. | GIFT NAME | BENEFICIARY NAME |
|-----|-----------------------------------------------------------------------|------------------|
| 1 | Diamond Wedding Ring belonging to Stephanie Clark. Valued at \$6,000. | Harriet Clark |

RESIDUARY BENEFICIARIES DETAILS

| NO. | PERCENTAGE | BENEFICIARY NAME | BENEFICIARY ADDRESS |
|-----|------------|------------------|--------------------------------------------------------|
| 1 | 100 | Joseph Taylor | 35 Franklin Street, Beachtown, Victoria 3099 Australia |

QUALIFYING AGE DETAILS

NOTE: Unless the Will specifically directs the general Age of Majority is 18 years of age for the Beneficiaries.

Qualifying age 18 years

OTHER INFORMATION

Body disposal I want to be cremated and my ashes to be disposed of as my Executor sees fit.

Faith Details

Organ donation I wish for my organs and tissue to be used, except for the Eye tissue.

Getting married or divorced No

SIGNING CLAUSES

Will Signing The Will Maker can physically read the Will.
The Will Maker can read and understand English.
The Will Maker is physically able to put pen to paper to sign the Will

The author of this document is the law practice Civic Legal.

Sample



LawCentral

Legal Documents

The Last Will and Testament of Stephanie Clark



CIVIC LEGAL

I **Stephanie Clark of 23 Clive Street, City Beach, Western Australia 6012 Australia** declare this to be my last Will and Testament.

1. REVOCATION OF PREVIOUS WILLS

I revoke all previous testamentary acts.

2. DEFINITIONS

In this Will the expression:

- i. **“Duties”** means all death, estate, succession, property transfer or other duties or taxes payable in respect of my death or the passing of property under this Will;
- ii. **“my Spouse”** means **Jason Clark of 32 Clive Street, City Beach, Western Australia 6012 Australia** ;
- iii. **“qualifying age”** in respect of any beneficiary means 18 years; and
- iv. **“Relevant Legislation”** means the legislation governing trusts in the State or Territory of Australia in which my estate is administered or probate is granted.

3. APPOINTMENT OF EXECUTORS AND TRUSTEES

- i. If my Spouse survives me for thirty (30) days, I appoint my Spouse as Executor of my Will.
- ii. If my Spouse refuses, is unable or unwilling to act or continue to act as my Executor, I appoint **Mark Davies of 52 Wilson Way, Claremont, Western Australia 6010 Australia** as my substitute Executor.

4. PAYMENT OF DEBTS, EXPENSES FROM RESIDUE OF ESTATE

My Executor, subject to the powers and direction set out in this Will:

- i. may sell, call in or convert into money the whole or any part of my estate; and
- ii. shall first pay out of my funds and property in my estate, all the just debts, taxes (Commonwealth and State), Duties, funeral and testamentary expenses associated with or consequent upon my death and the administration of my estate; and
- iii. shall always have the power to defer, postpone or otherwise howsoever to delay the payment of any or all of my debts upon such terms as my Executor may determine.

5. GIFT OF PERSONAL PROPERTY AND BEQUESTS

I give, free of all Duties and encumbrances:

| | | |
|---------------------------------------|---------------------------------------|----------------------------------------|
| Stephanie Clark: (usual signature) | First Witness: (use same blue pen) | Second Witness: (use same blue pen) |
|---------------------------------------|---------------------------------------|----------------------------------------|

- i. **Diamond Wedding Ring belonging to Stephanie Clark. Valued at \$6,000.**
to Harriet Clark .

6. RESIDUARY ESTATE IF MY SPOUSE SURVIVES ME

- i. If my Spouse survives me by thirty (30) days, I give all the rest and residue of my real and personal property ("**Residuary Estate**") to my Spouse.
- ii. If my Spouse does not survive me by thirty (30) days, the provisions of the following clauses will apply instead of this clause.

7. DISTRIBUTION OF BALANCE OF MY ESTATE TO SPECIFIED BENEFICIARIES

If my Spouse does not survive me by thirty (30) days then my Executors shall divide my Residuary Estate into the following parts, and shall hold those parts on trust in accordance with this Will and dispose of such parts, to such of the following specified beneficiaries who:

- i. survive me by thirty (30) days or are born after my death; and
- ii. attain the qualifying age:
 - A. **100** per cent of the balance of my Residuary Estate to Joseph Taylor of 35 Franklin Street, Beachtown, Victoria 3099 Australia .

8. BENEFICIARIES TO TAKE THE SHARE OF ANY DECEASED BENEFICIARY

- i. Unless otherwise stated, if any beneficiary named in the preceding clause of this Will does not survive to become the beneficiary under this Will, but leaves children who:
 - A. survive me by thirty (30) days or are born after my death; and
 - B. attain the qualifying age,

("the survivors") then the part of my Residuary Estate that such beneficiary would otherwise have taken shall be divided into equal sections and such sections shall be held on trust with each of the survivors being entitled to one such equal section.

- ii. If any of the beneficiaries referred to in the preceding sub – clause of this Will who would otherwise have taken the place of a deceased parent do not survive to become a beneficiary under this Will, but leave beneficiaries who:
 - A. survive me by thirty (30) days or are born after my death; and
 - B. attain the qualifying age,

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| Stephanie Clark: (usual signature) | First Witness: (use same blue pen) | Second Witness: (use same blue pen) |
|---------------------------------------|---------------------------------------|----------------------------------------|

(**“the further survivors”**), then the section of my Residuary Estate that such beneficiary would otherwise have taken shall be divided into equal portions and such portions shall be held on trust with each of the further survivors being entitled to one such equal portion.

- iii. If any beneficiary named in the preceding clause of this Will does not survive to become the beneficiary under this Will and leaves no survivors or further survivors, then the part of the balance of my Residuary Estate that beneficiary would otherwise have taken shall be distributed to their deceased estate.

9. BODY PROVISIONS

It is my wish that after my death my body is to be cremated and my ashes to be disposed of as my Executor sees fit in accordance with the rites of the faith.

10. ORGAN DONATION

After my death I wish my organs and tissue to be used, except for the Eye tissue, for organ donation.

11. REASONABLE PROVISION

When considering the provisions of this Will:

- i. I have carefully considered and deliberately excluded certain persons from this Will (who might otherwise consider themselves to be entitled to a benefit from my estate);
- ii. I considered all moral and other obligations that I have or may have or be considered to have towards any other persons not mentioned in this Will and whether it was fair or unfair in their particular present and anticipated circumstances that they receive (and if so, to what extent) or do not receive mention in this Will; and
- iii. I am satisfied that the provisions I have made are fair and reasonable in all the circumstances.

12. PRIORITIES FOR EXECUTOR

- i. It is my intention that my Executor administer my estate in such a manner so as to give priority to the following:
 - A. first, the division of my estate and other assets between beneficiaries as outlined in this Will; and
 - B. secondly, having regard to taxation and other matters, to consider the most cost effective manner of dealing with the assets forming part of my estate.
- ii. I direct that where possible my Executor appointed pursuant to this Will should consult with such other qualified professional advisers as the situation

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| Stephanie Clark: (usual signature) | First Witness: (use same blue pen) | Second Witness: (use same blue pen) |
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requires, before making decisions regarding my estate and the trusts created by this Will.

- iii. Any advice given by such qualified professional advisers arising from consultation pursuant to this clause must be considered by my Executor but is not binding on my Executor.

13. EXECUTOR'S POWERS

- i. Except to the extent inconsistent with the terms and provisions in this Will, the powers conferred on my Executor by the Relevant Legislation as amended from time to time are in augmentation of the powers conferred by this Will.
- ii. My Executor shall have all powers permitted at law and in equity without exception or reservation and any statutory provisions to the contrary are hereby expressly negated insofar as this is permissible at law to do so.
- iii. My Executor in the absolute discretion of my Executor may exercise the powers of a trustee for sale in respect of any assets and my Executor may without being liable for any loss caused by so doing:
 - A. postpone sale; or
 - B. retain in its form of investment at my death or at any time thereafter any part of my estate, even though it is wasting, hazardous or reversionary or is speculative in nature.
- iv. My Executor will have the following powers in connection with my estate:
 - A. to retain the identity of any asset, to sell any asset at any time, and to distribute the assets in specie;
 - B. to determine whether receipts or expenses are capital or income, or partly capital and partly income so as to bind the beneficiaries;
 - C. to appropriate property not specifically given by this Will at the value determined by my Executor without the consent of the beneficiaries in full or partial satisfaction of any gift or share of my estate;
 - D. to make any division of my estate, or set aside or pay any share or interest in my estate, either wholly or in part, from the property whether real or personal, comprising my estate at the time of my death or at the time of division, setting aside or payment;
 - E. to fix the value of my estate or any part of my estate for the purpose of making any division, setting aside, or payment, so as to be final and binding on persons concerned;
 - F. to invest, charge or retain investments including unsecured interest free loans or any non-income producing assets;

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- G. to carry on any business in which I am engaged as a partner or otherwise at the date of my death for any period, and to enter into, vary, or dissolve partnerships or arrangements in connection with that business and generally to act in relation to that business as if my Executor were the absolute owner of my share or interest in the business without being liable or responsible for any loss;
 - H. acquire or lease assets for occupation, use or enjoyment by a beneficiary (whether alone or with some other person or persons);
 - I. despite any limitations in any Relevant Legislation (as amended from time to time) and, at the discretion of my Executor, without seeking consent or approval of or directions from a Court, maintain, repair, improve, develop, alter, renovate, pull down, erect or re-erect any part of my estate or trust fund and any property forming part of my estate or trust fund whether as at the date of my death or subsequently;
 - J. employ and pay at the expense of my estate any agent, adviser and/or professional trustee to transact any business or do any act required to be transacted or done in the execution of the trusts under this Will; and
 - K. do all other ancillary and incidental matters as my Executor in my Executor's absolute discretion, considers helpful to administer these trusts or to comply with my desires, wishes and intentions expressed in this Will.
- v. My Executor may until the absolute vesting of any share or interest in a beneficiary under this Will, apply from time to time the whole or any part of the income from that share or interest with recourse if necessary to the capital of that share or interest for, or towards, the proper maintenance, education, advancement, benefit or support of that beneficiary and to make payments for that purpose to the beneficiary or to the parent, guardian or carer of that beneficiary without being responsible to see to the application of those payments.
- vi. My Executor may take and act upon the opinion of any Senior Counsel or equivalent recognised legal practitioner in relation to the interpretation of this Will or any other document or statute or as to the administration of the trusts established by this Will, without being liable to any of the persons beneficially interested in respect of any act done by them in accordance with such opinion, however this clause does not prevent my Executor or any interested person from applying to the Court.

14. INTERPRETATION

In this Will, unless otherwise required by the context or subject matter:

- i. any gift which depends on the beneficiary surviving me by a specified period

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| Stephanie Clark: (usual signature) | First Witness: (use same blue pen) | Second Witness: (use same blue pen) |
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is contingent and does not vest in the beneficiary unless and until the beneficiary has survived the specified period;

- ii. gifts to persons who are named as my Executor are not dependent on those persons acting as my Executor unless hereinafter expressly stated otherwise;
- iii. income produced by the gift between my death and vesting of the gift accumulates to the gift, but the income tax payable on the income (if any) shall be paid out of the income;
- iv. all gifts given by this Will unless otherwise provided are given free of all Duties;
- v. all gifts given by this Will unless otherwise provided are given free of all debts, securities, charges and testamentary expenses; and
- vi. if, by reason of the inclusion of any word, description or provision in this Will, all or any part of this Will would be or become invalid, then this Will shall be construed as if the word, description or provision was not included in this Will.

DATED the _____ day of _____

SIGNED by the Testator in our _____)
joint presence and signed by us as _____)
witnesses in the presence of the _____)
Testator and of each other. _____)
(Usual signature of Testator)

1st Witness

(usual signature)

Full Name:

(Print)

Address:

Occupation:

2nd Witness

(usual signature)

Full Name:

(Print)

Address:

Occupation:
