

SAMPLE

SUMMARY

This is my last Will and takes effect when I die. In this document I appoint executors to manage my estate and give them instructions on how to distribute it to my inheritors. This Will is prepared for use in Australia.

USING THIS FORM

Fill-in with Adobe Reader free at www.get.adobe.com/reader/.

This form is of a general nature only. Consult a lawyer for specific advice on serious matters.

AUSTRALIAN LEGAL WILL

My Last Will

1 My details

My name and address

FULL LEGAL NAME OF WILLMAKER

STREET ADDRESS OF WILLMAKER

- A I am married to my Partner named below and I acknowledge that if we divorce it may affect their legal entitlements in this Will.
- B I am making this Will in contemplation of marriage to my Partner named below and want their legal entitlements in this Will to continue after we marry.
- C I am neither married nor making this Will in contemplation of marriage to anyone.

My Partner

FULL LEGAL NAME OF MY PARTNER (IF ANY)

2 This Will

This Will is taken to revoke all of my former wills and testamentary acts and is to be interpreted as follows:

- “children” includes legally adopted children but excludes stepchildren and foster children unless I have named them as an inheritor of my main estate.
- “dies before me” means dies either before me or within 30 days of my death.
- “outlives me” means outlives me by at least 30 days.

3 My estate

My estate is to be managed by my Executors and applied as follows:

- first, my debts and the expenses of my funeral and the administration of my estate are to be paid out of my estate;
- second, the gifts of any particular items are to be distributed in accordance with section 6 of this Will; and
- third, the rest of my estate (referred to as my “main estate”) is to be distributed in accordance with section 4 of this Will.

THESE TIPS

Follow these tips to complete the document. They will appear on screen but not in the printed document.

EFFECT OF MARRIAGE OR DIVORCE

You must select either A, B or C.

If you select A or B, fill in the details for your Partner, otherwise leave it blank.

If you divorce your Partner after making this Will, at law, it can be treated as though they died before you, which may affect their legal entitlements.

If you marry after making this Will, generally, it will not affect your Partner’s legal entitlements so long as you stated that you made it in contemplation of marriage.

CLARIFYING YOUR WISHES

Section 2 states that this document replaces any earlier Wills and some words used in it have a special meaning.

Section 3 sets out the order for distributing your estate.



INITIALS OF WILLMAKER



INITIALS OF WITNESS 1



INITIALS OF WITNESS 2

SAMPLE ONLY

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4 The inheritors of my main estate (continued)

Inheritor 5

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SHARE (%) RELATIONSHIP TO THE WILLMAKER

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FULL LEGAL NAME OF INHERITOR 5

Inheritor 6

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SHARE (%) RELATIONSHIP TO THE WILLMAKER

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FULL LEGAL NAME OF INHERITOR 6

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TOTAL (%)

FILLING IN THIS SECTION

You only need to fill in this section if you want to name more than 4 Inheritors

TOTAL NUMBER OF SHARES

Ensure all the shares you give to your Inheritors add up to 100%.

4C If any of the Inheritors 1 to 6 die before me then I give that Inheritor's share of the main estate:

- A to any of their children who outlive me (and if more than one then in equal shares).
- B to any other Inheritors in their percentage shares.

IF AN INHERITOR DIES

You must select A or B.

4D If an Inheritor is under the Suggested Age of Entitlement (below) when I die, then my Executors have full discretion to distribute all or part of their gifts:

- for their benefit (for example, by paying their educational fees); and/or
- to their legal guardian; and/or
- directly to them immediately; and/or
- directly to them once they reach the Suggested Age of Entitlement (and hold their entitlements on trust in the meantime).

ENTITLEMENT OF MINORS

You can suggest an age at which your Inheritors are entitled to receive their gifts directly. However, your Executors still have the full discretion to distribute the gifts before then including, for example, by distributing all or part of them to a legal guardian or for their benefit by paying their educational fees.

Suggested Age of Entitlement

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FOR AN INHERITOR TO RECEIVE A GIFT DIRECTLY

END OF SECTION 4

_____ 
INITIALS OF WILLMAKER

_____ 
INITIALS OF WITNESS 1

_____ 
INITIALS OF WITNESS 2

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6 My executors

- A I appoint the Sole Executor, named at 6A below, as the executor of my estate.
- B I appoint the Executors, named at 6B below, as the executors of my estate.

6A Sole Executor

FULL LEGAL NAME OF SOLE EXECUTOR

STREET ADDRESS OF SOLE EXECUTOR

However, if the Sole Executor is unable or refuses to act, then I appoint the Executor/s named at 6B below as the executor/s of my estate.

6B Executor 1

FULL LEGAL NAME OF EXECUTOR 1

STREET ADDRESS OF EXECUTOR 1

Executor 2

FULL LEGAL NAME OF EXECUTOR 2

STREET ADDRESS OF EXECUTOR 2

Executor 3

FULL LEGAL NAME OF EXECUTOR 3

STREET ADDRESS OF EXECUTOR 3

END OF SECTION 6

SPECIFYING THE EXECUTORS

You must Select A or B.

Select A if you want to appoint one person as your Executor, for example your husband, wife or partner. You then need to fill in this person's details as the Sole Executor at 6A.

You should also fill in the details at 6B of who will act as Executor/s if the Sole Executor is unable or refuses to act.

Select B if you want to appoint more than one person, for example your children, as Executors. You should then leave the Sole Executor fields at 6A blank and fill in the details for the various Executors at 6B.

CHOOSING AN EXECUTOR

Executors are responsible for administering your estate and ensuring it is properly distributed to the Inheritors.

You should appoint a person you trust as an Executor as they have the power to make decisions about the management of your estate. They are also responsible for distributing your estate to the Inheritors.

An Executor must be over 18 years of age and may also be an Inheritor under the Will. For example, you may name your husband, wife or partner as an Executor and an Inheritor in this Will.

NUMBER OF EXECUTORS

It is generally advisable to appoint no more than 3 Executors as they will all need to sign documents and take part in administering the estate.



INITIALS OF WILLMAKER



INITIALS OF WITNESS 1



INITIALS OF WITNESS 2

7 Guardian of my children

If I die leaving any children under the age of 18 without a guardian, I appoint Guardian 1 as their guardian.

Guardian 1

FULL LEGAL NAME OF GUARDIAN 1

STREET ADDRESS OF GUARDIAN 1

However, if Guardian 1 is unable or unwilling to act, or continue to act, as a guardian, then I appoint Guardian 2 to act instead.

Guardian 2

FULL LEGAL NAME OF GUARDIAN 2

STREET ADDRESS OF GUARDIAN 2

8 Funeral instructions

After my death, I wish to be:

A buried.

B cremated.

END OF SECTION 8

CHOOSING A GUARDIAN

You can choose a person called a Guardian to look after your children in case both parents die. The Guardian will have legal responsibility for them.

If for example, your children's mother survives you, she may continue to act as their guardian but you need to appoint a Guardian in case she dies.

You should choose someone you can trust to take care of your children such as a family member or responsible friend.

FUNERAL ARRANGEMENTS

Select either A or B.

INITIALS OF WILLMAKER 

INITIALS OF WITNESS 1 

INITIALS OF WITNESS 2 

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