

COMPLETE WILL KIT FOR AUSTRALIA

This package contains the following:

- **Last Will and Testament**, with instructions to help you complete the document.
- **Making a Will – Frequently Asked Questions**, a guide that answers many of your questions about how to make a proper Will, how to appoint an executor and a guardian for minor children, how to make changes to your Will, etc.
- **Will Checklist & Information Sheet**, a checklist and worksheet for you to record all the personal information, and information about your assets and property, that is required to help you prepare your Will.
- **What is the Role of an Executor?**, an informational guide to the duties and responsibilities that the executor / trustee of an estate must perform.

LAST WILL AND TESTAMENT

THIS LAST WILL AND TESTAMENT dated _____ is made by me, [INSERT YOUR FULL NAME], of [street address], [city], [state or territory], [occupation].

REVOCATION

1. I REVOKE all former Wills, codicils and testamentary dispositions made by me and DECLARE this to be my last Will.

AGE OF MAJORITY

2. The age of majority for the purpose of this my Will is twenty-one (21) years of age.

EXECUTOR AND TRUSTEE

3. I NOMINATE, CONSTITUTE AND APPOINT [FULL NAME OF EXECUTOR AND TRUSTEE], of _____ [address], to be the Executor and Trustee of this my Will. In the event that she/he should predecease me or is unable or unwilling to act in that capacity, then I NOMINATE, CONSTITUTE AND APPOINT [FULL NAME OF ALTERNATE EXECUTOR AND TRUSTEE], of _____ [address], to be the Executor and Trustee of this my Will. I hereinafter refer to my Executor and Trustee for the time being as my "Trustee".

INTERPRETATION

4. The paragraph headings in this Will are for convenience only and shall not be construed to affect the meanings of the paragraphs so headed.

5. Wherever the plural is used throughout my Will, it shall be construed as meaning the singular or vice versa and the masculine shall be construed as meaning the feminine or a body corporate as the context requires.

SURVIVAL

6. I DIRECT that anyone who survives me but dies within a period of thirty (30) days following my death shall be deemed to have predeceased me for the purpose of this my Will and the distribution of my estate.

DISPOSAL OF REMAINS

7. After my death, I wish any viable organs or body parts that can be used for transplantation be so used, and the rest of my remains be cremated and _____. *[Your wishes for burial, cremation, interment, scattering of ashes, etc., and any specific wishes for funeral arrangements - for instance, the holding of a wake - can go in this section. BE SURE YOUR EXECUTOR AND YOUR FAMILY ARE AWARE OF YOUR WISHES, AS THIS WILL HAVE TO BE DEALT WITH IMMEDIATELY FOLLOWING DEATH. If you have a Power of Attorney, make your attorney aware of this as well.]*

DISPOSITION OF ESTATE

8. I GIVE, DEVISE AND BEQUEATH all my property of every nature and kind whatsoever and wheresoever situate, including any property over which I may have a general power of appointment, to my Trustee upon the following trusts, namely:

- (a) To use his/her discretion in the realisation of my estate, with power to sell, call in and convert into money any part of my estate not consisting of money, at such time or times, in such manner and upon such terms and either for cash or credit or for part cash and part credit as my Trustee may in his/her uncontrolled discretion decide upon, or to postpone such conversion of my estate or any part or parts

thereof for such length of time as my Trustee may think best, and I hereby declare that my Trustee shall have a separate and substantive power to retain any portion of my estate in the form in which it may be at my death (notwithstanding that it may not be in the form of an investment in which trustees are authorised to invest trust funds and whether or not there is a liability attached to any such portion of my estate), for such length of time as my Trustee may in his/her discretion deem advisable and my Trustee shall not be held responsible for any loss that may happen to my estate by reason of so doing.

- (b) To pay out of and charge to the capital of my general estate my legally enforceable debts, funeral and testamentary expenses and all estate, inheritance and succession duties or taxes whether imposed by or pursuant to the law of this or any other jurisdiction whatsoever that may be payable in connection with any property passing (or deemed so to pass by any governing law) on my death or in connection with any insurance on my life or any gift or benefit given or conferred by me either during my lifetime or by survivorship or by this my Will or any Codicil thereto, and whether such duties or taxes be payable in respect of estates or interests which fall into possession at my death or at any subsequent time; and I hereby authorise my Trustee to commute or prepay any such taxes or duties.
- (c) To transfer and deliver the following specific property to the persons hereinafter named, provided that they survive me:
 - (i) To my [*insert description of relationship, such as: son, niece, uncle, friend, etc*], [**INSERT FULL NAME OF BENEFICIARY**] of [**INSERT ADDRESS**], _____ [*give full description of item, and if there is more than one item, say "the following items" and list them in point form*];
 - (ii) [repeat for each beneficiary for which you are making a specific gift].
- (d) To pay and transfer to the [parties/institutions/organisations] set out below the specific amounts following their respective names:
 - (i) [name of charity or other organisation] \$[amount]
 - (ii) [name of charity or other organisation] \$[amount]

Testator

Witness #1

Witness #2