

COMPLETE WILL KIT FOR NEW ZEALAND

This package contains the following:

- **Will Form**, 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 trustee, 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

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

REVOCATION

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

EXECUTOR AND TRUSTEE

[The following provision lets you appoint your spouse / partner as your sole executor and trustee, and then names an alternate in the event that your spouse / partner does not survive you.]

2. If my _____ [spouse / partner] _____ [FULL NAME OF SPOUSE/PARTNER], of _____ [give full address], _____ [occupation], survives me by a period of thirty (30) days, I appoint my said [spouse / partner] to be the sole Executor and Trustee of this my Will. In the event that my said [spouse / partner] does not survive me by 30 days, then I APPOINT my _____ [state relationship] [FULL NAME OF ALTERNATE EXECUTOR], of _____ [give full address], _____ [occupation], and my _____ [state relationship] [FULL NAME OF ALTERNATE EXECUTOR], of _____ [give full address], _____ [occupation], to be the Executors and Trustees of this my Will. I hereinafter refer to my Executor and Trustee for the time being as my "Trustee".

DISPOSITION OF ESTATE

3. I GIVE, DEVISE AND BEQUEATH all my property, both real and personal, of whatever nature and wheresoever situated, including any property over which I may have a general power of appointment, which is not otherwise disposed of by this Will to my Trustee upon the following trusts:

- (a) To pay out of and charge to the capital of my estate my legally enforceable debts, funeral and testamentary expenses and all duties upon the whole of my dutiable estate (both actual and notional) in exoneration of the recipients of my notional estate;
- (b) *[If you are not making any specific bequests to other people, delete this clause.]* 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], my _____ *[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];
- (c) *[If you are not making any specific bequests to a charity, delete this clause.]* To transfer and deliver to [INSERT FULL LEGAL NAME OF CHARITY] (or any amalgamated or successor organisation thereto) the sum of \$ _____;
- (d) To hold the residue ("my residuary estate") for my said [spouse partner] absolutely, provided s/he survives me for a period of thirty (30) days;
- (e) If my said [spouse / partner] should predecease me or die within a period of thirty (30) days after my death, to hold my residuary estate as follows:
 - (i) As to both capital and income for those of my children who survive me and who reach the age of _____ years *[insert the age you consider appropriate, e.g. 18, 21, etc.]* and if more than one, then equally as tenants in common;

- (ii) But if any of my children predeceases me, or dies before attaining a vested interest and leaves children, then those children on reaching the age of ___ years shall take equally, as tenants in common, the share which their parent would otherwise have taken;
- (f) In the event that my said [spouse / partner] and all of my children predecease me or die within a period of thirty (30) days after my death then I DIRECT my Trustee to divide my residuary estate equally among the following persons, provided that if any of these beneficiaries predeceases me and such deceased beneficiary leaves children, then those children on reaching the age of ___ years shall take equally the share which their parent would otherwise have taken:

My _____ [e.g. brother, friend, aunt, etc], **[INSERT FULL NAME OF BENEFICIARY]** of **[INSERT ADDRESS]**, _____

[Continue to name each contingent beneficiary you want to leave a share of your estate to. This provision allows you to distribute your estate to other family members, such as parents and siblings, if you and your spouse and all your children should die at the same time.]

[If you are single and have no children, you can replace paragraph (d) above with the following, and delete paragraphs (e) and (f).]