

Pro Forma C My Will Instructions – Single Person

Strictly Private & Confidential

Single Person = Single, never married (OR) Single, partner deceased (OR) Single, separated/divorced

Section 1. Executor

Is this a Mutual Will?

No Yes

To administer my Estate, I wish to appoint:

NOTES

AS INITIAL EXECUTOR/TRUSTEE:

Full Name:

Address:

.....

Contact Details:

And Then – As Additional/Substitute* Executor/Trustee:

Full Name:

Address:

.....

Contact Details:

And Then – As Additional/Substitute* Executor/Trustee:

Full Name:

Address:

.....

Contact Details:

And Then – As Additional/Substitute* Executor/Trustee:

Full Name:

Address:

.....

Contact Details:

**Delete one. Cross out Additional/Substitute Executor/s if not needed.*

How my Executors are to act

I wish my Executors to act:

- Jointly (together) No Yes
- Successively No Yes

(eg Executor 1 to act, but if he/she is unable, then Executor 2 and Executor 3 to act)

Instructions:

.....
.....
.....

Note: Co-Executors must act jointly. You must be able to trust them individually to act co-operatively in the administration of the Estate. One Executor cannot act independently of the other. Disputing Executors can cause delays and add considerably to Estate administration costs.

INDEPENDENT EXECUTOR/TRUSTEE

NOT APPLICABLE

Do you wish to appoint any independent person/s or entity to act as Executor/Trustee of your Estate? (whether on their own or as a Co-Executor/Trustee with any of your family members)

<input type="checkbox"/> No <input style="margin-left: 200px;" type="checkbox"/> Yes <input style="margin-left: 200px;" type="checkbox"/> Not Sure
Details:

Distribution of Estate – Specific Gifts/Bequests

I would like to give the following specific items or assets to the named person/s

Asset	Beneficiary/ies – Full Name + address	Value
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____

Do you wish to include any specific conditions in relation to any gift left under your Will, to a beneficiary?

<input type="checkbox"/> No <input style="margin-left: 50px;" type="checkbox"/> Yes <input style="margin-left: 50px;" type="checkbox"/> Not Sure
Details: _____ _____ _____

Life Interest/Right to Reside

NOT APPLICABLE

Do you wish to provide a life interest (or a temporary right of residence) to any person in any of your property upon your death?

	<input type="checkbox"/> No <input style="margin-left: 100px;" type="checkbox"/> Yes <input style="margin-left: 100px;" type="checkbox"/> Not Sure
Property Beneficiary/ies	_____
Terms <i>(eg. who is responsible for paying rates and insurance)</i>	_____
Remainder Beneficiaries <i>(after termination of Life Interest or Right to Reside)</i>	_____
Comments	_____

Guardians for Children

NOT APPLICABLE

Do you wish to appoint one or more Guardians for children under the age of 18 years?

No Yes Not Sure

(Bear in mind that the Guardian is not necessarily the person who has the day-to-day care of the children. The Guardian decides who is best placed to have the day-to-day care, and that may be themselves or some other person or persons)

If Yes,

Child Name: _____
Guardian Name: _____
Address: _____
Contact: _____

Child Name: _____
Guardian Name: _____
Address: _____
Contact: _____

Child Name: _____
Guardian Name: _____
Address: _____
Contact: _____

Comments, Requests or Instructions: _____

Minor Beneficiaries

NOT APPLICABLE

Legal adult age is 18 years. Because of the young person's life inexperience, immaturity or vulnerability, many people impose restrictive conditions on a young beneficiary's right to their inheritance, such as:

- Inheritance is not paid until an older age, such as 25
- Inheritance is paid by instalments, eg. 20% at age 18, 20% at age 21, 60% at age 25.

Do you wish to impose special conditions which over-ride the right of a beneficiary to receive their inheritance at 18 years of age?

<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> Not Sure
Details _____		

Special Needs or Vulnerable Beneficiaries

NOT APPLICABLE

Would you like to protect or favour a beneficiary due to their vulnerable or personal circumstances, such as age (elderly parents) health, disability including mental illness, inability to manage personal affairs, addiction problems (drugs, alcohol or gambling), bankruptcy, or other reason?

<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> Not Sure
Details: _____		

Forgiveness of Loans/Debt

NOT APPLICABLE

Do you wish to forgive any loans/debt owed to you by anyone, upon your death?

<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> Not Sure
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If Yes, do you wish to adjust any distribution made to that person under your Will accordingly?

<input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> Not Sure
Details: _____

Pets **NOT APPLICABLE**

Do you wish to make provision for any pets under your Will?

<input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> Not Sure
Instructions: _____

Charity/ies as Beneficiary **NOT APPLICABLE**

If you wish to include one or more charities as a Beneficiary, you must contact the charity to obtain the correct name and address and the appropriate bequest clause wording.

Name of Charity: Address: Details:
Name of Charity: Address: Details:

NOTE: Gift of a specific asset (other than cash) to a charity may trigger a CGT liability for the Estate.

Testamentary Trust/s **NOT APPLICABLE**

- Do you wish to leave assets in a separate Testamentary Trust for your beneficiaries? No Yes Not Sure

- If Yes, do you wish to leave assets in **ONE** Testamentary Trust for all your beneficiaries or **SEPARATE** Testamentary Trusts, for each beneficiary? One Trust
 Separate Trusts
 Not Sure

- Do you wish to appoint any independent person/s or external entity (eg a Trustee Company) to act as Trustee/Appointor (ie Controller) of the Testamentary Trust (whether on their own or as a co-Trustee (Appointor) with any of your family members)? No
 Yes
 Not Sure

Note re Trustee: For ease, your Executor/s should initially be nominated as Trustee. The Trustee/s of a TT will usually be: your spouse, one or more of your adult children, your brother and/or sister, your accountant or solicitor, or trusted friend, and/or an independent external Trustee Company. (Your Lawyer will advise.)

Note re Appointor: The Appointor has the ultimate power to appoint and remove the TT Trustee under certain circumstances e.g. divorce, bankruptcy, death.

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TRUST 1

Trust Fund
Trustees

Substitute Trustee:
Beneficiaries:

Appointor:
Substitute Appointor:

Bequest/Assets to TT:

TRUST 2

Trust Fund
Trustees

Substitute Trustee:
Beneficiaries:

Appointor:
Substitute Appointor:

Bequest/Assets to TT:

TRUST 3

Trust Fund
Trustees

Substitute Trustee:
Beneficiaries:

Appointor:
Substitute Appointor:

Bequest/Assets to TT:

TRUST 4

Trust Fund
Trustees

Substitute Trustee:
Beneficiaries:

Appointor:
Substitute Appointor:

Bequest/Assets to TT:

Additional Details:

Residue

The rest (residue) of my Estate is to be distributed as follows (it is safer and clearer to name specific beneficiaries rather than a class of beneficiaries such as "all my children")

EITHER A - Simple Gifting:

<input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> Not Sure
1. First to _____ 2. then equally to _____ 3. then to my _____ 4. then ½ to my siblings and ½ to _____ _____ _____ _____

OR B - As set out below:

<input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> Not Sure
A. Firstly, to: [Insert Full Name/s and Address] _____ _____ _____
B. If the person/s in A do not survive, then to: [Insert Full Name/ and Address] _____ _____ _____
C. If the persons in A and B do not survive me, then to: [Insert Full Name/s and Address/es] _____ _____ _____

OR C – As set out below:

	<input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> Not Sure	%
Beneficiary 1		100%
Beneficiary 2		
Beneficiary 3		
Beneficiary 4		
Beneficiary 5		
Beneficiary 6		
Beneficiary 7		
Beneficiary 8		

RESIDUE NOTES:

A Please note if any Beneficiary is a NON-RESIDENT. If non-resident, CGT (capital gains tax) may be payable by the Estate. If so, who bears the payment of the CGT – the Beneficiary or the Estate?

Instructions: _____

B. Are Estate debts to be paid from the residue?

If No, what assets should the debts be paid from?	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> Not Sure
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C. Death of a Beneficiary

In the event that a named Beneficiary dies, do you wish to distribute that Beneficiary’s entitlements

• Equally to the children of that Beneficiary?	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> Not Sure
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<u>OR</u> • Equally amongst the remaining Beneficiaries?	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> Not Sure
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<u>OR</u> If No, do you wish to nominate substitute Beneficiary/ies?	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> Not Sure
Substitute Beneficiary/ies			

D. Ultimate Beneficiary/ies

If no child or other descendent survives you to inherit your assets, how do you wish your assets to be distributed? This may include extended family, friends or organisations, including charities.

My Instructions:

Family Provision Application (FPA) Claims

Note: You must provide for the 3 classes of potential FPA claimants - your spouse, children and dependents. There is potential for a FPA if any potential claimant is entirely disentitled under the Will, receives a nominal bequest only, or receives a disproportionate bequest to other members of a class of potential FPA claimants.

Are any potential FPA claimants not being adequately provided for?	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> Not Sure
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If Yes, you must discuss this with your Estate Planning Lawyer. You may consider giving reasons (in a Letter of Wishes or other document separate to the Will) for any disparity in bequests under the Will, between potential FPA claimants, or as between members of a class of FPA claimants. You may also consider whether a Statutory Declaration should be prepared and kept with the original Will.

- I think the following person(s) may contest my Will:

Insert Full Name, Address, Relationship to you and Reasons

Funeral Wishes

I would like to be <input type="checkbox"/> Cremated <input type="checkbox"/> Buried <input type="checkbox"/> My Executor can decide
<input type="checkbox"/> I would like the following to occur
Burial/Cremation at:
Service Conducted by:
According to rites of the _____ Religion
Special service -RSL, Lodge, other...
Special Arrangements regarding my Funeral:
<input type="checkbox"/> I have made the following arrangements: (e.g. prepayment of Funeral costs with Funeral Director)

Directions Regarding Use (Donation) of My Body or Organs and Tissue

After my death, I wish to donate my organs and body tissue	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> Not Sure
After my death, I wish to donate my body to a Medical school	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> Not Sure

If you wish to donate your organs and tissues, you should register your wishes on the Organ Donation Register. You should include any directions on organ and tissue donation, or donation of your body to a Medical institute, in your Will. You should also notify your next of kin or family, and your doctor of your wishes in relation to organ and tissue donation (and make arrangements with the donee institute to which you would like to donate your body). If you don't do this, your wishes may not be followed.

These are my directions regarding donating my human organs and tissue and/or my body:

My Instructions:

Other Comments or Information (Add additional information as required)