



Instruction Sheet Wills and powers of attorney



Date: _____

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Documents to be prepared

- Will (Succession Act 2006)
- Single person will
 - Spouse to spouse (includes de facto partner)
 - Blended family (i.e. either spouse/de facto has children from a former relationship)
- Power of Attorney (Power of Attorney Act 2003)
- Enduring Power of Attorney
 - Commercial Power of Attorney

Your Name:

Name: _____

Address: _____

Postal Address: As above

Occupation: _____ Date of birth: _____

Tel: BH _____ AH _____ Fax: _____

Mobile: _____ Email: _____

Your spouses/partners name:

Name: _____

Address: _____

Postal Address: As above

Occupation: _____ Date of birth: _____

Tel: BH _____ AH _____ Fax: _____

Mobile: _____ Email: _____

Please note:

- That we shall need everyone's full names (including middle names & alias or other names that they may be known by or as may appear on birth certificate, drivers licence, passport or legal documents – i.e. title deeds) and current addresses.
- If anyone, including you, has an alias or their name is spelt differently or they are known differently to their ID (i.e. drivers licence, passport, birth certificate) you should advise us.
- If the person happens to move you will not have to re-do the Will. The address is simply used for identification and possible searching reasons.

>
The will

Is there an existing will? Yes No

Please note that the new Will will revoke any existing Will

1. Executor/trustees

Spouse _____

Alternate executor/s (name/s & address/s) _____

(if more than one jointly or severally)

Further alternate executor/s (name/s & address/s) _____

(if more than one jointly or severally)

Testamentary Guardian of minor children

Name/s: _____

Address/s: _____

2. Specific bequests

Specific bequests, gifts, donations

Yes No

Details of bequeath & to whom: _____

Any Right of Residency of real property:

Yes No

Details:

Person: _____

Property: _____

Why how long is residency right:

Then Title/Residuary to: _____

3. Beneficiaries of the residue

It must be remembered that the provisions of a Will do not effect the disposal of joint tenancy property or possibly superannuation accounts or Life policies where there is a nominated beneficiary. Joint tenancy property can only be dealt with if the joint tenancy is first severed into a tenancy in common. Superannuation needs to be dealt with by binding nomination

Spouse

Then

Children at age 18 21 25 30 or?

Children of the marriage/partnership

Children

Including children of spouse or partner (if they are not yours).

Equally between all children;

½ to children and ½ to spouse's children

Children's Name/s:

(if more than one equally or what %)

(remember if you name the children & have any more you will need to change your will)

Then

Parents

Names & Address

(if more than one jointly or what %)

Brothers/Sisters

Names & Address

(if more than one jointly or what %)

Grandchildren at age 18 21 25 30

Including grandchildren of spouse or partner

Equally between all grandchildren;

½ to grandchildren and ½ to spouse's grandchildren

Then / Or

Other _____

4. Superannuation / Life Policies

Super Fund Name: _____

Details: Client no. _____

Has a Binding nomination been done with the trustee/ insurance co.?

Yes No

Is or do you want/require a binding nomination?

Yes No

Solicitor instructed to do so or Client will attend to

Super Fund Name: _____

Details: _____

Has a Binding nomination been done with the trustee/ insurance co.?

Yes No

Is or do you want/require a binding nomination?

Yes No

Solicitor instructed to do so or Client will attend to

5. Joint tenancies

Any joint tenancies to be severed?

Yes No

If yes, details: _____

6. Family provisions orders

Is it likely that a family provisions order may be made under the Succession Act 2006? Yes No

(i.e. is anyone, i.e. child, spouse, partner left out or not receiving equally, and who could have or make a claim against the will)

If yes, details of person _____

Reasons why they are being left out:

Below are some reasons that might be appropriate for excluding the potential claimant from the will.

- Adequate provision has been made for them during my lifetime. Any further provision for them would see the beneficiaries named in my will unfairly disadvantaged.
- There has been no contact between us for many years and there is no relationship or love and affection between us. My responsibility for their welfare ended many years ago. In these circumstances any gift to them would be contrary to the nature of our relationship.
- Their financial circumstances are far better than those of the beneficiaries that I have named and I have sought to achieve some equity in the gifts made by me.
- They have / will receive substantial gifts from the estate of my former spouse and my will takes this into account in making gifts to the named beneficiaries.
- Other: _____

The power of attorney

Power of attorney to be enduring Yes No

Does it need to be registered at the land titles office Yes No

1. Attorney/s

Attorney/s to be the same as the executors in the will

Alternate attorney/s to be the same as alternate executors in the will

If different from the will

Spouse Other _____

Alternate attorney/s (and addresses) _____

Will the attorney/s be acting Jointly Severally

N.B. If acting jointly, death of one attorney terminates power

2. Limitations / notes (do you want any limitation to what the attorney can do)

