

**Client:**

**Re: Instructions for a Will**

**Date**

**Ref:**

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**1. Will maker/Testator**

(a) Full Name:	
(b) Details of any other names in which assets appear:	
(c) Normal residential address (for drafting into the Will) and postal address (for communication):	
(d) Occupation:	
(e) Date of birth:	

**2. Family arrangements (A child from a previous relationship or a ex-partner supporting a child may make a claim against the Estate should they not be adequately provided for under the Will and financial assistance was being paid while the Testator was alive. If this is the case please contact our Office to discuss the matter further)**

(a) Married or in other relationship (if so, cohabitation date, marriage date, name of spouse or partner):	
(b) Children from current relationship:	
(c) Previous Marriage:	
(d) Children from any pervious relationships:	
(e) Is there anyone that you regularly support financially:	

(f) Are you providing for all your children:	
(g) Other dependants (aged parents, friends, family etc.)	

### 3. Executors

(a) First choice executor/s (name, address, age, occupation, relationship to testator) :	
(b) How would you like executors to act, either jointly or severally:	
(c) Alternative executor/s in the event that the first executor dies or does not accept (name, address, age, occupation and relationship to testator):	

### 4. Trustees (Hold money for any minors or disabled person in Trust until they reach the age of maturity or are no long incapacitated)

(a) If different to executors – list first choice and alternatives with names, addresses, ages, occupations, relationships to testator and if to act jointly or severally:	
(b) Include sufficient powers to enable the legal representative to administer the estate sufficiently (otherwise the executor or trustee may have to seek extra powers from the Supreme Court).	
(c) Is there any specific purpose for which money may be expended on behalf of the minor, like education and living expenses etc.	

## 5. Guardians

(a) First choice guardian or guardians (name, address, age, occupation, relationship to testator):	
(b) Alternative guardian/s (name, address, age, occupation, relationship to testator):	
(c) What are the circumstances in which the alternative takes over from the first choice:	
(d) What age do you wish your children to take there share in the estate:	

## 6. Beneficiaries

(a) Principal (name, address, age, relationship to deceased) :	
(b) Description of the interest which the beneficiary will take (i.e. the asset in the case of a specific legatee, the dollar value in the case of a pecuniary legatee, the share or fraction in the case of a benefit which that beneficiary is to receive along with other persons):	
(c) Details of any conditions that have to be satisfied to receive the benefit: (in addition to the standard law requiring survivorship of 30 days	
(d) A summary of what happens if the conditions are not satisfied – does the gift go elsewhere; or does it lapse into residue; if the subject matter disappears, is there any compensation.	

**7. Specific bequests**

Specific bequest - Jewellery, shares, specific money amounts etc	
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**8. Provisions if joint property becomes solely owned before death**

Substitution provisions (i.e. house owned as joint tenancy – “should my husband predecease me)	
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**9. Special provisions**

Special provisions (i.e. disposition of body, funeral arrangements, organ donation or medical research): and if so does this conflict with your drivers license:	
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**10. Residuary beneficiaries**

Residuary beneficiaries (class gifts to grandchildren if parent dies etc)	
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**11. Beneficiaries Financial Position (if a beneficiary is part of a bankruptcy proceeding, any gift from you may become part of the money pool. In these circumstances it will be necessary to ensure that any money or assets provided to these beneficiaries are given by way of Trust to ensure that they do not become part of the bankruptcy assets)**

Have any of the nominated beneficiaries been declared bankrupt: If yes please provide details	
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**12. Assets – the detail in which solicitors require particulars of the client’s assets and liabilities for Will drafting and estate planning purposes depends on the size and nature of the client’s assets and the nature of the testamentary intentions. When the range of assets is not numerous or when the intended beneficiaries are the spouse and children, there is less need for specific and accurate details.**

<p>(a) Be aware of “problem assets”, for example:</p> <ul style="list-style-type: none"> <li>(i) Asset in a business;</li> <li>(ii) Partnership interests;</li> <li>(iii) Share in Exempt proprietary corporations;</li> <li>(iv) Loan Accounts;</li> <li>(v) Superannuation.</li> </ul>	<p>Main assets are:</p>
<p>(b) How are the assets owned? – the difference between a joint tenancy and tenancy in common should be explained.</p>	
<p>(c) The values of the assets should be taken into consideration particularly in a Will which contains a mixture of specific legacies</p>	

**13. Trust/Company**

<p>(a) Do you have your own private company or Family Trust:</p>	
<p>(b) Are there any life insurance policies held over your business partners of yourself:</p>	
<p>(c) Have you got a Buy-Sell Agreement with your business partner in place:</p>	

**14. Superannuation (Please be aware that while you may initially elect a beneficiary of your superannuation policy, the majority of Superannuation funds require a formal request to be provided by you and such request to be renewed, in most circumstances on a yearly basis)**

(a) Do you own your own Self-Managed Superannuation Fund:	
(b) Have you appointed a particular persona as your beneficiary of your superannuation policy, and if so then who:	
(c) Does this contradict with your Will instructions:	

**15. Special execution requirements**

Is the client visual impaired, illiterate etc.?	Not applicable
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**Upon review of the above provided information it may be necessary for a consultation to take place with a Solicitor depending on the complexity of the matter, to ensure that the assets are dealt with appropriately.**

**DECLARATION**

I acknowledge that I have been offered a Conference with a Solicitor at ELIADIS LAWYERS for the purpose of the preparation of a Will. However, I have chosen not to take advantage of the same but rather have instructed to have my Will strictly as per my wishes and directions contained herein.

I/We authorise ELIADIS LAWYERS to commence preparation of this my Will and Testimony and shall undertake to pay all legal fees in the preparation and execution of the Will.

I/We acknowledge that upon signing of the finalised Will that payment of the Tax Invoice will be paid within fourteen (14) days unless a prior arrangement in writing has been made. Should payment not be made within 30 days all work on this matter or any other matter will cease and interest will become due and payable.

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**Client Name & Signature**