

Definitions and explanations

Annuity

A yearly payment of a certain sum of money (eg. where you die leaving assets to your infant children). You may wish to delay entitlements until they turn 18 years of age, but have the expenses they incur paid out of an annual annuity.

Assets

There are two alternative ways for husband and wife, de factos, partners etc to own assets (such as your house) as follows:

- **Joint Tenants:** where two or more people own land with the intention and effect that upon the death of one person, the property automatically passes to the surviving person/s (commonly used for husband and wife).
- **Tenants in Common:** where two or more people own land with the intention and effect that upon the death of one person, the deceased's interest in the land will form part of the deceased's estate and is dealt with under the deceased's Will.

Beneficiaries

The persons who will benefit under your Will (eg. your spouse, children etc).

Class Gift

Gifts to a category of persons - eg. all members of the Presbyterian Church in Melbourne.

Deed Poll

A written document that is a means of legally changing your name.

Dependant

A person who (to some extent) depends on others for the ordinary necessities of life.

Executor/s

The person/s (usually your spouse, brother, sister, friend etc) appointed by you in your Will to "look after" your estate, ie. call in all assets, pay funeral expenses and debts and transfer or deliver your assets to your family.

Guardian

The person named to take the legal rights of parent in relation to an infant when both parents have died.

Infant

Person under the age of 18 years.

Legacy

A gift of cash to a beneficiary.

Residue

The balance of your estate after the Specific Bequests, Devises etc.

Settlement

A document by which property is conferred on another (ie. trustee) to hold on trust for a beneficiary.

You will be amazed at how writing down your ideas about your Will helps you to think clearly about it and to plan your Will.

Use this Will Planner to work out what you require in your Will and to help you give your solicitor detailed instructions in relation to preparation of your Will.

First, read the definitions and explanations and then fill out the Will details on this form.

Specific Bequest

A gift under your Will of items of personal property (ie. jewellery, silverware etc) - eg. many women leave their jewellery to their daughters. The item must be in existence at the time of death.

Specific Devise

A gift of real estate owned by you.

Substituted Executor/s

An alternative to the person appointed as your Executor in case your executor dies or becomes legally disabled.

Testator

The person making the Will (ie. You, not your spouse, partner etc).



Your Personal Details

1. Your full name:	
2. Your address:	
3. Your Occupation:	
4. Telephone Nos.	Home: Business:
5. Are any assets held by you in an "alias" or other name? (eg William Smith and Bill Smith)	Yes / No If Yes, give details of the other name/s.
6. Have you ever executed a deed poll (a document changing your name)?	Yes / No If Yes, provide a copy to your solicitor.
7. Do you have an existing Will?	Yes / No If Yes, provide a copy to your solicitor and state where your previous Will is held.

Marital Status

8. Are you married?	Yes / No If No, are you to be married in the near future? Yes / No
9. Are you separated or divorced?	Yes / No
10. Are you paying or receiving maintenance?	Yes / No If Yes, provide a copy of the order to your solicitor.



Details of Assets

11. List all assets in and out of Victoria owned by you and in your name or otherwise, including any trust or company that you own or control.

[If insufficient space, please attach list]

Provide copies of or details of the location of title documents, mortgages or other debts affecting the assets, trust deeds etc. to your solicitor.

Include details of current superannuation entitlements and life insurance policies.



Details of Executors

<p>12. Give full names, addresses and relationship (if any) to you of persons you wish to appoint as Executors of your Will [you may appoint as many executors as you wish]</p>	<p><i>[If insufficient space, attach list]</i></p> <p>(1) Full name:</p> <p>Address:</p> <p>Occupation/Relationship:</p> <p>(2) Full name:</p> <p>Address:</p> <p>Occupation/Relationship:</p>
<p>13. Substituted executors</p> <p><i>[You may appoint as many substituted executors as you wish.]</i></p>	<p>Full name:</p> <p>Address:</p> <p>Occupation/Relationship:</p>



Details of Beneficiaries

14. Who is to get a Specific Bequest and what is it to be?	
15. Who is to get a Legacy and how much?	
16. Who is to get a Class Gift and what is it to be?	
17. Who is to get a Specific Devise and what is it to be?	
18. Who is to get an Annuity and how much is it to be?	
19. Who is to get the Residue?	
20. Are you involved in any Settlement or Family Trusts?	
21. Do you have any Dependants?	



22. Are they all over 18 years of age?	Yes / No If no, go to 23
23. At what age are your beneficiaries to benefit? (ie. at 18, 21, 25 years of age)	
24. Are all dependants provided for?	Yes / No If not, which dependant has been left out?

Infant Children

25. Who do you wish to appoint as guardian of your infant children.	
26. Is there a custody and/or maintenance order(s) operating with regard to any of the children?	Yes / No If yes, provide details.
27. Have any of the children been formally adopted by you or your spouse?	Yes / No If yes, provide details.
28. Are any of your children mentally or physically disabled?	Yes / No If yes, have you made arrangements with any institutions?



Dispositions during your life

29. Have you made any promises or declarations regarding your assets to anyone?

Yes / No

If yes, provide details.

Miscellaneous

30. Are there any special provisions required in the Will, eg:

- Funeral
- Cremation
- Use of the body or any organ(s) for study
- Appoint a solicitor to carry out Probate of your estate
- Other

