

Will Preparation Form

Acknowledgement: This form is reproduced from Vines, P 2015, Aboriginal Wills Handbook: A Practical Guide to Making Culturally Appropriate Wills for Aboriginal People, 3rd edn, NSW Trustee & Guardian.

This form is for you to fill in and take with you when you go to see a lawyer or NSW Trustee & Guardian. It will help to save time and clarify your wishes.

Section A Personal information

| | | | | |
|----------------------------------|---|--------------|-----------|--|
| Name: | Please advise of any other names that you are known by: | | | |
| | | | | |
| Phone number: | Email address: | | | |
| | | | | |
| Address where you normally live: | | | | |
| | | | | |
| | | | Postcode: | |
| | | | | |
| Date of birth: | | Language(s): | | |

| | |
|------------------------------|-----------------------------|
| Have you made a Will before? | If so, where is it located: |
| | |

| | |
|---|----|
| Do you want to revoke/cancel this Will? | |
| Yes | No |

Appointment of Trustee(s)/Executor(s): The executor is the person(s) who has the responsibility and authority to manage, gather and give away your assets to your named beneficiaries and to take possession of your body for the purpose of disposal. You decide in your Will how you would like this to happen and who the executor will be. You should make sure that your executor is willing to be executor and that he or she understands what they will have to do. It is important that your executor is a trusted family member or friend and they know where to find your original Will.

Section B Executor & Beneficiaries

NSW Trustee & Guardian will make a Will if you wish to appoint us as your executor and trustee or substitute executor and trustee.

Who would you like to appoint as the executor or trustee of your Will?

| Name | Relationship |
|---------|--------------|
| | |
| Address | |
| | |

Who do you want to be a beneficiary* of your estate? (A beneficiary is a person who receives something in your Will.)

Are there any people who you would like to benefit from your estate?

| Name | Relationship |
|--------------------------------|--------------|
| | |
| Address | |
| | |
| What do you want to give them? | |
| | |

| Name | Relationship |
|--------------------------------|--------------|
| | |
| Address | |
| | |
| What do you want to give them? | |
| | |

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| Name | Relationship |
|--------------------------------|--------------|
| | |
| Address | |
| | |
| What do you want to give them? | |
| | |

| | | |
|--|-----|----|
| Are any of these people under the age of 18? | Yes | No |
| If yes, do you want to appoint a guardian? | Yes | No |
| | | |

Draw a diagram of your family tree including non-blood relatives

| |
|--|
| |
|--|

Do you want all these people to get something? Who? Who else? Are there any other possible beneficiaries who are not shown here?

| |
|--|
| |
|--|

If any of these people die before you, would you like their gift to go to someone else?

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|--|
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|--|

Do you want to give a gift to charity? If so, which charity? What do you want to give?

| |
|--|
| |
|--|

Deciding who to include in your Will:

Regardless of how much or how little you own, you can give your possessions to whomever you decide is most deserving of them. But if you do not provide adequately for specific family members, family provision law gives some people the right to claim on your estate. The higher the value of your estate, the more likely it is that if there are eligible people for whom you have not adequately provided, they will contest your Will in Court. It is helpful for your executor to have details of any potential claimants and some particulars as to why you have not included them or have not adequately provided for them.

People who may claim on an estate

There are certain people who may make a claim on your estate if they are not adequately provided for in your Will. These people (if they exist in your circumstances) are regarded by the law as:

- your spouse including your de facto whether of the same or opposite sex; possibly your former spouse;
- your children, whether natural or adopted or those for whom you have assumed long-term parental responsibility;
- your grandchildren, but only if they have been a member of your household and financially dependent on you;
- anyone else who has lived with you and been dependent on you;
- anyone other than a spouse or de facto spouse who lived with you and you or that person provided the other with domestic support and personal care.

Your lawyer or Will-drafter can give you further details.

| | | |
|--|-----|----|
| Considering what you intend to do in your Will, is there anyone in the above list who is likely to think that they haven't been adequately provided for? | Yes | No |
|--|-----|----|

If yes, provide details for each person eligible to claim:

| Name | Relationship |
|-----------------------|--------------|
| | |
| Address | |
| | |
| Reason for exclusion: | |
| | |

(List continued)

| Name | Relationship |
|-----------------------|--------------|
| | |
| Address | |
| | |
| Reason for exclusion: | |
| | |
| | |

| Name | Relationship |
|-----------------------|--------------|
| | |
| Address | |
| | |
| Reason for exclusion: | |
| | |
| | |

| Name | Relationship |
|-----------------------|--------------|
| | |
| Address | |
| | |
| Reason for exclusion: | |
| | |
| | |

Section C Estate & Assets

Do you own any of the following?

| Real estate e.g. house or land. Is there a debt or mortgage owed on this? | |
|---|----|
| Yes | No |
| | |
| | |

Do you own any of the following? Please provide details below.

| Asset Type | Details |
|------------------------------|---------|
| Bank or other accounts | |
| Jewellery | |
| Car or other vehicle | |
| Artworks – created by you* | |
| Artworks – created by others | |
| Shares or bonds | |
| Other personal possessions | |

If you require further assistance with artworks please contact the Arts Law Centre of Australia. Details are provided in the Aboriginal Wills Handbook (available at www.tag.nsw.gov.au).

Do you have superannuation? Please provide details including whether you have nominated a death benefit to someone.

Does anybody owe you any money? If so please provide details of the person, the amount and what the money was for:

Do you owe anyone money? If so, please provide details:

How do you want your body to be disposed of? For example: burial, cremation, burial in my traditional lands. Please describe briefly.

Please note: your executor has the right to deal with your body – please make sure they know your wishes.

Do you object to having your name or image (e.g. photograph) used after you die? If so, under what circumstances and for how long?

Do you have a prepaid funeral? If so, please provide details:

Is there any cultural knowledge or property which you wish to pass on in your Will? Do you need to keep it secret? If so, please do not write details here but instead discuss with your lawyer.

Where would you like this Will to be kept?