|  |  |
| --- | --- |
|  | **Guideline to assist you in preparing a WILL** |

Preparing a will (For married or defacto individuals with children)

**Guidelines for completing the Checklist**

**Testator (**a person who makes a will (testatrix for females))

**State full name – including all middle names.**

When you make your last will and testament, you are the testator, and if the will is written and witnessed according to the law of the land, your estate will be divided in the way you, the testator, requested.

The address is important as it helps to identify the testator. There is often more than one instance of an individual’s name so the address helps to uniquely you.

**Executor/Spouse (Married or Defacto)**

**State their full name.**

The Executor is in charge of the administration of the estate when the will maker dies. This is often but not necessarily the spouse/de-facto of the deceased. A substitute executor (eg. an adult child) can be nominated if they refuse or are no longer living.

The executor will neet to obtain details on the following:

* Bank accounts;
* Other investments with banks, managed funds or financial institutions;
* Shares;
* Personal effects;
* Cars;
* House property;
* Any debts that are owing to the deceased;
* Any debts that the deceased owes to other people.

The Executor often works with a solicitor to finalise the distribution of the estate.

**Children**

**State full names and addresses.**

The youngest age you can get a gift under a Will is 18 years. You can select an older age.

If you die and your beneficiaries are below this age you can hold your estate in trust for them until they reach a certain age (18 or older).

**Specific Gifts**

**State full names and addresses. Include a detailed description of the gift.**

Think carefully about allocating specific gifts to individuals. These items must be precisely described and you need to be certain that the gift will exist at the time of death or it will fail.

**Testator’s Wishes**

Include your wishes here. However, it is best to also discuss these wishes with your Executor and family members as often the process is completed before your Will is looked at.

**Guardian/s for Infant Children**

If you die leaving infant orphan children, then you can nominate who you would like to care for your children and act as their legal guardian. It is useful to nominate someone here if you have young children as:  
1. It helps your children understand your wishes.  
2. It gives notice to all of your family and friends of what you wanted.  
3. It is a good idea to ask your preferred guardian first as they do not have to accept.