

QUEEN - CITY - LAW

BARRISTERS & SOLICITORS

WILL INSTRUCTION FORM

Your details

1. Your full legal name: _____
2. Your Occupation: _____
3. Your current address: _____
4. Your phone number: _____

Spouse/Partner's Details (if any)

5. Spouse/partner's full legal name: _____
6. Spouse/partner's occupation: _____
7. Spouse/partner's address: _____
8. **Living together** or **Separated?** [circle one] / From Date: _____

Children's details (if any)

9. Child's full legal name: _____ DOB: _____
10. Child's full legal name: _____ DOB: _____
11. Child's full legal name: _____ DOB: _____
12. Child's full legal name: _____ DOB: _____
13. Child's full legal name: _____ DOB: _____
14. Please specify if any of the child above has a different parent other than your spouse/partner detailed above in questions 5-8.

Guardian

If any of your children are minors, you should appoint a guardian for your children. Please remember to discuss this with them before appointing them.

15. Guardian's full legal name: _____
16. Guardian's occupation: _____
17. Guardian's address: _____

Executor/Trustee

Think about who you wish to appoint as your executor/trustee. These people legally administer and manage your Will and estate after you die (i.e. carry out your wishes contained in your will). Your assets will be legally transferred to these executors/trustees until they make distributions according to your Will. Many people appoint their spouse/partner if they wish for their spouse/partner to take everything. Otherwise, we recommend that you appoint two executors, either two friends or two professionals.

18. Executor/trustee's name: _____
19. Relationship to you: _____
20. Executor/trustee's occupation: _____
21. Executor/trustee's address: _____

Alternative or Second Executor/Trustee

You can appoint an alternative executor/trustee if the first one is unable to act, OR you can appoint 2 executors/trustees to begin with, this is up to you.

22. Executor/trustee's name: _____
23. Relationship to you: _____
24. Executor/trustee's occupation: _____
25. Executor/trustee's address: _____

Beneficiaries

Think about who will receive what under your Will. You may want a beneficiary to receive everything, a share, or a specific gift.

If you want them to receive everything or a share, then please list what you want to happen if they were unable to receive this (if they die before you). Also think about whether they are able to receive (e.g. potential issues with bankruptcy).

If you want them to receive a specific gift, please specify that gift/money/chattels in as much detail as possible.

If you list any minor children/grandchildren, please specify whether you wish them to receive after they turn a certain age (e.g. 16 or 18 years old).

Primary Beneficiary

This should be the beneficiary that mainly benefits from your Will (if any) like your spouse/partner. This beneficiary will receive the residue (all or part) after your debts and expenses are paid for.

26. Beneficiary's name: _____
27. Relationship to you: _____
28. Beneficiary's occupation: _____

29. Beneficiary's address: _____
30. Any age restrictions? _____
31. **Everything, Part Share or Specific gift?** [circle one]
32. If Everything or Part Share what should happen if they cannot receive? Tick one of the options below:
- a. Give to the beneficiary's child or children equally
 - b. Give to the other beneficiary(ies) listed
 - c. Give to another substitute beneficiary: Specify: _____
33. If Specific Gift, please detail: _____

Beneficiary 2 (if any)

34. Beneficiary's name: _____
35. Relationship to you: _____
36. Beneficiary's occupation: _____
37. Beneficiary's address: _____
38. Any age restrictions? _____
39. **Everything, Part Share or Specific gift?** [circle one]
40. If Everything or Part Share what should happen if they cannot receive? Tick one of the options below:
- a. Give to the beneficiary's child or children equally
 - b. Give to the other beneficiary(ies) listed
 - c. Give to another substitute beneficiary: Specify: _____
41. If Specific Gift, please detail: _____

Beneficiary 3 (if any)

42. Beneficiary's name: _____
43. Relationship to you: _____
44. Beneficiary's occupation: _____
45. Beneficiary's address: _____
46. Any age restrictions? _____
47. **Everything, Part Share or Specific gift?** [circle one]
48. If Everything or Part Share what should happen if they cannot receive? Tick one of the options below:

- a. Give to the beneficiary's child or children equally
- b. Give to the other beneficiary(ies) listed
- c. Give to another substitute beneficiary: Specify: _____

49. If Specific Gift, please detail: _____

Please continue on a separate page if you intend to have more beneficiaries.

Life Interest

This is if you wish to give a life interest to someone (e.g. surviving spouse) the use of one or more of your property during his/her lifetime only. Once that surviving spouse or person dies, then the property would be given to some other person or persons (e.g. your children). Please specify the person you wish to award the life interest to (if any) below. If not applicable, simply write "N/A" below.

50. Life Interest Beneficiary's name: _____

51. Relationship to you: _____

52. Life Interest Beneficiary's occupation: _____

53. Life Interest Beneficiary's address: _____

54. Property details for the life interest: _____

Please specify the person you wish to give the property to after the life interest beneficiary dies.

55. Beneficiary's name: _____

56. Relationship to you: _____

57. Beneficiary's occupation: _____

58. Beneficiary's address: _____

59. Property details: _____

If you wish to award more than one life interest then please continue on a separate page.

Powers of Appointment

60. Do you have any powers of appointment for a trust/estate or directorship? If so, do you wish to exercise this through your will? **Yes / No** [circle one]

61. If yes detail who you wish to appoint for what: _____

Body

62. **Burial / Cremation** [circle one]

63. Do you have any special wishes regarding the burial, cremation or funeral service?

64. Do you wish to donate your body or any part of it for medical research, organ transplant or for other benefit or medical science? **Yes / No** [circle one].
If yes, there will be special additional forms required for this. Please ask Queen City Law.

Other Important Considerations

65. Have you made any promises to anyone to leave property to them when you die? **Yes / No** [circle one]
Please note that in some circumstances, such testamentary promises can be enforced against your estate if you do not fulfil them.

Have you omitted any immediate family from your will? **Yes / No** [circle one]. If you are omitting any of your family from your will, please indicate your reasons for doing so. Please note that such omitted family members will be able to apply to the Court after your death under the Family Protections Act and make a claim against your estate if they have not been adequately provided for. This will be expensive and timely for your executor/trustees to defend. Please ask Queen City Law for further legal advice if relevant.

66. Have you previously been in a de facto relationship (of more than 3 years) and/or a marriage where you have not properly signed a separation agreement or dealt with the separation of your assets in accordance with the Property Relationships Act?. **Yes / No** [circle one].

67. If yes please insert their details (name, occupation and address) and the length of your relationship below. Please note that such de facto partners or your previous wife/husband may be able to apply to the Court after your death under the Property (Relationships) Act and make a claim against your estate if the separation has not been legally resolved. This will be expensive and timely for your executor/trustees to defend. Please ask Queen City Law for further legal advice if relevant.

68. Ex-Spouse/partner's full legal name: _____
69. Ex-Spouse/partner's occupation: _____
70. Ex-Spouse/partner's address: _____
71. Relation date from: _____ to : _____
72. Please indicate any other special provisions you wish to make.
- _____
- _____

SUMMARY OF INSTRUCTIONS TO BE GIVEN TO A CLIENT WHO WILL SIGN THE WILL AT HOME WITHOUT A QCL SOLICITOR'S SUPERVISION

1. Read your Will very carefully. Make sure it says what you want.
2. If you want to make any changes, please contact Queen City Law. If this is impossible, handwrite the amendments, and initial every change and have each change initialled and witness by your two independent witnesses.
3. Ensure that your two witnesses are both:
 - (a) over 18 years old;
 - (b) not receiving anything under your will;
 - (c) not married or in a relationship to anyone receiving anything under your Will.
4. Date the Will.
5. Initial the bottom of every page and sign at the end.
6. The two independent witnesses should then sign and insert their occupation and address.
7. Both witnesses should also initial the bottom of every page.
8. Make sure everybody is in the same room when you and the two independent witnesses sign and initial the Will.

SUMMARY OF FACTORS FOR EVERY CLIENT AFTER WILL HAS BEEN EXECUTED

1. If the Will was signed and witnessed at home, bring the original Will to Queen City Law for checking.
2. Keep the Will safe and do not attach anything to it (e.g. by staples or paperclips).
3. Make a copy of the Will.
4. If you have a change of status, (entering a new de facto relationship, marriage, separation, dissolution), your Will is **automatically revoked** unless it is made in contemplation of the change of status. Please kindly consult Queen City Law if you know you will have a change of status soon.
5. Review your Will every two or three years or whenever a major change occurs in your family.
6. If you wish to alter or revoke your Will consult Queen City Law first.