

## IS THIS WILL RIGHT FOR YOU?

Our online Will provides you with a number of options but it does not cover everyone's personal circumstances. If your personal circumstances do not fall within the criteria outlined below, please do not complete our online Will application form, but instead, seek independent legal advice or complete our online fact find.

Through our online Will, you can:

### 1. **Order a single Will for yourself, or you and your spouse | partner can order Mirror Wills via the one online application**

Our online Will enables you to order a single Will for yourself, but it also enables you and your spouse | partner to order Mirror Wills via the one application form. If you and your spouse | partner elect to order Mirror Wills, your respective Wills will have the same Executors, Guardians and distribution provisions, however, you will be able to individually nominate gifts from your respective estates and include wishes in relation to the disposal of your respective remains.

### 2. **Nominate up to 4 Primary and 4 Substitute Executors**

An executor is your legal personal representative appointed under your Will. Your executor is responsible for administering your estate, including overseeing the distribution of your property in accordance with your Will. If you appoint a family member or friend to act as your executor, they will be able to seek professional help to assist with the administration of your estate.

Depending on your circumstances, the duties of your executor may include:

- making funeral arrangements;
- applying for a grant of probate from the court;
- notifying your family and anyone with a legitimate interest in your estate regarding the provisions of your Will;
- locating and managing assets which pass to your estate;
- paying any debts and liabilities payable from your estate;
- arranging the sale of assets (as required);
- taking or defending any legal action on behalf of your estate;
- protecting your assets pending distribution; and
- distributing your assets in the manner provided for in your Will.

Your executor may also need to attend to taxation matters in relation to your estate. You can nominate up to 4 executors under the terms of our online Will.

You can also nominate up to 4 substitute executors in the event that your primary executors pre-decease you. Should all of your primary executors pre-decease you, or be unable or unwilling to act as

your executors, the person or people you nominate as substitute executors will act as your executors in place of your primary executors.

### **3. Appoint up to 2 Primary and 2 Substitute Guardians if you have minor children**

Generally, if any of your children are minors when you die, their remaining parent will retain parental responsibility for them. This is subject to any Family Court order that may limit their parental powers. In the event that you die and there is no surviving parent of your minor children, it will be up to the Family Court to determine who will be appointed as the Guardian of your children, unless a Guardian has been appointed by a parent under their Will.

The Guardian of a child effectively stands in the shoes of the parent who appointed them and has the same responsibilities for their care, control, maintenance and education as the parent.

The Guardian(s) nominated must be at least 18 years of age and have legal capacity to act as a Guardian.

You can also nominate up to 4 substitute guardians in the event that your primary guardians pre-decease you. Should all of your primary guardians pre-decease you, or be unable or unwilling to act as your guardians, the person or people you nominate as substitute guardians will act as your guardians in place of your primary guardians.

Your Substitute Guardian(s) must be at least 18 years of age and have legal capacity to act as a Guardian.

### **4. Provide wishes regarding matters such as organ donation and disposal of body**

Our online Will enables you to make up to 4 monetary gifts to nominated charities or organisations and up to 4 monetary gifts to specific individuals.

### **5. Distribute the balance of your estate, after the payment of gifts, in a number of ways.**

You are able to distribute the balance of your estate, after the payment of gifts, to the following beneficiary groups:

- Your spouse | partner
- Your children
- Specifically nominated individuals
- Specifically nominated charities
- Your parents, siblings, nieces and / or nephews in equal proportions
- 50% of the balance of your estate to your parents, siblings, nieces and / or nephews in equal proportions and 50% of the balance of your estate to your spouse | partner's parents, siblings, nieces and / or nephews in equal proportions

In addition, our online Will provides for multiple layers of the above beneficiaries, should one beneficiary or group of beneficiaries pre-decease you.

If you have a specific requirement that our online Will application form **does not address**, you should seek independent legal advice or complete our online fact find.

### What our online Will won't cater for

If any of the following circumstances apply to you, **you should not** complete our online Will application form. Instead, you should either complete our online fact find, in which case one of our lawyers will provide you with an obligation free quote to prepare your Will, or alternatively, you should seek alternative legal advice.

1. A financial settlement between you and a previous spouse or partner is yet to be finalised
2. If you have children from a previous relationship
3. If you are a director or shareholder of a private company
4. If you are a trustee, appointor, guardian, unit holder or beneficiary of a trust, or if you hold a controlling interest in a trust
5. If you wish to provide for a life interest or a right to reside in a property held in your estate, or if you wish to establish a testamentary trust under the provisions of your Will
6. If you have children with special circumstances, such as a disability
7. If you run your own business or have an interest in a business
8. If you wish to exclude a beneficiary from your Will