



This form gives Advocate Lawyers the key information we require to have an initial conversation about your Will. It will ask for the key information we require to create a draft for your Will so that we can then discuss it with you and tailor our advice to you.

If you are unsure of any particular section then please just write, "unsure, for discussion" and we can go through it with you.

Your Details

1. Your Full Legal Name (including any middle names)

2. Your preferred name

3. Preferred prefix or pronoun? i.e. Mrs, Mr, Miss, Mx or none

4. Do you have any Previous Names?

If you have any previous names, please note them here along with an approximate date for when you changed your name and reason for change i.e. marriage, divorce etc.

5. Your Occupation

6. Your Email Address

7. Your Residential Address

8. Your Postal Address

9. Your Phone number

Landline:_____

Mobile:_____

10. Your Date of Birth

11. Are you an Australian Citizen or Australian Permanent Resident?

- Yes (skip to Question 12)
- No

12. If no, in which countries do you currently hold citizenship?

13. Please advise if you have any cultural background which may affect your wishes.

14. What is your marital status?

Your marital status may change particular clauses in your will so it is important to know if you are planning to be or have been married.

- Planning on getting married
- Never married
- Widowed
- De Facto Relationship (see question 14)
- Divorced
- Legally married
- Legally married but separated

15. If you are currently in a de facto relationship, approximately when did you begin your de facto relationship?

A de facto relationship is generally established when two parties, who are not legally married to each other, live together as a couple on a genuine domestic basis. If you are unsure as to whether you would be classified as de facto then please select maybe.

16. If you are divorced or recently separated, approximately when did your divorce become legal or the relationship end?

This may be relevant to advice we give you on any possible claim against your estate.

Current Will

17. Do you have an existing Will? *

If you have a current Will, we will ask you for a copy of it. This may assist if there is ever a challenge to your Will. If your new Will is substantially different from your previous Will, we will discuss the reasons for the change with you. This may protect your gifts if someone who has been removed as a beneficiary makes a claim against your Will.

- Yes
- No (skip to Question 20)

18. Is your existing Will held with a Solicitor? If so please provide details of the solicitor who holds your current Will.

- Yes
- No

Solicitor Details: _____

Urgency

In circumstances where you are ill and/or concerned about passing away before we finalise your Will, we can have you sign an informal Will until we have your formal Will drafted. Where you may be concerned with a diagnosis of a condition that may affect your testamentary capacity we need to discuss this with you (such as Dementia or Alzheimer's disease).

19. Is there any reason why the signing of your new Will is urgent? Please provide details if yes.

Executor

The executor of your Will may be one person or several people. An executor is the person who will organise your assets, pay your debts and makes distributions to your beneficiaries in line with your Will. The Executor may be a beneficiary but does not have to be. They should be someone you trust who is capable and willing to organise your estate after you pass. If you do not have anyone to act or wish to appoint an independent person, you may choose to appoint a professional such as a lawyer, the Public Trustee or an accountant. However, be aware *professional* executors charge fees for the work they do.

20. Please advise the full name, address and contact number of your executor/s? You may list a single person, or more than one person jointly or in order of who you would preference.

Name: _____

Address: _____

Phone: _____ Relationship to you: _____

How are they appointed?

- As primary executor, solely As back-up executor, solely
 As primary executor, jointly with below As back-up executor, jointly with below

Name: _____

Address: _____

Phone: _____ Relationship to you: _____

How are they appointed?

- As primary executor, solely As back-up executor, solely
 As primary executor, jointly with below As back-up executor, jointly with below

Name: _____

Address: _____

Phone: _____ Relationship to you: _____

How are they appointed?

- As primary executor, solely As back-up executor, solely
 As primary executor, jointly with below As back-up executor, jointly with below

Name: _____

Address: _____

Phone: _____ Relationship to you: _____

How are they appointed?

- As primary executor, solely As back-up executor, solely
 As primary executor, jointly with below As back-up executor, jointly with below

Assets and Liabilities

Although your assets and liabilities may change throughout your life, we document your current assets and liabilities so that we can advise your executor of the likely location of these things if required. It is particularly important for us to know if you own property interstate or overseas.

- 21. Please list any assets (including property) that you own which are valued at more than \$10,000. Please include a description of the asset, whether it is owned jointly AND your estimated value.**

NOTE: if you own real estate with another person, it is possible that it may pass to them without becoming part of your estate. This may mean you cannot gift it to someone in your Will. This will depend on whether you own as "joint tenants" or "tenants in common". We can discuss this with you and confirm if you are uncertain as it will be on the title documents.

Description	Your % ownership	Est. Value

- 22. If you own property, do you hold the title?**

Yes

No, it is with the following solicitor _____

No, it is with the bank (NOTE: if you have a mortgage it will be with the bank)

- 23. Please detail any debts that you have such as credit cards, mortgages etc. Please note where it is a joint liability with another person AND your estimated current value.**

Description	Your % ownership	Est. Value

- 24. Please provide details of any digital or intellectual property assets you own? i.e. trademarks, copyright details (if none please write NA)**

25. Please provide details of any shares you hold in any company? i.e. publicly listed company, proprietary limited company etc. (if none please write NA)

26. Please provide details of any business you own? Please specify the structure of the business i.e. partnership, sole trader, do you have employees (if none please write NA)

27. Are you the Director or Secretary for any Australian Company? (if so please provide details including ACN)

28. Are you a trustee, appointor or beneficiary of any trust within Australia? i.e. family trust, unit trust, discretionary trust (if so please provide details)

29. Do you own any property, pension or other assets not in Australia? If so please provide details (if none please write NA)

Superannuation

Superannuation does not automatically form part of your estate and will usually require a Binding Nomination. This needs to be witnessed and we complete this with you as part of drafting your Will.

30. Please advise on the following details for your superannuation:

a. Name of Superfund _____

b. Member number: _____

c. Have you completed a **binding** nomination in the past 3 years?

Note: Binding nominations must be completed every 3 years to remain valid. These are different to nominations made on your online account and must be signed by 2 witnesses.

Yes, on the following date _____

No

Unsure

Specific Gifts

Specific gifts are specific items or fixed sums of money that you wish to leave to individuals i.e. "\$10,000 to my friend" or "jewellery to my daughter". Where you leave an item but it no longer belongs to you or exists at the time you pass away the gift will fail and the beneficiary is not left anything in the place of that specific gift unless the Will specifies they will be. You may choose not to specifically gift any items and instead, leave your estate to one person or several people in equal or specific shares.

31. Please advise of the specific gifts you wish to leave. Please provide a description of the item, estimated value, and beneficiary details. If none skip to the page 8.

Description of item: _____

Est. Value: _____

Beneficiary name: _____

Address: _____

Phone: _____ Relationship to you: _____

Description of item: _____

Est. Value: _____

Beneficiary name: _____

Address: _____

Phone: _____ Relationship to you: _____

Description of item: _____

Est. Value: _____

Beneficiary name: _____

Address: _____

Phone: _____ Relationship to you: _____

Beneficiaries of the residue/rest of your estate

The "*rest/residue of your estate*" is everything left after you have given specific items away. You can leave everything to one person or organisation or you may choose to divide your estate between several individuals i.e. 50% each or equally between 3+ people. If not enough space please detail on the last page of this form.

32. Please advise who you will leave the rest of your estate to as a first option and in what shares.

Name: _____

Address: _____

Relationship to you: _____ Share of estate: _____

Name: _____

Address: _____

Relationship to you: _____ Share of estate: _____

Name: _____

Address: _____

Relationship to you: _____ Share of estate: _____

33. If your preferred beneficiaries above do not survive you by 30 days (as required by Tasmanian law), who do you wish to be 'backup' beneficiaries?

If primary beneficiaries do not survive you then we would usually have a clause allowing their gift to flow to their children, if any. If this does not suit you, we can change that clause. If we put nothing, the part that was meant for the beneficiary who has predeceased you will be divided between remaining beneficiaries who have outlived you.

Name: _____

Address: _____

Relationship to you: _____ Share of estate: _____

Name: _____

Address: _____

Relationship to you: _____ Share of estate: _____

34. Are any of the beneficiaries foreign residents? (this may have tax implications)

Children not yet mentioned

Do you have any children that you have not yet noted as beneficiaries or executors?

35. Do you have any children not yet mentioned in this form?

We require this information to properly advise you in relation to how your will may operate. Even if you do not intend to include your children in your will it is important for us to know about them so that we can advise you as to any challenges to your Will. If you have foster children, previously given children up for adoption or have children who form part of your household but are not legally related please advise.

36. For any children under 18 years, do you wish to nominate a guardian if you were to pass away? If so, please provide details:

If your children are under the age of 18, there is a legal presumption that the surviving biological parent will have responsibility for those children. You may wish to nominate a guardian in case both parents pass away or if it is likely that the surviving biological parent would not be in a position to take your children (such as where the other parent has no contact with them currently).

Names, addresses and relationship (to you and your children) of proposed guardian/s:

Your burial instructions

You do not have to put burial instructions in your Will but if you have particular wishes then we can include that in your Will so your executor is aware of those wishes. If you do not have any wishes, just write "none" to confirm.

- 37. Do you wish for a particular type of service to be held in your honour after you pass? i.e. any particular religious denomination, location, guests or other specifics.**

- 38. What would you like to happen to your body after you pass? (tick one)**

I wish to be Buried and my body placed in the following location:

I wish to be cremated and my ashes scattered at the following location:

I wish for my body to be donated to science/medical research and my preference is for it to be donated to the following organisation:

(Other) I wish for my body to be dealt with as follows (if none, write 'none'):

If you wish to become an organ donor then now is a timely reminder to register to become a donor at www.donatelife.gov.au , through MyGov or we can assist you to register.

Potential Claims on Your Estate

Claims may be made against a Tasmanian estate under the Testator's Family Maintenance Act 1912 (Tas) by any eligible beneficiary who believes that they should have received a share, or a greater share, under a Will. Eligible beneficiaries may be your spouse, children (biological, stepchildren or adopted), parents, ex-spouse receiving maintenance at the time of your death, and/or a person in a de facto or a registered significant relationship.

39. Is there any eligible beneficiary (see above) who you believe is at risk of making a claim against your Will for either not benefiting at all, or not enough, under your will?

This may include an ex-spouse you are not yet divorced from, a child that you are estranged from, or a family member who you financially support but is not benefiting under your Will.

No

Yes, please provide details of why they may make or have a claim

Power of Attorney and/or Enduring Guardianship

An Enduring Power of Attorney gives authority to your nominated Attorney to deal with your financial affairs if you become incapacitated for any reason.

An Enduring Guardianship gives authority to your appointed Guardian to make health or personal decisions on your behalf should you ever become incapacitated for any reason.

An Advance Care Directive allows you to decide now, or to guide, what health care and treatment you receive in the future if you lose the ability to make and communicate decisions yourself. This will guide or direct any guardian you may appoint if you require them to make decisions.

40. Would you like to discuss a power of attorney (re financial decisions)?

Yes

No

Maybe

41. Would you like to discuss an appointment of an enduring guardian (re health decisions)?

Yes

No

Maybe

42. Would you like to discuss an Advance Care Directive (re health decisions)?

Yes

No

Maybe

43. Is there anything else you would like to tell us or include in your Will that hasn't been covered? i.e. life estate, issues relating to a business, assets that weren't disclosed due to space etc.

A large, empty rectangular box with a thin black border, intended for the user to provide additional information or details regarding their will.