



**RetireLaw**  
modern estate planning solicitors



## RETIRELAW CLIENT QUESTIONNAIRE 2020

This questionnaire provides RetireLaw solicitors with the essential information needed to understand both your personal and asset circumstances so we can provide you with strategic and tailored estate planning advice following your free initial consultation.

All information we receive from you is kept strictly confidential.

Please complete as much or as little of the questionnaire as you feel comfortable with before your initial consultation with RetireLaw.

At the end of that consultation your RetireLaw solicitor will provide you with (1) advice about how best to ensure your wishes are recorded and protected via our modern estate planning Wills and other documents, and (2) a lump sum fee quote for you to consider.

If you wish to proceed, based on the recommendations and fee quote provided, a second appointment will be made for you so that your tailored modern estate planning Will(s) and associated documents can be fully explained, validly signed and witnessed.

If you are yet to make an appointment for your initial consultation, please speak to your professional adviser or contact RetireLaw solicitors Terry Purcell or Dawn Wong on (02) 8908 9700.

To learn more about modern estate planning in the comfort of your home or office, please watch our online presentation called 'The Convenient Truth'. To view go to [www.retirelaw.com.au](http://www.retirelaw.com.au) or Google 'The Convenient Truth About Wills'.

You have absolutely nothing to lose and everything to protect.

If you have any questions please feel free to contact us:

Terry Purcell: [tpurcell@retirelaw.com.au](mailto:tpurcell@retirelaw.com.au)

Dawn Wong: [d Wong@retirelaw.com.au](mailto:d Wong@retirelaw.com.au)

Address: Suite 303, 12 Mount Street, North Sydney

Phone: (02) 8908 9700



# Estate Planning Questionnaire

## Private and Confidential

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**OFFICE USE ONLY**

First Meeting.....

File No.....

Solicitor.....

Email contract Yes / No

USJT.....Yes / No

Fee.....

Date of Signing.....

You were referred to us by?

.....

YOUR PERSONAL DETAILS	CLIENT 1 (You)	CLIENT 2 (Your Spouse/Partner)
Your title	Select relevant title <input type="checkbox"/> Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> Dr	Select relevant title <input type="checkbox"/> Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> Dr
Your full registered name/s		
Your surname		
Have you ever had a previous name? i.e. maiden name, other given name etc		
Your preferred given name		
Your date of birth		
Your occupation		
Are you an Australian citizen?	<input type="checkbox"/> Yes..... <input type="checkbox"/> No	<input type="checkbox"/> Yes..... <input type="checkbox"/> No
Are you an Australian resident or citizen of another country?	<input type="checkbox"/> Yes..... <input type="checkbox"/> No	<input type="checkbox"/> Yes..... <input type="checkbox"/> No
Your relationship status Tick relevant status	<input type="checkbox"/> Married <input type="checkbox"/> Defacto <input type="checkbox"/> Divorced <input type="checkbox"/> Single <input type="checkbox"/> Separated <input type="checkbox"/> Widowed	<input type="checkbox"/> Married <input type="checkbox"/> Defacto <input type="checkbox"/> Divorced <input type="checkbox"/> Single <input type="checkbox"/> Separated <input type="checkbox"/> Widowed
Your home address Street number and name, Suburb, State, Postcode	.....	

YOUR CONTACT DETAILS	CLIENT 1 (You)	CLIENT 2 (Your Spouse / Partner)
Your preferred postal address	Select relevant address type <input type="checkbox"/> Residential <input type="checkbox"/> PO Box <input type="checkbox"/> Other (Please specify) .....	
Home Phone	( )	( )
Work Phone	( )	( )
Fax	( )	( )
Mobile		
Email		
Best business hours contact number? Best time to contact you?	Select preferred method and indicate time <input type="checkbox"/> Home <input type="checkbox"/> Work <input type="checkbox"/> Mobile .....AM .....PM	Select preferred method and indicate time <input type="checkbox"/> Home <input type="checkbox"/> Work <input type="checkbox"/> Mobile .....AM .....PM
Do you have a current Will?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Power of Attorney?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Enduring Guardian?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

Do you have any specific privacy issues you would like observed?	<input type="checkbox"/> Yes .....
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<b>PRIOR RELATIONSHIPS</b>		
	<b>Client 1 (You)</b>	<b>Client 2 (Your Spouse / Partner)</b>
<b>Have you ever been in a prior married or defacto relationship/s?</b>	<input type="checkbox"/> YES <input type="checkbox"/> NO If Yes, please attach copies of all relevant Family Court orders and provide full name of former spouse/partner .....	<input type="checkbox"/> YES <input type="checkbox"/> NO If Yes, please attach copies of all relevant Family Court orders and provide full name of former spouse/partner .....
<b>Do you have children from prior relationship/s?</b>	<input type="checkbox"/> YES <input type="checkbox"/> NO If Yes, please list them below	<input type="checkbox"/> YES <input type="checkbox"/> NO If Yes, please list them below

**YOUR CHILDREN** (if you are a blended family please include all children)

Please complete details <b>Full given name</b> <b>Address</b>  <b>Date of Birth</b> <b>Occupation or School</b> <b>Child of (please select)</b> <input type="checkbox"/> Current <input type="checkbox"/> Prior relationship If prior, print name of other parent <b>Names, current ages of any grandchildren</b>	1.	2.
Please complete details <b>Full given name</b> <b>Address</b>  <b>Date of Birth</b> <b>Occupation or School</b> <b>Child of (please select)</b> <input type="checkbox"/> Current <input type="checkbox"/> Prior relationship If prior, print name of other parent <b>Names, current ages of any grandchildren</b>	3.	4.
Please complete details <b>Full given name</b> <b>Address</b>  <b>Date of Birth</b> <b>Occupation or School</b> <b>Child of (please select)</b> <input type="checkbox"/> Current <input type="checkbox"/> Prior relationship If prior, print name of other parent <b>Names, current ages of any grandchildren</b>	5.	6.
<b>Do any of the above children have special needs due to a disability or drug, alcohol, gambling addiction?</b>	1. Please provide full details	2. Please provide full details

YOUR PROFESSIONAL ADVISERS	
<b>Accountant</b> Name and address Phone / Email	
<b>Financial Adviser</b> Name and address Phone / Email	

I/We authorise **RetireLaw** to provide a copy of my Estate Planning documents to my adviser (specify name below)

.....

### YOUR CURRENT WILL MAY NOT OPERATE OVER:

A simple Will only operates to distribute assets which you personally own, i.e. your estate. It would normally not operate over:

- **Jointly held assets.** On the death of one co-owner, a jointly held asset goes directly to the survivor, bypassing the Will completely. To ensure additional asset protection for a home which is now jointly held, we recommend that the title be changed to tenants in common - **see note below.**
- **Superannuation death benefits.** The trustee of your superannuation fund may have the final decision as to who gets your superannuation. You may influence the result by completing a 'death benefit nomination'.
- **Assets held in a trust.** The terms of the relevant Trust Deed covers what happens to the control of the Trust and the assets held by the Trust on your death.
- The **proceeds of any life insurance policies**, unless you have nominated your estate as your beneficiary.
- The **shares you hold in a private company** may be incapable of transfer without the consent of other shareholders.

Unlike a simple Will, a **RetireLaw** Estate Planning Will gives your executors the authority to take into account or, in some instances, deal with such assets as listed above alongside your personally owned assets when implementing the wishes expressed in your Will.

This is particularly significant when the estate is to be divided equally between all of your children on the death of the surviving spouse. Your executors can make sure each child takes an absolutely equal share in your estate through adjustment provisions dealing with potential inequalities arising from superannuation payments or loans to some and not others.

**RetireLaw's** Estate Planning Wills give your executors the authority to ensure that your beneficiaries receive their inheritances in the most cost and tax effective way via beneficiary controlled testamentary trusts (see explanation p9).

**RetireLaw's** Wills are flexible enough to meet your needs over an extended period of time, although significant changes in your personal circumstances or changes in the law that are likely to affect estate administration would warrant a review of your Estate Planning documents by **RetireLaw.**

### Note regarding severing the joint tenancy of your home

The most common way of a couple owning their home is as joint tenants which means that on the death of the first co-owner, the survivor becomes the sole owner. This gives rise to the risk of losing some, or the whole home, if the survivor, or their estate, is sued by a future domestic partner or a creditor. The recommended alternative is to change the title to tenants in common in equal shares, a tax free low cost procedure, which means on the death of a spouse, the survivor has an option whereby they can continue to live in the deceased partner's share of the home via a right of occupation which protects at least that part of the home from such third party claims.

YOUR PERSONAL ASSETS	DETAILS	OWNER	VALUE
<b>Personal / Lifestyle</b> Including: home, car, boat...etc	..... ..... ..... .....	..... ..... ..... .....	\$..... ..... ..... .....
<b>Investment Property</b> Including holiday home, interests in children's property	..... ..... ..... .....	..... ..... ..... .....	\$..... ..... ..... .....
<b>Bank Accounts</b> Both personal and business Branch (address)	..... ..... ..... .....	..... ..... ..... .....	\$..... ..... ..... .....
<b>Managed Funds</b>	..... ..... ..... .....	..... ..... ..... .....	\$..... ..... ..... .....
<b>Shares</b>	..... ..... ..... .....	..... ..... ..... .....	\$..... ..... ..... .....
<b>Other interests</b> i.e. business interests	..... ..... ..... .....	..... ..... ..... .....	\$..... ..... ..... .....
<b>Do you own assets overseas?</b>	..... ..... ..... .....	..... ..... ..... .....	\$..... ..... ..... .....
<b>SUBTOTAL (A)</b>			\$.....

YOUR LIFE INSURANCE	Insurance 1	Insurance 2	Insurance 3
<b>Provider Name</b>			
<b>Insurance Policy number</b>			
<b>Life Insured</b> (Client 1, Client 2)			
<b>Amount of Life Cover</b>	\$.....	\$.....	\$.....
<b>Owner of Policy</b>			
<b>Nominated Beneficiary</b>			
<b>SUBTOTAL (B)</b>			\$.....

**TOTAL VALUE ( Subtotals A+ B)** \$.....

<b>ARE YOU EXPECTING AN INHERITANCE?</b>	Client 1	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Client 2	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<b>Are you likely to inherit from overseas?</b>	Client 1	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Client 2	<input type="checkbox"/> Yes	<input type="checkbox"/> No

YOUR SUPERANNUATION - CLIENT 1				
	Fund No 1	Fund No 2	Fund No 3	Fund No 4
Name of Fund				
Owner				
Super Type				
Current Value	\$	\$	\$	\$
Super Start Date				
Have you nominated a beneficiary?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
	If Yes, who?	If Yes, who?	If Yes, who?	If Yes, who?
	.....	.....	.....	.....

YOUR SUPERANNUATION - CLIENT 2				
	Fund No 1	Fund No 2	Fund No 3	Fund No 4
Name of Fund				
Owner				
Super Type				
Current Value	\$	\$	\$	\$
Super Start Date				
Have you nominated a beneficiary?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
	If Yes, who?	If Yes, who?	If Yes, who?	If Yes, who?
	.....	.....	.....	.....

YOUR LIABILITIES	Details	Debtor	Amount
Mortgages & Other Loans	.....	.....	\$ .....
	.....	.....	\$ .....
	.....	.....	\$ .....
Branch (address)	.....	.....	\$ .....
	.....	.....	\$ .....
Credit Cards / Overdrafts	.....	.....	\$ .....
	.....	.....	\$ .....
Personal Guarantees	.....	.....	\$ .....
	.....	.....	\$ .....
Other Debts / Obligations	.....	.....	\$ .....
	.....	.....	\$ .....
<b>TOTAL</b>			<b>\$</b>

DETAILS OF BUSINESS & INVESTMENT STRUCTURES	ASSETS HELD AND VALUE \$	
<p><b>COMPANIES</b></p> <p>Company Name/s</p> <p>ABN/s</p> <p>Trading Name/s</p> <p>Business Activities / Role</p> <p>Directors</p> <p>Shareholders</p> <p>Business Value</p> <p>Shareholders / Succession Agreement? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes please provide a copy of the <b>CONSTITUTION</b> and <b>RECENT ANNUAL ACCOUNTS</b></p>		
<p><b>FAMILY TRUSTS</b></p> <p>Name of Trust</p> <p>Trustee</p> <p>Main Beneficiaries</p> <p>Appointer</p> <p>Assets</p> <p>Please bring a copy of the <b>TRUST DEED</b> and <b>RECENT ANNUAL ACCOUNTS</b></p>		
<p><b>SELF MANAGED SUPER FUNDS</b></p> <p>Name</p> <p>ABN</p> <p>Trustee(s)</p> <p>Members</p> <p>Please bring a copy of the <b>SUPER TRUST DEED</b> and <b>RECENT ANNUAL ACCOUNTS</b></p>		
<p><b>PARTNERSHIPS</b></p> <p>Name</p> <p>Trading Name</p> <p>ABN</p> <p>Business Activities</p> <p>Partners' Details</p> <p>(If companies, details as above)</p> <p>Your share in partnership</p> <p>Please bring a copy of the <b>PARTNERSHIP DEED</b> and <b>RECENT ANNUAL ACCOUNTS</b></p>		

## YOUR EXECUTOR

Executors are legally responsible for carrying out your wishes when you die. A beneficiary can be executor, provided they are over the qualifying age. You can have more than one but it is not a good idea to have too many. Appointees should be people you trust and who are, preferably, familiar with your affairs.

The recommended approach is to appoint your spouse first and then children over qualifying age as substitute executors. It is important to nominate a second choice for executor in case your first choice dies before you or cannot act because of incapacity. Appointing an independent executor or trustee company is unnecessary in most cases. If you are in any doubt about your choice of executor then this is a matter which must be discussed with the **RetireLaw** solicitor at your initial meeting.

YOUR EXECUTOR	Client 1 (You)	Client 2 (Your Spouse/Partner)
<b>First Choice</b> PLEASE SELECT	My <input type="checkbox"/> spouse <input type="checkbox"/> partner or <input type="checkbox"/> other.....	My <input type="checkbox"/> spouse <input type="checkbox"/> partner or <input type="checkbox"/> other.....
<p><b>Second Choice</b></p> <p>If you have a large family, we recommend no more than three children be appointed as executors. If you are not appointing your children, include details of relationships, full name/s and address/es of the person or people you are appointing.</p>	<p><input type="checkbox"/> If my first choice executor is not available to act, then I appoint <b>my children</b>, or the survivor of them to act as my substitute executors.</p> <p><b>OR</b> (if your children are under the qualifying age or you wish to appoint a sibling or adviser as second choice executor)</p> <p><input type="checkbox"/> If my first choice executor is not available to act, then I appoint: (<i>friend, accountant, children etc</i>)</p> <p>my ..... (relationship)</p> <p>..... (full name)</p> <p>of.....</p> <p>.....</p> <p>(address)</p> <p><b>AND</b></p> <p>my ..... (relationship)</p> <p>..... (full name)</p> <p>of.....</p> <p>.....</p> <p>(address)</p> <p><b>AND</b></p> <p>my ..... (relationship)</p> <p>..... (full name)</p> <p>of.....</p> <p>.....</p> <p>(address)</p> <p>or the survivor of them to act as my substitute executors.</p>	<p><input type="checkbox"/> If my first choice executor is not available to act, then I appoint <b>my children</b>, or the survivor of them to act as my substitute executors.</p> <p><b>OR</b> (if your children are under the qualifying age or you wish to appoint a sibling or adviser as second choice executor)</p> <p><input type="checkbox"/> If my first choice executor is not available to act, then I appoint: (<i>friend, accountant, children etc</i>)</p> <p>my ..... (relationship)</p> <p>..... (full name)</p> <p>of.....</p> <p>.....</p> <p>(address)</p> <p><b>AND</b></p> <p>my ..... (relationship)</p> <p>..... (full name)</p> <p>of.....</p> <p>.....</p> <p>(address)</p> <p><b>AND</b></p> <p>my ..... (relationship)</p> <p>..... (full name)</p> <p>of.....</p> <p>.....</p> <p>(address)</p> <p>or the survivor of them to act as my substitute executors.</p>



## GUARDIANS OF CHILDREN UNDER 18

If you have young children when making your Will, you should nominate one or more persons to be their guardian/s in the event that both you and your spouse/partner die before those children reach 18. The appointment of a guardian under your Will would be subject to Court approval and there is always the possibility that a Court may exercise its overriding discretion to appoint or remove a guardian other than your nominated guardian.

Your children may wish to reside with someone other than your nominated guardian. In these circumstances the Court as always would take your children's best interests into account in deciding the issue. It is the guardian's responsibility to make the important "life decisions" on behalf of the child. The guardian must ensure that the child is adequately housed, clothed and educated. The guardianship of minor children is a responsible task.

You should think carefully about the appointment of a guardian and attempt to appoint one or more persons who:

- are prepared to take on the responsibility;
- are of a similar age to you; and
- hold similar social religious and cultural views to you.

### Guardians of Children Under 18

Please tick appropriate box

No, not necessary, all our children are over 18.

Yes, we wish to appoint .....  
(description of relationship, eg. Client 1's sister, Client 2's brother, our friend)

.....  
(full name)

of .....  
(address)

AND

.....  
(description of relationship, eg. Client 1's sister, Client 2's brother, our friend)

.....  
(full name)

of .....  
(address)

or the survivor of them to act as guardian(s) of our children while they are under 18.

## QUALIFYING AGE

**We normally recommend** a qualifying age of twenty-five (25), which means that any beneficiary must attain this age before taking personal control of their inheritance. We would not recommend lowering that age, but it is your right to do so, while the age can also be increased. However, anything higher than 30 would, in our experience, impose unreasonable obligations on your executors. It is not practical to nominate children under the qualifying age as executors or Powers of Attorney.

**If a different qualifying age is required, please indicate here:** .....years.

If you are concerned about a beneficiary's capacity to manage an inheritance, then you may need additional provisions in your Will to deal with this issue. We suggest you discuss this matter with the **RetireLaw** solicitor at your initial meeting.

## YOUR ESTATE

In the first instance, your Estate Planning Will provides for your entire estate to be left to your spouse/partner via a beneficiary controlled testamentary trust (BCTT – see box below).

On the death of the surviving spouse/partner, your Will distributes your share of the estate to your surviving children via BCTTs, with each child being the trustee of their own individual trust after attaining the qualifying age.

If one of your children dies before you leaving children, ie. your grandchildren, his/her share of your estate is distributed equally between his/her children. If a deceased child has no children, their share of your estate is divided equally between your surviving children.

In circumstances where all the members of your family die before you, our Wills allow you to nominate “reserve beneficiaries” who share your estate. This provision allows you to specify those you might wish to benefit from your estate, such as your parents and/or siblings and your spouse/partner’s parents and/or siblings. Alternatively, you are free to nominate specific members of your wider families, friends or charities.

Failure to nominate reserve beneficiaries means that you risk your estate being distributed among remoter relatives as per the rules of intestacy, as specified in *Succession Act 2006* and applying since 2010 who you may not like to see inherit from you.

**PLEASE NOTE:** Your estate may be subject to considerable expense and delay in distribution if you exclude from your Will anyone who could expect to receive an inheritance from your estate, ie. family members or other people who have or had a relationship with or who were dependent on you.

### ***What is a Beneficiary Controlled Testamentary Trust?***

A simple Will distributes your estate to your beneficiaries in their own names, that is, their inheritance becomes part of their personal assets, and thus makes the inheritance vulnerable to being split by the Family Court if a beneficiary’s relationship subsequently breaks down, or lost completely to creditors if a beneficiary is declared bankrupt for any reason.

Your Estate Planning Will gives each of your beneficiaries the option to hold their inheritance in their own *beneficiary controlled testamentary trust* (BCTT), protecting the inheritance in the event of relationship breakdown or bankruptcy, and offering income sharing opportunities which can have significant long term tax advantages for beneficiaries and their families.

The terms of the BCTTs established under your Will define:

- the class of beneficiaries (including a power to permanently or temporarily exclude a beneficiary, eg. to ensure means tested pension eligibility or eligibility for the small business active asset concessions in Division 152 of the Capital Gains Tax provisions);
- distributions of net income, capital and other benefits to beneficiaries – income tax concessions apply to beneficiaries under 18 years;
- the power to appoint the trustee and sharing of control if two or more beneficiaries take control of the trust after the primary beneficiary dies;
- the crisis protective trust provisions – where the executor assumes control in the event of the primary beneficiary become bankrupt or otherwise under a legal disability; and
- the eventual winding-up of the trust.

YOUR BENEFICIARIES	CLIENT 1	CLIENT 2
In the first instance do you want to leave all your assets to your spouse?	Please tick appropriate box <input type="checkbox"/> <b>Yes</b> I want to leave everything to my spouse via beneficiary controlled testamentary trusts.  <input type="checkbox"/> <b>No</b> I want to leave all my assets as set out later in these in instructions.	Please tick appropriate box <input type="checkbox"/> <b>Yes</b> I want to leave everything to my spouse via beneficiary controlled testamentary trusts.  <input type="checkbox"/> <b>No</b> I want to leave all my assets as set out later in these in instructions.
In the situation where your spouse dies before you and you have children who are living then do you want to leave everything to your children equally?	Please tick appropriate box <input type="checkbox"/> <b>Yes</b> if my spouse dies before me then I want to leave my entire estate to my children equally via separate beneficiary controlled testamentary trusts.  <input type="checkbox"/> <b>No</b> I want to leave all my assets as set out later in these in instructions.	Please tick appropriate box <input type="checkbox"/> <b>Yes</b> if my spouse dies before me then I want to leave my entire estate to my children equally via separate beneficiary controlled testamentary trusts.  <input type="checkbox"/> <b>No</b> I want to leave all my assets as set out later in these in instructions.
In the situation where both your spouse and one or more of your children dies before you then do you want the share that would have gone to a deceased child to go instead to his or her children equally?	Please tick appropriate box <input type="checkbox"/> <b>Yes</b> in this case I want the share of a deceased child to go to his or her children equally.  <input type="checkbox"/> <b>No</b> in this case I want the share of a deceased child to go to my other living children equally.	Please tick appropriate box <input type="checkbox"/> <b>Yes</b> in this case I want the share of a deceased child to go to his or her children equally.  <input type="checkbox"/> <b>No</b> in this case I want the share of a deceased child to go to my other living children equally.
In the situation where all the members of your immediate family die before you ie your spouse, children and grandchildren what do you want to happen to your estate?	In this situation many couples decide to leave one-half of their estate to their own family (parents, brothers and sisters) and the other half to their spouse's family.	
	Please tick appropriate box <input type="checkbox"/> <b>Yes</b> in this case I want my estate to be divided into halves and one half goes to my parents and siblings and the other half to my spouse's parents and siblings.  <input type="checkbox"/> <b>No</b> in this case I want to leave all my assets as set out later in these in instructions.	Please tick appropriate box <input type="checkbox"/> <b>Yes</b> in this case I want my estate to be divided into halves and one half goes to my parents and siblings and the other half to my spouse's parents and siblings.  <input type="checkbox"/> <b>No</b> in this case I want to leave all my assets as set out later in these in instructions.

GIFT/S FOR EXECUTORS	CLIENT 1	CLIENT 2
Do you wish to recompense your Executor for his/her efforts in administrating your estate?	<input type="checkbox"/> <b>No</b> <input type="checkbox"/> <b>Yes</b> , with a gift of ..... ..... In addition to distribution to executor as primary beneficiary? <input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b> Plus commission <input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b>	<input type="checkbox"/> <b>No</b> <input type="checkbox"/> <b>Yes</b> , with a gift of ..... ..... In addition to distribution to executor as primary beneficiary? <input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b> Plus commission <input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b>

OTHER ISSUES	Client 1 (You)	Client 2 (Your Spouse/Partner)
<p><b>Do you want to specify in your Will that you are to be buried or cremated?</b></p> <p>Specific Funeral Arrangements? e.g. preferred funeral director, reserved grave number etc or</p> <p>Prepaid Funeral Plan</p> <p><i>If yes please give details</i></p>	<p><b>Please tick appropriate box:</b></p> <p><input type="checkbox"/> I want to be buried</p> <p><input type="checkbox"/> I want to be cremated</p> <p>.....</p> <p>.....</p> <p>.....</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>.....</p>	<p><b>Please tick appropriate box:</b></p> <p><input type="checkbox"/> I want to be buried</p> <p><input type="checkbox"/> I want to be cremated</p> <p>.....</p> <p>.....</p> <p>.....</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>.....</p>
<p><b>After your death do you wish to allow your body to be available for organ donation?</b></p>	<p><b>Please tick appropriate box:</b></p> <p><input type="checkbox"/> Yes organ donation is OK</p> <p><input type="checkbox"/> No</p>	<p><b>Please tick appropriate box:</b></p> <p><input type="checkbox"/> Yes organ donation is OK</p> <p><input type="checkbox"/> No</p>
<p><b>Do you wish to be able to leave personal items i.e. jewelery in accordance with a list you may change from time to time without having to update your Will?</b></p>	<p><b>Please tick appropriate box:</b></p> <p><input type="checkbox"/> Yes (please detail below)</p> <p><input type="checkbox"/> No</p>	<p><b>Please tick appropriate box:</b></p> <p><input type="checkbox"/> Yes (please detail below)</p> <p><input type="checkbox"/> No</p>

**Do you wish to make any special gifts? Please tick appropriate box:**

**NO**

**YES**, please detail below including description, beneficiary and if you would like gift to apply after your death or after the death of you and your spouse / partner.

.....

.....

.....

**DOCUMENTS TO BE PREPARED FOR YOU AS PART OF RETIRELAW'S ALL INCLUSIVE SERVICE**

- Estate Planning Wills with beneficiary controlled testamentary trusts.
- Enduring Powers of Attorney (*to protect your financial interests if you are unable to*).
- Appointments of Enduring Guardian (*to protect your health and welfare interests if you are unable to*).
- Tailored, plain language, clause by clause summary of your documentation.
- Tailored, plain language guides for beneficiaries and executors.

<b>ALTERATION / SEVERANCE OF JOINT TENANCY</b> <input type="checkbox"/> Yes (see explanation page 3)	
Property Address (please select)	<input type="checkbox"/> Home <input type="checkbox"/> Other.....
Bank holding mortgage (name and address)	

## IMPORTANT DECLARATION - CLIENT 1

<p>In the event that you die before you can execute your new Will which is to be drawn up in accordance with your instructions above</p> <p><b>DO YOU DECLARE</b></p> <p>1. That any former Will is hereby revoked?</p> <p>and</p> <p>2. That the instructions you have given above are to have effect as your Will?</p>	<p><input type="checkbox"/> <b>I have noted the Terms of Agreement on page 15.</b></p> <p>Please tick appropriate box</p> <p><input type="checkbox"/> <b>Yes</b> I revoke all former Wills and declare that if I die before signing my formal Will my instructions in this questionnaire and/or the attached documents shall take effect as my Will (incorporating the current RetireLaw precedent that provides for beneficiary controlled testamentary trusts) and be processed as my last Will pursuant to section 8 of the <i>Succession Act 2006</i> (NSW).</p> <p><input type="checkbox"/> <b>No</b> I do not want these instructions to be treated as my Will as I may have changed or altered them prior to signing the new Will.</p> <p>Dated...../...../2020</p> <p>Signature of Client 1.....</p> <p>Witness to Client 1's signature.....</p> <p>Name of Witness..... (Note: witness must be independent ie. not a beneficiary under your Will)</p>
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## IMPORTANT DECLARATION - CLIENT 2

<p>In the event that you die before you can execute your new Will which is to be drawn up in accordance with your instructions above</p> <p><b>DO YOU DECLARE</b></p> <p>1. That any former Will is hereby revoked?</p> <p>and</p> <p>2. That the instructions you have given above are to have effect as your Will?</p>	<p><input type="checkbox"/> <b>I have noted the Terms of Agreement on on page 15.</b></p> <p>Please tick appropriate box</p> <p><input type="checkbox"/> <b>Yes</b> I revoke all former Wills and declare that if I die before signing my formal Will my instructions in this questionnaire and/or the attached documents shall take effect as my Will (incorporating the current RetireLaw precedent that provides for beneficiary controlled testamentary trusts) and be processed as my last Will pursuant to section 8 of the <i>Succession Act 2006</i> (NSW).</p> <p><input type="checkbox"/> <b>No</b> I do not want these instructions to be treated as my Will as I may have changed or altered them prior to signing the new Will.</p> <p>Dated...../...../2020</p> <p>Signature of Client 2.....</p> <p>Witness to Client 2's signature.....</p> <p>Name of Witness..... (Note: witness must be independent ie. not a beneficiary under your Will)</p>
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## FINAL CHECKLIST BEFORE MEETING WITH RETIRELAW SOLICITORS

### Documents and information to bring to initial meeting.

- Copy of any financial and estate plan prepared by your adviser
- Any existing Wills, Powers of Attorney or Appointments of Enduring Guardian
- Copy of your most recent superannuation statements
- Any Family Trust Deed and recent annual accounts
- Copies or details of any life insurance policies

# YOUR ENDURING POWER OF ATTORNEY

Appointing someone as an Enduring Power of Attorney is a precautionary matter so that your business and financial affairs can be conducted by someone sensitive to your needs if you become incapacitated and are unable to attend to your own affairs. Usually people appoint their spouse, then one or more of their children jointly and severally as back-up attorneys. It is a good idea to appoint second choice attorneys in case your first choice dies or becomes incapacitated, although care should be taken not to allow one child unrestricted powers. You should only appoint someone you trust. Please note that children under 18yrs cannot be appointed.

An Enduring Power of Attorney specifically provides that it will continue to be effective even if you lose legal capacity after you have signed it. It will be tailored to enable your attorney to manage your superannuation in the event that you are not able to do so. People appointed as your attorney must sign acceptance of appointment before it comes into effect. In recent years legislation has significantly increased the security for the principal, that is, the person granting the Power of Attorney, by requiring an appointee to a list of obligations when accepting appointment as an attorney, breach of which will lead to both civil and/or criminal penalties. A Power of Attorney can be revoked at any time and its authority ceases immediately on your death.

A Power of Attorney cannot be used for health or lifestyle decisions – see next page. If you are in any doubt about your choice of attorney, then this is a matter which must be discussed with the **RetireLaw** solicitor at your initial meeting.

YOUR ATTORNEY	Client 1 (You)	Client 2 (Your Spouse/Partner)
<b>Same as executors in Will</b>	<input type="checkbox"/> YES	<input type="checkbox"/> YES
	<input type="checkbox"/> NO, attorney/s to be as follows	<input type="checkbox"/> NO, attorney/s to be as follows
<b>First Choice</b>	PLEASE SELECT My <input type="checkbox"/> spouse <input type="checkbox"/> partner <input type="checkbox"/> other Complete details below	PLEASE SELECT My <input type="checkbox"/> spouse <input type="checkbox"/> partner <input type="checkbox"/> other Complete details below
	<p>If my spouse/partner is not available to act, then I appoint</p> <p>my ..... (relationship)</p> <p>..... (full name)</p> <p>of.....</p> <p>..... (address)</p> <p>AND</p> <p>my ..... (relationship)</p> <p>..... (full name)</p> <p>of.....</p> <p>..... (address)</p> <p>or the survivor of them to act as my substitute attorney/s.</p>	<p>If my spouse/partner is not available to act, then I appoint</p> <p>my ..... (relationship)</p> <p>..... (full name)</p> <p>of.....</p> <p>..... (address)</p> <p>AND</p> <p>my ..... (relationship)</p> <p>..... (full name)</p> <p>of.....</p> <p>..... (address)</p> <p>or the survivor of them to act as my substitute attorney/s.</p>
<p><b>Second Choice</b></p> <p>Include details of relationships, full name/s and address/es of the person or people you are appointing.</p> <p>For more information on the role and responsibilities of attorneys, please go to our website <a href="http://www.retirelaw.com.au">www.retirelaw.com.au</a></p>		

## YOUR APPOINTMENT OF ENDURING GUARDIAN

Your Enduring Guardian is the person you nominate to make lifestyle and medical decisions for you if you become incapable of making those decisions for yourself. You should only appoint someone you trust and who is sensitive to your wishes. An "Enduring Power of Guardianship" only comes into effect upon your loss of capacity and will continue to be effective during the period of your incapacity.

Appointing a guardian is done as a precautionary matter so that if you are unable to make decisions about where you live and what medical treatment you will receive. Your guardian will make these decisions on your behalf. Most people appoint their spouse as first choice, then all or some of their children jointly and severally as back-up guardians. It is important to appoint second choice guardians in case your first choice dies or becomes incapacitated. Please note that children under 18 cannot be appointed. People appointed as your guardian must sign acceptance of appointment before it comes into effect. An Appointment of Enduring Guardianship can be revoked at any time and ceases to be valid on your death. Your guardian has no power to deal with your assets. If you are in any doubt about your choice of attorney, then this is a matter which must be discussed with the **RetireLaw** solicitor at your initial meeting.

YOUR GUARDIAN	Client 1 (You)	Client 2 (Your Spouse/Partner)
<b>Same as executors in Will</b>	<input type="checkbox"/> YES	<input type="checkbox"/> YES
	<input type="checkbox"/> NO, guardian/s to be as follows	<input type="checkbox"/> NO, guardian/s to be as follows
<b>First Choice</b>	PLEASE SELECT My <input type="checkbox"/> spouse <input type="checkbox"/> partner <input type="checkbox"/> other Complete details below	PLEASE SELECT My <input type="checkbox"/> spouse <input type="checkbox"/> partner <input type="checkbox"/> other Complete details below
<b>Second Choice</b>  Include details of relationships, full name/s and address/es of the person or people you are appointing.  For more information on the role and responsibilities of attorneys, please go to our website <a href="http://www.retirelaw.com.au">www.retirelaw.com.au</a>	If my spouse/partner is not available to act, then I appoint  my ..... (relationship)  ..... (full name)  of.....  ..... (address)  AND  my ..... (relationship)  ..... (full name)  of.....  ..... (address)  or the survivor of them to act as my substitute guardian/s.	If my spouse/partner is not available to act, then I appoint  my ..... (relationship)  ..... (full name)  of.....  ..... (addresss)  AND  my ..... (relationship)  ..... (full name)  of.....  ..... (address)  or the survivor of them to act as my substitute guardian/s.

