

# Wills —

## There is no such thing as a “simple” Will

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Page 1/2

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During our lifetime, we all go through certain “*trigger points*” that determine when we should make or renew a *Will*. Sometimes the events just seem to sneak up on us, so don’t wait for the warning signs.

Making a *Will* is important at any stage of your life, and is critical to ensure that when you die, your estate is managed the way you intended. These life-changing stages include:

- Buying Property.
- Death of a parent or spouse; relatives and/or friends.
- Marriage and/or Divorce.
- Inheritance.
- Birth of children.
- Business succession and/or sale; retirement.
- Change in legislation.
- Travel and/or holidays.
- Illness and/or disasters.

### **The implications of not making a *Will***

If you do not make a *Will*, you are declared to have died intestate. This means your assets will be sold and distributed according to a specific formula outlined in proposed new intestacy rules. In the unfortunate event of you not having a *Will*, an administrator will be appointed by the court to distribute your assets.

### **Document your wishes**

Meeting with your lawyer should be your first consideration. Preparing a *Will* is the best way to ensure that once you die, your family members are properly looked after in the manner you intended.

A *Will* is a legal document that sets out how you want your assets to be distributed. It gives you the opportunity to provide for your family and friends after you die.

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Page 2/2

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In our experience the following services and discussions are necessary:

- Ensure compliance with legal requirements so your *Will* is properly prepared, signed and witnessed.
- Ensure beneficiaries are provided for as you intended.
- Advise on whether a current or old *Will* should be changed to reflect new circumstances.
- Advise on what circumstances your *Will* could be contested by a disappointed beneficiary and how you can prevent or reduce the chances of this occurring.
- Advise on whether you can make a claim from an estate and the likelihood of success.
- Advise executors on their obligations under a *Will* and pursuant to the law.
- Advise on what happens where there is no executor.
- Provide advice where there appears to be an ambiguity in a *Will*.
- Pursue a claim on your behalf.
- Advise on the role of an administrator.