

Solicitors



Caldwell
Martin
Cox

Your Trusted Advisor

Online Will

By proceeding with the Caldwell Martin Cox online Will you are agreeing that you have read the information below and believe that it is suitable for you. You accept that the Will is not manually produced by any staff of Caldwell Martin Cox and it is not reviewed by any staff of Caldwell Martin Cox before you receive it. You accept that you are not receiving any personalised advice about your particular circumstances.

IMPORTANT INFORMATION BEFORE COMMENCING YOUR WILL

This Will may not be suitable for everyone. It is designed for those people who want a standard Will and whose personal circumstances, including assets and liabilities, are relatively simple.

If you fit within any of the following categories we strongly suggest you make an appointment with one of our Estate Planning Solicitors;

- You live outside of New South Wales
- You own a business or shares in a Pty Ltd company
- Have a 'blended' family (e.g. you and your partner have children from previous relationships)
- Have a fractured family where there are issues you believe may cause disputes following your death
- Own assets overseas or live overseas
- Have beneficiaries with special needs
- Intend to get married in the near future
- You are separated but not yet divorced and/or have not completed a property settlement approved by the Family Court.
- Plan to exclude family and/or dependents from your Will
- Are unsure as to how you wish to leave your Estate

What your Will does not deal with!

You should be aware that your Will does not deal with all assets you may have.

- Any assets held jointly with another, such as your property and bank accounts, will automatically pass to the other joint owner upon your death.
- Superannuation is distributed in accordance with any beneficiary nominations you make with your superannuation fund. We urge you to check exactly what the position is with your superannuation policy.
- Life Insurance is usually paid to the holder of the insurance policy. For instance, if your life is insured but your spouse owns the policy in their name then the insurance will be paid directly to your spouse upon your death.
- Overseas assets. How they are dealt with will vary from country to country.

Claims against your estate

Before completing the Caldwell Martin Cox online Will you should be aware that in NSW the following categories of people may be able to make a claim against your estate (known as a family provision claim), whether or not you leave them anything in your Will;

- a) a person who was your spouse at the time of your death,
- b) a person with whom you were living in a de facto relationship at the time of your death,
- c) any child you have,
- d) a former spouse,
- e) a person:
 - who was, at any particular time, wholly or partly dependent on you, and
 - who is a grandchild or was, at that particular time or at any other time, a member of your household,
- f) a person with whom you were living in a close personal relationship at the time of the your death.

Nine steps to signing your Will

1 You should read the document carefully to ensure that it has been prepared in accordance with your wishes.

2 You should print it single sided.

3 The Will should be signed by you in the presence of two adult witnesses who are not;

- beneficiaries
- Executors
- A spouse of a beneficiary or Executor
- A child of a beneficiary or Executor

4 The witnesses should be persons who can be located if necessary.

5 You must sign at the bottom of each page and above your name on the last page, in the space provided.

6 The witnesses must sign the Will in your presence and in the presence of each other, using the same pen.

7 The witnesses must sign at the bottom of each page and on the last page, in the space provided.

8 The witnesses must print their names and addresses underneath their signatures on the last page.

9 The date of signing the Will should be inserted in the space provided above your signature on the last page and on the cover page.

When should you update your Will?

Please study your Will every two or three years, you need to make sure it still does what you want. A Will only operates from the date of your death.

In particular, you should consider whether you need to update your Will when;

- A major event happens in your family
- an executor or a beneficiary dies
- you separate from your partner
- you marry or divorce after the Will is made (this may impact on your Will)
- the tax laws change
- you have sold or gifted assets or the asset changes description (e.g. company shares)

Age of Inheritance

This Will automatically sets the age of inheritance at 21 years. This is based on feedback from clients that they prefer people receive an inheritance at 21 years over the default age of 18 years.

About this document:

Making your Will raises issues that you might not want to think about, but it is important to make a Will so that you can make your wishes known to the people who are closest to you. You can specify what you want to happen to your property. You can also use your Will to say what you would like to happen to your body and you can appoint guardians to care for your children if you have any.

Before getting started:

You will need to know who you want to appoint as your executor, and what you would like to happen to your property.

Interview time:

This interview should take you 15 to 20 minutes depending on your wishes.

Document length:

Approximately 5 pages long.

Document type:

Word Document.

Contact Us

If you have questions regarding any of our online documents please feel free to get in touch with us. You can either call our team on 02 4651 4800 or email us at digital@cmcox.com.au.