Suite 2, 12 Hammond Road
Cockburn Central WA 6164 (by appointment only)
6557 6632 (Reception)
admin@sunstonelegal.com.au

WILLS INFORMATION CAPTURE

1. ABOUT YOU

	PERSON 1	PERSON 2
Your Full Name:		
Also known as/maiden name (if applicable):		
Date of birth:		
Marital Status:		
Date of Marriage/ Divorce/ Separation (if applicable):		
Residential Address:		
Phone:		
Email:		

2. ABOUT YOUR FAMILY

Details of Children of Current Relationship (if any)

	CHILD 1	CHILD 2	CHILD 3
Full Name			
Relationship to Person 1 (eg biological, step, adopted)			
Relationship to Person 2			
Address (if different to you)			
Age			
Marital Status (if adult)			
Children of your Children (Names and Ages)			

Details of Children of Previous Relationship/s (if any)			
	CHILD 1	**CHILD 2**	**CHILD 3**
Full Name			
Relationship to Person 1			
Relationship to Person 2			
Address (if different to you)			
Age			
Marital Status (if adult)			
Children of your Children (Names and Ages)			

If additional children/notes, please include details here:

About Your Extended Family & Support Network (if relevant)

Please tell us about your extended family and support network (e.g. siblings/nieces/nephews and your chosen family)

3. EXECUTORS AND TRUSTEES

Executors and Trustees are appointed in your Will to deal with the financial side of your Estate after you have passed away

	PERSON 1	**PERSON 2**
Full name & Address of Executor		
Relationship to You		
Have they agreed to be Executor?		

We recommend you appoint a Back-up Executor in case the first person is unable to act		
Full name & Address of Back up Executor		
Relationship to You		
Has they agreed to be Back-up Executor?		
If you have minor/vulnerable/disabled/at risk beneficiaries, we recommend you consider appointing a trustee to manage their inheritance for them (see also section below on Testamentary Trusts)		
Full name & Address of Trustee		
Relationship to You		
Have they agreed to act as Trustee?		
Age of inheritance if minor beneficiary (eg 21, 25, 28 years)		
Name of Beneficiary		
Concerns for beneficiary (e.g. spendthrift, addiction, gambling, marital breakdown, incapable of managing own finances, other)		
Additional Notes:		

4. FINANCIAL DECISIONS IF YOU LOSE CAPACITY – ENDURING POWER OF ATTORNEY (EPA)

Who is going to manage your finances if you lose capacity? If you both lose capacity? You can have a maximum of 2 people acting together, or just one person acting alone.

You can choose whether you want your attorney to be able to act immediately on your instructions or only if you lose capacity in the future (in which case an order from the State Administrative Tribunal confirming your loss of capacity will be necessary to allow your attorney to act for you)

Your EPA is only valid during your lifetime and ceases to operate on your death.

	PERSON 1	**PERSON 2**
Who do you want to appoint as your attorney? (usually spouse first) Please provide their Full Name/s & Address/es		
What is their Relationship to You?		

If your first attorney/s is/are unable to act who would you want as your back-up attorney/s? Please provide their Full Name/s & Address/es		
What is their Relationship to You?		
If appointing 2 attorneys to act together– are you appointing them to act jointly (must act together) OR jointly and severally (can act alone)?		
Do you want your attorneys to be able to act immediately OR only if you have lost capacity (deferred appointment)		

5. MEDICAL DECISIONS IF YOU LOSE CAPACITY – ENDURING POWER OF GUARDIANSHIP (EPG)

Nominate friends or family members who you feel will be best placed to make decisions about your medical treatment and lifestyle if you cannot make decisions for yourself.

You can have several people acting together, or just one person acting alone. Your EPG is only operable if you have lost capacity. Your EPG is only valid during your lifetime and ceases to operate on your death.

	PERSON 1	**PERSON 2**
Who do you want to appoint as your guardian? Please provide their Full Name/s & Address/es (usually your spouse)		
What is their Relationship to You?		
If your first guardian/s is/are unable to act who would you want as your back-up guardian/s? Please provide their Full Name/s & Address/es		
What is their Relationship to You?		

6. GUARDIANSHIP FOR CHILDREN UNDER 18 YEARS / WITH A DISABILITY

Who will have responsibility for the care and wellbeing of your minor children or children with a disability, if both of you have passed away?

If you are nominating a couple (e.g. your sibling and their spouse), consider whether you would be happy with only one spouse acting as guardian. If your sibling predeceased you, would you be comfortable with your sibling's spouse being the sole guardian? If not, consider only nominating your sibling as the guardian.

Where you have an adult child with a disability, additional steps (for example, with the State Administrative Tribunal) might be required.

Full name and Address of Guardian/s for child/ren (or adult child/ren with a disability)	
Relationship to Willmaker	
Has the person agreed to be guardian?	

Additional Notes:

7. TESTAMENTARY TRUSTS

Testamentary trusts are one of the most powerful estate planning tools available.

They are similar to a family discretionary trust but a testamentary trust is established by your Will and only starts to operate when you die. Some of the major benefits of a testamentary trust is the tax flexibility and protection for beneficiaries it offers.

The person who has control of the trust assets is called the 'Trustee'. The trustee is the person responsible for the day to day management of the trust and due administration of the trust. The beneficiary (or person who can benefit from the assets in the trust) does not own the trust assets. Their only right is to be considered by the trustee. The trustee can be the same person as the beneficiary.

If you tick any of the following boxes then you should consider using a testamentary trust in your Will:

- ☐ You are leaving at least $500,000 (including super and life insurance) to one or more people
- ☐ You want to leave an inheritance to minors who can each receive approximately $22,000 tax free income each year from investing the inheritance
- ☐ It is important to you that the inheritance is protected from relationship risks (e.g. divorce or separation)
- ☐ It is important to you that the inheritance is protected from bankruptcy risks
- ☐ You are leaving assets to a beneficiary who cannot be trusted to manage their inheritance appropriately and you are worried they will waste it
- ☐ An intended beneficiary is currently residing overseas

	Testamentary Trust #1	**Testamentary Trust #2+**
Nominated Beneficiary		
Trustee 1 - full name		
Backup Trustee - full name		
Share of Residuary Estate		

Additional Notes:

ABOUT YOUR ASSETS

How you own your assets (whether in your sole name, joint names, tenants in common, via a trust or other structure) can impact upon whether those assets form part of your estate when you pass away and thus whether you can deal with them in your Will.

Let's Map It Out

What is in your sole name / person 2's sole name / held by you both jointly. in your superannuation funds, and/or held in a trust?

Description of Assets	PERSON 1 (SOLE NAME)	PERSON 2 (SOLE NAME)	PERSON 1 & 2 JOINTLY HELD	PERSON 1's SUPER	PERSON 2's SUPER	TRUST
Address & Value of home	[address] - $*		[address] - $*			
Address & Value of investment property #1						
Address & Value of investment property #2						
Value of life insurance policy (outside superannuation)						
Value of bank accounts						
Value of Share Portfolio						

Loans owing to you						
Interest in a Trust						
Additional Notes:						

8. ABOUT YOUR LIABILITIES

If any of your assets have debt owing on them this can impact on whether and how you can gift those particular assets.

Loans for home?		
Loans for property investments?		
Loans for investments?		
Do you owe any money to any company, partnership, trust, business, other person?		

Additional Notes:

9. DETAILS OF ANY SPECIFIC GIFTS

For example, real estate, jewellery, cash, household chattels, car, shares, heirlooms, antiques

	Gift 1	**Gift 2**
Description of Gift		
Full Name of Recipient		
Relationship to You		
Timing of Gift	☐ Immediately on death of person 1 ☐ Only if we have both passed away	☐ Immediately on death of person 1 ☐ Only if we have both passed away
Additional Notes:		
	Gift 3	**Gift 4**
Description of Gift		
Full Name of Recipient		
Relationship to You		
Timing of Gift	☐ Immediately on death of person 2 ☐ Only if we have both passed away	☐ Immediately on death of person 2 ☐ Only if we have both passed away
Additional Notes:		

10. RESIDUARY ESTATE

Your residuary estate is the balance of what is remaining after any specific gifts made and all debts paid

	PERSON 1	PERSON 2
What is to happen to the balance of your estate (everything other than your specific gifts above)?		

11. FAMILY DISASTER

Where should your assets pass in a family disaster? i.e. both of you and any children have all passed away together?

	PERSON 1	PERSON 2
What is to happen to your estate if you and your beneficiaries all die simultaneously?		

12. FUNERAL ARRANGEMENT AND ORGAN DONATION

Do you have any pre-paid funeral plan or are you entitled to receive a benefit from, eg, the Dept. of Veterans Affairs, for your funeral expenses?		
Do you have a preference for burial or cremation? If so, which?		
Do you have any other requirements or requests for your funeral? If so, please state.		
Are you a registered organ donor?		

13. OTHER PROFESSIONAL ADVISERS

If you authorize us to contact your other professional advisers in relation to your estate planning, please provide us with their details below:

Accountant:	
Financial Planner:	

14. OTHER ESTATE PLANNING ISSUES TO CONSIDER

(a) Do you think you may require a testamentary trust?

(b) Is someone to be given a life interest in an asset, eg private dwelling? If so:

(i) What is the asset?

(ii) Who is the beneficiary?

(iii) Is the beneficiary to be entitled to any income derived from that asset (e.g. rental income)?

(iv) Who is to be responsible for the costs associated with that asset (e.g. rates, taxes, insurance, upkeep)?

(v) What is to happen to the asset when the life interest ends (e.g. revert to Residuary Estate/someone else)?

(c) Is a trust for the maintenance of a minor/s or vulnerable beneficiary or person under disability required?

(d) Do you intend to make any charitable bequests?

(e) Do you intend to leave to anyone by your will an interest in any asset that you own as joint tenant with another or others?

(f) If you will be appointing guardians, are any funds to be provided to or for the guardians to enable them to fulfil that role? If so:

(i) How much?

(ii) Are the funds to come from any particular source?

(iii) Are there any conditions?

(iv) What is to happen to the fund once the guardianship is finished?

(v) Are any gifts to any guardian not related to him or her performing those duties?

(g) Have you made any gifts to any person who is or may be a beneficiary of your estate?

(h) If in the future you may make any gift or any person who is or may be a beneficiary of your estate is it possible that you may intend that gift to be in satisfaction or part satisfaction of any entitlement that person may have under your will?

(i) If by your will you propose to:

(i) treat any person of equal relationship differently; and/or

(ii) make more than nominal gifts or bequests to any person or entity that is not your next of kin; and/or

(iii) exclude someone who may have an expectation to be a beneficiary of your estate

consider and explain your reasons for so doing.

(j) Do you intend your will to be a mutual will with that of your spouse?

(k) Consider the extent of powers to be granted to the executors/trustees. Do you intend to limit the powers of your executors/trustees in any way? (for example, power to sell assets, postpone sale of assets, retain existing investments, advance money for the "maintenance, education and advancements" of minor beneficiaries (under 18 years of age), carry on any business, etc)