

Wills, Powers of Attorney and Advanced Care Directives

Wills

What is a Will?

A Will is a legal document in which you state how you want your assets distributed after your death. A Will also allows you to choose an executor who will be responsible for making sure your wishes are met

Who should make a Will?

If you are over 18 years old and hold assets in your own name, you should have a Will. Otherwise, if something happens to you, the distribution of your property will almost certainly not be in accordance with your wishes.

Should a Solicitor prepare my Will?

Wills are complex documents which are legally binding, therefore in order to make sure your assets are dealt with in the way you want them to be dealt with, it is essential that you get a lawyer to draft your Will.

A simple Will is inexpensive but the peace of mind it brings with it is priceless.

What happens if I die without a Will?

If you die without making a Will you will not have a say in how your assets, including your personal belongings, are distributed. Instead your estate will be divided according to law. This could mean that the people you most want to benefit from your estate might not get anything at all. Also, it may take longer and cost more to administer your estate.

What is included in a Will?

- The name of your executor.
- Clear instructions about how you want your assets to be divided.
- To whom you wish to leave your assets and what should happen if someone you name dies before you.
- Instructions regarding your funeral arrangements.
- The name of a guardian to care for young children.

Enduring Power of Attorney (EPA)

An “Enduring Power of Attorney” refers to the management of a person’s financial and legal affairs while they are alive. It continues to be in effect if a person becomes mentally incapacitated.

An Enduring Power of Attorney is a legal document whereby you empower another person to manage your assets and financial affairs whilst you are alive.

You must sign the Enduring Power of Attorney document while you are of sound mind and the proposed attorney must accept the appointment.

Why do you need an Enduring Power of Attorney?

Life can sometimes be unpredictable. You may have an accident, become suddenly ill, or absent unexpectedly from your normal life. This may in turn require you to rely on someone you can trust to manage your financial affairs.

Advanced Care Directive (ACD)

(Formerly Enduring Power of Guardianship & Anticipatory Directions)

In this document you can appoint a person(s) to make decisions concerning your lifestyle, health care and welfare when you are unable to do so. You can also specify your directions and wishes if you are terminally ill. This is an important document to allow others to help you and have your wishes followed.

Why do you need an Advanced Care Directive?

We recommend everyone have an Advanced Care Directive. It is the only way you can have control over who will make lifestyle decisions on your behalf if you are ever unable to do so yourself.

Our Fees

For relatively simple Wills (e.g. all to spouse and if he/she is not alive then to children/grandchildren) our fees are (inclusive of GST):

Single		Couple	
Will	\$440	Will (2)	\$770
EPA	\$250	EPA (2)	\$350
ACD	\$250	ACD (2)	\$350
EPA and ACD	\$395	EPA and ACD (2)	\$595
Will and EPA (or ACD)	\$550	Will and EPA (or ACDs) (2)	\$990
Will, EPA and ACD	\$660	Will, EPA and ACD (2)	\$1,100

For testamentary trusts, we charge an additional \$250.00 per Will.

For more complex Wills including family trusts, companies and businesses, we reserve the right to inform clients in advance that our standard fees will not apply.

For home visits, we charge a flat fee of \$55, which may be waived for particularly short trips, or increased for particularly long trips, at our discretion.