

OFFICE USE ONLY

First Meeting.....	USJT.....Yes / No
File No.....	Fee.....
Solicitor.....	Date of Signing.....

**Estate Planning Questionnaire
Private and Confidential**

© RetireLaw Pty Ltd Jan 2012

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		
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"/> MobileAMPM	Select preferred method and indicate time <input type="checkbox"/> Home <input type="checkbox"/> Work <input type="checkbox"/> MobileAMPM
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	

PRIOR RELATIONSHIPS

PRIOR RELATIONSHIPS		
	Client 1 (You)	Client 2 (Your Spouse / Partner)
Have you ever been in a prior married or defacto relationship/s?	<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
Do you have children from prior relationship/s?	<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

Please complete details Full registered given name Address Date of Birth Occupation or School Child of (please select) If prior, print name of other parent Names, current ages of any grandchildren	1. <input type="checkbox"/> Current <input type="checkbox"/> Prior relationship	2. <input type="checkbox"/> Current <input type="checkbox"/> Prior relationship
Please complete details Full registered given name Address Date of Birth Occupation or School Child of (please select) If prior, print name of other parent Names, current ages of any grandchildren	3. <input type="checkbox"/> Current <input type="checkbox"/> Prior relationship	4. <input type="checkbox"/> Current <input type="checkbox"/> Prior relationship
Please complete details Full registered given name Address Date of Birth Occupation or School Child of (please select) If prior, print name of other parent Names, current ages of any grandchildren	5. <input type="checkbox"/> Current <input type="checkbox"/> Prior relationship	6. <input type="checkbox"/> Current <input type="checkbox"/> Prior relationship

YOUR PROFESSIONAL ADVISERS

Accountant Name and address Phone / Email	
Financial Adviser Name and address Phone / Email	

It is important for RetireLaw to liaise with your professional adviser(s) when preparing your documentation. Please contact your advisers and authorise them to provide us with relevant information.

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.
- **Superannuation 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 under 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 share holders.

Unlike a simple Will, a **RetireLaw** Estate Planning Will gives your executors the authority to deal with such assets 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 you 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.

For example, the trustee of your superannuation fund has the initial power to direct where your superannuation goes, and would normally direct it to tax dependants, i.e. children under 18. With a simple Will, where superannuation forms a significant part of your wealth, and there are older children and children under 18, the result can be that **only** the younger children share your superannuation whilst also receiving an equal share of your personally owned assets, with your older children receive **only** an equal share of your personally owned assets.

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 on page 9).

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**.

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

ARE YOU EXPECTING AN INHERITANCE?	Client 1	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Client 2	<input type="checkbox"/> Yes	<input type="checkbox"/> No
--	----------	------------------------------	-----------------------------	----------	------------------------------	-----------------------------

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

TOTAL VALUE (Subtotals A+ B)	\$
--------------------------------------	----

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	\$.....
	\$.....
TOTAL			\$

DETAILS OF BUSINESS & INVESTMENT STRUCTURES	ASSETS HELD AND VALUE \$
<p>COMPANIES</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>Business Succession Agreement? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes please provide a copy of the CONSTITUTION and RECENT ANNUAL ACCOUNTS</p>	
<p>FAMILY TRUSTS</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 TRUST DEED and RECENT ANNUAL ACCOUNTS</p>	
<p>SELF MANAGED SUPER FUNDS</p> <p>Name</p> <p>ABN</p> <p>Trustee(s)</p> <p>Members</p> <p>Please bring a copy of the SUPER TRUST DEED and RECENT ANNUAL ACCOUNTS</p>	
<p>PARTNERSHIPS</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 PARTNERSHIP DEED and RECENT ANNUAL ACCOUNTS</p>	

GUARDIANS OF CHILDREN UNDER 18

If you have young children 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 if it is your preference the age could 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, the Will distributes your estate equally between 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, again via BCTTs, with each grandchild being the trustee of their own individual trust. 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, the Will divides your estate equally between your parents and/or siblings and your spouse's parents and/or siblings. This provision is a "safety net" aimed at preventing your estate from ending up in the hands of the State because there are no living beneficiaries named in the Will.

If this basic flow of your estate does not work for your family situation, please discuss this with the **RetireLaw** solicitor at your initial meeting.

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, making their inheritances vulnerable to being split by the Family Court if a beneficiary's relationship breaks down, or to creditors if their business goes bankrupt.

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 tax advantages for 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
<p>In the first instance do you want to leave all your assets to your spouse?</p>	<p>Please tick appropriate box</p> <p><input type="checkbox"/> Yes I want to leave everything to my spouse via separate beneficiary controlled testamentary trusts.</p> <p><input type="checkbox"/> No I want to leave all my assets as set out later in these in instructions.</p>	<p>Please tick appropriate box</p> <p><input type="checkbox"/> Yes I want to leave everything to my spouse via separate beneficiary controlled testamentary trusts.</p> <p><input type="checkbox"/> No I want to leave all my assets as set out later in these in instructions.</p>
<p>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?</p>	<p>Please tick appropriate box</p> <p><input type="checkbox"/> Yes if my spouse dies before me then I want to leave my entire estate to my children equally via separate beneficiary controlled testamentary trusts.</p> <p><input type="checkbox"/> No I want to leave all my assets as set out later in these in instructions.</p>	<p>Please tick appropriate box</p> <p><input type="checkbox"/> Yes if my spouse dies before me then I want to leave my entire estate to my children equally via separate beneficiary controlled testamentary trusts.</p> <p><input type="checkbox"/> No I want to leave all my assets as set out later in these in instructions.</p>
<p>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?</p>	<p>Please tick appropriate box</p> <p><input type="checkbox"/> Yes in this case I want the share of a deceased child to go to his or her children equally.</p> <p><input type="checkbox"/> No in this case I want the share of a deceased child to go to my other living children equally.</p>	<p>Please tick appropriate box</p> <p><input type="checkbox"/> Yes in this case I want the share of a deceased child to go to his or her children equally.</p> <p><input type="checkbox"/> No in this case I want the share of a deceased child to go to my other living children equally.</p>
<p>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?</p>	<p>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.</p>	
	<p>Please tick appropriate box</p> <p><input type="checkbox"/> Yes 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.</p> <p><input type="checkbox"/> No in this case I want to leave all my assets as set out later in these in instructions.</p>	<p>Please tick appropriate box</p> <p><input type="checkbox"/> Yes 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.</p> <p><input type="checkbox"/> No in this case I want to leave all my assets as set out later in these in instructions.</p>
GIFT/S FOR EXECUTORS	CLIENT 1	CLIENT 2
<p>Do you wish to recompense your Executor for his/her efforts in administrating your estate?</p>	<p><input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes, with a gift of</p> <p>.....</p> <p>.....</p> <p>In addition to distribution to executor as primary beneficiary?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Plus commission</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p><input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes, with a gift of</p> <p>.....</p> <p>.....</p> <p>In addition to distribution to executor as primary beneficiary?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Plus commission</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>

OTHER ISSUES	Client 1 (You)	Client 2 (Your Spouse/Partner)
<p>Do you want to specify in your Will that you are to be buried or cremated?</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>Please tick appropriate box:</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>Please tick appropriate box:</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>After your death do you wish to allow your body to be available for organ donation?</p>	<p>Please tick appropriate box:</p> <p><input type="checkbox"/> Yes organ donation is OK</p> <p><input type="checkbox"/> No</p>	<p>Please tick appropriate box:</p> <p><input type="checkbox"/> Yes organ donation is OK</p> <p><input type="checkbox"/> No</p>
<p>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?</p>	<p>Please tick appropriate box:</p> <p><input type="checkbox"/> Yes (please detail below)</p> <p><input type="checkbox"/> No</p>	<p>Please tick appropriate box:</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 YOU WANT PREPARED

DOCUMENT	Client 1	Client 2
Will	<input type="checkbox"/> YES	<input type="checkbox"/> YES
Enduring Power of Attorney	<input type="checkbox"/> YES	<input type="checkbox"/> YES
Appointment of Enduring Guardian	<input type="checkbox"/> YES	<input type="checkbox"/> YES

UNILATERAL SEVERANCE OF JOINT TENANCY <input type="checkbox"/> Yes	
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>DO YOU DECLARE</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>Please tick appropriate box</p> <p><input type="checkbox"/> Yes I revoke all former Wills and declare that my instructions above shall take effect as my Will if I die before signing my formal Will.</p> <p><input type="checkbox"/> No 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...../...../2011</p> <p>Signature of Client 1.....</p> <p>Witness to Client 1's signature.....</p> <p>Name of Witness..... (Note: witness must be independant ie. not a beneficiary under your Will)</p>
--	---

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>DO YOU DECLARE</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>Please tick appropriate box</p> <p><input type="checkbox"/> Yes I revoke all former Wills and declare that my instructions above shall take effect as my Will if I die before signing my formal Will.</p> <p><input type="checkbox"/> No 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...../...../2011</p> <p>Signature of Client 2.....</p> <p>Witness to Client 2's signature.....</p> <p>Name of Witness..... (Note: witness must be independant ie. not a beneficiary under your Will)</p>
--	---

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 Self Managed Superannuation Trust Deeds and recent annual accounts
- Copies or details of any life insurance policies

