

NSW Trustee & Guardian – Wills and Executors

NSW Trustee & Guardian is a one stop shop with a range of professional staff undertaking all aspects of administering an estate. With the experience of 900,000 Wills and over 95 years as the State's largest Will maker, and having administered over 220,000 estates, we provide valuable expertise through our in-house solicitors, accountants, trust officers, tax and investment specialists.

If you have been appointed as an executor in a Will and find yourself unable or unprepared to undertake the task, you can authorise the skilled professionals at NSW Trustee & Guardian to act on your behalf.

Services

We can assist you with:

- > Will Making
- > Estate Administration
- > Executor Services
- > Trusts
- > Powers of Attorney

Branches

- > Armidale
- > Bankstown
- > Blacktown
- > Broken Hill
- > Burwood
- > Chatswood
- > Country (NSW)
- > Dee Why
- > Gosford
- > Hurstville
- > Lismore
- > Liverpool
- > Miranda
- > Newcastle
- > Parramatta
- > Port Macquarie
- > Sydney Central
- > Wollongong

There is an agent for NSW Trustee & Guardian at every Local Court in NSW.

1300 364 103 (local call cost only)
www.tag.nsw.gov.au

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Wills & Executors

Making a Will and appointing an executor



NSW Trustee
& Guardian
Justice & Attorney General

What is a Will?

A Will is a document that clearly sets out your wishes for the distribution of your assets after you die. It's important to realise that specific legal requirements need to be followed for a Will to be valid.

Why do you need a Will?

If you die without a Will (that is, intestate) your assets or estate will be divided according to government legislation. In other words, if you don't have a Will you don't have a say. This may not be what you wanted, and the process may cause hardship, delay and expense.

If your only living relatives are more distant than cousins, your estate will be paid to the government.

When should I make and update a Will?

It's recommended that everyone over 18 years has a Will. It's particularly important to make a Will when you are getting married, divorced, or if you're living in a de facto or same sex relationship. Travel, having children, buying a house or significant assets are amongst many reasons why you should have a Will.

It's advisable to review your Will every 5 years or when your circumstances change.

What should I think about when making a Will?

Firstly, you should make a list of your assets and the people you want to leave them to. Secondly, you need to choose a responsible and competent executor. Your advisor can then lead you through the options for your Will. Thought should be given to what age children should receive their share and how you want your assets divided.

Can I do my Will myself?

You can prepare your own Will but it's not advisable. The drafting of a Will is a specialised and often complex task – there is a danger that there may be a need for a costly application being made to the Supreme Court for legal interpretation, which may differ from what you'd intended. No guarantee can be given that one or more people may seek to “upset” your wishes by applying to the court.

A professional Will maker and executor, such as NSW Trustee & Guardian, ensures your intentions are drafted in plain english and that your wishes will be carried out as you wanted. We can also advise on many options for estate planning in your Will.

What does it cost?

With NSW Trustee & Guardian as your executor, there is no charge to make your Will or to update it as often as you need. Competitive, government-set fees are charged only on estate administration.

Who should I name as executor?

It's important to have an executor who understands the financial, taxation and legal implications. If there's the added complication of a dispute, it's particularly important to have an independent executor.

Being the executor or administrator of a Will carries serious obligations and can be a complex, time consuming and demanding job. Although you may feel it's a compliment to appoint a friend or relative, it's important for you to discuss their capability and willingness to accept such a responsibility. Being an executor can be a burden at a time of grief and loss.

NSW Trustee & Guardian is impartial and provides the expertise of solicitors, trust managers, accountants, taxation and investment experts on staff.

What do I do next?

Simply make your Will at any of NSW Trustee & Guardian's 18 branches throughout NSW naming NSW Trustee & Guardian as your executor. Set fees apply only on estate administration and are provided in the NSW Trustee & Guardian's Guide for Wills, as are any further details you may require.

You can call **1300 364 103** for a chat over the phone or to make an appointment at any of our branches.

Many people when nominated as an executor are unsure of what is expected of them. The steps that an executor needs to take when administering an estate are outlined in the following chart:

