

Wills, Powers of Attorney and Advance 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.

Further, a lawyer can assist you with advice about matters relating to your Will, such as superannuation and potential Inheritance Claims. These issues are usually not dealt with appropriately in cases where people use homemade or "Will-Kit" Wills.

It does cost money to prepare a Will, 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 names of a guardian to care for young children.

Enduring Power of Attorney (EPA)

An “Enduring Power of Attorney” deals with 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.

Advance 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 Advance Care Directive?

We recommend everyone have an Advance 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	\$770	Will (2)	\$1,320
EPA or ACD	\$275	EPA or ACD (2)	\$440
EPA and ACD	\$440	EPA and ACD (2)	\$770
Will and EPA or ACD	\$990	Will and EPA or ACD (2)	\$1,650
Will and EPA and ACD	\$1,100	Will and EPA and ACD (2)	\$1,870

For more complex wills that include testamentary trusts, our fees are (inclusive of GST):

Single		Couple	
Will	\$1,100	Will (2)	\$1,925
Will and EPA or ACD	\$1,320	Will and EPA or ACD (2)	\$2,145
Will and EPA and ACD	\$1,430	Will and EPA and ACD (2)	\$2,365

For more complex wills, or where additional work is required, including relating to family trusts, companies and businesses, we reserve the right to inform clients in advance that our standard fees will not apply.

For additional work relating to estate planning, we charge the following fees (inclusive of GST):

Work	Fee
Deed for Mutual Wills	\$275
Revocation of EPA	\$165
Binding Nomination for Super Fund	\$165
Letter to Doctor regarding capacity	\$165
Home/Hospital Visit	\$165
Review Trust Deed (per document)	\$110
Letter to Attorney/SDM to sign documents (plus postage if outside SA)	\$110

The above may be subject to our discretion, for example, where a home visit is particularly close to our office, the fee may be waived.