



A Will is an important legal document that governs how you would like your property distributed and, if you have children, how you wish for your (minor) children to be cared for if you die. Any person over 18 years old (and of sound mind) can make a Will, and It's encouraged that you do so.

WHY DO I NEED A WILL?

By creating a Will, you can make the time after your death a lot easier for your loved ones. Your Will, if you'd like it to, can contain your wishes for an abundance of situations. For example, your Will can contain directions for your funeral arrangements, for the donation of your organs, but most importantly how you would like your property divided.

It is important to remember that no matter whether you have multiple properties or one property, kids or no kids, no valuable possessions or lots of valuable possessions. A Will, regardless of these things, can provide guidance and ease for your family in a hard time and to put yourself at ease; knowing that your affairs are taken care of.

It is best to talk to your Lawyer to discuss why you particularly might need a Will, but it is recommended that anyone over 18 should have a Will.

HOW DO I MAKE A WILL?

To make a Will you will need to see your Lawyer. We don't just say this because we want you to go see a Lawyer, but because making a Will can be a bit more complicated than it seems and there are some strict conditions and requirements a Will must have to be a valid. A Will usually contains the following:

Executor:

An Executor is the person (*or sometimes people*) that you appoint, or the Court appoints, to take on the legal responsibility of dealing with your affairs post death. You executor should be someone you know, trust, and is readily available to carry out the responsibilities of being the Executor of your Will.

Beneficiaries:

These are the people, or charities, that you have set in your Will to receive something (*like property, money etc...*). It is important to note that the law put in place some rules to protect your interest, and the interest of your beneficiaries. E.g: your children can challenge the contents of your Will in specific circumstances. Talk to your Lawyer about what could be challenged in your Will and how to mitigate this from happening.

Assets:

Talk to your Lawyer about your assets so you know what assets you can divide in your Will. For example, married couples often own property together as 'joint tenants'. This means that the property will automatically go to the living partner.

Guardians:

If you have children who are minors, you can put in your Will what your plans for them would be upon you dying, or upon you and the father dying.

Funeral arrangements:

As mentioned previously, you can put in your Will your wishes for your funeral. These wishes can't be bound by the Will, but it is uncommon for the Executor to go against your wishes. Talk to your lawyer about any concerns you may in implementing this into your Will.

Other:

There are many matters and situations you can accommodate for in your Will. For example, as eluded before, you can gift certain items to charities or even dictate how your business will be run after you die.

WHAT HAPPENS IF I DON'T HAVE A WILL?

If you die without a Will or a valid Will, it is likely your accounts will be frozen, and a family member will need to apply to the High Court to be granted authorisation to deal with the property affairs. This can be a mentally draining and costly process. After this, the person who has been granted authorisation will be required to divide your property based on the strict rules set out in Section 77 of the Administration Act 1969, also known as the 'rules of intestacy'. You will have no control over who or where your property will go.

[This is a good video to watch that touches on the consequences of not having a Will.](#)

WHAT CAN I PUT INTO MY WILL?

Many of these were mentioned previously, but a few weren't. The following things are the most common to put in your Will.

- Who is to inherit your property and other things.
- Consent for your organs to be donated.
- The appointment of executors who, as previously mentioned carry out the affairs of your Will.
- The appointment of guardians for your children.
- Directions of your funeral arrangements.
- The revocation of past Wills.

WHO CAN BE A WITNESS TO THE MAKING OF MY WILL?

When you create a Will, you will need a witness. This person should be someone that is 18 years or older, and you know and trust. The person should not be a beneficiary of your Will.

I'VE MADE MY WILL, AM I DONE?

It is important to note that you will have to review your Will every 2 – 3 years, or upon any change of circumstances. Having an updated Will that reflects your circumstances the best way to ensure that your affairs are looked after upon you dying. It is also important to note that you can cancel your Will at any time or amend it.



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