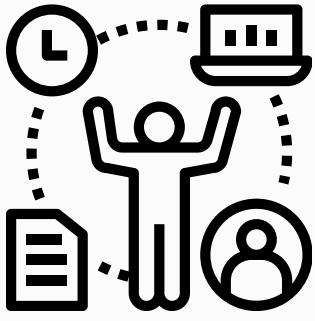


# PRACTICAL CONSIDERATIONS IN ESTATE PLANNING

What are the key documents?

## POWER OF ATTORNEY + ENDURING POA



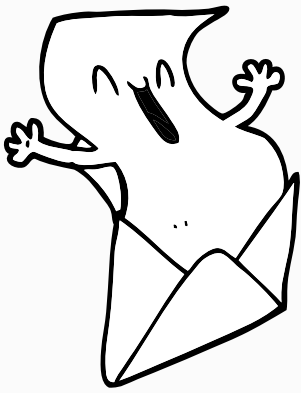
A power of attorney (POA) is a deed which allows the principal to nominate an attorney to manage one's assets and financial affairs. An enduring POA continues to have effect even if the principal loses capacity. This is covered by the *Powers of Attorney Act 2003* (NSW).

## GUARDIAN + ENDURING GUARDIAN

An enduring guardian is someone appointed to make lifestyle, health and medical decisions when one loses capacity. An enduring guardian only comes into effect if the principal loses capacity, and is effective only for the period of incapacity. This is covered by the *Guardianship Act 1987* (NSW).



## MEMORANDUM OF WISHES



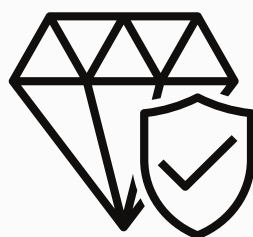
This personal document does not form part of the will itself and is not legally binding, but its goal is to provide moral guidance about the testator's wishes after they die. Most commonly included in such a letter or memorandum is information about distributions and how funeral arrangements should be handled.

## FAMILY TRUST STRUCTURES



### FAMILY TRUST

A family trust is a discretionary trust structure where the trustee can decide which beneficiaries receive the trust's income and capital gains each year. Its benefits include asset protection, tax advantages and low set-up costs.



### TESTAMENTARY TRUST

Testamentary trusts can either be discretionary (the executor gives the beneficiary the option to take part or all of their inheritance via the testamentary trust) or protective (the beneficiary must take their inheritance via the trust).