



Anne's

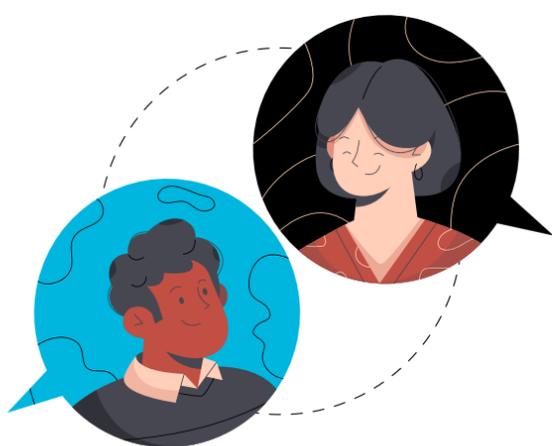
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KEY TIPS

for drafting a will

1. Ask questions

The most important thing for lawyers drafting wills is to develop a relationship with the client. Ask open-ended questions to help fully understand their estate and family relationships so that these can be better accounted for in the final will.

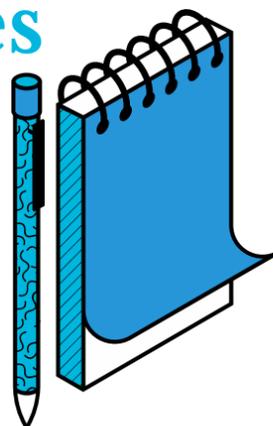


2. Seek outside help

Where appropriate, in order to draft a holistic will, look beyond just the information given to you from the client. Consult with the client's accountants and financial planners if possible to fully understand their situation.

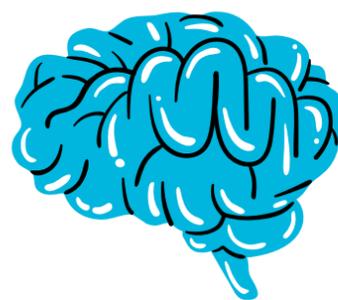
3. Make explanatory notes

Seek supporting documents such as statutory declarations from clients to explain their decisions, such as why they have left certain family members out of their will. Also, take detailed notes when taking instructions from a client. These could both help in the case of future litigation.



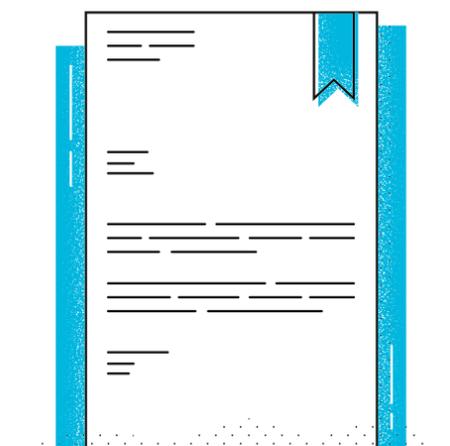
4. Be aware of capacity

Where you are unsure of a client's capacity, seek the advice of a treating medical practitioner. And it can also be useful to bring a second lawyer to take more detailed contemporaneous notes, especially if your client is tiring quickly. Where a client has fluctuating capacity, persist with them to ensure their wishes are upheld.



5. Include a residue clause

A residue clause covers anything that isn't specifically mentioned in a will, like property acquired after the will is made. It's also important to cover situations where a beneficiary dies before the testator and the will doesn't account for that. Anything that was left to the deceased beneficiary can be accounted for under the residue clause.



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