

Local people. Local expertise. Industry leaders.

Wills and Enduring Power of Attorney

Contact us

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Wills

Have you a current Will that reflects your wishes should you die. An up-to-date Will can ensure that your assets will pass to the persons who you would wish to receive them should you die.

If you were to die intestate (without a Will) this may mean that your assets may not be distributed to the persons you would wish to receive them.

We recommend that you review your Will regularly and consult us if you wish to change it, especially if any of the following events occur:

- If you are over 18 years of age or are married.
- If you have recently had children.
- You change your name or anyone named in the Will changes their name.
- If an executor dies or becomes unwilling or unsuitable to act due to ill-health, age or any other reason.
- If a beneficiary dies.
- If any specific property has been left to a specific beneficiary and you subsequently sell that property or it changes in nature.
- If your family situation or any beneficiary changes (e.g. marriage, divorce, matrimonial problems, children or further children, de facto relationships).
- If you become involved in a new business, company or trust.
- If you take up permanent residence in another State or overseas.

Enduring Power of Attorney

What will happen to your affairs should you be injured suddenly or suffer a debilitating illness, such as a stroke. How would your accounts be paid or your assets administered as you would wish. Even your spouse may be prevented from selling assets or signing cheques.

By granting an Enduring Power of Attorney you can appoint a person or persons whom you trust (Attorney/s) to look after your affairs whilst you are incapacitated and even in the case of mental illness.

You give your Attorney/s the power to do anything on your behalf that you may lawfully authorise an Attorney to do. This includes the power to enter into contracts, including contracts to buy and sell real estate and other property on your behalf, operate on your bank accounts, redeem investments, etc.

You cannot authorise your attorney to perform certain acts on your behalf, for example, you cannot authorise an attorney to vote on your behalf. Your attorney cannot execute a will on your behalf except in your presence and at your direction.

You are also able to stipulate that the Power of Attorney will continue if you subsequently become incapable and the time frame during which the power will operate, for example:

- during your absence overseas;
- during any periods of incapacity.

Several circumstances will bring this Enduring Power of Attorney to an end:

- **If you get married.** If you marry, the power of attorney is revoked unless your new spouse is already your attorney.
- **If you get divorced.** If you divorce, the power of attorney is revoked to the extent that it was given to your former spouse.
- **If you die.**
- **If you make an inconsistent document.**
- **If your attorney withdraws.**
- **If your attorney becomes your paid carer or health-care provider.**
- **If your attorney becomes incapable.**
- **If your attorney becomes bankrupt or insolvent.**

