

ClearWill with Testamentary Trusts

Information Checklist



To create a ClearWill with Testamentary Trusts document, you need to provide the information listed to the left. You might like to print this checklist out and gather the information before you start online.

Will maker details

- Full name
- Other names (if applicable)
- Residential address
- Occupation
- Whether will is to stay in force if will maker marries

Executor details

- Description of executor:
 - appointing a spouse as sole executor; or
 - appointing 1 to 3 executors (of which none are a spouse)
- Full name and address of executor(s)
- Whether executor is either:
 - a person over 18 years old; or
 - a licensed trustee company or a public trustee
- If there is to be an alternative executor, then:
 - full name
 - address
 - whether alternative executor is person over 18 years old, or a licensed trustee company or a public trustee
- Whether executor has power to:
 - quarantine superannuation death benefits for the benefit of death benefit dependents;
 - adjust the entitlements of beneficiaries; and
 - distribute the share of a Primary Beneficiary directly to them or another beneficiary or trust rather than into a testamentary discretionary trust.

Other appointments

- If an Umpire is appointed to decide on any matter where a unanimous decision cannot be reached by executors , trustees, or appointors, then:

Client Notes

- full name
- address

If a professional advisor is to be appointed to give advice to the executor(s) or trustees, then:

- appoint maximum of 4 professional advisors
- appointor(s) full name
- organisation name
- position of advisor(s)
- advisor(s) address

If successor(s) to any trust position you hold is to be appointed, then:

- appoint a maximum of 3 successors
- full name
- address
- whether replacement successor is to be appointed

Minimum age or nominated age

Minimum age beneficiary must be to receive a gift from the estate

Specific gifts

Whether there will be any specific gift(s) of property to:

- individual(s); and/or
- charitable organisations

Whether there will be any specific gift(s) of money to:

- individual(s); and/or
- charitable organisations

Whether gifts of money to be automatically increased by CPI

If applicable, individual beneficiary details:

- full name
- address
- gift description, or amount of money gifted
- whether executor to establish a testamentary discretionary trust for the gift

If applicable, charitable organisation beneficiary details:

- company(ies) name and ACN
- address
- gift description, or amount of money being gifted

If beneficiary does not survive you, or fails to attain nominated age, whether children of beneficiary(ies) automatically inherit that portion of the specific gift:

- no
- yes, but only if the beneficiary is a descendant
- yes, regardless of whether the beneficiary is a descendant

Residuary estate

- Directions regarding the residue of the estate:
 - gift my residuary estate in a testamentary discretionary trust to my spouse
 - gift my residuary estate in a testamentary discretionary trust to 1 person that is not my spouse
 - gift my residuary estate to 1 category of persons in 1 testamentary discretionary trust
 - gift my residuary estate to more than 1 person in equal shares in separate testamentary trusts
 - gift my residuary estate to more than 1 person in unequal shares in separate testamentary trusts

- Details of residual beneficiary:
 - full name
 - address

- Whether beneficiaries required to attain nominated age

- Details of appointor(s) of each testamentary discretionary trust
 - appoint maximum of 3 appointors for each trust
 - appointor(s) full name
 - organisation name

- If any person does not survive to become beneficiary, whether the gift is to pass to their children in substitution

- Whether alternative second alternative beneficiary is to be appointed

Guardians

- If guardian(s) are to be appointed to look after children (under 18 years old):
 - appoint maximum of 2 guardians
 - full name of guardian(s)
 - Residential address

Funeral directions

- If applicable, choose directions for funeral arrangements:
 - burial
 - cremation

Other Trusts

- Whether beneficiary is to have the right to live in a specific property (right of residence trust)
 - maximum of 3 right of residence trusts
 - address of residence
 - beneficiary details
 - how long the right of residence to last
 - who is to pay rates and outgoings
 - whether a beneficiary can request a sale of the property

Whether a protected trust in a specific asset or part of the estate is to be created for a beneficiary

- maximum of 3 protected trusts
- the assets or part of the estate to comprise the trust
- beneficiary details
- what happens to any surplus of annual income
- who receive the remaining income and capital when the trust ends

Whether a life interest in a specific asset or part of the estate is to be given to a beneficiary

- maximum of life interest trusts
- the assets or part of the estate to comprise the trust
- beneficiary details
- who is to receive the capital when the trust ends