

## Sample Will

THIS IS THE LAST WILL AND TESTAMENT of me **MARY CITIZEN** of 1 Smith Street, Newcastle in the State of New South Wales, Home Duties

1. I HEREBY REVOKE all former wills.
2. IF my husband **JOHN CITIZEN** shall survive me for the period of thirty (30) days then I GIVE the **whole** of my property both real and personal to my husband and I APPOINT him my sole executor.
3. IF my husband shall not so survive me then:-
  - (a) I APPOINT my sister **JOANNE SINGLE** and my brother **PETER CITIZEN** (hereinafter called my "trustee") to be my executor(s) and trustee(s);
  - (b) I GIVE the **whole** of my estate both real and personal UNTO my trustee upon trust for such of my children *including* **SALLY CITIZEN** and **MICHAEL CITIZEN** as shall survive me and if more than one in equal shares;
  - (c) Should any of my children die in my lifetime leaving a child or children who shall survive me then such child shall take and if more than one in equal shares the share to which his her or their parent would have been entitled;
4. If no person shall obtain a vested interest under the preceding provisions of this my will then I GIVE the **whole** of my estate both real and personal to my trustee upon the following trusts:
  - (a) I GIVE a 50% share unto my father **DAVID SINGLE** and my mother **ALISON SINGLE** jointly;
  - (b) I GIVE the remaining 50% share unto my husband's parents **SCOTT CITIZEN** and **JANE CITIZEN**.
5. If my husband does not survive me then I APPOINT my sister **JOANNE SINGLE** to be sole guardian of my infant children.
6. I GIVE my trustee the following powers:-
  - (a) to apply with absolute discretion the whole or any part of the vested or presumptive share of any infant beneficiary hereunder for or towards his or her benefit, maintenance, advancement or education during minority;

(b) to sell, lease, exchange or otherwise dispose of assets in my estate to any person including any of my executors and trustees on such terms as the trustee considers expedient as though the trustee were the absolute beneficial owner thereof;

(c) to postpone without being responsible for loss the sale calling in and conversion of the whole or any part of my estate for such period as the trustee may think fit and notwithstanding that it may be of a wasting speculative or hazardous nature;

(d) to appropriate to a beneficiary, without the consent of the beneficiary, any asset of the estate not specifically given in full or partial satisfaction of any legacy or share of residue. For this purpose my trustee shall assign such value to the asset as is agreed with the beneficiary or failing agreement as determined by a valuer appointed by the president of the New South Wales division of the Institute of Valuers and Land Economists.

DATED *day, month, year*.

SIGNED by the Testatrix as and for     )  
her last will and testament in the     )  
presence of us both present at the     )  
same time and we at her request in     )  
her presence and in the presence of     )  
each other have hereunto subscribed  
our names as attesting witnesses:

\_\_\_\_\_  
witness  
\_\_\_\_\_  
print name  
\_\_\_\_\_  
Address  
\_\_\_\_\_  
Occupation

\_\_\_\_\_  
witness  
\_\_\_\_\_  
print name  
\_\_\_\_\_  
Address  
\_\_\_\_\_  
Occupation