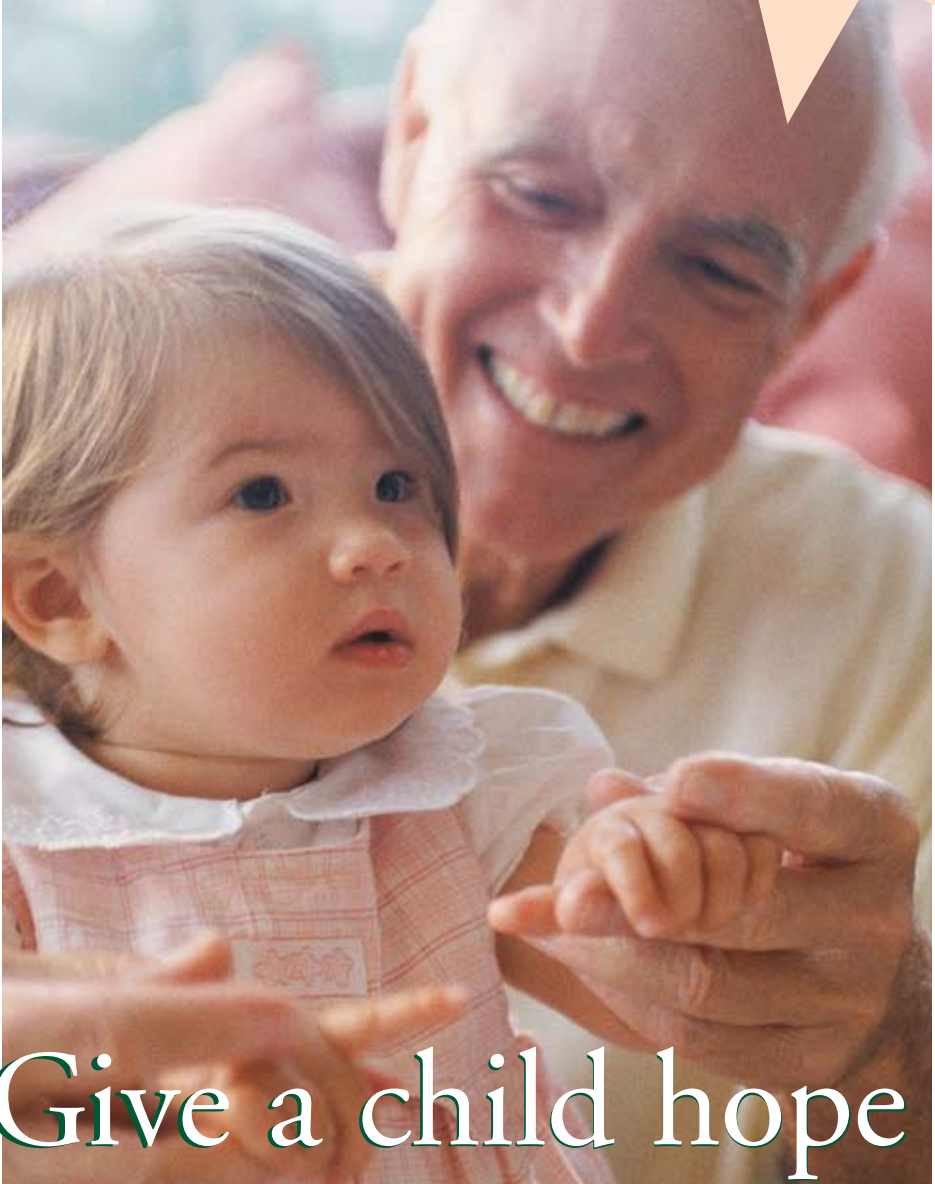


Your **FREE**
Will and Codicil
forms inside



Give a child hope

YOUR GUIDE TO WILLS AND BEQUESTS

Give a child hope

Table of contents

- 2 For every child, a caring family
- 3 Caring for Australia's children
- 4 Setting out your Will
- 6 10 Questions to ask your solicitor
- 7 Will and Codicil forms
- 16 How to change your Will using a Codicil form
- 17 Leaving a gift in your Will
- 18 A Bequest to Barnardos
- 19 Become a 'Barnardos Guardian of Hope'



A simple guide to preparing or changing your Will.

For every child, a caring family

The only thing Tom, Erica and Sam had when they arrived at Barnardos was each other.

Since the death of their parents 2 years before, they had lived in 12 different homes.

They were split up and lost the only thing that gave them a sense of identity; each other.

Their traumatic lives had left them devastated. Authorities described them as “uncontrollable”, “feral” and “unlikeable”.

But Barnardos doesn't give up. While we searched for a permanent family for these children – all still under 10 at this stage – we placed them with a Barnardos trained couple, John and Beth, who worked carefully with Barnardos to re-establish the children's sense of trust.

Finally we found them a permanent family. Tom, Erica and Sam began to realise that they were loved, that there were people they could trust and that they could be a family again.

Barnardos succeeded where other organisations had failed because at Barnardos we never give up on kids.

A Bequest to Barnardos brings new hope to Australia's children.



Caring for Australia's children

Barnardos stretches its limited funding to help thousands of children every year through the provision of over 51 integrated welfare programs that operate 24 hours a day, 365 days a year.

The children and their families come from a wide variety of backgrounds and cultural heritages but all share similar problems.

Our solution for each child is unique and designed to heal permanently. We're not interested in band-aid solutions, or papering over the cracks.

We've been operating in Australia since the late 1800s. We're not rich, but our expertise and experience, together with the base funding provided by generous donations from the public and government, has meant that we have been able to help many thousands of abused and neglected children for over 120 years.

Now, with more than 90,000 cases of child abuse and neglect reported every year in Australia – the need for our services, and your support, is greater than it has ever been.

Setting out your Will

The Will form in this booklet is a free gift to you from Barnardos. There is no obligation on you to leave a Bequest to Barnardos if you use the Will form, but of course we hope that you will consider it.

A gift or Bequest doesn't have to be a great deal of money to make it worthwhile – it all makes a difference. However the more we get, the more Barnardos can do for children.

You'll find that the form is largely self-explanatory. If you wish to use it, just read the points below and follow the simple directions.

Things to be aware of when setting out your Will

- 1 Marriage or divorce automatically cancels a Will in some States, so if either of these situations relates to you, you must change your Will.
- 2 Executors (the people you appoint to carry out your wishes) are not excluded from getting a gift via your Will.
- 3 Don't clip anything to your Will, or staple or pin it in a way that disfigures it.
- 4 If there are sections that are not relevant to you, or that you do not wish to use, just cross them (or any blank spaces) out. Then, in the margin, sign and date the cross-outs. Have your two Witnesses also initial and date each and every cross-out.
- 5 You can choose whether to use all or only some of the three sections about special gifts, general gifts, and the remaining property. For example, in the special gifts section, you might choose to leave a particular family heirloom to one person. Then in the general section, you might choose to leave a specific piece of property to another person or organisation. Then in the remaining section, you might choose to leave the rest of your property to your husband or wife, or split equally among your children. If you wish, and we stress the importance of making your own free choice in this matter, you can use any of these three sections to leave a Bequest to Barnardos.

- 6 Use two people over 18 years old to witness your Will. Your Witnesses may not receive gifts in your Will, and must not be the husband, wife, engaged partner, or child of someone who receives gifts.
- 7 In the physical presence of your Witnesses, with the Witnesses watching, sign and date your Will and have them sign and write their details. Then complete any relevant cross-outs, sign and date each cross-out and have your Witnesses initial and date them. Do the same to any other alterations you may have made. You should all use the same pen. You and your witnesses should also sign the bottom of page one of the Will.
- 8 Give a copy of your Will (with the location of the original Will written on it) to your Executor/s, together with your personal details and any information about your property that will help them assemble and distribute your estate in the way you wish. You might prefer to give the Executor/s a sealed envelope containing these items.
- 9 Tell key people about any wishes you have about organ donation, because they will need to know this immediately after your death.
- 10 Even if you choose to use this do-it-yourself Will, read the section of this booklet about questions to ask your solicitor. It explains some other key documents you may also wish to prepare while you are dealing with your Will. (For example, documents that allow others to make legal or medical decisions on your behalf.)

Leaving a Bequest to Barnardos

If you wish to leave a Bequest to Barnardos, or you want to ask your solicitor to include a Bequest in your Will, read the section in this booklet called “A Bequest to Barnardos”. It might save you time with your solicitor.



“A Judge took me and my brothers away from our Mum and Dad when I was only four because they couldn’t look after us. Barnardos found us a new family who want us to be with them for the rest of our lives. We all feel safe now.”

10 Questions to ask your solicitor

If you are seeing a solicitor about your Will, you may wish to consider the questions identified below.

If appropriate, you may wish to have your solicitor prepare any additional paragraphs or other documents that may be useful for you and your loved ones.

Even if you are not using the do-it-yourself form, use it as a checklist for the issues you may wish to cover with your solicitor.

- 1 Do you have any property held jointly in a way that will automatically pass to a partner?
- 2 Do you have any debts you would like forgiven, or special directions about paying for funeral expenses?
- 3 Do you want your Executor and Trustee to have additional powers, such as the power to invest? In any event, you should give your Executor and Trustee the power to sell any asset.
- 4 If your Executor does not receive a gift, do you wish to leave a cash legacy as compensation for their trouble?
- 5 What is your solicitor’s opinion on whether you have adequately provided for any persons who are financially dependent on you (and who therefore may be able to challenge your Will)?

- 6 Do you currently hold property in trust for anyone else?
- 7 Is your superannuation and insurance already nominated to go to the right person?
- 8 Are there any company or partnership rules that say things have to be done in certain ways?
- 9 Do you want to make separate provision for when others can consent to medical procedures for you? (In NSW, you can appoint an Enduring Guardian who is legally empowered to make medical or life decisions on your behalf. Alternatively, you can specify your wishes in an Advance Directive. This document amounts to a request, rather than being a legal empowerment, as is the appointment of an Enduring Guardian.)
- 10 Do you want an Enduring Power of Attorney? (This is a document that empowers someone to make decisions in relation to your assets on your behalf, if you are unable to – for example if you are unconscious).

You should always check with a solicitor to make sure your Will is correctly set out.



How to change your Will using a Codicil form

After your Will has been signed, it cannot be changed by simply writing alterations onto the Will. These changes may not be legally valid.

If the changes are substantial, it's best to write a new Will.

However, if the changes are minor, or can easily work in with the existing Will, you can use a form like the attached Codicil. You don't need a Codicil if you or any person named in your Will changes their address. If you are in any doubt concerning changing your Will, see your solicitor.

- 1 The Codicil should be signed and dated by the Will-maker and two Witnesses.
- 2 Neither the Witnesses to your Codicil, nor their spouses, should receive gifts under the Will.
- 3 If you use this Codicil form, cross out any blank spaces, then in the margin, sign and date the cross-outs and have your Witnesses also initial and date the cross-outs.

You may, if you wish, use the Codicil form to make a gift or Bequest to Barnardos to bring hope to Aussie kids.

Leaving a gift in your Will

There are a variety of ways you can leave a gift in your Will:

- ★ A Bequest - an asset (such as land or shares) or a specific sum of money
- ★ A percentage of your estate
- ★ Residue - after you have made specific Bequests in your Will, you can then specify that the residue of your estate (or any proportion of that residue) be given to Barnardos. You can find the exact wording on the following page to make sure that the organisation will receive your gift.
- ★ Alternatives - since it may be many years between the drafting of your Will and its implementation, you can specify that if any named beneficiary cannot accept your Bequest (eg because of the death of that individual or the dissolution or merger of that organisation) the residue of your estate (or any proportion of that residue) be given to Barnardos.

A Bequest to Barnardos is an investment in Australia's future.



A special gift

If you have an asset such as a home, other land or a paid-up life insurance policy you won't need in the future, you can donate it as a tax deductible gift now (though capital gains tax may be payable).

A Bequest to Barnardos

It is very important to be clear and concise when wording your Will. An ambiguous Will is more likely to be contested than one that has been well thought out and worded correctly.

Below is an example of the words that would assure a Bequest to Barnardos Australia.

I _____
first name middle name(s) last name
give and bequeath unto Barnardos Australia, 60-64 Bay Street, Ultimo
NSW 2007,
the sum of \$ _____ (cash)
and/or _____ % of my total estate
and/or the residue of my estate
and/or _____
description of personal property such as land, shares or art or other personal property
and/or Life Insurance Policy Number _____ in
(insurance company) _____, free of all taxes and duties, for
their general purposes. For which written acknowledgment of the Principal
Accounting Officer shall be sufficient discharge.

Every effort has been made to ensure the information in this booklet is as up-to-date as possible. However, the contents of this booklet are only provided as a guide. It contains a summary and general information only and should not be relied upon as a comprehensive statement of the law nor as a substitute for specific legal or financial advice. All persons intending to make a Will should seek appropriate legal advice as to the correctness of the statements contained in this booklet. Barnardos makes no representation as to the accuracy of the information and accepts no responsibility for any loss or consequential loss arising out of reliance on the information contained in this package.

Become a Barnardos Guardian of Hope'

Your Bequest to Barnardos will help us to bring hope to a child. For that reason, we like to designate those who care enough to leave a Bequest to Barnardos as “Guardians of Hope”.

Please allow us to thank you personally

As a Guardian of Hope, you will give us the opportunity to thank you personally for your contribution to children.

We would be delighted to keep you up-to-date with current developments at Barnardos, and share with you our achievements and what we can look forward to.

If you prefer, you can be a Guardian of Hope, yet have your contribution remain entirely confidential.

The key to a child's hopes and dreams

As a Guardian of Hope, please accept a special key ring, a key ring that signifies not just the dreams your gift can unlock for a child, but also the security that Barnardos offers, both to the children it serves and you as a supporter.

On the reverse side of this key ring will be engraved your unique Barnardos identification number.

Should you ever lose your keys, anybody who finds them could contact Barnardos on the 1800 number inscribed on the key ring. We can then contact you and unite you with your lost keys.



Acceptance

- Yes, I have chosen to include Barnardos in my Will.
- I plan to write or change my Will to leave a Bequest to Barnardos.
- And yes, I'd be pleased to receive a special Barnardos Guardian of Hope key ring, engraved with a unique number so that if my keys are lost, they can be returned to me through Barnardos.



- I would be pleased to be recognised as a *Barnardos Guardian of Hope*. Please send me invitations to any future events.
- I may be interested in making a Bequest. Please send me more information about the work of Barnardos.

If you would like more information about leaving a Bequest to Barnardos or about our work, please use this form or telephone toll free 1800 061 000.

Please telephone me on _____

Personal/In Confidence

(Mr/Mrs/Miss/Ms/Dr/Other) _____

First name _____ Middle name(s) _____

Last name _____

Address _____

Suburb/Town _____ State _____ Postcode _____

Telephone/Contact Number: _____

**Please return your completed acceptance to
Barnardos Australia, Reply Paid 65274, Ultimo NSW 2007.**

At Barnardos your details will be kept confidential under the Privacy Act.

* MODELS ARE USED TO PROTECT THE PRIVACY OF OUR CLIENTS.

Will of _____

This Will dated _____ is made by me (name) _____
of (address) _____.

1. I revoke any and all former Wills I have written.

Appointment of Executors and Trustees

2. For the purpose of distributing my estate, I appoint (name) _____

of (address) _____, who is aged over 18
years, as my Executor and Trustee.

3. If the Executor and Trustee named above dies before me, or is unwilling or unable to undertake the task, then I
appoint (name) _____ of (address) _____
_____ as my Executor and Trustee.

Special gifts of particular items

4. I give the following particular items to the persons or organisations whose full names and addresses are listed beside those items. These gifts are free of all duties and charges.

General gifts of categories or groups of my property

5. I give the following categories or groups of my property to the persons or organisations whose names and addresses are listed beside such categories or groups.

The rest of my property

6. After payment of all my debts, funeral and testamentary expenses, I give the residue of my estate to the persons or organisations whose names and addresses are listed below and in the proportions I have indicated beside each such person or organisation.

Signed by the Will-maker _____ Dated _____

Signed by Witness 1 _____ Dated _____

Signed by Witness 2 _____ Dated _____

Looking after children

7. With regard to any children I have, if the other natural parent dies before me, and I die while the child is still a minor, I appoint (name) _____ of (address) _____ and (name) _____ of (address) _____ as a Guardian or Guardians of such children.
8. Where I have left any property to any of my children when I die, I declare that such property will be held by my Trustee on behalf of my child until such child attains the age of _____ years and the gift is contingent upon the child attaining that age.
9. Where my Trustee is holding property on behalf of any child or other contingent beneficiary, I empower my Trustee to invest such funds as is seen fit by him or her in order to maximise financial return, as well as to use such funds for the education, advancement, support, care and benefit of such beneficiary. This includes making payments to Guardians, in which case the Trustee is not required to see how the money is applied by the Guardian. Unless otherwise indicated, I empower my Trustee to sell any asset.
10. Where any children of mine are entitled to property under this Will, but such children die before me or before attaining a specified age, then their children (if any) shall receive equal shares of any property their parent (who was my child) would have received under this Will.

Forgiveness of debts

11. I forgive the following debts owing to me:

Simultaneous death

12. If any person who is to receive property under this Will, dies at the same time as me, or within 7 days of my death, then such person shall be deemed to have died before me.

Organ donation

13. When I die, all of my organs / none of my organs / the organs below are available for scientific, medical, anatomical, or therapeutic purposes. Where applicable, the organs that I make available include:

_____.

Burial

14. I request that I be buried / cremated.

If buried, I request to be buried at _____.

If cremated, I request that my remains are _____.

Signed (including the initialling of any alterations) on this _____ day of _____ 200__ by me as the maker of this Will with the intention that this be my Will (and signed in the physical presence of the two Witnesses who have signed below me):

X _____ (Will-maker)

Signed (including the initialling of any alterations) by us as Witnesses in the presence of the Will-maker and of each other:

Signature of Witness 1 **X** _____

Name, address and occupation of Witness 1 _____

Signature of Witness 2 **X** _____

Name, address and occupation of Witness 2 _____

Codicil of _____

This Codicil dated _____ 200__, and is made by me (name) _____
of (address) _____

I confirm my Will dated _____ in all respects except that I alter or add to it the following clause or clauses.

1 _____

2 _____

3 _____

Signed by me as my Codicil (and signed in the physical presence of the two Witnesses who have signed below me):
X _____

Signed by us as Witnesses in the presence of the Codicil-maker and of each other:
Signature of Witness 1 **X** _____
Name, address and occupation of Witness 1 _____

Signature of Witness 2 **X** _____
Name, address and occupation of Witness 2 _____
