



HUGH SMITH PERRY LAWYERS

WILLS CHECK-LIST

WHAT YOU SHOULD DO BEFORE MAKING A WILL

- List the assets you own including bank accounts.
- List your debts and consider how these are to be repaid on your death. Other matters may need considering such as life insurance.
- Consider whether you would like any items such as cars, antiques or jewellery to be left to specific people.
- Consider how you wish your estate to be distributed.
- Decide whether you want to leave any special instructions regarding future arrangements.
- Choose your executors (the people to look after your estate after you have died) who are suitable to you and who have the ability to administer your estate. You may wish to include your solicitor.
- Consider what special powers and directions you wish to give your executors, if any.
- Discuss with us whether you should appoint guardians for your infant children.
- If you have a Will, check that it still complies with your wishes, that it cannot be legally challenged and that we are holding it for you.
- If your Will no longer complies with your wishes seek our advice. You may need to make a Codicil or a new Will.

DIGITAL LEGACY CHECKLIST AND INFORMATION ON WEB SERVICE POLICIES

Many New Zealanders now have a growing collection of “digital assets” – personal information they have created and stored online as text and photos on social media websites, emails, blog posts and even avatars in online games.

Many wills note what should happen to a person’s “tangible” personal papers, letters and photographs. If they are not mentioned in the will, or if a person dies without a will, the executor makes this decision. A problem could arise if someone dies leaving a collection of digital assets which are password protected or unknown to friends and relatives.

The New Zealand Law Society's Property Law Section suggests that if you are making a will, or reviewing your current will, you should consider what will happen to your digital assets. The following simple checklist is intended to identify key considerations and can be used for a discussion with your lawyer.

Checklist

- Identify your "digital assets". What online accounts and information do you have stored online. Which ones are important to you or your family and friends?
- What do you want to happen to each of these assets after your death?
- Email: Should anyone have access to your email after your death? Do you want your email contacts notified of your death?
- Other online sites: Do you have photos or other personal information stored online that are not accessible anywhere else? What do you want to happen to these?
- If you want your accounts to be accessible after your death, you might consider recording your details (passwords, login, location) in a safe place. Note that providers of some services such as internet banking do not permit you to record some details. Check the wording of the agreements you have.

DETAILS WE REQUIRE TO MAKE NEW WILL

- Full name
- Date and place of birth
- Occupation
- Date and place of marriage
- Children's full names, dates and places of birth
- Details of any prior domestic relationships/marriages and children of any such relationship (if any)
- Full names, addresses, occupations and details of any other intended beneficiaries and details of gift to them
- Full names, addresses and occupations of proposed Trustees
- Full names, addresses and occupations of testamentary guardians for children under 20 years of age.
- Funeral directions – e.g. cremated, buried or any special directions or requirements
- Your state of health
- Summary of your assets and liabilities (including details of joint ownership if applicable - e.g. joint tenancy, tenancy in common)
- Name of your accountant and/or investment advisor (if any)