



## Interview + Data Capture Form

# Enduring Power of Attorney, Will + SMSF Will (if relevant).

## Protecting Your Family Wealth and keeping it in your “bloodline”

This is one of the most important documents you could ever complete.

It will give us the information we need to liaise with our recommend Estate Planning Lawyers to prepare the crucial documents needed to protect your personal and family wealth and to keep your wealth in your family “bloodline.”

Remember, you can change any of your wishes if your personal or family circumstances change.

We recommend that you put a reminder in your phone calendar right now to review these documents in 12 months’ time, and then please immediately contact us if any changes need to be made.

### What You Need to Do

The following interview for your Enduring Power of Attorney (EPOA), Will and SMSF Will (if you have a Self-Managed Super Fund) captures details around who will be looking after your affairs in the event of your incapacity (**your attorney**) or on your death (**your executor**).

It also looks at whether you want to leave any **specific gifts** to anyone and finally who and what percentage of the estate you would like to leave to one or more of your **primary beneficiaries**. Also, for completeness if any of your primary beneficiaries are not alive, what is to happen to their share? Do you want it to be redistributed to the remaining primary beneficiaries or to be passed onto a secondary beneficiary (if there is only one primary beneficiary such as a spouse and they are not alive at the time of your death).

The interview also includes whether you have any **funeral wishes**, what may happen to **digital assets** such as Bitcoin or Facebook, if you have **children under 18** or **pets** who is to be their guardian, and if you own a property and want your spouse or some other person to live in the property for their life (known as a life interest in property).

If you have a SMSF you will also be able to leave instructions how you would like your superannuation benefits paid in the event of your death. Your Will cannot designate at law what happens to your superannuation benefits, and this is why you need a separate SMSF Will.

It will also give us the information we need to prepare the documents to give you a **Successor Director** for any companies where you are a Director – allowing your successor to take your place and make appropriate decisions on your behalf as a Director.

**Bloodline Focus:** Importantly we can build a set of documents that ensures that your wealth is protected for the benefit of your bloodline.

If you have any questions, please feel free to contact us so that we can assist you. We look forward to receiving the following information as soon as possible so we can liaise with our preferred Estate Planning Lawyers to have the relevant documents completed for you based on your Interview Data Capture.

*Alternatively, we can complete the Interview Data Capture by way of a Zoom meeting – please contact us to arrange this meeting if you would prefer.*

## A. Your Name and Address

Please put your name and address in the table below.

| Full Name (including middle names) | Age | Home Address |
|------------------------------------|-----|--------------|
|                                    |     |              |

## B. Common Parties and Addresses

Please include in this table all those persons who may be part of your Enduring Power of Attorney, and your estate including Executors, family members, beneficiaries and any other person. For example, this may be: John Smith – Son – 11 Olde Road, Jonestown WA 7043,

| Full Name (including middle names) | Relationship to You | Home Address |
|------------------------------------|---------------------|--------------|
|                                    |                     |              |
|                                    |                     |              |
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## C. Who is to be your Enduring Power of Attorney and your Executor?

1. Who is to be your Enduring Power of Attorney (EPOA) and Executor? Put just their name in the box below as you will have already put their address and relationship to you in the common parties above. This may be held jointly by one or more persons. If you want different persons for the roles, put in the box below the name of those persons. However, for simplicity and safety it is best to have one person or joint persons being your power of attorney and executor.

|  |  |
|--|--|
| <b>Attorney and Executor, or Attorney alone:</b> |  |
|  |  |
| <b>Executor:</b>                                 |  |
|  |  |

2. If none of your EPOA's or Executors can fulfill their duties because of sickness, incapacity or death, then who is to be your second in line EPOA and Executor? This may be held jointly by one or more persons. If you do not want a second line of EPOA's or Executors, just put "NA".

|                            |  |
|----------------------------|--|
| <b>Successor Attorney:</b> |  |
|                            |  |
| <b>Successor Executor:</b> |  |
|                            |  |

3. If none of your first or second line EPOA's or Executors can fulfill their duties because of sickness, incapacity or death, then who is to be your third line of EPOA and Executor? This may be held jointly by one or more persons. If you do not want a third line of EPOA's or Executors, just put "NA".

|                                   |  |
|-----------------------------------|--|
| <b>Second Successor Attorney:</b> |  |
|                                   |  |
| <b>Second Successor Executor:</b> |  |
|                                   |  |

## D. Enduring Powers of Attorney

Your attorney will look after your personal and financial affairs and if you have a SMSF, they can act as your replacement Trustee / Director of the Trustee Company of the SMSF. You can give them unrestricted control or provide limits – such as “ensure that any health care is of the highest standard” just to provide them with some guidance. If you would like to put in some guidance (including what not to do) then insert in the box below:

|   |  |
|---|--|
| <b>Attorney Instructions:</b>   |  |
| <b>If you have a SMSF, do you want your attorney to step into your Trustee shoes as the Replacement Trustee? Insert “yes” or “no” or list any other person you would like to fulfill that role.</b> |  |

## E. Successor Directors (only for Company directors)

If you are a director of a company and you become incapacitated or die, control of that company may be lost and you could lose control of your family's share of those company assets (particularly if you are a sole director). You may want to put in place a Successor Director to look after your interests. This can be done with a binding resolution that we can prepare. Please list out below each company you have an interest in or are a Director of, its Australian company number (ACN) and who you would like as Successor Director. Please add additional rows if needed for more than 3 companies.

| <b>Company Name and ACN</b> | <b>Successor Director Name</b> |
|-----------------------------|--------------------------------|
|                             |                                |
|                             |                                |
|                             |                                |

## F. Wills – Specific Gifts before the rest of the Estate

After appointing a chain of Executors to manage your estate, the next step is to guide your Executor with your desire to make a specific gift to a spouse, child, grandchild, or other person. Once this is done and the gifts are made, anything left over forms the remaining estate which may be passed in its entirety to a spouse or children individually or to be shared. Importantly, specific gifts rank higher in importance than the remaining estate so please spend time on your specific gifts.

Do you want to make any specific gifts to any person? Here are some examples: “My investment property at 5 Smith Street Collingwood Vic is to go equally to my eldest daughter Jane and my son Mark” or “My sister Jonie Smith is to receive \$100,000” or “All my estate is to go to my wife Janelle” or “My Executor is to distribute my personal effects and jewellery in a fair and reasonable manner.”

*Feel free to make as many gifts as you want – the more specific gifts you complete it makes the role of the Executor that much easier and faster.*

**Specific Gifts** – Nominating these provides your Executor with the authority to transfer property, shares, jewellery, cash, or a percentage of all your assets, after any specific bequests to a certain person or group of persons. Please be as specific as possible in the table below and identify the assets and persons (which may include a charity) both in Australia and overseas. If the person receiving the gift is not alive, then the asset forms part of the remaining estate. If the specific gift is not in your possession at the time of your death, you can make a note that it is the gift or dollar equivalent of the gift.

| Specific Gift | Person to receive Specific Gift | Your relationship to this Person |
|---------------|---------------------------------|----------------------------------|
|               |                                 |                                  |
|               |                                 |                                  |
|               |                                 |                                  |

**Digital Assets** - Please complete the table below to gift digital assets such as social media, databases or crypto currencies such as Bitcoin:

| Digital Asset                      | Person to receive Digital Asset | Your relationship to this Person |
|------------------------------------|---------------------------------|----------------------------------|
| Facebook Account                   |                                 |                                  |
| Crypto Currency - [Insert details] |                                 |                                  |
| Apple iCloud Account               |                                 |                                  |
| Microsoft OneDrive Account         |                                 |                                  |
| Online Account - [Insert details]  |                                 |                                  |
|                                    |                                 |                                  |

## G. Wills and your remaining Estate

If there are any assets or monies left over after paying all expenses of the estate and also paying out all specific gifts, then the remainder of the estate (called the “residual estate”) is to pass to the primary beneficiaries if they are alive.

1. **Primary Beneficiary** - Who are the primary beneficiaries, and if more than one, are they to receive benefits equally? Please list any specific percentages for any beneficiary or beneficiaries. Generally, this would be your spouse / partner. In some circumstances, it may be your bloodline children.

| Name of Primary Beneficiary | Percentage of Estate | Your relationship to this Person |
|-----------------------------|----------------------|----------------------------------|
|                             |                      |                                  |
|                             |                      |                                  |
|                             |                      |                                  |

2. If the primary beneficiary or beneficiaries are not alive, then who is to receive their benefits? Please choose from one of the following (tick the box):

- Their bloodline children - which may be held on trust subject to the Executor's discretion and on the advice of the adviser of the Estate.
- Any surviving primary beneficiary in equal proportions.
- To be paid to the secondary beneficiary.
- To be paid to any bloodline (family) beneficiary at the Executor's discretion.

3. **Secondary Beneficiary** - If the primary beneficiary has passed their share of estate (in the event of their death) to a secondary beneficiary or beneficiaries, are they to receive benefits equally? Please note down any specific percentages for any beneficiary or beneficiaries. Generally, a secondary beneficiary will be your bloodline children.

| Name of Secondary Beneficiary | Percentage of Estate | Your relationship to this Person |
|-------------------------------|----------------------|----------------------------------|
|                               |                      |                                  |
|                               |                      |                                  |
|                               |                      |                                  |

4. If the secondary beneficiary or beneficiaries are not alive, then who is to receive their benefits? Please choose from one of the following (tick the box):

- Their bloodline children - which may be held on trust subject to the Executor's discretion and on the advice of the adviser of the Estate.
- Any surviving secondary beneficiary in equal proportions.
- To be paid to the tertiary beneficiary.
- To be paid to any bloodline (family) beneficiary at the Executor's discretion.

5. **Tertiary Beneficiary** - If the secondary beneficiary has passed their share of estate (in the event of their death) to a secondary beneficiary or beneficiaries, are they to receive benefits equally? Please note down any specific percentages for any beneficiary or beneficiaries. Generally, a tertiary beneficiary will be any family members that you want to receive your estate if you and all of your bloodline children have died (eg. Parents, brother's and sister's).

| Name of Tertiary Beneficiary | Percentage of Estate | Your relationship to this Person |
|------------------------------|----------------------|----------------------------------|
|                              |                      |                                  |
|                              |                      |                                  |
|                              |                      |                                  |

6. If the tertiary beneficiary or beneficiaries are not alive, then who is to receive their benefits? Please choose from one of the following (tick the box):

- Their bloodline children - which may be held on trust subject to the Executor's discretion and on the advice of the adviser of the Estate.
- Any surviving tertiary beneficiary in equal proportions.
- To be paid to any bloodline (family) beneficiary at the Executor's discretion.

## H. Funeral Wishes

What are your funeral wishes? Buried or cremated? Any specific religious requirements? Any music preferences? Please list out your requests below:

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|  |
|--|

## I. Child and Pet Guardianship

If you have children or pets, who is to be their guardian? Please identify specifically with name of the guardian and any financial provision to be made to them to act as guardian.

### Child Guardianship

| Name of Child | Name of Guardian | Succeeding Guardian if First is not able or is not alive |
|---------------|------------------|--|
|               |                  |  |
|               |                  |  |
|               |                  |  |

### Pet Guardianship

| Pet Name | Name of Guardian | Financial Provision for Pet |
|----------|------------------|-----------------------------|
|          |                  |                             |
|          |                  |                             |
|          |                  |                             |

## J. Life Tenancy

If you own a property outright (not jointly), you can gift this to one or more of your beneficiaries or let it pass to the remainder of your estate to go to your principal beneficiaries. Alternatively, you may request that one or more persons (such as a spouse or de facto) live in the property for the remainder of their life - commonly known as a life interest. If you desire this, please list the property address and who is to live in it below:

| Property Address | Life Interest Name |
|------------------|--------------------|
|                  |                    |
|                  |                    |

## K. SMSF Will (if you have a Self Managed Super Fund)

Your superannuation benefits may pass to your estate or directly to one or more of your dependants. A dependant includes your spouse, de facto, any child, any person living with you at home, or any person who is financially dependent upon you (their quality of life is enhanced by ongoing and continuous contributions to their wellbeing).

A SMSF Will is a set of instructions for the Trustee of your SMSF to follow in the event of your death. You can pay a lump sum to your estate to be included as part of your Will or pay it directly to a dependant who can then use that money as they wish, or you can direct it to be paid into a trust for them (SMSF Death Benefits Trust) or let them transfer it to any company or trust that they own. In some cases, such as with a spouse, child under the age of 18 or financial dependant (including disabled children), an income stream or pension may be paid. This can be very tax effective.

Like your Will, the SMSF Will provides the ability to pay an amount to a dependant or your estate. Please complete the table below. For example: Jane Smith – 100% of MY Super – BC

| Name of Beneficiary | Percentage of Super | Income or Lump Sum or Beneficiary's Choice (BC) |
|---------------------|---------------------|---|
|                     |                     |   |
|                     |                     |   |
|                     |                     |   |

In the event the principal beneficiary of your superannuation estate is not alive, then choose to whom your superannuation benefits are to go:

| Name of Succeeding Beneficiary | Percentage of Super | Income or Lump Sum or Beneficiary's Choice (BC) |
|--------------------------------|---------------------|---|
|                                |                     |   |
|                                |                     |   |
|                                |                     |   |

If the secondary superannuation beneficiary is not alive, then please choose where it is to go (tick the box):

- The deceased's estate for the sole benefit of the deceased's bloodline or lineage, unless a SMSF Death Benefits Trust can be established under the Superannuation Laws for the bloodline or lineage of the deceased member only.
- The deceased's estate for the benefit of their family and estate beneficiaries and charities.
- The deceased's estate for the benefit of the bloodline children of the succeeding beneficiary to be held in trust with income to be paid quarterly but no capital distribution until they reach age 25. If there are no bloodline children of the succeeding beneficiary. then the share of my superannuation interest is to be paid to the remainder of my children that remain alive in equal proportions.
- Any other – please note in the table below:

| Superannuation Beneficiary Name | How to receive benefits |
|---------------------------------|-------------------------|
|                                 |                         |
|                                 |                         |



## L. Inheritances

Do you expect to receive an inheritance? Please insert the details below so we can take this into consideration.

| Person Receiving Inheritance | Person giving Inheritance and their Relationship to Person Receiving Inheritance | Details of Inheritance and expected date of receiving Inheritance |
|------------------------------|--|---|
|                              |  |   |
|                              |  |   |
|                              |  |   |

## M. Assets and Liabilities

Please list your assets and liabilities below so we understand the wealth that you would like to pass on to your beneficiaries. Please add in additional rows to the tables below if needed.

| Asset | Owner of Asset | Estimated \$ Value of Asset |
|-------|----------------|-----------------------------|
|       |                |                             |
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| Liability | Owner of Liability | Estimated \$ Value of Liability |
|-----------|--------------------|---------------------------------|
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**End of Document.**

**Please return this document to Accura Accounting and Advisory at [admin@accura.com.au](mailto:admin@accura.com.au)**

**We'll be back to you soon with your draft Estate Planning and Asset Protection documents to review.**