

## CREATING A WILL IN WESTERN AUSTRALIA: A STEP-BY-STEP GUIDE

This guide is designed to provide a clear and structured step by step guide to creating a Will in Western Australia. Always consider consulting legal professionals to navigate complex situations or when in doubt.

### Creating a Will in Western Australia: A Step-by-Step Guide

#### 1. Inventory Your Assets

Begin by documenting all your assets, which encompass property, investments, vehicles, bank accounts, and personal possessions. Maintain an updated list to ensure clarity on what you own and desire to bequeath to your loved ones.

#### 2. Select an Executor

An executor is responsible for executing your wishes and managing your estate posthumously. Opt for a reliable individual who can adeptly handle your affairs and is prepared to fulfill this role.

#### 3. Identify Your Beneficiaries

Determine who will inherit your assets. Your choices might include family members, friends, or charities. Be clear about who receives what to prevent any future disputes or confusion.

#### 4. Draft and Sign Your Will

Drafting your Will requires careful consideration and legal guidance. Include your full name, address, and a statement revoking any previous Wills. Explicitly name your executor and beneficiaries, detailing the allocation of your assets. Legally, your Will must be signed in the presence of two non-beneficiary witnesses to be valid.

### Legal Formalities Under the Wills Act 1970

- **Writing Requirement:** Always draft your Will in writing, preferably by a legal professional.
- **Signatures:** You, as the testator, must sign the Will in the presence of two witnesses, initialing any changes and signing at the bottom or end of each page.
- **Intention and Execution:** Sign with the intent to execute the Will, fully understanding its implications.
- **Witnesses:** Choose two adult witnesses who are impartial (not beneficiaries) to prevent conflicts of interest. They should also sign in your presence.
- **Document Dating:** Date the document on the day of signing to verify its validity.

Failure to adhere to these stipulations may render the Will invalid, leading to a default intestacy distribution of your assets. For these reasons, securing legal advice when creating and executing your Will is crucial.

#### 5. Will Storage

Post-signature, store your Will securely to allow easy access for your executor. Possible storage solutions include the

## EXECUTOR RESPONSIBILITIES & PROBATE PROCESS EXPLAINED

Public Trustee's WA Will Bank, a bank safe deposit box, or a secure location at home.

### 6. Regular Updates

Revise your Will regularly or when significant life events occur, such as marriage, the birth of a child, or acquisition of substantial assets. Major changes generally necessitate drafting a new Will, which will automatically invalidate the older version.

### Tips for Will Writing in Western Australia:

- Ensure the inclusion of your full name, and address, and the executor's complete information.
- Write in dark ink and date each page, although signing every page is advised but not compulsory.
- Avoid using pins, staples, or paperclips on the Will to prevent physical damage or implications of tampering.

- Inform your executor about the Will's location.
- Seek legal advice even if there are no major changes, to validate and reflect any pertinent legal adjustments.

### Consequences of Dying Without a Valid Will:

In the absence of a valid Will, the estate distribution in Western Australia adheres to the intestacy rules outlined by law. These may not reflect your wishes and could distribute assets in an undesirable manner. Thus, drafting a valid Will is essential to ensure that your estate is dispersed according to your specific desires.

This comprehensive guide empowers you to effectively draft, execute, and manage a Will, securing the future of your estate and affirming your final wishes are respected in Western Australia.

### Need Advice?

Call Perth Probate on **(08) 9227 0604** or at **[contact@perthprobate.com.au](mailto:contact@perthprobate.com.au)** or visit **[perthprobate.com.au](http://perthprobate.com.au)**

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