

# When to get a will and why

## Best to be up-to-date

**What is a will, why do I need one, what should be in one and when should I get one?**

A will is an expression of your wishes about what you want to happen after you die.

Its main purpose is usually to explain how your property and possessions should be divided up after you are gone.

It can also be about guardianship of your children, gifts you would like to leave, and even what music you would like at your funeral.

Every will is unique and every adult should have one.

If you do not have a valid will, the law dictates who will inherit your property and this may not be in accordance with your wishes.



### LEGAL MATTERS

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It is important to keep your will up-to-date, especially when there are major changes in your life, such as:

■ When you get married or divorced.

Your will becomes void if you get divorced as far as it related to your ex-partner, but if you have separated and not yet divorced, then your ex-partner would still be entitled to any gifts under your will.

Your will is also void if you remarry.

■ When you enter into, or end, a de facto relationship.

■ When you have children.

■ When you start a business.

■ When you buy significant property.

■ When you inherit money.

■ What should be in a will?

You need to appoint executors/trustees. They are the people who are responsible for administering your will.

You need to say who the beneficiaries are.

That is, the people who will receive your property under your will.

You need to provide their full names and relationship to you, and set out how your estate should be divided between them.

You also need to say what will happen if they die before you.

If your beneficiaries are children, you can specify how old they have to be before they inherit under your will.

If no age is stipulated, they

would receive their distribution on turning 20.

If you have children aged under 18, your will should say who you would like to be their legal guardians, if you and their other parent have passed away.

You can specify any special gifts you want to make to anybody.

For example, you can say that you want a friend to have a particular piece of artwork, or you can give a sum of money to a charity.

You can also set out any relevant matters regarding your funeral and what you want to happen to your remains.

**Special rules**

There are special rules for completing a will, and the law generally requires strict compliance with these.

The person making the will must sign it in front of two independent witnesses, who must also sign it in front of each other.

If these rules are not followed,

some gifts may fail, or the whole will may be void.

■ Following the article on trees, G asks: Who is responsible for the cost of making safe a group of trees that has been officially deemed as hazardous to a neighbour?

If trees are causing a nuisance because of the danger posed to a neighbour's property, then the owner of the trees is responsible for the cost of removing the danger, perhaps by cutting back the tree branches or roots, or even removing the trees completely if necessary.

A court or disputes tribunal will determine the liability and work needed to be done if agreement cannot be reached.

■ Column courtesy of Rainey Collins Lawyers, phone 0800 733 484. If you have a legal inquiry you would like discussed in this column, email [aknowsley@raineycollins.co.nz](mailto:aknowsley@raineycollins.co.nz).