

Good reasons to have a will

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LEGAL MATTERS



have a say in who looks after them should you die? If you do have a will you can ensure that your guardianship wishes are followed in the event of your death.

One of the major problems that people encounter with their will is that either they have not got around to making it, or they made it so long ago it is no longer relevant to their situation.

If you marry then your prior will is no longer valid but if you divorce, your will remains effective. Not many people will want their property to go to their ex following a divorce (now called a dissolution), so you need to update your will. Equally if you separate, your will leaving your property to your ex also needs updating.

A change in your circumstances is a good time to make or update your will.

No one wants usually to think about what will happen when they die, but there are situations when forward planning and getting everything in place will be vital to the welfare of those loved ones you leave behind.

As an example, if you have young children, do you want to

We recommend regularly reviewing your will, generally every five years, especially if your situation changes. You may have made a will years ago but not looked at it since, and it may no longer reflect your current wishes.

You should consider whether any of the following are relevant for you, as they may present an occasion when you need to make a new will or update your current one:

- The birth of a child
- Getting married or entering into a civil union
- Separating or divorcing from a partner or spouse
- Buying or selling property
- Setting up a new business
- Overseas travel (especially if this will be for an extended period of time).

A will is a very important document as it gives legal effect to your wishes and intentions in providing for your loved ones.

However, unless it is carefully drafted, properly signed, and



Your current will may leave all your property to your former partner, so keep it up to date.

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appropriately witnessed it will have no legal effect.

It is a very important document so the requirements are very technical and getting them wrong can invalidate the whole will.

Some issues can be fixed up by seeking to have the will validated but that will be an expensive and

lengthy process in court, so it is better to get the process right.

If you want to leave anyone out of your will it is also important to provide the reasons for doing so, e.g. that they have already been provided for during your lifetime when other children have not or there is a greater need to care for one child (say due to a disability)

than other children who are comfortably off already.

If you would like to update your will, or if you do not have one, see your legal advisor about getting your affairs in order.

Column courtesy of **RAINEY COLLINS LAWYERS** phone 0800 733 484 www.raineycollins.co.nz. If you have a legal inquiry you would like discussed in this column please email Alan@aknowsley@raineycollins.co.nz

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