

Why everyone should write a Will



You're broke. You have no children. You hate the rellies. Trust me. Even you need to write a Will.

There are lots of reasons to have a Will. You may own much-loved pets. Do you really want them being destroyed by the SPCA because a new owner can't be found? Or you may have a few sentimental items that you want to go to someone special when you die.

Have you thought about if you want to be buried or cremated, and would you like someone to scatter your ashes in a favourite spot? You can write this into your Will.

All too many Kiwis leave a financial or emotional mess behind them when they die. The irony is that it costs nothing to write a Will. You can go to your nearest [Public Trust office](#)* and have a professional Will written for free.

Think of this:

- Who will look after your children if you die? It's not unheard of for both parents to die in the same accident. If you think "over my dead body" about your children going to a certain relative, then write it politely in your Will. It may come true otherwise.
- If you have children from a first marriage or partnership and you are married/partnered up again, your new spouse will inherit over your children if you're not very careful indeed. The inheritance could eventually pass to his or her children, not yours. That's because the Property (Relationships) Act 1976 takes precedence over inheritance laws. Anyone who has children but is no

longer in a relationship with another parent ought to get advice from a lawyer. NOW.

- You may be single at the moment, but if you find a partner in the future they may be entitled to your assets after three years, or even less if you have children together. What about your parents, siblings and other children? Do you want to leave them something?
- Your pets really do deserve a thought. Find someone willing to look after them when you die and write that person into the Will.
- If you are Maori, you might want to consider who might inherit your Maori land and/or incorporation shares, and whether you want your body buried in the whanau urupa.

Everyone should also have enduring powers of attorney (EPAs). Enduring Powers of Attorney are documents that allow someone else to act for you legally if you become mentally incapable. That doesn't always mean getting old or being afflicted by Alzheimer's. It may be due to an accident or illness such as Meningitis.

Here are some facts worth knowing:

- Without EPAs the Family Court can appoint someone to make decisions on your behalf if you are unable.
- There are two types of EPA. One is for personal care and welfare and the other is an EPA for property, which is about how you would like your money and property managed.
- The same person can be your attorney for both types. Sometimes, however, it's a good idea to have two different people.
- Choose someone you trust. Remember that elder abuse is often committed by family members. How will this person behave once in charge of your money?
- While you're still mentally capable you can revoke or alter your EPA at any time if you change your mind about who you want to be your attorney.

You can download all the relevant documents you need to create a power of attorney from the [Office For Senior Citizens website](#).