

FINAL DIRECTIONS

And

PERSONAL PARTICULARS

At Time of Death or Incapacity

For

Family and Executors

OF



This information is to be followed at the time of my death or incapacity.

<u>Section 1</u>	3
PERSONAL RECORDS	
People/Organisations to be notified	
	6
<u>Section 2</u>	
INFORMATION REQUIRED BY AN UNDERTAKER	
	9
<u>Section 3</u>	
FUNERAL ARRANGEMENTS	
	10
<u>Section 4</u>	
FINANCIAL MATTERS	
Banks, Credit Cards, Personal Insurance, Investments, Superannuation, Taxation, Properties, Important Contacts (Accountant, Solicitor, Trustees)	
	14
<u>Section 5</u>	
CONTINUING COMMITMENTS	
Rents, Mortgages, Insurances, Hire Purchase, Annual Registrations, Passport Number	
	16
<u>Section 6</u>	
LEGAL AND WELFARE INFORMATION	
Wills (The Law when there is no Will, Joint Ownership, Gifting before Death, Accident Compensation and Income Support)	
	21
<u>Section 7</u>	
INCAPACITY	
	22
<u>Section 8</u>	
WHAT SHOULD HAPPEN WHEN SOMEONE DIES	
The first 24 hours—what to do, Death Certificate, Organising the Funeral, Insurance Policies, Funeral Bonds and prepaid plans, the Will, Who to notify after someone dies	
	25
Additional Notes and Comments	25
Handy Guide	25
Addresses etc of service persons for domestic maintenance work	

Section 1

PERSONAL RECORDS

In the event of my death here is the record of the basic information that will need to be known by my survivors:

This record was first completed on: _____ and was last updated on:

PLEASE NOTE my personal papers are kept:

When death is officially confirmed, contact a Funeral Director at once. They can attend to funeral arrangements and advise you about all the other matters you should tend to at this point.

NOTE: *If death is sudden (where no doctor can give a death certificate) or as the result of an accident, the Police have to be contacted, as agents for the coroner.*

With the coroner's consent, they make arrangements for the body to be removed to the hospital for an autopsy to discover the exact cause of death. The Funeral Director used by the police is solely for that purpose. A family is free to contact any Funeral Director of their choice apart from this. The Funeral Director will arrange for a release from the coroner and make the other funeral arrangements.

People/Organisations to be Notified Immediately of My Death

PRIORITY:

- Funeral Director:

Phone:

- Minister/Priest/Spiritual Advisor:

Phone: _____ ☐

My Doctor:

Phone:

- My Solicitor: _____ Phone:

- Persons who would be responsible for making my funeral arrangements:

Name: Phone:

Name: Phone:

Name: Phone:

Name: Phone:

- ☐ Immediate family:

Name: Phone:

Name: Phone:

Name: Phone:

Name: Phone:

Name: Phone:

Name: Phone:

Name: Phone:

Name: Phone:

Name: Phone:

Name: _____ Phone: _____

- Others (including employers/employees or contact persons in organizations to which I belong):

Name: _____ Phone: _____

Of: _____

Name: _____ Phone: _____

Of: _____

Name: _____ Phone: _____

Of: _____

Name: _____ Phone: _____

Of: _____

Name: _____ Phone: _____

Of: _____

Name: _____ Phone: _____

Of: _____

Name: _____ Phone: _____

Of: _____

Name: _____ Phone: _____

Of: _____

Name: _____ Phone: _____

Of: _____

Name: _____ Phone: _____ Of: _____

Section 2

INFORMATION REQUIRED BY AN UNDERTAKER

A. BIRTH DETAILS

Full Name: _____ Residential

Address:

Occupation:

Place of Birth: Town: _____ Country:

Date of Birth:

If not born in New Zealand, date of arrival in New Zealand:

Have you a birth certificate?

If so, where is it located?

NOTE: *It may be wise to keep your birth certificate in the envelope with this booklet*

B. MARRIAGE DETAILS

First Marriage:

To whom married:

My age when married:

Date of birth of marriage partner:

Place of marriage:

Have you a marriage certificate? _____ If so,
where is it located?

Subsequent Marriages:

To whom married:

My age when married:

Date of birth of marriage partner:

Place of marriage:

Have you a marriage certificate?

If so, where is it located?

To whom married:

My age when married:

Date of birth of marriage partner:

Place of marriage:

Have you a marriage certificate? _____ If so,
where is it located?

NOTE: *In second or subsequent marriages, details of each marriage will be required. If divorced, and the divorced partner is still alive, their date of birth will also be required.*

C. FAMILY DETAILS

Full name of father:

Profession/occupation of father: _____ Degree
of Maori blood and tribe of father:

Degree of Pacific Island blood of father – state which Island:

Maiden name of mother:

(First name/s)

(Surname)

Degree of Maori blood and tribe of mother:

Degree of Pacific Island blood of mother – state which Island:

Full names and birth dates of living children:

Name: _____ D.O.B.: ___ / ___ /
 Name: _____ D.O.B.: ___ / ___ /
 Name: _____ D.O.B.: ___ / ___ /
 Name: _____ D.O.B.: ___ / ___ /
 Name: _____ D.O.B.: ___ / ___ /
 Name: _____ D.O.B.: ___ / ___ /

NOTE: *On your decease if any of the above children is under the age of 16 their birth certificates must be produced before a child allowance can continue to be paid out to your surviving spouse.*

The birth certificates of my children aged under 16 are kept:

D. SERVICE DETAILS

Service Number: _____ Rank:

If Army, state which Regiment/s:

If overseas, states which war/s:

Name and address of any person designated as next of kin:

Name: _____ Address:

Name: _____ Address:

Titles and decorations (e.g. M.B.E., Clergyman, J.P., Registered Nurse)

Section 3

FUNERAL ARRANGEMENTS

Matters I would like observed at the time of my death:

1. Burial or cremation:
2. If cremation, are the ashes to be: Scattered Interred Other
If Other, please state:
3. If burial, any preference as to location?
4. Wishes, concerning flowers or donations:
5. Any preference for place of funeral service?
6. Any preference for Minister/Priest to be involved?
7. Any preference for pallbearers, tributes, cultural customs, etc?

8. Any favourite hymns or readings?

Section 4

FINANCIAL MATTERS

A. BANKS

Name Branch Account No. Type of Account

B. CREDIT CARDS

Card Type and Company Card Number

Where are your chequebooks and bankbooks kept?

C. PERSONAL INSURANCES (including Health)

NOTE: *other insurances dealt with on page 15*

Company Name Address Policy No: Policy Type

Where do you keep your policies?

D. INVESTMENTS

The following are a list of my investments:

All papers for my investments are kept

E. PENSIONS/SUPERANNUATION BENEFITS:

What pension/superannuation is received?

Name Number

The certificates for the above are kept

If your superannuation is paid into a bank account, which one?

What other sources of income do you have, not mentioned elsewhere?

F. TAXATION

IRD Number: _____ Location of
office where file is held:

G. PROPERTIES

I own the following property/ies

NOTE: Also state location and to whom rates are paid

H. OTHER FINANCIAL PAPERS AND RECORDS INCLUDE

NOTE: Also state where kept

IMPORTANT CONTACTS

My Accountant is:

Address:

Telephone No.: _____ My Solicitor is:

Address:

Telephone No.:

My Trustee/s is/are:

1. Name:

Address:

2. Name:

Address:

3. Name:

Address:

4. Name:

Address:

Section 5

CONTINUING COMMITMENTS

1. RENTS

From whom rent is received?

Name and Address Frequency/Date

To whom rent is paid?

Name and Address Frequency/Date

2. MORTGAGE DETAILS

With Whom Amount Frequency of Payment

3. INSURANCES (other than Personal)

Type Company Amount Premium Date

House

Contents

Mortgage

Repayment

Car

Boat

4. LIFE POLICIES (other than Self) Company Amount Premium Date

5. HIRE PURCHASE COMMITMENTS Others:

NOTE: *Remember to delete when fully paid off*

Item	Company	Amount	Frequency of Payment
------	---------	--------	----------------------

6. ANNUAL REGISTRATION

NOTE: *state registration number and renewal date*

Car/s:

Boat:

Caravan:

Trailer:

Other:

My Passport No. is:

Section 6

LEGAL AND WELFARE INFORMATION

WILLS

What is a Will?

A Will is a statement of what you want done with your possessions when you die, and how you want your family to be looked after. Your Will has no effect until you die.

Who can make a Will?

Anyone of sound mind who is 18 years or more, and any married person, regardless of age.

When should you make a Will?

In a word, immediately!

How do you make a Will?

Because of the importance of your Will, the law says that it must be made in a prescribed manner. Accordingly it is wise to obtain professional advice as to how to do this. This need not be an expensive exercise.

What if I die without having made a Will?

If you die without having made a Will, (i.e. 'intestate'), your family or solicitor needs to go through an involved procedure in order to confirm that there is definitely no valid Will in existence. Furthermore, if there is any property involved, an application usually needs to be made to the High Court so that a member of the family, or another suitable person, can be appointed as administrator of your estate. This can be a long, drawn out (and expensive) procedure.

As well, if there is no Will, the surviving spouse, children, and immediate family usually inherit your money and possessions in set proportions, which may not be what you would have wished – and may even cause hardships in some cases. In fact, if an intestate person has no relatives, the estate goes to the Crown.

It is also important for anyone getting married to make a Will, as marriage automatically revokes any prior Will made by either partner. The only exception is a Will made expressly in contemplation of marriage, which is not then invalidated by the subsequent marriage.

- If you are in a de facto relationship your partner is now also entitled to the estate, unless your Will, or Family Trust specifically provides otherwise.
- If you are legally separated but not divorced , and if you wish to exclude your ex-spouse, your Will may need changing since your spouse will still have some rights over your estate.
- A divorced spouse has no right to any part of your estate if you have made the appropriate legal changes. All your children, however, including those born ex-nuptially, retain their legal entitlements. Bequests to other people also remain valid.

What should a Will include?

1. It should name Executors (Trustees), who are responsible people who will see that your wishes are carried out in accordance with your Will.
2. It should provide payment for estate duties, liabilities such as mortgages, overdrafts and debts.
3. It should make adequate provision for your dependents.
4. It should provide for the disposal of your assets. If you wish to provide for particular persons, or Charities, these must be specifically stated.
5. It may appoint guardians for any of your dependant children after your death.
6. It should name the Trustees, (usually your children), who will run your Family Trust after your death.

Can a Will be revoked, changed or a new Will made?

Yes, at any time provided it is in a prescribed manner. An additional document (called a Codicil) may be added to a Will. This amends rather than revokes a Will, in some regard, to some particular provision.

As people grow older, and their earlier priority of providing for a growing family changes, they often review their Wills in order to do other things with their money and assets. Most likely this will include giving to charitable bodies in which they have an interest. In this way they are able to provide for a bigger oneoff donation to such group/s than they have given in their whole lifetime of support.

A GOOD IDEA

As well as their Will, some folk keep a list of valued assets for which they have specific intentions in regard to their distribution. Such directions are of course, in accordance with the Will. They then affix a self-adhesive label to the base of each object, with the name of the intended beneficiary on it. It certainly helps in the distribution of all the bits and pieces after you've gone!

IMPORTANT!

It is a good idea when contemplating a change to your Will that you discuss this with the immediate family so that they understand why you are taking this action. In some circumstances the Family Protection Act gives any members of your immediate family the right to contest your Will in Court. The Court may, in its wisdom decide to reallocate your estate accordingly. This is why it is important that your family is fully conversant with your reasons and intentions for making bequests outside the family. We suggest you also write, on a separate sheet of paper,

attached to your Will with date and signature, the reasons for your actions. If you wish to reallocate your Estate against the will of your immediate family it is wise to discuss this with your solicitor and to implement this in your Family Trust!

Does a Will stop you from dealing with property during your lifetime?

No. You may sell or give away anything in respect to your property or assets during your lifetime. Your Will takes effect upon your death, not the date of making your Will.

Do you need a Lawyer to make a Will, or changes to an existing Will?

Officially, no. Although there are forms available in bookshops etc., it is good advice to use a lawyer to ensure that your Will, and the changes to a Will as set out in Codicils, comply with the law, and is valid. Charges for making a Will are not high. Your lawyer will also be able to advise you on such further matters as:

- A fair distribution of your assets
- The best legal expression of your intentions
- Better alternatives than you have considered
- Appointment of suitable Executors (Trustees)
- Administration of your Family Trust for beneficiaries by suitable Trustees
- Possible family protection claims
- Making distributions available to Beneficiaries as Debt repayments, gifts or even as loans to retain some rights!

THE KEY IS PREPARATION

It is important to organize your affairs in such a way that you help and protect those who are most important to you, as well as the Charities for whom you have a particular concern. This is even more important in the latter years of your life, and a well thought out Will can relieve a tremendous amount of financial strain on your family, and often avoid much unhappiness as a result!

LEGAL BITS AND PIECES – and some handy advice

NOTE 1: JOINT OWNERSHIP ETC.

In a marriage, each partner (or in the case of a sole survivor or single person, or next-of-kin) should always be kept familiar with where personal papers are located. The husband and wife need to ensure that each has access to sufficient money to

allow the survivor to pay current expenses until probate of the Will of the deceased can be obtained, and the assets in the deceased/s name realized.

Assets held in joint ownership pass automatically to the surviving partner, independent of the terms of the will. Joint bank accounts can therefore be used by the surviving partner without the need of probate. Because of this, it is a good idea for couples to have some joint account/s to ensure ready availability of cash following the death of one or other partner.

*There are possible benefits when spouses assign **life insurance policies** to their Family Trust to avoid insurance monies falling into the estate, thus delaying disbursement of those proceeds pending probate. When a Trust has been formed the surviving Trustee will usually continue to run the affairs and accounts of the Trust with the help of the Independent Trustee.*

NOTE 2: GIFTING BEFORE DEATH

You may choose to give money away while you are alive so that you can enjoy watching the results. There is added advantage of not having to pay any gift duty at all

NOTE 3: HELP FROM ACCIDENT COMPENSATION AND INCOME SUPPORT

NOTE *that information in this section is subject to constant change because of alteration to government policies from time to time, so it is wise to contact Work and Income New Zealand (WINZ) and/or the Accident Compensation Corporation (ACC) over these matters as they apply to your specific situation.*

- If the deceased is killed in an accident and there are dependants, the ACC can make special payments. Contact them directly or through your solicitor or trustee agency.
- If the deceased is under 60 years and dies of natural causes, the WINZ has a special fund available to assist with expenses. A funeral grant of up to \$1,000.00 is available to those who have no funds for this purpose, and this will be paid direct from the WINZ to the funeral director. This, and all other relevant benefits and grants are means-tested.

- If the deceased is the recipient of New Zealand Superannuation, the surviving spouse will receive two further payments following death. However, if the surviving spouse has been the recipient of a funeral grant (as mentioned above), these payments may be recalled.

Section 7

INCAPACITY

Although most of the information contained in this booklet thus far has related to death of a loved one, in some cases a person becomes incapable of handling his or her affairs prior to death, due to physical or medical impairment. It is therefore important that another person has the power of attorney over the affairs of such a person, and the kind of information written in this booklet will assist in understanding the wishes and intentions of their loved one in regard to their assets etc.

POWER OF ATTORNEY

Power of Attorney is a legal, written document. The signer of the document gives an agent or attorney the power to act for the signer.

There are two types of Enduring Power of Attorney:

1. Personal Care and Welfare
2. Property

The Power may be as broad or specific as desired.

In the case of Personal Care and Welfare, the Power only applies if the donor is mentally incapable. In relation to the administration of the property, the document can specify that the attorney acts from the date it is conferred or alternatively that it does not come into effect until such time as the donor is mentally incapacitated. Obviously people need to seek sound professional advice on this matter, and give such Power of Attorney only to people they fully trust.

Some folk take the simple precaution of adding a trusted relative or friend as signatory to one or other of their bank accounts, so that in the case of emergency, accounts etc. can be paid without inconvenience.

When including a bequest to your nominated Charity it is wise (and helpful to the Charity concerned) to make such a bequest:

“To the General Funds of ...”

Designated bequests to specific projects or with specific wording can be extremely restrictive, and often very inappropriate (indeed obsolete) by the time the bequest is eventually realized.

Section 8

WHAT SHOULD HAPPEN WHEN SOMEONE DIES FIRST TWENTY FOUR HOURS

The first thing to do when somebody dies at home is to call his or her doctor. Once that has been done the doctor will explain what steps should be taken to get a death certificate. When someone dies in a hospital, or other facility, then those authorities will take care of medical necessities and formalities.

DEATH CERTIFICATE

No funeral can take place without a proper signed Death Certificate because this is the official registration of death. It is signed by the doctor who pronounces the death and must be lodged with the Registrar of Births, Deaths and Marriages together with a BDM58 form detailing family background.

A funeral director will usually organise to lodge the Death Certificate. A copy of it is then arranged for the family but this may take some time. In unusual cases, for example if an autopsy or coronial inquiry is conducted, which may take even longer before a death certificate to be issued.

ORGANISING THE FUNERAL

The funeral director can then arrange the funeral as well. They arrange for the body to be removed from place of death and furthermore will arrange certificates for burial or cremation services.

The funeral director can also organise other things such as newspaper notices, flowers and religious services. The Yellow Pages give a good indication under ‘Funeral Directors’. Costs for a funeral can vary considerably and it is important to know exactly what one is getting for the cost. Quotes can also be requested.

INSURANCE POLICIES

In some cases private health insurance, sickness and accident insurance or life insurance insurers may pay funeral and other payments, in some cases up to \$1,500.00 towards costs of a funeral. This will depend on the level of cover and

certain conditions such as your relationship to the person who has died, the length of time the deceased person had the cover, and whether a health condition that contributed to the death had existed before the policy was taken out.

It is therefore essential to find out whether the person who died had such an arrangement and insurance companies should be asked about the level of payments.

FUNERAL BONDS AND PREPAID PLANS

Prepaid funerals or funeral bonds are also available and are usually held with solicitors, public trustees, friends or executors of the will. Sometime local funeral directors may also have records in their lists.

THE WILL

The will is the legal document which sets out how the deceased person's belongings are to be distributed after their death and other important matters and should take into account the following:

- Appointment of an executor;
- The possible value of the estate;
- Specific funeral arrangements;
- Prepaid cemetery plots if they are requested;
- Beneficiaries of the estate and bequests; and
- Possibly organ donation unless that is set out in a separate document.

ADMINISTRATION OF THE ESTATE

The Executor of the Will is responsible for distributing the personal assets to the people named in that Will as the beneficiaries and this will happen only after all the debts have been paid.

If the person hasn't left a Will then the estate is shared under a formula set by law and this can then not take into account the deceased person's wishes. When no close relatives are set out then possibly the estate could be paid to the State. The administration of the estate may be more difficult and expensive if there isn't a Will. A Public Trustee or a solicitor can give advice on what to do in these circumstances.

Depending on the type and value of assets, there may have to be a 'grant of probate'. Probate is generally required for an estate over \$12,000.00 and all those involving land. This means having a court order that says the Will is the final and valid Will of the deceased person.

WHO TO NOTIFY AFTER SOMEONE DIES

When someone has passed away a number of people and organisations need to be told. This helps to finalise the person's affairs and makes sure you can get the help you need.

Before you start contacting the relevant people or organisations, it might help to have a look around and see if the person who passed away had a filing cabinet, folder or document case. They may have records that show dealings with any of the contacts on the checklist.

Those records can be used to find out important reference information such as customer reference numbers, policy numbers, and/or health fund membership numbers.

Important documents to look for amongst personal papers and files are:

- A Will;
- Birth and marriage certificates;
- Property deeds and mortgage papers;
- Home loan details (latest statement of loan account containing details about finance for the deceased person's property);
- Lease (setting out legal entitlements for a rented property);
- Taxation records (with details of income and assets);
- Insurance policies (e.g. home, contents, car);
- Life and/or Health insurance policies and superannuation policies; Savings account details (showing where the savings are kept); and Any documents about prepaid funeral arrangements or burial plots.

While many organisations and service providers will require a certified copy of the Death Certificate before they can take action on your advice, it is wise to provide advice of the death as soon as possible.

ADDITIONAL NOTES AND COMMENTS

HANDY GUIDE

If my husband/wife dies, who would I contact next time I needed a:

Name Phone Number

Plumber:

Electrician:

Handyman/Builder:

TV Serviceman:

Car Mechanic:

Painter:

Drain layer:

Roofing

Contractor:

Glazier:

Others: