



Disadvantages of 'DIY' Will Kits



Attwood Marshall
LAWYERS

Serving our community since 1946

Coolangatta Office (Head Office)
Suite 1 – Level 2 Showcase on the Beach
Cnr Marine Parade & Warner Street
PO Box 334 Coolangatta QLD 4225

Robina Office
Suite 5010 – Level 4 Arbour Lane Terraces
Robina Town Centre
PO Box 3089 Robina 4230

Kingscliff Office
1b Pearl Street
PO Box 1413 Kingscliff NSW 2487

Telephone: +61 7 5536 9777 | Facsimile: +61 7 5536 9755

info@attwoodmarshall.com.au
www.attwoodmarshall.com.au

Disadvantages of 'DIY' Will Kits

One of the most important legal documents that you will ever make in your lifetime is your Will. Nevertheless, we regularly see clients who tell us they have made their Will using a "Do It Yourself" Will Kit which they purchased from the local Newsagent or Post Office.

The disadvantages of these types of Wills are numerous and far outweigh any saving in costs to the client. Your Estate (or your Executors) will end up paying far more money to Lawyers trying to fix the mistakes that are made using these kits. However, be warned - not all mistakes can be fixed.

Some disadvantages are:

- The instructions provided in Will Kits can be very confusing to a person who is not legally trained and can result in a poorly drafted Will which does not dispose of the Will Maker's entire estate, or worse still, the Will refers to assets which do not actually form part of the Will Maker's estate such as superannuation and trust assets;
- Issues which should be carefully considered such as adequate provision for your spouse and children, taxation, superannuation, appointment of Executors and Trustees and alternate distribution in the event of the failure of prior bequests are not adequately covered in most Will Kit instructions;
- Will Kits fail to provide the expert advice which a skilled Estate Planning Lawyer can give and this is particularly important if a person's affairs are complex or complicated (for example, blended families; beneficiaries with disabilities; spendthrifts; unsavoury partners; etc);
- Will Kit Wills are more often than not **incorrectly signed and witnessed** and this can result in an **invalid Will**. For example, we have encountered two Will Kit Wills which were made by a defacto couple using forms which they purchased from their local Post Office. Unfortunately, the couple signed each other's Will in error thereby rendering both Wills invalid. This situation could easily have been avoided if the Wills were prepared and signed at a Lawyer's office;
- Will Makers often do not fully understand the terminology used in Will Kits and can mis-interpret the instructions, resulting in ambiguity and substantial costs and delay in administration of the estate;
- Most Will Kits fail to inform the Will Maker of the strict legal formalities which must be adhered to when completing and signing the Will, once again resulting in difficulties and increased costs in the administration of the estate;
- The law differs from State to State whereas Will Kits are generally generic and do not set out the different laws which apply.

In conclusion, it is imperative that you consult your Lawyer in relation to making your Will so as to ensure your wishes are properly recorded in a legally binding document.

For any enquiries regarding Attwood Marshall's [Will and Estate Administration Department](#), please contact the Department Manager Lesley Barnes, on direct line (07) 5506 8241 or by email on lbarnes@attwoodmarshall.com.au.



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