

What is involved in the estate planning process?

The estate planning process will differ from one person to the next, and from one law firm to the next, depending on a person's personal, financial and other circumstances.

Our approach at David Landa Stewart is as follows:

- **Initial meeting** - We will schedule a meeting with you to discuss your financial and personal circumstances. This meeting is without charge and all matters discussed are held in strict confidence. The meeting can be held at our offices or your home or office (or your accountant / financial planner's office) if this is more convenient.
- **Estate Planning Questionnaire** - We have devised a special questionnaire which we will ask you to complete to give us a better picture of your personal and financial affairs.
- **Agreement on costs** - We will send you a written cost agreement for review and approval prior to work commencing. This will set out the costs involved and the likely disbursements to be incurred. Other matters are disclosed in accordance with the law.
- **Confer with advisors** - Before undertaking the work we may consult with your financial planner or accountant to discuss your circumstances. Property, company and other searches may be undertaken at this stage. We may also need to review trust deeds, superannuation deeds and/or other documents relating to you or any related companies or trusts - we need to be sure that we have a complete understanding of the structure of your affairs before proceeding to the next stage.
- **Preparation of draft documents** - We then prepare draft documentation as discussed. This could include the following documents – a will, power/s of attorney, enduring guardianship/s, advance health care directives, medical direction/s, trustee direction/s, a variation of a family trust deed, shareholder agreements, buy-sell agreements, and the like. It is also important that we also consider and cover any superannuation entitlements in such documentation.
- **Review of documents** - You would then have the opportunity to review the documents and raise any issues you may have with them. If necessary we would hold additional meetings with you (or your accountant or financial planner) to review or revise the documents.
- **Signature of documents** - Once the documents are finalised, we then make an appointment with you to sign the documents. It is important that the documents are signed and witnessed in the appropriate manner otherwise they have no legal effect.
- **Registration / stamping of documents** - If any of the documents are to be registered (such as a power of attorney) or stamped (such as a trust deed) then this is attended to.
- **Safe Custody** - We send you copies of the documents. The originals are held by us in safe custody pending your further instructions. Another copy is scanned electronically for future reference/ retrieval.

You are more than welcome to retain the original documents yourself but we find they can be misplaced or destroyed over time. We generally retain the original documents in safe custody, in some cases for many decades until they are required, so they can be retrieved immediately in the event of incapacity or death of a client.

- **Emergency Contact Card** - At the time you sign your estate planning documents, we will provide you with an Emergency Contact Card. We recommend that you keep this card in your wallet to inform your family or emergency service providers that we hold original estate planning documents for you.

For further information, contact:

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Lawyers since 1927