

# BARE.

## LAST WILL & TESTAMENT FOR:

Stephen Christopher Cooke

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w: [bare.com.au](https://bare.com.au)  
e: [wills@bare.com.au](mailto:wills@bare.com.au)  
p: 1800 202 901

This Will is made by me, Stephen Christopher Cooke, of 7A Bakeri Cct, Warabrook NSW 2304.

## 1. REVOCATION

I revoke all previous wills and testamentary dispositions made by me and declare this to be my last Will.

## 2. EXECUTORS

2.1 I appoint Angela Christine Cooke (“Angela”) and David Christopher Cooke (“David”) to be the Executors and Trustees of my Will.

## 3. GIFTS

3.1 I gift, free of all duties and encumbrances, the following gift as owned by me at the date of my death:

3.1.1 Arcade to Joshua Finn Cooke and Christian Finn Cooke (Equal time arrangement), provided that they survive me by 30 days.

3.2 If under clause 3.1 a person does not survive to attain a vested interest in a gift from my Estate or a gift fails, then that gift shall form part of my Residuary Estate.

## 4. GUARDIANSHIP OF CHILDREN

4.1 If I die leaving children under the age of eighteen, with their other parent not surviving me, I appoint Angela Christine Cooke to be the guardian of my Children and to be responsible for their day to day and long-term care, welfare and development during their minority.

4.2 If Angela Christine Cooke fails to survive me or is unable or unwilling to care for my Children, then I appoint David Christopher Cooke to be the guardian of my Children and to be responsible for their day to day and long-term care, welfare and development during their minority.

4.3 I direct my Executors to exercise their powers under my Will to ensure that any person caring for any of my Children, where they are appointed as a guardian under the terms of my Will or otherwise, does not suffer any reasonable financial burden or loss in the course of caring for my Children.

4.4 I direct my Executors to exercise their powers granted to them under this Will to advance such funds as may be necessary to ensure that my Children’s day to day needs are met, including but not limited to accommodation, education and medical expenses.

## 5. PAYMENT OF DEBT AND EXPENSES

5.1 I direct that my Executors may:

5.1.1 sell, call in or convert into money any part of my Estate; or

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Signature of  
Stephen Christopher  
Cooke

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Signature of Witness 1

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Signature of Witness 2

5.1.2 pay any debts and funeral expenses (including but not limited to headstones, plaques and wake expenses) associated with my death and the administration of my Estate, and all probate death and estate duties payable in relation to my Estate.

5.2 I direct that any proceeds not required to be used for payments of any debts and funeral expenses, associated with my death and the administration of my Estate, be paid to my Estate and distributed by my Executors in accordance with the terms of my Will.

## 6. RESIDUARY ESTATE

6.1 I direct my Executors to divide the balance of my Residuary Estate equally between the following:

6.1.1 Christian Finn Cooke as shall survive me absolutely.

6.1.2 Joshua Finn Cooke as shall survive me absolutely.

6.2 If any of the beneficiaries named in clause 6.1 does not survive me by 30 days or does not survive to attain a vested interest in my Residuary Estate, then I direct my Executors to distribute that beneficiary's portion of my Residuary Estate equally amongst the remaining beneficiaries named in clause 6.1 absolutely.

## 7. FINAL WISHES

7.1 It is my wish that my body be cremated and that my Executors and family use the services of Bare.

7.2 It is my wish that the following arrangements are carried out:

7.2.1 **\*\*Organ Donation and Medical Decisions\*\*** 1. I expressly state that I do not wish to be an organ donor under any circumstances. My organs and body are not to be used for transplantation, medical research, or any related purposes. 2. I direct that my explicit wishes as outlined above be honored and complied with, and no authority, including that of Heather Finn Cooke or any other individual, shall override or supercede these instructions. 3. I further request that my executor and any medical personnel involved in my care or arrangements be made aware of this directive immediately upon my passing to ensure my wishes are upheld.

This Will is made on the \_\_\_\_\_ day of the month of \_\_\_\_\_ in the year \_\_\_\_\_.

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**SIGNATURE OF WILLMAKER**

Signed by the Willmaker, Stephen Christopher Cooke, in our presence and signed and attested by us in the Willmaker's presence and the presence of each other:

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**SIGNATURE OF FIRST WITNESS**

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**SIGNATURE OF SECOND WITNESS**

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**(PRINT FULL NAME OF FIRST WITNESS)**

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**(PRINT FULL NAME OF SECOND WITNESS)**

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**(PRINT ADDRESS OF FIRST WITNESS)**

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**(PRINT ADDRESS OF SECOND WITNESS)**

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**(PRINT OCCUPATION OF FIRST WITNESS)**

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**(PRINT OCCUPATION OF SECOND WITNESS)**

## SCHEDULE 1: DEFINITIONS AND INTERPRETATION

### 1. DEFINITIONS

1.1 In this my last Will, the term:

- 1.1.1 Children means biological and lawfully adopted children and Grandchildren and Great Grandchildren have the corresponding meanings.
- 1.1.2 Estate includes both real and personal property;
- 1.1.3 Executors means my executors or legal personal representatives for the time being, and Executor shall have a corresponding meaning;
- 1.1.4 Residuary Estate means my net estate after all specific bequests are paid or transferred and debts, taxes, administrative costs, probate fees and court costs are paid.

### 2. INTERPRETATION

2.1 In this Will, except where the context otherwise requires:

- 2.1.1 the singular includes the plural (and vice-versa), and a gender includes the other gender;
- 2.1.2 another grammatical form of a defined word or expression has a corresponding meaning;
- 2.1.3 a reference to a clause, paragraph, sub-paragraph or schedule or annexure is to a clause, paragraph or sub-paragraph of, or schedule or annexure to, this document;
- 2.1.4 a reference to this document includes any schedule or annexure;
- 2.1.5 a reference to any statute, ordinance, code, rules or other law means a statute, ordinance, rule, code or other law of the Commonwealth of Australia or of its States or Territories and includes any consolidations, amendments, re-enactments or replacements of any of them;
- 2.1.6 headings are for ease of reference only and are not intended to affect interpretation.

## SCHEDULE 2: POWERS OF THE EXECUTOR AND TRUSTEE

### 1. POWERS OF THE EXECUTORS

- 1.1 In addition to and without limiting the generality of the general powers referred to in the preceding clauses or in addition to any other powers authorised by law, my Executors will have the following specific powers, without being responsible for any loss:
- 1.1.1 open any account and to operate such bank account or to close any account with any banking institution;
  - 1.1.2 sell, lease, exchange, convert or dispose of any assets of my Estate by any means or postpone the sale, exchange, lease, disposal or conversion of any assets or parts of my Estate for so long as my Executors think fit;
  - 1.1.3 select, maintain and change investments as my Executors consider appropriate whether or not such investments are deemed by law to be prudent or appropriate;
  - 1.1.4 acquire or lease assets for occupation, use or enjoyment by a beneficiary (and at my Executors' discretion, this may include any persons who reside with the beneficiary);
  - 1.1.5 allow any beneficiary to occupy, have custody of or use any real or personal property for the time being forming part of the Estate on such terms and conditions my Executors consider appropriate;
  - 1.1.6 pay any income and/or capital or transfer any assets of my Estate for the reasonable maintenance, support, education, advancement or benefit of any beneficiary or contingent beneficiaries, including the power to make payment to any parents or guardians of any minor, incapacitated beneficiary or contingent beneficiary without being responsible for application of such income and/or capital or assets;
  - 1.1.7 invest, reinvest, hold, use, surrender, partition, dispose, let, lease, sub-lease, take and grant options or rights in, or otherwise deal with any income, interest, profit, capital gain, real or personal property of the Estate and including, but not limited to, shares, units, debentures or securities of any company or trust, bonds, convertible notes, safe notes, bills of exchange, or deposits with any bank, credit union, public body, trust or company;
  - 1.1.8 discontinue or continue, or acquire and carry on, any interest in any business or to commence and carry on any business, either alone, in partnership or on a corporate basis anywhere in the world, and to appoint, engage or employ any person or entity including themselves in the conduct of such business;
  - 1.1.9 act as directors of any companies in which my Estate or any fund arising from my Estate holds or is entitled to hold shares, including exercising such voting rights as my Executors consider appropriate without being responsible for any loss;

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Signature of  
Stephen Christopher  
Cooke

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Signature of Witness 1

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Signature of Witness 2

- 1.1.10 take out, effect or maintain any insurance policies for the benefit of my Estate or any beneficiary, and apply or convert any insurance money or proceeds for the benefit of my Estate or any beneficiary;
  - 1.1.11 use income and/or capital from my Estate for the benefit of my Estate or any beneficiary on whatever terms my Executors consider appropriate;
  - 1.1.12 use income and/or capital from my Estate to pay any debts, duties, liabilities or taxes levied on my Estate, including tax arising from the disposal or distribution of any assets of my Estate; and
  - 1.1.13 access, download, delete, convert, make backups of and deal with any digital or electronic assets stored on any electronic device or cloud-based server or database.
- 1.2 My Executors may engage or employ any contractor, solicitor, accountant, employee, agent or other professional advisor to transact any business or do any act required to be transacted or done in the administration and execution of my Estate, and my Executors may act upon the advice received from any of the listed professional and/or professional advisor without being liable in respect of any such act done by my Executors in accordance with such advice. All reasonable expenses incurred in engaging any of the listed professional and/or professional advisor will be paid out of my Estate.
- 1.3 My Executors will not be personally liable, and are entitled to be indemnified out of the assets of my Estate, for any loss incurred in connection with the administration or execution of my Estate or any failure by my Executors to exercise any of the Executors' powers granted to them under this Will or at law, except that my Executors will not be entitled to be indemnified by my Estate in circumstances where my Executors have acted dishonestly, fraudulently or engaged in any act or omission the Executors knew or ought to know was a breach of relevant probate laws.

## 2. ENTITLEMENT TO CHARGE

- 2.1 If any Executor is a lawyer, chartered accountant or other professional, then my Executor may act in a professional capacity and shall be entitled to charge and to be paid all professional and other charges for all work performed for, and on behalf of, my Estate by them, their firm or business (regardless of whether such work could have performed by them in their personal capacity).

## 3. DISCLAIMER OF AN INTEREST UNDER THIS WILL

- 3.1 In the event that a beneficiary disclaims all or any part of the assets that would otherwise be distributed to the beneficiary under this Will, the assets to which the disclaimer relates will, for the purposes of this Will, be dealt with by my Executors as if the beneficiary had not survived me by thirty (30) days.

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Signature of  
Stephen Christopher  
Cooke

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Signature of Witness 1

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Signature of Witness 2

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e: [wills@bare.com.au](mailto:wills@bare.com.au)  
p: 1800 202 901

# BARE.

## INSTRUCTIONS FOR SIGNING

The following pages contain instructions for signing, witnessing and storing your Will.

w: [bare.com.au](https://bare.com.au)  
e: [wills@bare.com.au](mailto:wills@bare.com.au)  
p: 1800 202 901

# BARE.

## SIGNING YOUR WILL

For your Will to be legally valid, the following steps must be taken:

- Print your Will using double sided printing. This will ensure that there are no blank spaces or the chance of any additional pages being inserted into your Will at a later date. Staple all the pages of your Will together. You should never take the staples out after that.
- As the Willmaker, you must sign and date the Will in front of two witnesses, you must all be present at the same time and **use the same pen**.
- Arrange for two independent adult witnesses to be present at the time you wish to sign your Will. Your witnesses must be adults and able to read and understand English. They must be able to see and they should not be anyone mentioned in your Will.
- In the presence of your two witnesses, insert the date you are signing your Will on the designated place in your Will.
- The witnesses must see you sign and must see each other sign and 2 witnesses must then sign on the bottom of **each page** and on the execution page of the Will where indicated. On the execution page, each witness must print their full name, address and occupation beneath their signature.
- No writing, markings or alterations should be made on a Will after it is signed. If there are any markings or any alterations required, it is best to amend your Will, reprint and sign your Will again.
- No staples, pins or paper clips should be attached to a Will.

If the Will is not signed properly, it may still be considered an “informal will”. Additional steps and costs may be required to validate the Will through probate. However, you should do your utmost to follow the steps carefully to create a valid Will. Informal Wills are fraught with difficulties and are a remedy, not a strategy.

## WITNESSING THE WILL

- Witnesses must be over 18 years of age, mentally competent and be able to see the Willmaker sign the Will.
- A witness should be independent from you. That is a witness should not be an executor or beneficiary under the Will or related to you or any executor or beneficiary under the Will.

## STORING YOUR WILL

Please store your Will somewhere safe. Preferably in a folder or plastic pocket to ensure your Will remains undamaged.

We recommend letting your Executors and family members know that you have created a Will and where you have stored your Will so they can find it when you pass away. It is your choice whether you wish to give your Executors or family members a copy of your Will.

To make the role of your Executors easier, please consider making a complete list of your assets and liabilities, as well as contact details of important people and entities and location of other important paperwork such as your property titles.

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If you have a prepaid funeral, or any applicable insurance policies, please store these documents with your Will.

## WHEN SHOULD YOU UPDATE YOUR WILL?

You should review your Will whenever you have:

- Experienced a major life event (this may be the birth of a child, or death of a family member)
- Significant changes to your estate, including changes to assets and liabilities.
- Changed your name, or anybody named in the Will has changed their name;
- If an executor becomes unwilling to act as executor or an executor or any beneficiary dies;
- If you enter or end a de facto relationship;
- Changes to the taxation or social security laws; or
- A beneficiary or executor moves to live overseas or returns to live in Australia

If you have a change to your relationship – either via marriage or divorce, you should consult a lawyer to change your Will accordingly. Please note that marriage will automatically revoke your Will unless explicitly stated in your Will.

Regardless of how often you update your Will, it is important to regularly review your Will to ensure you always have a Will that accurately reflects your circumstances and your most recent wishes.

You can change your Will as often as you like. You can amend your Will with a codicil but the best way to change your Will is to make a new one. Making a new Will automatically cancels your old one.

## FINAL CHECKLIST FOR SIGNING

- Have you printed your Will double sided?
- Have you read and understood your Will?
- Do you have 2 adult witnesses to witness you sign and date your Will?
- Have you dated the Will?
- Have you signed each page of your Will in the presence of 2 witnesses?
- Have both witnesses signed each page of the Will in your presence?
- Have you stored your Will in a safe place and told your Executors where your Will is stored?