

DATED the day of in the year

1. Last will and testament

I, John Smith of 333 Collins Street, Melbourne VIC 3000 (**I, me** or the **Testator**) hereby:

- (a) revoke any and all prior wills and other testamentary acts previously made by me; and
- (b) declare this to be my last will and testament.

2. Interpretation

- 2.1 Where the order of deaths of any persons is uncertain, this will is to be interpreted as if the deaths have taken place in order from the oldest first to the youngest last.
- 2.2 Where any beneficial disposition of property is made to a person who does not survive me for a period of 30 days, the disposition is to be treated as if that person had died before me.
- 2.3 In this will, a gift on trust to a person who is less than 18 years old is contingent upon that person reaching that age and does not vest until the person reaches that age. Until then, the relevant assets are to be held by the executor on trust for, and applied for the benefit and maintenance of, that person.
- 2.4 Income produced by any gift after my death and before vesting accumulates to the gift.
- 2.5 In this will unless the context requires otherwise:
 - (a) words in the singular include the plural and vice versa; and
 - (b) references to monetary amounts are in Australian dollars.

3. Appointment of executor

- 3.1 I appoint as the executor and trustee of my will and estate Paul Smith of 333 Collins Street, Melbourne VIC 3000.
- 3.2 If Paul Smith is unwilling or unable to act, or to continue to act, as the executor and trustee of my will and estate, I appoint as the executor and trustee of my will and estate Josh Smith of 333 Collins Street, Melbourne VIC 3000.
- 3.3 A reference to my "**executors**" is a reference to my personal representatives and trustees for the time being, including the persons named in clauses 3.1 and 3.2 while acting.
- 3.4 Gifts to my executor are not dependent upon them acting as executor or trustee and my executor may apply to court for permission.

4. Digital assets

I direct my executor to deal with all my digital rights, accounts, assets and device content in accordance with the instructions (if any) set out in the last dated list or memorandum signed by me and stored with this will or amongst my private papers.

5. Payment of debts and expenses

I give to my executor my estate on trust to:

- (a) sell, call in or convert into money any part of my estate and pay any and all of my:
 - (i) funeral and testamentary expenses;
 - (ii) just and reasonable debts;
 - (iii) death, estate or succession duties and property transfer or other duties or taxes payable in respect of my death or the passing of property under this will; and

John Smith

First witness

Second witness