

**EXAMPLE OF A SIMPLE WILL INCORPORATING
THE CREATION OF TRUSTS FOR MINOR CHILDREN**

LAST WILL AND TESTAMENT OF _____

1. I, _____, hereby revoke all Wills and Codicil previously made by me and declare this to be my Last Will and Testament.

2. It is my wish that my mortal remains shall be cremated.

3. I bequeath the residue of my estate to my children.

Should a child predecease me, the benefit that would have devolved upon such child shall devolve upon such child's descendants by representation or failing descendants, upon my remaining children or their descendants by representation.

4. I appoint my brother _____ or, failing him my sister _____, to be the guardian of my minor children and I direct that the said guardian shall not be required to furnish security for acting in that capacity.

5. I direct that any of my furniture, household effects, personal effects and motor vehicles to which a minor may become entitled under my Will, may be handed to such minor's guardian at the discretion of my executor for the period of the beneficiary's minority. The receipt of the said guardian, who shall not be required to furnish security in this regard, shall be sufficient discharge to my executor.

6. I direct that should any beneficiary be under the age of 25 (twenty five) years, such beneficiaries inheritance shall be held in trust by my trustees who shall use as much of the income as they, in their discretion, may deem necessary for the maintenance, education, general welfare and benefit of the beneficiary. Any surplus income shall be capitalised. I further authorise my trustees to utilise the whole or part of the capital for the above purposes should they, in their discretion, decide that the income is insufficient.

When the beneficiary attains the age of 25 (twenty five) years the trust shall terminate and the capital, as it then exists, shall be paid to him or her.

AS WITNESSES:

1. _____

2. _____

Notwithstanding the above, I direct that my trustees shall have the power, in their absolute discretion, to accelerate or postpone termination of this trust, either in whole or in part, should circumstances warrant such an action.

7. I direct that my trustees shall; have full power, in their entire discretion to:
take over and retain any of my assets in the form of which they may be found at the time of my death,
carry on such business,
realise any assets by such methods and at times as they see fit,
invest and reinvest funds in securities and investments (including the purchase of immovable property) , notwithstanding that such investments may be of a type not ordinarily regarded as being trustee investments,
lend money, whether upon security or otherwise at interest or otherwise, to such persons and upon such terms as my trustees, in their sole discretion, deem to be in the best interests of the beneficiaries.

8. I direct that my heirs shall not be required to collate any donations made by me to them during my lifetime.

9. I direct that the inheritance devolving upon any beneficiary under my Will as well as the proceeds, the reinvestment of such proceeds and the income thereon shall be free from the legal effects, including any accrual system, of any present or future marriage of such beneficiary whether in or out of community of property.

10. I nominate _____XYZ TRUST_____ (herein referred to as _____) after and my brother, _____ to be the executors of my estate and trustees of any trust created herein with power of assumption, and I direct; that neither _____ nor my brother _____ nor any assumed executor/trustee shall be called upon to furnish security for acting as such in either capacity;
that my executors shall have authority to carry on any business in which I may have an interest and to let any property in my estate on such terms and conditions as may be acceptable to my beneficiaries;
that my executors and trustees shall have authority, at the request of my beneficiaries, to borrow money for any purpose connected with the liquidation or administration of my estate or any trust and, to that end, may encumber any of the assets of my estate or of any trust.

SIGNED AT _____ THIS _____ DAY OF _____,

in the presence of the undersigned witnesses, all being present at the same time and signing in the presence of each other.

AS WITNESSES:

1. _____

2. _____