



# Marriage and Your Will

By Ian Mellett, B Comm, LLB, H Dip Tax

Your wedding is approaching, your bridesmaids' and groom's outfits are finalised, the church and reception venue is booked and every item on that all important "checklist" has been ticked or scheduled as you plan the wedding of your dreams.



In preparing for your wedding, your focus is on the beginning of a new adventure with a special someone. The last thing you want to think about is death and Wills ... but you should! Marriage is a life-altering event that forces you to make all kinds of changes. As you prepare for your new life together, you should both sit down and be realistic about the future and the fact that none of us lives forever.

### The legalities

Your Will is an important legal document - a document that ensures that your assets are bequeathed to those persons or entities you wish to benefit from your estate. It is essential that everyone over the age of 18 years should have a Will.

A person must be at least 16 years of age to get married. If either party is 16 or 17 years old, then they must obtain parental or guardian consent to enter into a marriage. And any person who has been married or is currently married should have a Will.

If you die without a will (intestate), legislation determines who gets your assets. These may be divided differently to the way you would have wished, and the process may also take longer and be more expensive for the loved ones you leave behind.

As a general rule, it is good practice to review your Will on a regular basis. Life takes its course and circumstances change. A regular review will ensure your Will is up to date and written for your current situation.

### Getting Married and the impact on your current Will

The advent of a new marriage invalidates all Wills made before the date of marriage, such previous Wills being automatically revoked. Specific provision can however be made in a Will for the contemplation of marriage. This wording needs to be carefully documented to ensure that the Will remains valid once the marriage has taken place.

### Signing of your Will

It is paramount that your Will is executed correctly and that you ensure that all the necessary legalities are complied with. Your Will cannot be witnessed by an executor of the Will or anyone who will benefit under the Will. It is recommended that you seek professional advice in this regard. Your professional adviser can guide you through the process and ensure that you do not make any mistakes that could become costly in the long run or, worse yet, result in you having an invalid Will.

### What else should you consider?

A milestone such as a marriage should prompt you to review your Estate Planning. Too often we view estate planning only in terms of investments, property, finances and assets. Yes, it is all of these things. However, the focus of proper estate planning should also be the people who will benefit from your efforts and your legacy. This may be yourself in the long term, or your loved ones after your death. Failure to do this can have negative consequences for all concerned. ♥

Ian Mellett, BComm., LLB, H. Dip. Tax, is a Barrister and Solicitor at Quay Law in Auckland. Quay Law provides services in Wills and Estate administration, Estate Planning, Trusts and Asset Protection, Relationship Property, as well as Conveyancing, Commercial, Immigration and other areas of law.  
[www.quaylaw.co.nz](http://www.quaylaw.co.nz)

