

# WHAT TO DO IF....

## PREPARING FOR THE INEVITABLE

### CONTENTS

#### **Part 1: Putting your affairs in good order**

- 1.1. Last will and testament
- 1.2. Last personal wishes
- 1.3. Additional personal arrangements

#### **Part 2: Tasks for those surviving you**

- 2.1. Funeral
- 2.2. Cancellation of passport
- 2.3. United Nations Joint Staff Pension Fund
- 2.4. Inheriting the estate

#### **Part 3: Survivors' benefits**

- 3.1. Pension Fund
- 3.2. After Service Health Insurance
- 3.3. After Service Life Insurance

#### **Checklists**

- Personal data
- Documents
- Funeral instructions
- Bank accounts, credit cards and standing orders
- United Nations Joint Staff Pension Fund
- Other pension funds
- After Service Health and Life Insurance
- Other insurance policies
- Motor car and other vehicles
- Membership fees and subscriptions
- Items of sentimental value

## **Introduction**

This paper is designed to give you some idea of how best to prepare for the inevitable eventuality of death. We owe it to our grieving survivors to simplify the formalities and so help them deal with the mundane matters that attend the fatal issue.

This paper has been structured to help you provide your survivors with all the information they need in the event of your death. You are urged to take all measures before it is too late.

We are aware that preparing such things is very personal in nature. However, it is in the interests of all. We would encourage you to confide the details to your spouse or next-of-kin (or failing that a person who enjoys your full trust). You can thus rest assured that somebody knows about the matters of importance to you, the location of certain items and documents and the manner in which you would have them dealt with.

In all likelihood, you know best where some or all the relevant documents are. Help your survivors by leaving your affairs in good order so that essential documents and the like can be easily found at the time they are needed. The checklists are designed to help you gather all the information together.

The following information relates predominantly to the laws and practices in Austria regarding these matters.

ARICSA wishes to acknowledge with particular thanks the lengths to which Klaus Feldmann went in putting this paper together and the assistance lent by Janet Cross and Peter Lillie.

## PART 1: PUTTING YOUR AFFAIRS IN GOOD ORDER

### 1.1. Last will and testament

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Wills should be drawn up only when you feel you have sufficient time and peace of mind to tackle the task.

- **Sources of information**

Before starting you might wish to obtain some basic information on the preparation of wills. Such information can be obtained from:

*Rechtsanwaltskammer*  
1010 Vienna  
*Rotenturmstrasse 13*  
Tel.: 533 2718 0

For financial questions you can also consult:

*Bank Austria/Creditanstalt Servicestelle*  
*Vererben und Erben*  
1030 Vienna  
*Vordere Zollamtstrasse 13*  
Tel.: 711191-2030

A number of local commercial services offer templates for last wills and testaments. A fax-back service 0900 940194 5430 offers skeleton texts at a rate of € 1.08 per minute. The same service also offers information on donations at the same rate 0900 940194 5436. More general information can be obtained by ringing 01 319 2595.

Most Austrians normally do not make a will. Under Austrian law, provision is made for formula that apportions the estate to all living next of kin according to a strict formula. Even if you exclude your mother from your will, she will none the less get her share by virtue of the formula laid down under Austrian law. Austrian law takes precedence over the will in such matters.

- **Depositing your will**

You do not have to keep your will among your personal papers at home. For a small fee, you can deposit it with a local notary public, a lawyer or the district court. In all three instances, a record of your having deposited a will is kept with the Austrian Chamber of Notaries at the *Zentrale Testamentregister der österreichischen Notariatskammer, 1010 Vienna, Landesgerichtsstraße 20*, tel.: 402 4509. On request, you may obtain a deposit voucher (*Kennkarte*). This should be kept with your personal papers.

- **Proving a will**

Your last will and testament constitutes the basis for the legal process that swings into action after a person's death.

All matters relating to the estate and inheritance as well as the issuance of an official *Erbschein* (except in cases of intestacy) that authorises the release of personal property are handled by the notary public acting as *Erbschaftskommissar* (a form of trustee). She/he is appointed by the District Court on the basis of a list established for the district in which the deceased lived. Depending on the date of death and a fixed rotation system one of the local notaries public will be appointed to act as *Erbschaftskommissar*. The deceased's family will be requested to submit the last will and testament or provide details of where the will is registered/deposited. If the will was drafted by a non-Austrian, the notary will investigate the validity of the will in the country of citizenship: a procedure that can take several months. The notary will also contact the *Zentrale Testamentregister der österreichischen Notariatskammer* to establish whether the will has been deposited there. After a series of meetings, the estate will be assessed and the requisite paper (*Einantwortungsurkunde*) authorising the release of bank accounts will be issued by the District Court in its capacity as a probate court. The same court establishes the formal validity of the last will and testament.

Both the court and the notary public are paid fees for their services, the amount being set in proportion to the value of the estate. Whereas the notary's fees are based on the total value of the estate, Austrian taxes are based on the total value of the estate minus all monies registered in Austria, viz. bank accounts, savings books, stocks and shares that are already subject to capital-gains tax (Kest) at source.

The notary public has two functions: (a) establishing who inherits what; and (b) determining what is to be inherited and its value on the date of death.

To assist the notary public in fulfilling his functions, the survivors will have to provide:

- Names and addresses of all living next of kin, including parents,
- ex-spouses and natural children;
- Birth, marriage and divorce certificates;
- Notarised translation into German of last will and testament;
- Proof of citizenship [newly cancelled passport is sufficient];
- Ownership/lease papers for place of residence including contracts, *Grundbuchauszug* (certificate of title) and *Einheitswert* (assessed or rateable value);
- Car ownership papers;
- Names of banks, account numbers and addresses of all bank accounts, local and foreign. The notary will contact all banks listed to establish their worth and to ensure that they have been closed. The exchange rate(s) on the date is (are) taken as the basis of calculation:
- Value of all stocks and shares [a letter from your bank or financial advisor is sufficient].

- **Drafting a will**

Wills may be written by hand or typed. Since 1 January 2005 oral wills are legally not acceptable in Austria.

*a) Wills written by hand*

Wills can be handwritten and they may also be drafted in English. They must be signed and dated. It should also be noted that whereas wills written by hand are valid under Austrian law, they may not be in your country of citizenship. Wills written in English will have to be translated into German at the appropriate time. Bearing that in mind you might wish to attach a typed version to avoid any difficulties of deciphering your handwriting. You should also destroy any previous drafts of your will.

The following can be taken as a model for drafting purposes:

**Without coercion or outside influence, I, the undersigned:**

[First name, surname, occupation and address]

**being of sound mind, after careful deliberation and in full earnestness  
state my last will as follows:**

**I**

**I revoke all last wills made by me in full.**

**II**

**I appoint my**

[husband, wife, mother, father, daughter, son, first names, surnames,  
occupations]

**as the sole heir(s) to my fortune, wherever and whatever it may be**

**III**

[Here the various legacies can be stated]

**IV [optional]**

**I appoint.....as the executor of my last will**

[a lawyer or notary public can also be appointed]

**V**

**As a resident of Austria since XXX, I wish this will and testament to be  
executed in Austria**

**Signature and date**

## b) *Typed wills*

Wills can be typed and they may also be drafted in English. The above text can be used as a model, plus a final paragraph countersigned by you and three witnesses. The final paragraph reads:

### VI

**I have read this last will and confirm it to be my last will. It is signed with my own hand in the simultaneous and permanent presence of three co-signatories as witnesses**

The signature of each witness must be clearly identified with the words 'as witness' with details of the signatory, such as date of birth and address.

## 1.2. Last personal wishes

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Under ideal circumstances, matters unrelated to the inheritance issue, yet of particular concern to you should be kept strictly separate. These last personal wishes are distinct from and should not be confused with your last will which might only be released by the notary public at a later juncture.

You may wish to keep a record of your last wishes in an envelope clearly marked: *My last wishes please open immediately after my death*. You should also ensure that people know where these instructions are.

You spare your survivors a great deal of anguish and pain, if you indicate your funeral wishes and the arrangements you envisage for the disposal of your body, such as:

- Funeral arrangements;
- Name of cemetery;
- Location of grave;
- Burial or cremation;
- Text of obituary/death notice;
- Form of ceremony (religious, music, eulogies);
- Flowers or donations to charity;
- People to be notified.

In accordance with Austrian law, your body might have to undergo post mortem examination and organs might be removed, particularly after accidents, for transplantation purposes or the treatment of others. Prior consent for the removal of organs is not required under Austrian law. However, exceptions can be made on the basis of specific written instructions or on religious grounds.

Should you wish to donate your body to medical science, you and/or your family should make prior arrangements for the same. Under such

circumstances, a funeral does not take place. Your remains are ultimately disposed of by the Faculty of Medicine; they are interred in a communal grave. There will be no personal grave unless you have given prior instructions.

### **1.3. Additional personal arrangements**

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- **Documentation**

Among the documents that should be readily accessible are: Meldezettel, your passport, birth certificate and marriage certificate. You should also write down the name and addresses of the next-of-kin to be notified in the case of death, as well as the name of the last international organization for which you worked, including the contact person in the Division of Personnel of the same.

If not included among your personal papers, you should indicate the location of your last will and testament. You should also provide a list of bank references, safe deposit boxes and investments, as well as the details and locations of life, health and other insurance policies. You should also include details of any income tax liabilities and any outstanding debts/mortgages.

- **Taxes**

If you have income and assets other than your pension that are not taxed at source and are hence liable to tax, you should ensure that your most recent tax returns are filed. Details such as your tax number and the address of the Inland Revenue office dealing with your tax returns should be easily accessible to your survivors. If you are liable to tax payments outside Austria, it is even more essential that details of the fiscal transactions are on hand. The details of any tax consultant whose services you have used should also be recorded.

- **Bank accounts**

You can make things financially easier for your family by taking certain precautions that ensure a continued flow of funds. Failure to take the necessary steps could result in your next-of-kin finding all accounts frozen pending the establishment of succession (probate). As already indicated, the settlement of an estate can take several months. It is thus important that your survivors have access to enough independent funds to cover that period. We recommend that you consult your bank on the provisions that you can make. It is essential that standing orders be transferred to another name to avoid having the rent, telephone or utilities cut off.

For example, you might open a special joint account that is known as an 'either/or account' (*Oder-Konto*). Under the arrangements for such an account, a second person (spouse) is named as co-owner of the account, thus permitting the co-signatory to draw on the account after the death of the principal holder.

If for legal or other reasons, you can only open an account in your name known as a 'single account' (*Einzelkonto*), a second person should be

authorised to sign and dispose of the account. In this case, a clause has to be appended to the signature card to the effect that 'authorisation to sign is also valid after my death'. The card has to be countersigned by the account holder.

Savings books/pass books might be considered an effective means of transferring money to third parties.

Your financial assets are part of your estate and may thus be subject to special taxes and/or procedures.

You should thus provide your survivors with details of:

- a) Your current assets and any transfers, especially funds held in foreign accounts and their transfer to your heirs; and
- b) Details of any movables or real estate held in Austria and abroad.

Bilateral agreements regulate the issue of inheritance tax and death duties (Erbchaftssteuer) where assets outside Austria are concerned.

- **Insurance policies**

A funeral insurance policy can be taken out with the *Wiener Verein*. The company also makes all the funeral arrangements with one of its listed undertakers.

You can also prepare funeral arrangements in advance with the *Bestattung Wien*. Details can be obtained from the Wiener Stadtwerke, Goldegggasse 19, 1041 Vienna, tel.: 501 950

You should also list all the other insurance policies you hold. In the case of life insurance, you might check that the list of beneficiaries is up to date. Similarly you may wish to check whether any of the policies provide for the coverage of funeral expenses or other costs related to your death<sup>1</sup>.

- **Provisions for pets**

Thought should also be given to the provisions to be made for pets. Who should take care of the pet or where should it be accommodated? Other useful information would be the name of your vet and any special arrangements for the pet's care and treatment.

- **United Nations Joint Staff Pension Fund**

You must ensure that your survivors have ready access to:

- Pension number: R/.....

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<sup>1</sup> The UN Staff Mutual Insurance Society and the ILO/ITU Staff Health Insurance Fund will pay a certain sum towards the undertaker's costs.

- The account number:
- The name and address of the bank into which the pension benefit is being paid:

- **After-Service Health Insurance**

Unlike the UN Joint Staff Pension Fund which applies to all former international civil servants the world over, the various organizations in the common system have their own after-service health insurance schemes which offer continued coverage, subject to certain conditions, to staff and their dependants.

Here again, it is essential that your survivors have access to the basic data that your particular scheme requires such as the name of the company providing the coverage (Van Breda, UN Staff Mutual Insurance Society against Sickness and Accidents etc.), the form of coverage provided (full or supplementary) and the personnel number to be cited on all correspondence. You should also make sure they know how claims are submitted and are familiar with the reimbursement claim forms to be used.

This knowledge of the reimbursement procedures is essential since as one of their first tasks, the survivors will have to collect and submit all the late pensioner's medical bills (doctors' fees, medicines, hospitalization laboratory tests and in some cases funeral expenses) together with proof of payment and evidence of any costs that have been absorbed by other insurance bodies such as the GKK . It should also be remembered that there is a time limit for submission (usually 12 months from the date on the bill).

When submitting the bills, details should be given of the account to which reimbursement is to be made. Normally this is restricted to the deceased's account, his/her estate or that of the surviving spouse of the deceased.

For those retirees who are also participants in the Austrian Sickness Insurance Scheme (GKK), their survivors should be aware of the insurance number, the claims submission procedures and, if eligible, the method for claiming a subsidy from their spouse's previous organization.

- **After Service Life Insurance**

Most organizations provide free but reduced after-service life insurance, subject to certain conditions, to former staff members (not to spouses). The after-service benefits are payable on the death of the former staff member so covered. Retirees should ensure that the Social Security Section of their former organization has a valid list of beneficiaries with updated addresses. In some organisations, the additional coverage for accidental death or dismemberment, however, ceases.

## PART 2: TASKS FOR THOSE SURVIVING YOU

### 2.1. Funeral

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Decisions relating to funeral arrangements have to be taken very swiftly, hence the importance of ensuring that the survivors have access to all the relevant papers. Once the death certificate has been issued, ensure that an adequate number of copies are available to meet the needs of banks, insurance companies and pension schemes.

If the funeral takes place in Austria, the following expenditures might well accrue:

- Purchasing a grave;
- Purchasing a coffin;
- Hiring a hearse;
- Laying out the body;
- Coffin bearers;
- Church and cemetery facilities;
- Ceremony and cremation costs;
- Official speakers;
- Preparation of grave;
- Gravestone;
- Printing and postage of announcements and acknowledgements of condolences.

Most, but not all, of the above items will feature in the undertaker's invoice.

In the event of cremation, provision also has to be made for the interment of the urn containing the ashes. If the ashes are to be interred abroad or elsewhere, permission has to be obtained and provision made for shipping.

If the funeral is to take place abroad, provision has to be made for the shipping of the coffin to the site of the burial. Normally, coffins are transported by road to countries within Europe. For transportation overseas, shipment by air is required. Furthermore, specific health requirements have to be met (involving the purchase of a special sealed coffin) and airlines have special rates for such shipments. The costs are correspondingly high.

In 1999 the City of Vienna estimated the cost of a 'simple funeral' to be of the order of € 3,000. That figure has certainly become higher over the years and does neither include the final medical bills nor the coroner's fees. Keep all the receipts, including those relating to flowers, postage, payment of outstanding bills, credit card bills, catering, translation fees and the like. All these funeral-related expenditures can be deducted from the final value of the estate and in turn will reduce the fee to be paid to the notary.

### 2.2. Cancellation of passport

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In case the deceased is non-Austrian, the respective embassy should be informed. The embassy will cancel the passport and issue a death certificate based on the original certificate issued by the Austrian authorities. An adequate number of copies should be obtained (up to 10!)

### **2.3. United Nations Joint Staff Pension Fund**

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The survivors need to have ready access to:

- Pension number: R/.....
- The account number;
- The name and address of the bank into which the pension benefit is being paid.

These details must be sent as soon as possible with an original of the 'international' death certificate to the UNJSPF Secretariat in Geneva or New York.

The pension is paid for the whole month in which the pensioner dies. If due to delays in informing the UNJSPF Secretariat, the full pension is paid for subsequent months, the monies will have to be returned to the Fund.

### **2.4. Inheriting the estate**

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Whoever inherits the estate will have to decide whether to accept the inheritance conditionally (bedingt) or unconditionally (unbedingt). Unconditional acceptance entails the heir(s) providing under oath an estimate of the value of the estate (eidesstattliches Vermögensbekenntnis) themselves and accepting liability for any debts known and unknown, yet without providing an inventory of the assets and items inherited. Conditional acceptance entails the heir(s) having an appraiser take exact stock of the deceased's assets and value the same: a more troublesome and time-consuming approach, yet yielding a more accurate valuation. Thereafter the heir accepts liability for debts outstanding solely up to the value of the portion of the estate that he/she has inherited.

Only after probate has been granted (issuance of the *Einantwortungsurkunde*) can property be sold, names changed and monies in closed accounts accessed.

## **PART 3: SURVIVORS' BENEFITS**

### **3.1. Pension Fund**

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A survivor's benefit is payable to a spouse (provided the marriage took place before retirement<sup>2</sup>) or a child under the age of 21 (conceived before retirement, unmarried or disabled) or a secondary dependant. Even if the survivor were divorced from the deceased pensioner, subject to certain conditions, he/she may be entitled to a divorced surviving spouse's benefit. The Pension Fund Secretariat will provide the details.

The surviving beneficiary must inform the Pension Fund Secretariat of the name of the bank and the number of the account into which the benefits are to be paid and the currency in which you want the payment. A form is available for this purpose: PEN E/2 Payment Instructions.

A survivor's benefit is considered a new pension. The surviving spouse thus has to make the choice between the dollar track and the dual track pension adjustment system. If you are unclear on this matter, seek advice from the Division of Personnel of the respective organization before deciding.

### **3.2. After Service Health Insurance**

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On the death of a retired staff member, coverage may continue for surviving spouses and/or dependent children under both the full and subsidiary health insurance plans as well as under the GKK, subject to certain conditions. It is important that the relevant health insurance office be informed promptly that the surviving spouse and/or dependent children wish to remain covered. In all likelihood, there is a time limit for applying for continued coverage, so act swiftly.

Both institutions should receive original death certificates, and they should be informed of any change of address or bank account number for future payments. At the same time, the survivors should request the latest copy of the regulations of the health insurance scheme and make themselves familiar with the conditions.

If eligible, survivors will be able to claim the appropriate subsidy in respect of the GKK from their late spouse's former organization.

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<sup>2</sup> However, if the deceased spouse retired on or after 1 April 1999, even though marriage took place after retirement the survivor might be entitled to a survivor's benefit if the former spouse had made appropriate arrangements with the Pension Fund. The Fund will inform the survivor if this is the case.

### **3.3. After Service Life Insurance**

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In case of death, the beneficiary has to provide the Social Security Section with an original death certificate and an official document citing the cause of death, with a certified English translation if necessary. The after service benefits payable are usually a certain percentage of the face value of the coverage applicable on the date of separation calculated on a sliding scale over a certain number of years.

The Social Security Section of the respective organization will forward the documentation to the appropriate office and a cheque is normally mailed direct to the mailing address(es) of the beneficiary(ies).

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## CHECKLISTS

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You may not need all these checklists. In any event peruse them carefully and select accordingly. Those living alone should bear in mind whom they wish to have access to the information. This should be clearly indicated on the respective checklists with full details: name, address, telephone number, fax number and e-mail.

**Personal data**

Name  
Surname:  
First/given name:  
Nationality:  
Place and date of birth:  
Civil status:  
Address:  
Last international organisation:  
Next of kin, to be notified in case of death

**Documents**

Birth certificate  
Marriage certificate(s)  
Divorce certificate (if applicable)  
Passport  
Car papers  
Driving licence  
Last will and testament  
List of passwords/PIN codes relating to computer, savings accounts, credit cards  
Location of keys to residence and car

**Funeral instructions**

Location of your instructions (if any)  
Name of cemetery  
Burial or cremation  
If cremation, disposal of ashes  
Text of announcement/obituary  
Form of ceremony (religious, music, eulogies)  
Flowers or donations to charity  
People (family, friends, associations and societies) and newspapers (for announcements) to be notified of death  
A list of people to be invited to the funeral

**Bank accounts, credit cards and standing orders**

## **Local accounts**

### Joint accounts

Name of holders  
Name of bank and address of branch  
Account number  
Routing codes

### Other accounts

Name of holders  
Name of bank  
Account number  
Routing codes

### Savings accounts/pass books

Name of holders  
Name of bank  
Account number  
Routing codes

### Fixed-term deposit accounts

Name of holders  
Name of bank  
Account number  
Routing codes

## **Foreign accounts**

### Joint accounts

Name of holders  
Name of bank  
Account number  
Routing codes

### Other accounts

Name of holders  
Name of bank  
Account number  
Routing codes

### Savings accounts/pass books

Name of holders  
Name of bank  
Account number  
Routing codes

Fixed-term deposit accounts

Name of holders  
Name of bank  
Account number  
Routing codes

Securities/Stocks/Bonds

Locations  
Account Numbers

**Credit/debit cards**

Principal card

Name of credit/debit card company  
Number  
Validity  
Location of PIN number, if applicable

Other cards

Name of credit/debit card company  
Number  
Validity  
Location of PIN number, if applicable

Total number of registered credit/debit cards

**Safe Deposit Box**

Name of holders  
Name of Bank  
Number  
Location of key

**Personal debtors/creditors**

Names  
Addresses  
Money/objects owed/loaned  
Location of relevant documents

**Standing orders (will cease after accounts are blocked!)**

Rental  
Mortgage payments  
Insurance premia  
Utility bills  
Telephone bills  
Radio/TV licence  
Subscriptions to papers and magazines  
Membership fees  
Regular donations to charities  
Other regular payments

□ **United Nations Joint Staff Pension Fund**

Address of the UNJSPF in Geneva or New York  
Pension number:  
Account number  
Name and address of the bank into which the pension benefit is being paid  
Currency of payment  
Dollar or dual track

The Division of Personnel of the deceased's former organization can help with the formalities.

□ **Other pension funds** (if applicable)

Name of company/institution to which notification of death must be sent:  
Pension reference number  
Account number  
Name and address of the bank into which the pension benefit is being paid

□ **After Service Health and Life Insurance**

Name/address of company/society  
Reference number

The Division of Personnel of the deceased's former organization can help with the formalities.

□ **Other insurance policies**

*Funeral insurance policy*

Name of company  
Policy number  
Value of coverage

Household insurance

Name of company  
Policy number  
Value of coverage

Legal protection

Name of company  
Policy number  
Value of coverage

Accident insurance

Name of company  
Policy number  
Value of coverage

Life insurance

Name of company  
Policy number  
Value of coverage

Motor car insurance

Name of company  
Policy number  
Value of coverage  
Nature of coverage: comprehensive or third-party liability

Other insurance policies

Name of company  
Policy number  
Value of coverage

**Motor car and other vehicles**

Certificate of ownership  
Make of car/motorbike/bicycle  
Year of registration  
Number plate  
Colour  
Name of garage/tyre service  
Automobile Association membership number

**Membership fees and subscriptions**

Membership fees

Name and address of club(s) or association(s)  
Annual fee  
Subscriptions  
Newspapers  
Dailies  
Weeklies  
Journals and magazines  
Weeklies  
Monthlies  
Quarterlies  
Other subscriptions  
Book clubs, etc

□ **Items of sentimental value**

A list of items of sentimental value should also be drawn up indicating the recipients. You can exercise discretion whether you wish to include the listing in your last will and testament. It is also useful, for example, to place carefully concealed stickers on pictures and other items showing the name of the person to whom the items will ultimately go.

**From time to time, your property, documents, circumstances and other particulars may change. It is therefore important that you review your records regularly and bring them up to date!**