

WILL

BARRY BROWN

Ground Floor, 27 Peel Street
South Brisbane QLD 4101
Locked Bag 2013
South Brisbane QLD 4101
P: 07 3017 2400
E: willsinfo@hallpayne.com.au



This is the last Will and Testament of me

BARRY BROWN of 1 Queen Street, Brisbane, Queensland, Public Servant.

1. **I REVOKE** all former Wills and testamentary dispositions previously made by me **AND DECLARE THIS** to be my last Will.
2. **I APPOINT MARY BROWN** to be Executor and Trustee of this my Will (hereinafter called "my Trustee") **PROVIDED HOWEVER** should my Trustee die in my lifetime or refuse or be unable to act or die before the Trusts of this my Will have been carried out **THEN I APPOINT JAMES BROWN** to be Executor[s] and Trustee[s] of this my Will **AND I DECLARE** that the expression "my Trustee" used throughout this Will shall include (where the context permits) the Executor and Trustee for the time being whether original or substituted.
3. **IN ADDITION** to any powers given to my Trustee by law **I EMPOWER** my Trustee:
 - a. to convey distribute or divide any part or parts of my estate in specie including to appropriate any part or parts in or towards satisfaction of any interest of a beneficiary under this my Will.
 - b. to postpone the sale, calling in or conversion of my estate or any part of it for so long as my trustee thinks fit without liability to account, and to exercise all and every statutory and other power in regard to my estate as would be exercisable in respect thereof as it was given to my trustee upon trust for sale .
 - c. to pay or apply the rest and residue or any part or parts of the income and also if my Trustee shall think fit the rest and residue or any part or parts of the capital of the share whether vested contingent or expectant of any beneficiary under this my Will to or for his or her maintenance, education, advancement, benefit or establishment in life.
 - d. to retain any investment or security held by me at my death and to invest or reinvest any money in any investments or securities of whatever nature or kind.
 - e. to sell, lease or mortgage all or any part or my estate.
 - f. acquire or lease assets for the occupation, use or enjoyment by a beneficiary (whether alone or with some person or persons).
4. **IN THE EVENT** that **MARY BROWN** predeceases me **I APPOINT** my brother, **JAMES BROWN** to be the guardian of my minor children **AND I EXPRESS THE WISH** that my Trustee exercise their powers so as to ensure so far as seems reasonable having regard to the funds at their disposal and other relevant matters that any person caring for my children whether as guardian or otherwise does not suffer in the course of caring for those children, a financial burden or loss, and I trust that the carer will accept it as my wish that the powers be exercised in this way.
5. **I WISH** to be buried.
6. **I DIRECT** that to take a benefit under this Will a beneficiary must survive me for a period of 30 days and the word "survive" in this Will is to be read so as to have that meaning.
7. **I DIRECT** that any gift under this will to my children or grandchildren is contingent on the beneficiary attaining the age of twenty-one (21) years.
8. **I GIVE** the whole of my estate to my Trustee **UPON TRUST** to pay my just debts including funeral and testamentary expenses and subject thereto, the following clauses shall apply.

9. **I GIVE** the sum of **\$10,000.00** to **SARAH BROWN**.
10. **I GIVE** the sum of **\$5,000.00** to **QUEENSLAND CANCER COUNCIL** free of all duties for its general charitable purposes.
11. **I DECLARE** that the receipt of the proper officer of any charity shall be a sufficient discharge for my Trustee who shall not be required to see to the application of the funds.
12. **IN THE EVENT** that any gift to charity cannot take effect completely or at all my Trustee shall apply the gift to a charity or charities that in the opinion of my Trustee have charitable objects that most nearly fulfills the charitable objects that I intended to benefit.
13. **I GIVE** my motorcycle to **JAMES BROWN**.
14. **I GIVE** the rest and residue of my estate to my wife, **MARY BROWN**.
15. **SHOULD MARY BROWN** not survive me then:
 - a. **I GIVE** the rest and residue of my estate to such of my children including **JOHN BROWN** and **ANNE BROWN**, as shall survive me and if more than one in equal shares. **PROVIDED THAT** if any of my children die before attaining a vested interest under this clause leaving children who survive me, then those children will take their deceased parent's share and if more than one in equal shares
 - b. **IN THE EVENT** that no person attains a vested interest under the above subclause of this my Will **I GIVE** the rest and residue of my estate in equal shares to the following beneficiaries as shall survive me:
 - i. my brother, **JAMES BROWN**
 - ii. my sister, **SARAH BROWN**

SIGNED by the Testator in our presence and attested by us in the presence of the Testator and each

other on this day of 2013.

.....
BARRY BROWN

.....
Signature of Witness

.....
Full Name (capitals)

.....
Address

.....
Signature of Witness

.....
Full Name (capitals)

.....
Address