

# Estate Planning

*Nothing can be said to be certain,  
except death and taxes.*

*With our extensive experience  
in estate planning matters,  
we at Eden Law aim to take the  
uncertainty out of your equation.*

*We strongly encourage you to take  
concrete steps to protect your assets  
and legacy for the benefit of  
your family and loved ones.*

## 1 Will

You have worked hard over your lifetime to provide for your loved ones. How can you ensure that your loved ones will continue to be provided for after your death?

**In its most basic form, a Will is a written document that clearly states your intended distribution of your assets after your death.**

You can only execute a Will if you are at least 21 years old and of sound mind. The execution of your Will must be witnessed by 2 persons who are not your beneficiaries.

If you have not executed a Will, your assets will be distributed according to the Intestate Succession Act. Hence, if you have unique personal circumstances or personal connections with people who do not fall within the prevailing intestacy laws in Singapore, we strongly encourage you to execute a Will.

## Executor and Trustee

In order to ensure that your wishes are carried out after your death, you should appoint one or more persons whom you can trust to act as the Executor & Trustee of your Will. Your Executor & Trustee must be at least 21 years old, of sound mind and cannot be a bankrupt.



## Beneficiary

Your beneficiaries are the persons whom you wish to bequeath your assets to. They can be your family members, friends or even a charitable organisation.

Your Executor & Trustee will hold your assets on trust for any minor beneficiaries until they turn 21 years old, or such later age as provided in your Will.

## Guardian

You should appoint a guardian to financially provide and care for your minor children after your death.

## Assets

In your Will, you can only distribute assets that are solely owned. These may include your real estate, monies in your solely-owned bank account and other valuable possessions such as jewellery.

Please note that distribution of your HDB flat will be subject to the prevailing HDB regulations at the time of your death.

Assets that cannot be distributed in your Will include properties owned in joint tenancy, CPF Account monies and insurance policies with nominations made.

You can decide to divide all of your assets among your beneficiaries according to specific percentages, or bequeath a specific asset to a specific beneficiary. You may even instruct your Executor & Trustee to distribute your assets to your beneficiaries through periodic payments.



## Consultation

We would love to help you explore your estate planning options.

Before your consultation with our lawyers, these are the documents that you should prepare for your **Will** or **LPA**:

- Name, NRIC No. and address of your executor(s)
- Your NRIC/ID
- Your original will if you have previously executed a will
- A list of assets, whether jointly or solely owned and how you intend to distribute them
- Names, NRIC Nos. and relationships to your beneficiaries

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## Lasting Power Of Attorney (LPA)

Life is never predictable. You may find yourself temporarily comatose after a traffic accident, or you may gradually slip into dementia in your old age. In both situations, you may be mentally incapacitated to the point that you require others to make decisions for you on your personal welfare and financial affairs.



To protect yourself and your loved ones in the event of misfortune, you should execute an LPA in advance.

**An LPA is a legal document that allows you to appoint a person whom you trust (i.e. your Donor) to make decisions in relation to your personal welfare and financial affairs, in your best interests.**

Such decisions can include accommodation, medical treatment and payment for your medical expenses and your family's expenses while you are mentally incapacitated.

Your Donor must be at least 21 years old, of sound mind and cannot be a bankrupt. Your LPA must be certified by a certificate issuer and registered with the Office of Public Guardian before it can take effect.

## Deputy Application

If you become mentally incapacitated without executing an LPA beforehand, your family members will need to apply to Court to be appointed a Deputy to manage your personal welfare and financial affairs.

The Deputy application is more expensive than an LPA. It will involve formal medical assessments of your mental capacity at a hospital, and can take up to 6 months to complete.



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## Advanced Medical Directive (AMD)

The AMD is a legal document to inform your doctor not to use any life-sustaining treatment to prolong your life when you become terminally ill and unconscious and where death is imminent.



Your AMD must be executed before your doctor and another witness, and must be registered with the Registrar of AMDs before it can take effect.

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## Probate & Letters of Administration

If you have executed a Will, your Executor will need to present your Will to the Court in order to obtain a Grant of Probate that will enable him to distribute your assets after your death.

If you have not executed a Will before death, your next-of-kin will need to apply to Court for a Grant of Letters of Administration (LA) instead.

On average, both the Probate and LA processes will take about 3 months to complete. A longer duration may be required if your assets are complex or if there are minor beneficiaries to your estate.

## Consultation

Before your consultation with our lawyers, these are the documents that you should prepare for your **Probate** or **LA** application:

- Your NRIC
- Death Certificate of Deceased
- Original Will of Deceased
- NRICs/Death Certificates of beneficiaries
- A list of the Deceased's assets to be distributed to all beneficiaries