Information Checklist

Last Will & Testament for Estates in India

This Information Checklist is designed to assist legal professionals in drafting a Last Will & Testament for estates in India. It streamlines the process of gathering essential information from clients and provides guidance on matters that may require consideration. The checklist is divided into two parts: the first collects the necessary details to complete the Will, and the second helps obtain client instructions on clauses that may require consideration, ensuring the document reflects the client's wishes accurately. This checklist serves as a practical companion to the Last Will & Testament for Estates in India template, ensuring a well-drafted and enforceable document.

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| **Number** | **Information Required** | **Answer** |
| **Part 1: Information Required to Complete the Document** |
|  | **Testator’s Information** |  |
|  | Full Name |  |
|  | Age |  |
|  | Religion |  |
|  | Residential Address |  |
|  | Permanent Account Number (PAN) |  |
|  | Unique Identification Authority of India Number (UIDAI) |  |
|  | **Health and Free Will Declaration** |  |
|  | Confirmation of sound health and mind, and that the Will is made independently. |  |
|  | **Domicile** |  |
|  | Country/Jurisdiction of domicile. |  |
|  | **Immediate Family** |  |
|  | Names and relationships of immediate family members. |  |
|  | **Executor’s Appointment** |  |
|  | Full name, address, email, and contact number of the Executor. |  |
|  | Confirmation that the Executor has been informed and accepted the appointment. |  |
|  | **Debts and Liabilities** |  |
|  | Details of medical and funeral expenses. |  |
|  | Information on loans (personal, car, property) including lender names, amounts, interest rates, and due dates. |  |
|  | Outstanding taxes and credit card details. |  |
|  | **Assets** |  |
|  | Real estate descriptions (property names, locations, and values). |  |
|  | Business interests (company names, addresses, and associated assets). |  |
|  | Bank accounts, including savings, joint, public provident fund, and fixed deposits. |  |
|  | Investment details (shares, mutual funds, bonds, etc.). |  |
|  | Insurance policies (life, ULIP, etc.). |  |
|  | Personal property (vehicles, collections, jewellery, etc.). |  |
|  | **Bequests** |  |
|  | Specific instructions for distribution of each asset type (monetary, real estate, business, investments, personal property). |  |
|  | **Residuary Estate** |  |
|  | Beneficiary names for the residuary estate. |  |
|  | **Secondary Beneficiaries** |  |
|  | Alternate beneficiaries in the event the primary beneficiaries predecease the testator. |  |
|  | **Witnesses’ Information** |  |
|  | Full name, address, email, and contact number of both witnesses. |  |
| **Part 2: Client Instructions** |
|  | **Executor’s Role and Acceptance** |  |
|  | **Question:** Has the Executor agreed to act as such and are they aware of their responsibilities?**Explanation:** Clarifying whether the Executor will agree to administer the estate is prudent. In the event that they do not agree or unforeseen exigencies arise, it may be prudent to provide for a substitute Executor. |  |
|  | **Debts and Liabilities Payment Priority** |  |
|  | **Question:** Should any debts be prioritized for payment, such as medical expenses or certain loans?**Explanation:** Understanding if the testator wants specific debts settled first can influence how the estate is administered. |  |
|  | **Specific Bequests** |  |
|  | **Question:** Are there any assets for which the client wishes to impose conditions on the bequest (e.g., age of beneficiary or special circumstances)?**Explanation:** Certain assets might require conditions, such as holding assets in trust until beneficiaries reach a certain age. |  |
|  | **Disposal of Residual Estate** |  |
|  | **Question:** Should the residual estate be divided equally among multiple beneficiaries, or should proportions be specified?**Explanation:** Deciding on an equal or unequal division of the residual estate can affect relationships among beneficiaries and should be clarified. |  |
|  | **Contingency Plans for Secondary Beneficiaries** |  |
|  | **Question:** Are there any special instructions if both primary and secondary beneficiaries predecease the testator?**Explanation:** This ensures there is a clear plan if neither the primary nor secondary beneficiaries can inherit. |  |

**Disclaimer**

This checklist is intended as an indicative guide for the information necessary to complete the associated template document and facilitate discussions between a legal professional and their client. TLL does not guarantee the accuracy, completeness, or interpretation of this checklist. Users are strongly encouraged to review the template document for which the information is being collected before relying on this checklist in legal practice.

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