

## FORM 28.01

### Gift to named charity

*[May be used for legacy, devise, gift of whole estate or residuary gift to one charity.]*

*[If a legacy of money is being given to a charity, corporation or association in corresponding wills of spouses or partners, the will drafter must beware of the double gift — that is, the gift must not inadvertently come out of **both** wills if the spouses or partners die within 30 days of each other. [xx].]*

*[number paragraph, eg (a) or (b)]*

*[(Insert) subject to the preceding trusts: (if:*

- prior gifts of the whole estate have been given; or*
- prior gifts of the residue have been given.)]*

- (i) to give *[(describe asset or amount) (or) my whole estate (or) it (or) the residue of my estate]:*
  - (A) to *[precise name and address of charity];*
  - (B) if the gift in (A) cannot take effect completely or at all, to the extent that it cannot take effect: to the charitable organisation or organisations in Australia which my executors in their discretion consider most nearly fulfils or fulfil the objects I intend to benefit in the share or shares my executors think fit;
- (ii) the receipt of the treasurer, secretary or public officer for the time being of a beneficiary under this provision is a sufficient discharge to my executors in respect of a gift to that beneficiary[; (or) .]

## FORM 28.02B

### Gift to named charity or charities in executors' discretion

*[May be used for legacy, devise, gift of whole estate or residuary gift to one or more charities.]*

*[May be used as general charitable gift: [xx].]*

*[If a legacy of money is being given to a charity, corporation or association in corresponding wills of spouses or partners, the will drafter must beware of the double gift — that is, the gift must not inadvertently come out of **both** wills if the spouses or partners die within 30 days of each other. [xx].]*

*[number paragraph, eg (a) or (b)]*

*[(Insert) subject to the preceding trusts: (if:*

- prior gifts of the whole estate have been given, or*
- prior gifts of the residue have been given.)]*

- (i) to give *[(amount, or property, or) my whole estate (or) it (or) the residue of my estate]* to the charitable organisation or organisations in Australia which my executors in their discretion consider most nearly fulfils or fulfil the objects I intend to benefit in the share or shares my executors think fit;  
*[(Alternative subparagraph (ii), to be used if only one charity is to be benefited)]*
- (ii) without binding my executors, I express the wish that as far as seems to them feasible my executors give the *[(amount, or property, or) my whole estate (or) it (or) the residue of my estate]* to *[the following charity:*  
*[precise name and address of charity];]*
- [(Alternative subparagraph (ii), to be used if more than one charity is to be benefited)]*
- (ii) without binding my executors, I express the wish that as far as seems to them feasible my executors give the *[(amount, or property, or) my whole estate (or) it (or) the residue of my estate]* to one or more of the following charities in equal shares or in such proportions as my executors in their discretion think fit:
  - (A) *[precise name and address of charity];*
  - (B) *[precise name and address of charity];*
  - (C) *[precise name and address of charity];*
  - [etc]*
- (iii) the receipt of the treasurer, secretary or public officer for the time being of a beneficiary under this provision is a sufficient discharge to my executors in respect of a gift to that beneficiary[; (or) .]