

## Ownership of assets – information guide

ASSET TYPE	EXAMPLE	CONSEQUENCE OF DEATH
Personally held assets	Asset held personally by you	Dealt with by your will
Tenants in common	Asset owned by two or more people as tenants in common means each person owns a fraction or percentage of the whole asset – commonly in equal shares	Your share is dealt with by your will
Joint tenants	An asset may be owned jointly by two or more people – e.g. a husband and wife may own their home jointly	On death of the first person, their share passes automatically to the surviving joint owner/s
Discretionary trust	A trustee (person or company) holds assets on trust for the benefit of others – e.g. shares or investment property. The trustee is able to distribute the income and capital of the trust at its discretion	Not dealt with by your will. Such assets remain in the trust on the death of the trustee. Must consider who will control the trust on your death
Superannuation	An asset may be held by the superannuation trustee on your behalf as the member of the superannuation fund	The superannuation trustee has discretion to pay your superannuation death benefits to your “dependant” or your “estate”. Superannuation will only be dealt with by your will if it is paid to your estate. A binding nomination can bind the trustee to pay your benefits in a certain way provided the nomination is valid.
Companies	Shares can be held in private and public companies	The assets held by the company remain in the company. Shares held personally are dealt with by your will. For shares held otherwise refer to relevant sections of this table.
Partnership	Businesses may operate as a partnership with assets being held by the partners (e.g.: stock, farming plant and equipment etc.). The partners may be individuals, companies or discretionary trusts	If there is no partnership agreement, the partnership must be dissolved on the death of an individual partner and the assets divided among the surviving partners and the deceased partner’s estate. Partnership agreements remove uncertainty by providing a plan for when partners die.
Life Insurance	Insurance taken on your life	Proceeds payable on your death will be paid by the insurance company in accordance with the ownership of the policy or to the nominated beneficiary.