

Supreme Court of South Australia
Testamentary Causes Jurisdiction

The estate of: PHILLIP JOHN PORTER deceased
Late of: 52 Simsons Landing Road Nelson 3292
Place of death: Nelson 3292
Date of death: 5 April 2018

Date of grant: 12 September 2018

Grant of: PROBATE OF THE WILL (COPY ANNEXED)

Is granted to: KAREN MICHELLE PORTER of 52 Simsons Landing Road
Nelson 3292 the executor as described in the will



CERTIFIED A TRUE PHOTOCOPY
OF THE ORIGINAL DOCUMENT

6 pages

DATED 19, 12, 2018

SIGNED

WILLIAM SOWDEN DeGARIS
SOLICITOR

A Commissioner for taking Affidavits
19 Penola Road, Mount Gambier SA 5290
Telephone: (08) 8723 1144


Deputy Registrar of Probates

WARNING – SEE NOTICE OVER

NOTICE AS TO DISCLOSURE OF ASSETS

The assets and liabilities in this estate must be disclosed to the Supreme Court of South Australia under the South Australian Administration and Probate Act 1919 and the Probate Rules of this Court.

Any person who deals with an asset of this estate must be satisfied by examination of a certificate issued by the Registrar of Probates or on some other reliable evidence that such asset has in fact been so disclosed.

Failure to disclose an asset or to deal with an asset not so disclosed to this Court or both renders the offender guilty of a summary offence under the above Act and liable to a penalty up to \$2,000 for each offence

This Court makes no representation express or implied as to the descriptions and values contained in or the arithmetical accuracy of the statement of assets and liabilities issuing with this grant.

THIS IS THE LAST WILL AND TESTAMENT

of

PHILLIP JOHN PORTER

of

Simsons Landing Road, Nelson in the State of Victoria

1. **I REVOKE** entirely all Wills and Codicils which I have previously made and declare this to be my Last Will and Testament.
2. **I APPOINT** my wife **KAREN MICHELLE PORTER** as my sole Executor and Trustee **PROVIDED HOWEVER** if the said **KAREN MICHELLE PORTER** predeceases me or is unwilling or unable to act **THEN I APPOINT** my son **NICHOLAS JOHN PORTER** and my daughter **KATRINA MICHELLE PORTER** to be the Executors and Trustees of this my Will.
3. **PAYMENT OF DEBTS AND EXPENSES**
My Trustees must hold all of my Estate that is not otherwise disposed of by this Will on trust to pay my debts, funeral and testamentary expenses including, without limitation, all succession, estate or other death duties and all income taxes and taxes on capital gains levied or assessed in consequence of any disposition of property under this Will.
4. **GUARDIANSHIP**
If **KAREN MICHELLE PORTER** predeceases me **THEN I APPOINT** my daughter **KATRINA MICHELLE PORTER** to be the guardian of my infant child **MATTHEW JOHN PORTER**.
5. **CARER OR GUARDIAN NOT TO SUFFER FINANCIAL HARDSHIP**
 - 5.1. Whether or not in doing so they exhaust my Estate, my executors may make loans:
 - a) whether secured or unsecured;
 - b) on interest or interest free;
 - c) on whatever terms my executors (without being liable for loss) think fit;to any person caring for any of my children (whether as guardian or otherwise) (even though that person is also my executor) from the presumptive share of the trust fund of that child or those children.


Signed



Dated

10/11/18

Witness



Witness





5.2. I wish my executors to exercise their powers so as to ensure (so far as seems to them reasonable having regard to the funds at their disposal and other relevant matters) that any person caring for any of my children (whether as guardian or otherwise) does not suffer in the course of caring for those children a financial burden or loss (whether or not it is incurred strictly within his or her duties as carer or guardian), and I trust that the carer will accept it as my wish that the powers be exercised in this way.

6. **GIFTS OF RESIDUE OF ESTATE**

- 6.1. *I Give* the whole of the rest and residue of my Estate of whatsoever nature and wheresoever situate unto my wife **KAREN MICHELLE PORTER** absolutely **PROVIDED** the said **KAREN MICHELLE PORTER** shall survive me for a period of 30 days;
- 6.2. If **KAREN MICHELLE PORTER** should not survive me for a period of 30 days then the whole of the rest and residue of my estate both real and personal to my Trustees upon Trust to be divided into equal parts and dealt with as follows:
- 6.2.1. 50% for such of my children **KATRINA MICHELLE PORTER** and **MATTHEW JOHN PORTER** who should survive me and attain the age of 25 years equally as tenants in common absolutely; and
- 6.2.2. 50% for such of my children **EMMA LOUISE PORTER, NICHOLAS JOHN PORTER** and **AMY KATE PORTER** who should survive me and attain the age of 25 years equally as tenants in common absolutely.
- 6.3. If a child of mine has already died or dies before attaining a vested interest leaving a child or children who survive me and who attain or have attained the age of 25 years, **THEN I DIRECT** my Trustees to divide equally among those children who have attained or after my death attain the age of 25 years the share which their parent would have taken if that parent had survived me and attained a vested interest.

7. **POWERS OF TRUSTEES**

My Trustees may in their discretion:

- 7.1. *exercise any powers* given to them by law (including powers of investment);
- 7.2. *exercise the power of a Trustee for Sale* of any of the assets of my Estate except as I have directed them otherwise either expressly or by necessary implication, and, in exercising that power, my Trustees may sell by public auction or private sale, for cash or on credit; and may in their discretion:
- *postpone sale* without being liable for loss caused by so doing; or
 - *retain any part of my Estate* in its form of investment at my death even though it is wasting, hazardous or reversionary without being liable for loss caused by doing so.
- 7.3. *act as trustees* in any manner and in any way in which I could have acted personally in relation to managing my assets or dealing with any part of my Estate had I been alive and legally competent.

8. **INTERPRETATION**

Where one or more persons have died or a person has died and one or more deaths are presumed, or two or more deaths are presumed and the order of deaths (whether proved or presumed) is uncertain, this Will is to

Signed _____

Dated _____

10/1/18

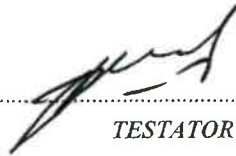
Witness _____

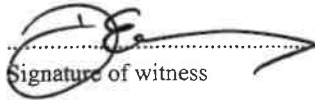
Witness _____



be construed as if the deaths, whether proved or presumed, had taken place in the following manner that is to say first, the oldest then after a period of one day the second oldest and so on to the youngest.

SIGNED BY THE TESTATOR, PHILLIP JOHN PORTER in our joint presence, and by us in the Testator's presence this 10th day of January 2018.


.....
TESTATOR

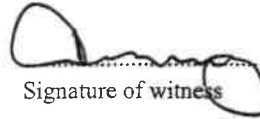

.....
Signature of witness

.....
Full name of witness

Address

DONNA ELYSE EDWARDS
A Commissioner for taking Affidavits in the
Supreme Court of South Australia
19 Penola Road, Mount Gambier SA 5290
Telephone: (08) 8723 1144

.....
Occupation


.....
Signature of witness

.....
Full name of witness

Address

HELEN MARGARET CUTTING
Law Clerk
19 Penola Road, Mount Gambier SA 5290
Telephone: (08) 8723 1144

.....
Occupation



IN THE SUPREME COURT OF VICTORIA IN ITS PROBATE JURISDICTION
IN THE MATTER OF THE WILL OF PHILIP JOHN PORTER DECEASED

GIVEN UNDER SEAL OF THE SUPREME
COURT OF VICTORIA on

30 November 2018

AND I CERTIFY THAT THIS GRANT OF
PROBATE HAS BEEN SO SEALED UPON
BEING PRODUCED BY KAREN MICHELLE
PORTER THE EXECUTOR NAMED THEREIN

BY THE COURT


ASSISTANT REGISTRAR OF PROBATES



ISSUED TO:
HOLDING REDLICH
LEVEL 8, 538 BOURKE STREET
MELBOURNE VIC 3000
DX 442, MELBOURNE
SOLICITOR 00E 432
REF. LF MF 18070334