

## **Information required to plan your Will**

1. Your full name.
2. Executor - usually your spouse.
3. Alternate Executor(s)- usually family member(s) or friend(s). We need full name(s) and relationship to you (ie: brother, aunt, friend) and place of residence (ie: city and province). If the appointment of a family member or friend is not appropriate in your circumstances, you may wish to appoint a corporate executor. We would be pleased to discuss this option with you.
4. Specific items (if any) that you wish to leave to specific persons. We need a brief description of each item and to whom it is to be given.
5. Specific money gifts (if any) to be made to person(s) and / or charities, churches, etc. We need the amount of the gift and the name of the person / charity / church to whom or to which the gift is to be given (For a charity or church, we need the correct name of institution and if the gift is to be used for specific purpose state that purpose).

**NOTE 1:** At what point is a specific item to be given or money gift to be made? Upon your death (even if your spouse survives)? Only if your spouse predeceases or should die in a common accident? Only if there are no children or grandchildren surviving?

6. Distribution of balance of estate - children.
  - entire estate usually goes to spouse
  - should spouse die - estate divided equally among children
  - inheritance can be given in lump sum at specific age as each child attains that age
  - inheritance can be given in lump sum at specific age when youngest child attains that age
  - inheritance can be given in portions at specific ages as each child attains that Age

**NOTE 2:** Estate held in trust for children with power to use income and to encroach on income for maintenance of children.

**NOTE 3:** Usually gifts to a child is given "per stirpes" meaning that should the child die his or her children (if any) will divide gift. Gifts can be given "per capita" meaning should the child die his or her share would go to surviving siblings.

7. Distribution of balance of estate - if no children or grandchildren survive to inherit. Estate or portion thereof can be gifted to a charity. We need the full name of the charity and, if you wish, your instructions as to the use to which such charity is to put such gift. If you have no particular instructions, the charity will be instructed to use the gift for whatever purpose(s) its governing board should decide. Estate can be divided among friends or family. We need the full name of each person you wish to designate and the relationship of such person to you.

8. If you have a young family you may wish to consider your wishes regarding distribution of your estate in the event the family is in an accident and no children or grandchildren survive - usually to parents of each spouse, siblings of each spouse, a charity or church, etc.
9. Guardian(s) for children under age of majority.

The above is a general guideline and there are many variations and combinations that are possible. You may not wish to incorporate items 4 and/or 5 into your Will and if you have no infant children item 8 will not be required.

## **RE: CONTINUING POWER OF ATTORNEY - FOR PROPERTY AND PERSONAL CARE**

***A Continuing Power of Attorney - For Property*** is a document whereby you appoint an individual(s) who can take over the care and management of your assets and financial affairs.

If a person becomes ill or incapacitated and **does not** have a Power of Attorney, the Public Guardian and Trustee (a Government Official) automatically becomes your statutory guardian of property until replaced. Under present law, an application must be made to the Public Guardian and Trustee by your spouse, or other suitable applicant, for a certificate of replacement appointing him or her as statutory guardian of your affairs instead of the Public Guardian and Trustee. If the Public Guardian and Trustee refuses to issue the certificate of replacement to your applicant, an application must be made to court to have the matter decided. The court may, as a condition of its approval, require your applicant to file a management plan and/or post security.

Accordingly, since a Power of Attorney is made in anticipation of possible need, it usually becomes effective at the time of execution and is usually unlimited or unrestricted in its scope, subject to your personal wishes.

A Power of Attorney document allows you to appoint both a primary attorney (usually your spouse), and to appoint a substitute attorney, who only begins to act if your primary attorney cannot or will not act or continue to act as your attorney.

A Power of Attorney ceases upon your death or in the event you should revoke (cancel) same.

Should you decide to execute a Continuing Power of Attorney - For Property, the following information is required:

1. Your full name and residence address;
2. Full name, residence address and relationship to you of your Primary Attorney and (if other than your spouse); and
3. Full name, residence address and relationship to you of your Substitute Attorney.

**A Power of Attorney For Personal Care** is a document whereby you appoint an individual(s) who can make decisions concerning your health care, where you reside, what you can eat or even your safety.

This document also allows you to decide whether you wish specific restrictions or conditions placed on your medical treatment, such as:

**In the event that there is no hope of meaningful life:**

- whether you wish to be placed on an artificial life support system;
- what types of conditions that you may deem intolerable, which prevent you from living a meaningful life;
- whether you wish any medication to ease any discomfort or pain; etc.

It is important to note that unlike a continuing power of attorney for property, there is no provision in law for a statutory guardian of a person. That is, the only way that anyone has the authority to make personal care decisions on behalf of another person is by way of a personal care Power of Attorney document signed by yourself or a court appointment of a guardian of the person.

Should you decide to execute Powers of Attorney For Personal Care, the following information is required:

1. Your full name and residence address.
2. Full name, residence address and relationship to you of your Primary Attorney and (if other than your spouse).
3. Full name, residence address and relationship to you of your Substitute Attorney