

# *Your Will Writing And Estate Planning Workbook*

*You can give your legacy society whatever name you want.*

*This document can be used when a donor notifies you they are intending to leave a legacy. This can help them think through what they want to include and how to prepare for their visit with their legal counsel.*

*This is inspired by a document created in Canada. Everything is customizable so feel free to edit as you deem fit. While the terminology used is similar around the globe, there may be some differences. To be compliant, make sure to use terminology applicable to your market and that you have it reviewed by a legal professional.*

*You can also have it designed to make it visually appealing. However do follow these rules:*

- 1) Use font size that is, at a minimum 14 pts or larger*
- 2) Use 1.5 line spacing*
- 3) Never, EVER use white print against a colour background - no matter how nice it looks!*
- 4) Use a lot of white space*

*You can also make it downloadable and/or editable (where the persona can type answers directly in the PDF) on your legacy page.*

For: \_\_\_\_\_  
Name

Date Completed: \_\_\_\_\_

Date(s) Reviewed: \_\_\_\_\_

SAMPLE

## **Index**

**Why You Need To Plan Your Estate**

**Helping [*insert org's cause*] Through Your Will**

**What's In A Will?**

**Mental Competence**

**Selection Of An Executor/Liquidator/Trustee**

**Selection Of A Guardian**

**Personal Wishes**

**Pecuniary or Residual Gift**

**Amending Your Will**

**Other Obligations**

**Amending Your Will**

**If You Die Without A Will**

**Review Your Will Regularly**

**Some Points To Remember About Making Your Will**

**Personal Information**

**Spousal Information**

**Information About Your Assets**

**Liabilities**

**Summary**

**Existing Will, Trust(s) and Records**

**Professional Advisors**

**Estate Executor(s)**

**Proposed Guardian of Children Under 18 Years of Age**

**Division of Estate Among Beneficiaries**

**Powers of Attorney**

**Why Make a Power of Attorney for Management of Property?**

**Why Make a Power of Attorney for Personal Care?**

**Power of Attorney for Property**

**Globetrotting Fundraiser**

**Power of Attorney for Personal Care**  
**Funeral & Burial Instructions**  
**Glossary**

SAMPLE

**Globetrotting Fundraiser**

## Why You Need To Plan Your Estate

One of the most important documents you will sign in your lifetime is your will. Yet often people put off the preparation of a will until it is too late. Strange legal language and uncertain costs can make this easy to postpone.

That is why *[name of org]* is pleased to provide you with this *Will Writing and Estate Planning Workbook*. It will help you bring together an inventory of all your assets, and it will help resolve some of the anxiety or questions you might have about estate planning.

A will gives you the last word on what happens to your estate upon your death. You ensure the care of minor children or dependents. You help protect the value of your estate from unnecessary taxes or legal costs. You help minimize conflict among loved ones by telling them your wishes. And you can provide gifts to your loved ones and causes you believe in.

Whether you are revising your will or preparing it for the first time, completing this booklet before visiting your legal counsel will save you time and money. It will also help ensure that your personal wishes are respected. Keep a copy of it with your will. It will save your Trustee/Executor from carrying out costly searches for important details about your estate. More importantly, it gives you and your loved ones peace of mind.

## Helping *[insert org's cause]* Through Your Will

*[insert pledger testimonial]*

Your will enables you to provide for your family and loved ones. It is also an opportunity to help *[insert org's mission]*. We hope you will consider

**Globetrotting Fundraiser**

including *[name of org]* in your estate plans. Our staff and advisors can help you make a gift that is appropriate and tax-effective gifts in wills, or life insurance. Please call *[telephone number]* or email *[address]* if you have any questions, or if you want assistance in completing this guide.

## What's In A Will?

Your will is the cornerstone of your estate plan. It should be made early and revised regularly. A properly prepared will can save you and your family time, money, and grief.

### Mental Competence

To make a valid will, you must be considered of sufficiently "sound mind" to appreciate:

- I. The act of making a will;
- II. The extent of your property;
- III. The identity of family or friends who should be considered as potential beneficiaries.

Mental competence may be impaired due to illness or advanced age, strong medication, or other factors. If competence is in question, a will should only be made by experienced lawyers who will assess their client's mental capacity, and properly document their reasons for proceeding.

### Selection Of An Executor/Liquidator/Trustee

Your Executor is the person with whom you entrust your assets at the time of your death. They maintain and keep secure the estate's assets for distribution. You should confirm that the person you select is willing to act as your Executor. In case they predecease you, you may appoint an alternate in your will.

**Globetrotting Fundraiser**

You may also appoint more than one Executor to your will, allowing you to choose family members and/or professionals, to ensure familiarity with your assets as well as financial or legal expertise. If an Executor is not appointed in your will, the court will appoint someone to administer your estate (usually the spouse or the closest next of kin).

## **Selection Of A Guardian**

If you have children, one of the most important provisions in your will is the appointment of guardians for any children still under the age of majority at the time of your death. This ensures that the best interests of your children are safeguarded after your death. The initial appointment of a guardian is temporary and expires 90 days after the date of your death. Before temporary guardianship expires, the person you selected should apply for a Court Order of Guardianship.

## **Personal Wishes**

A will may contain your instructions for funeral arrangements or organ donations, although this is not always the best place for it. You can deal with these matters in a letter to the Executor that is kept with the will. Such instructions are merely an expression of your wishes. They are not legally binding on the Executor.

## **Pecuniary or Residual Gift**

You have many options when deciding how to dispose of your estate. You may provide a beneficiary with a specific (pecuniary) gift of real estate, a gift of personal property, such as a family heirloom or personal library, or a gift of money.

Those assets not distributed by way of a specific bequest represent the residue of your estate. Pecuniary and residual (in whole or in part) bequests may be transferred to any beneficiary, be it a family member, a friend, or charity.

Consider leaving a legacy in the form of a percentage of the total worth of your estate, rather than in absolute [*currency*]. That way, the size of each individual legacy remains in proportion to the value of your estate.

*[optional paragraph where you may want to give a general explanation of the tax benefits in your country]* Donations to registered charities such as *[name of org]* generate significant tax credits that can reduce the taxes the donor's estate may owe.

## **Amending Your Will**

Once you have prepared your original will, it is always open for you to change your mind and amend its provisions. This may be done through a new will or by preparing a document called a codicil, which is then attached to your original will.

A sample codicil could take this form:

"This is a codicil made by me, *[your name]* of *[where you live]* dated *[today's date]* to my will dated \_\_\_\_\_. I leave *[name of org]* of *[full address & charitable number if applicable]*, a gift in my will of *[amount or % of estate or % of estate's residue]*. In all other respects, I confirm my said will."

## **Other Obligations**

**Globetrotting Fundraiser**



Any existing domestic contract (cohabitation, marriage, or separation agreement), shareholders' agreement, or partnership agreement may require you to make a will containing specific terms or provisions. Your will is also restricted by current legislation to protect spouses and dependents who have a right to a share in your estate.

## **Amending Your Will**

If a will is properly prepared and executed according to law, it can lessen probate expenses (the cost of having your will confirmed as the most recent and authentic expression of your wishes).

*[Amend this section based on your market's tax laws]* In Canada, there is currently no succession duty (inheritance tax) upon death. So your beneficiaries will not have to pay tax on any legacy you leave them.

As for your estate - unless your assets pass to a spouse or a trust for the spouse - you are deemed to have disposed of all your assets on the date of your death. This might cause extra income tax to be payable under the tax return for the year of your death. For example, RRSPs and RRIFs are fully taxable in the year of your death, and capital gains taxes are payable on assets that have appreciated in value.

Income tax planning should be incorporated into the dispositions in your will.

## **If You Die Without A Will**

If you die without a will, local law determines who receives your assets. The Probate Court will determine who the legal heirs are, and then appoint someone to distribute the estate. Your surviving legally married

spouse (if any) and other heirs chosen on the closeness of their blood relationship to you generally receive all your assets.

Children may become inheritors at the age of 18, which is often too young. No gifts will be made to friends, your church, or favourite charity. Your jointly held assets may pass to the surviving owner. A court-appointed trustee may also have to post a bond - an additional cost to your estate.

### **Review Your Will Regularly**

Once made, a will should be regularly reviewed and revised to account for: significant changes in your personal assets; the death of your spouse or a change in your marital status; any change in the status of your dependents; any change in your residency or location of assets.

### **Some Points To Remember About Making Your Will**

A properly executed and up-to-date will is the only legally recognized way to ensure your wishes are followed. If you have not made a will or have not kept it up-to-date, you should do so now.

Think carefully about what people, needs, causes, or institutions you would like to have benefit from your will.

Consult a professional lawyer and/or estate planner to make sure your will is properly drawn up and provides you with the most favourable tax treatment. For a small fee, this will provide you and your loved ones peace of mind.

Word your will clearly and specifically. Since times change, try to be flexible enough so your estate trustees are not locked into actions that may have become impossible or may require them to interpret your wishes.

Name an estate executor(s) whom you trust to carry out your wishes.

If applicable, make sure your spouse has a properly drawn up and current will.

We encourage you to provide first for your loved ones, then consider a gift to *[name of org]* to *[describe org's mission]*.

## Personal Information

### A Helpful Hint

It should take you about 60 minutes to complete this Workbook. Before you begin, gather together the personal documents you will need, like your Social Insurance Number, a copy of your existing will or Power of Attorney (if you have them), personal financial or investment statements, insurance policies, etc. You may want to flip quickly through the booklet to identify any other documents you may need to complete this Workbook.

Surname: \_\_\_\_\_ Given names: \_\_\_\_\_

Any other names used: \_\_\_\_\_

Address: \_\_\_\_\_

Are you planning to move in the foreseeable future? \_\_\_\_\_

Do you live for part of the year outside of the country? \_\_\_\_\_

Please explain: \_\_\_\_\_

Home telephone: \_\_\_\_\_ Business telephone: \_\_\_\_\_

Occupation: \_\_\_\_\_ Employer: \_\_\_\_\_

**Globetrotting Fundraiser**

Date of birth: \_\_\_\_\_ Place of birth: \_\_\_\_\_  
Citizenship: \_\_\_\_\_ Social Insurance Number: \_\_\_\_\_

Marital Status

Single (never married)

Married

Divorced

Separated

Widowed

Common law

## Spousal Information

### A. Complete if presently married, common-law, or in a significant long-term relationship

Spouse's name: \_\_\_\_\_

Spouse's address and telephone numbers (if different from above):  
\_\_\_\_\_

Spouse's occupation: \_\_\_\_\_ Employer: \_\_\_\_\_

Spouse's Date of birth: \_\_\_\_\_ Spouse's Place of birth: \_\_\_\_\_

Spouse's Citizenship: \_\_\_\_\_ Spouse's Social Insurance Number: \_\_\_\_\_

Date of marriage: \_\_\_\_\_ Place of marriage: \_\_\_\_\_

Do you have a marriage contract or prenuptial agreement? \_\_\_\_\_

If yes, provide your lawyer with a copy.

### B. Complete if any previous marriage

Spouse's name: \_\_\_\_\_

If widowed, date of spouse's death: \_\_\_\_\_

If divorced, date of divorce: \_\_\_\_\_ Place of divorce: \_\_\_\_\_

Was there a separation agreement and/or divorce decree? Yes \_\_ No

--

Are there continuing financial obligations under the agreement?

Yes \_\_ No \_\_

**Globetrotting Fundraiser**

Provide your lawyer with a copy of the agreement and/or decree.  
Attach an additional sheet for information if necessary.

## Information About Children/Dependents

**If there are more than four names, attach an additional sheet for information**

Full name: \_\_\_\_\_

Address: \_\_\_\_\_

Relationship to you: \_\_\_\_\_ Date of birth: \_\_\_\_\_

Marital status: \_\_\_\_\_

Number of their children/Ages: \_\_\_\_\_

Full name: \_\_\_\_\_

Address: \_\_\_\_\_

Relationship to you: \_\_\_\_\_ Date of birth: \_\_\_\_\_

Marital status: \_\_\_\_\_

Number of their children/Ages: \_\_\_\_\_

Full name: \_\_\_\_\_

Address: \_\_\_\_\_

Relationship to you: \_\_\_\_\_ Date of birth: \_\_\_\_\_

Marital status: \_\_\_\_\_

Number of their children/Ages: \_\_\_\_\_

Full name: \_\_\_\_\_

Address: \_\_\_\_\_

Relationship to you: \_\_\_\_\_ Date of birth: \_\_\_\_\_

Marital status: \_\_\_\_\_

Number of their children/Ages: \_\_\_\_\_

**Globetrotting Fundraiser**

If you have other personal information you wish to discuss in more detail with your lawyer (e.g.: a child with special needs), provide additional details below.

-----  
-----

## Information About Your Assets

Indicate if not applicable. Attach an additional sheet for more information about assets if required.

### A. Real Estate

#### 1. Principal Residence

Address of principal residence: -----

Manner of ownership: -----

*(alone, joint tenants with survivorship, tenants in common, partnership, through corporation)*

Approximate current value of property: -----

Original cost: -----

Mortgage(s) with: ----- Approx. amount: -----

#### 2. Recreational Property

Address of recreational residence: -----

Manner of ownership: -----

Approximate current value of property: -----

Original cost: -----

Mortgage(s) with: ----- Approx. amount: -----

#### 3. Rental, Investment Business or Other Real Property

**Globetrotting Fundraiser**

Address of property: \_\_\_\_\_  
 Manner of ownership: \_\_\_\_\_  
 Approximate current value of property: \_\_\_\_\_  
 Original cost: \_\_\_\_\_  
 Mortgage(s) with: \_\_\_\_\_ Approx. amount: \_\_\_\_\_

**B. Business**

Business name (in full): \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Nature of business: \_\_\_\_\_  
 Manner and percentage of ownership: \_\_\_\_\_  
 (*corporation, partnership, sole proprietor*)  
 Approximate current value of your business interest: \_\_\_\_\_  
 Has buy-sell or other shareholders' agreement been entered  
 into? \_\_\_\_\_  
 If so, provide your lawyer with a copy.

**C. Savings & Chequings**

Name of bank or credit union	Location	Type of Account*	Account Number	Current Balance

\* *Joint checking; individual chequing, joint savings, individual savings, etc.*

**D. Safety Deposit Box**

Box location	Box number	Key location
--------------	------------	--------------




**E. Cars, Trucks or Recreational Vehicles**

Describe any cars, trucks, or recreational vehicles if you intend to deal with them specifically in your will. Please indicate type, value, ownership, original cost, and location where they are usually kept.

-----  
 -----  
 -----

**F. Personal and Household Items (see Division of Estate among Beneficiaries on page X)**

**G. Other Assets and Investments**

*(Bonds, stocks, mutual funds, GICs, monies owed to you and secured by mortgage or otherwise, interest in any trust or estate).*

Provide details including approximate value.

Asset	Date acquired	Original Cost	Current value	Owner <i>(indicate self, spouse or joint)</i>





Location of relevant documents or certificates for these assets: \_\_\_\_\_  
Investment company where securities are held: \_\_\_\_\_

**H. Registered Pension Plans, Retirement Savings Plans, Retirement Income Funds and Annuities**

Do you belong to a company pension plan? \_\_\_\_\_  
Does your spouse? \_\_\_\_\_  
Name of beneficiary: \_\_\_\_\_  
Do you have a Registered Savings Plan, Income Fund or Annuity? \_\_\_\_\_  
*[these may be called something different in your market so amend accordingly]*

Provide details of the plans (where are they and who are the beneficiaries?):

Company	Contract #	Plan Owner	Named Beneficiary	Current Value

Location of relevant documents for these plans:  
\_\_\_\_\_  
\_\_\_\_\_

*[The following section is only applicable if you accept gifts of annuities]*  
Did you know that *[name of org]* offers annuities? An annuity can provide you with income for life while also sustaining our campaigns and actions. A gift annuity can be set up from a gift of cash, securities or property.



## I. Life Insurance Policies

Immediate access to your insurance policies (whether an individual policy or Group Life Insurance through your employer) is important to your survivors, since many policies provide for some advance payment before your will is probated.

Company	Policy #	Type of policy ( <i>term, whole-life, etc.</i> )	Face Amount	Name of Insured	Beneficiaries	Cash Value

Location of policies: \_\_\_\_\_

*[The following section is only applicable if you accept gifts of life insurance]*

Did you know that you can make *[name of org]* the beneficiary of a life insurance policy? A new or existing policy can be signed over to *[name of org]*, providing you with significant tax credits while providing vital support to our campaigns and actions.

## J. Hospital/Accident Insurance

Government health insurance policy or certificate number: \_\_\_\_\_

Additional health insurance

**Globetrotting Fundraiser**

Name of company: \_\_\_\_\_  
Policy or certificate number: \_\_\_\_\_  
Address of company: \_\_\_\_\_  
Location of policy: \_\_\_\_\_

### **K. Property Insurance**

Do you carry property insurance (land, building, automobile, boat, etc.)?  
Please list your policies.

Property: \_\_\_\_\_  
Name of company: \_\_\_\_\_  
Policy number: \_\_\_\_\_  
Policy amount: \_\_\_\_\_  
Location of policy: \_\_\_\_\_

Property: \_\_\_\_\_  
Name of company: \_\_\_\_\_  
Policy number: \_\_\_\_\_  
Policy amount: \_\_\_\_\_  
Location of policy: \_\_\_\_\_

### **Liabilities**

List bank loans, and other significant debts, other than mortgages, which you listed earlier (do not include normal household debts, such as credit card balances, unless you owe a significant amount).

#### **You**

1. Creditor: \_\_\_\_\_ Amount: \_\_\_\_\_
2. Creditor: \_\_\_\_\_ Amount: \_\_\_\_\_

3. Creditor: \_\_\_\_\_ Amount: \_\_\_\_\_

## Spouse

1. Creditor: \_\_\_\_\_ Amount: \_\_\_\_\_

2. Creditor: \_\_\_\_\_ Amount: \_\_\_\_\_

3. Creditor: \_\_\_\_\_ Amount: \_\_\_\_\_

## Summary

Total value of assets: \_\_\_\_\_

Less total value of liabilities: \_\_\_\_\_

Net value of your estate: \_\_\_\_\_

## Existing Will, Trust(s) and Records

Do you have a will now? \_\_\_\_\_ Date of your current will: \_\_\_\_\_

Where is this will kept? \_\_\_\_\_

Does your spouse have a will? \_\_\_\_\_ Date of spouse's will: \_\_\_\_\_

Where is this will kept? \_\_\_\_\_

Have you already set up a (*inter-vivos*/"living") trust to benefit another person? \_\_\_\_\_

If yes, date of trust(s): \_\_\_\_\_

Indicate the names and addresses of trustees:

\_\_\_\_\_

Beneficiaries of trust: \_\_\_\_\_

Approximate value of trust(s): \_\_\_\_\_

Assets in the trust(s): \_\_\_\_\_

**Globetrotting Fundraiser**

Name & address of lawyer who prepared Trust Agreement: \_\_\_\_\_

Where do you keep your financial records and other important papers?  
\_\_\_\_\_  
\_\_\_\_\_

Where will new will/power of attorneys be kept? \_\_\_\_\_  
\_\_\_\_\_

## Professional Advisors

The information below will greatly assist your estate trustee.

Lawyer: \_\_\_\_\_ Telephone: \_\_\_\_\_

Address: \_\_\_\_\_

Email: \_\_\_\_\_

Accountant: \_\_\_\_\_ Telephone: \_\_\_\_\_

Address: \_\_\_\_\_

Email: \_\_\_\_\_

Stock Broker: \_\_\_\_\_ Telephone: \_\_\_\_\_

Address: \_\_\_\_\_

Email: \_\_\_\_\_

Financial Advisor: \_\_\_\_\_ Telephone: \_\_\_\_\_

Address: \_\_\_\_\_

Email: \_\_\_\_\_

Insurance agent: \_\_\_\_\_ Telephone: \_\_\_\_\_

Address: \_\_\_\_\_

Email: \_\_\_\_\_

Physician: \_\_\_\_\_ Telephone: \_\_\_\_\_

**Globetrotting Fundraiser**

Address: \_\_\_\_\_

Email: \_\_\_\_\_

Other: \_\_\_\_\_ Telephone: \_\_\_\_\_

Address: \_\_\_\_\_

Email: \_\_\_\_\_

## Estate Executor(s)

Check here if spouse is to be an executor:  Yes  No

Proposed executor(s) if not spouse or if co-executor with spouse:

Full name: \_\_\_\_\_

Address: \_\_\_\_\_

Full name: \_\_\_\_\_

Address: \_\_\_\_\_

Proposed alternate executor(s):

Full name: \_\_\_\_\_

Address: \_\_\_\_\_

Full name: \_\_\_\_\_

Address: \_\_\_\_\_

Majority decision binding?  Yes  No(unanimous)

**Globetrotting Fundraiser**

# Proposed Guardian of Children Under 18 Years of Age

First choice for guardian:

Full name: \_\_\_\_\_

Address: \_\_\_\_\_

Relationship to you: \_\_\_\_\_

Alternate choice for guardian:

Full name: \_\_\_\_\_

Address: \_\_\_\_\_

Relationship to you: \_\_\_\_\_

## Division of Estate Among Beneficiaries

This is where you can direct a specific sum of money or some specific item or piece of personal property to a certain individual, *[name of org]*, or another charitable organization.

### A. Disposition of Personal Effects, Household Goods, Jewellery, Cars, Etc.

You may wish to indicate an order of preference for the desired disposition of the items, depending on whether your spouse or children survive you or are willing and able to accept it. (for example: 1st choice: spouse; 2nd choice: child; 3rd choice: friend, etc.)

Item/Location	Desired Disposition
---------------	---------------------

**Globetrotting Fundraiser**

	1st choice	2nd choice	3rd choice

**B. Disposition of Real Estate (home or cottage, etc.) if applicable**

Which property: \_\_\_\_\_  
 To: \_\_\_\_\_  
 Outright: \_\_\_\_\_ OR in trust: \_\_\_\_\_  
 If trust:  
 Who will pay expenses: \_\_\_\_\_  
 How long will trust last: \_\_\_\_\_  
 Then property goes to: \_\_\_\_\_

**C. Legacies to Individuals and/or [name of org], Other Charities**

Name of individual or charity	Amount or % of estate

When should these legacies be paid? \_\_\_\_\_  
 On your death? \_\_\_\_\_  
 On the death of the survivor of you or your spouse? \_\_\_\_\_

Please note that [name of org]'s full legal name is: \_\_\_\_\_





## D. Special Trusts

For instance, an educational fund for children.

-----  
-----  
-----

## E. Residue

### 1. Division of Residue

If spouse is living on the 30th day following date of death:

Outright distribution:

Yes  No

OR

Trust with

- Life interest  Yes  No
- All income  Yes  No
- Power to encroach on capital  Yes  No

On the death of the survivor of you or your spouse:

- All to children or their beneficiaries?  Yes  No

If children or beneficiaries, under 18 years, then:

- Capital distributed at the following ages and in the following percentages or amounts:

Age: \_\_\_\_\_ Percent/Amount: \_\_\_\_\_

Age: \_\_\_\_\_ Percent/Amount: \_\_\_\_\_

Age: \_\_\_\_\_ Percent/Amount: \_\_\_\_\_

For the care and benefit of the children or beneficiaries:

**Globetrotting Fundraiser**

- All income  Yes  No
- Income in trustee's discretion  Yes  No
- Power to accumulate income  Yes  No

If child or beneficiary dies before receiving all capital:

- To their children  Yes  No
- To surviving siblings or other beneficiaries  Yes  No

2. If no spouse or children, or if your immediate beneficiaries predecease you, (i.e.: common disaster), please name the other beneficiaries (individuals, [name of org], or other charitable organizations):

Full name of individuals: \_\_\_\_\_

Address: \_\_\_\_\_

Age (if applicable): \_\_\_\_\_

Full name of individuals: \_\_\_\_\_

Address: \_\_\_\_\_

Age (if applicable): \_\_\_\_\_

Legal name of organization: \_\_\_\_\_

Address: \_\_\_\_\_

Legal name of organization: \_\_\_\_\_

Address: \_\_\_\_\_

## Powers of Attorney

Please note: the terminology related to powers of attorney varies from province/state/county/prefecture, but the basic concept applies

**Globetrotting Fundraiser**

across the country. Please check with your lawyer for the appropriate terms for your province/state/county/prefecture.

## **Why Make a Power of Attorney for Management of Property?**

A mentally competent person may give a continuing Power of Attorney for the Management of Property to another person or persons. A Power of Attorney for the Management of Property allows the attorney to act on behalf of the person giving the power of attorney (the "donor") regarding property matters that the donor would deal with themselves if capable. A Power of Attorney cannot be used to make a will or carry out any functions of an office such as the duties of an estate trustee or a director.

If you give a Power of Attorney for the Management of Property without restrictions, it can be exercised anytime, not just if you become incapable. Such a document can be used for all types of transactions and property management, but these dealings should be to your benefit. The lay authorizes the attorney to make gifts and loans on your behalf to your friends and relatives and charitable gifts subject to certain conditions.

The attorney is entitled to be paid reasonable compensation from your property, for their work as your attorney. A power of attorney may be given to one person or more and can require multiple attorneys to act unanimously or not. Whether general or specific, a power of attorney may contain restrictions such as an expiry date or a provision that the power may only be used in conjunction with a certificate from a doctor attesting to the donor's incapacity to manage property.

Here is what happens if you are unable to manage property but have not put a continuing Power of Attorney for the Management of Property in place:

**Globetrotting Fundraiser**

- If you become a psychiatric patient and psychiatrist certifies you incapable of managing your property, then the Public Guardian and Trustee, a provincial government official, will step in to manage your property.
- If you become incapable but there is no certification by a psychiatrist, you have lost the legal ability to give power of attorney and to deal with your property. Someone must have you assessed and found incapable, triggering the appointment of the Public Guardian and Trustee. A friend or relative can apply to take over, but must submit a management plan and may be required to post a security bond. An alternate route is a court application to have a judge declare you incapable of managing property and appoint someone to do it for you.
- To avoid the intervention of the Public Guardian and Trustee and/or court proceedings, it is important under current legislation to have a Power of Attorney for the Management of Property in place that names at least one attorney and an alternate. An alternate is especially critical where spouses or friends appoint each other as attorney but travel together.

The Public Guardian and Trustee will automatically be entitled to manage your property if you are certified as incapable, despite an existing power of attorney. The advantage to giving power of attorney will be that your attorney can apply to take over from the Public Guardian and Trustee with few formalities.

### **Why Make a Power of Attorney for Personal Care?**

A Power of Attorney for Personal Care allows you to appoint someone to make decisions about your health and personal care if you are incapable of making them yourself. This power of attorney allows you to

**Globetrotting Fundraiser**

give general or detailed instructions about the types of care and medical treatment you would or would not like administered. It is generally a separate document from the Power of Attorney for the Management of Property. A different person can be chosen to deal with your personal care than you have chosen to deal with your finances.

In executing Powers of Attorney and making a well-planned will, you will ensure:

- 1) The orderly administration of assets and continuing support to dependents in the event of your incapacity and death;
- 2) Medical treatment and personal care decisions by a substitute decision-maker if you are unable to make such decisions; and
- 3) The ultimate disposition of your assets in accordance with your personal wishes.

### **Power of Attorney for Property**

Have you granted Power of Attorney for Management Property?

Yes

No

Date power granted: \_\_\_\_\_

Name of attorney(s): \_\_\_\_\_

Name of alternate attorney(s), if any: \_\_\_\_\_

If new Attorney for Property is required, indicate if spouse to be the attorney: \_\_\_\_\_

Proposed attorney(s) if not spouse or if co-attorney with spouse:

A. Full name: \_\_\_\_\_

Address: \_\_\_\_\_

B. Full name: \_\_\_\_\_

**Globetrotting Fundraiser**

Address: \_\_\_\_\_

Proposed alternate attorney(s):

A. Full name: \_\_\_\_\_

Address: \_\_\_\_\_

B. Full name: \_\_\_\_\_

Address: \_\_\_\_\_

### **Power of Attorney for Personal Care**

Have you granted Power of Attorney for Personal Care ("living will")?

Yes

No

Date power granted: \_\_\_\_\_

Name of attorney(s): \_\_\_\_\_

Name of alternate attorney(s), if any: \_\_\_\_\_

If new Attorney for Personal Care is required, indicate if spouse to be the attorney: \_\_\_\_\_

Proposed attorney(s) if not spouse or if co-attorney with spouse:

A. Full name: \_\_\_\_\_

Address: \_\_\_\_\_

B. Full name: \_\_\_\_\_

Address: \_\_\_\_\_

Proposed alternate attorney(s):

A. Full name: \_\_\_\_\_

**Globetrotting Fundraiser**

Address: \_\_\_\_\_

B. Full name: \_\_\_\_\_

Address: \_\_\_\_\_

## Funeral & Burial Instructions

I have made arrangement to donate the following organs:

\_\_\_\_\_  
\_\_\_\_\_

I have pre-arranged my funeral at Funeral Home: \_\_\_\_\_

\_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Telephone: \_\_\_\_\_

I own a cemetery plot at: \_\_\_\_\_

Instructions regarding my funeral (identify any wishes respecting cremation or burial, disposition of ashes or body, type of memorial or church service):

\_\_\_\_\_  
\_\_\_\_\_

Memorial gifts (in lieu of flowers) to: \_\_\_\_\_

[name of org]: \_\_\_\_\_

Place of worship: \_\_\_\_\_

Favourite charities: \_\_\_\_\_

**Globetrotting Fundraiser**

Special requests:

-----  
-----

## **Glossary**

### Administrator

The person appointed by the Court to make sure your estate is divided fairly if you die before making a will, or if your estate trustee is unwilling or unable to act in such a capacity.

### Assign

To make a gift.

### Assets

Things a person owns, including property, money, and investments.

### Benefactor

A person who gives money through a will, insurance policy, or other means.

### Beneficiary

A person or organization who inherits or receives part of your estate.

### Bequest

A gift of personal property by a will.

### Codicil

A signed document that adds to or modifies your will.

### Conflict of interest

When someone is in a position to gain from a decision they make for another person.



## Estate

A person's holdings in real and personal property.

## Estate executor or executrix (trustee)

The person you appoint in your will to make sure your wishes are carried out.

## Guardian

The person appointed to look after any of your children who are still under the age of majority at the time of your death.

## Intestate

A person who dies without a will.

## Intestate Succession

The legal process whereby the property belonging to a person who dies intestate descends to the heirs.

## Legacy

A gift contained in a will and an estate executor is directed to transfer the property (cash or real property) to the named beneficiaries.

## Personal Property

All property, other than real property, such as stocks, insurance, jewelry, etc.

## Probate

Official examination by the courts to prove the will is valid.

## Probate expenses

Costs to confirm the validity of a will.

Property

All those things and rights which are the object of ownership.

Real Property

Land or anything attached to, or a part of, the land (such as a house).

Residue

The money and property that remains after all debts, taxes, expenses and any other legacies have been made.

Testator

A person who makes a will.

Trust

A part of your estate that is set aside in your will for a beneficiary.

Trustee

A person you appoint in your will who will look after a Trust Fund.

Will

A legal document that says what you want done with your estate, or property after you die.

**Personal Notes**

-----  
-----  
-----  
-----

**For more information**



For more information, or to arrange a confidential meeting, please write, call or email:

Name *[you may want to include a photo]*

Title

Org name

Address

Telephone

Email

Website

*The information contained in this booklet is not intended as legal or financial advice. For this, please consult with your legal advisor.*

SAMPLE

**Globetrotting Fundraiser**