

COMPLETE WILL KIT & ESTATE PLANNING GUIDE FOR CANADA

This package contains the following:

- Last Will and Testament, with instructions to help you complete the document
- Making a Will in Canada, a guide to help you through the process of preparing your Will and ensuring that it meets legal requirements in your province
- Organ Donor Card
- Will Information Sheet, which acts as a checklist of all the information you need to compile in order to complete your Will
- Estate Planning Questionnaire, a checklist and questionnaire designed by an estate planning specialist to help you put together the most effect estate plan to meet your needs
- Duties of an Executor
- Who Should I Choose as My Executor?
- What to Expect if You are Named an Executor
- Who Should I Choose as my Child's Guardian?

LAST WILL AND TESTAMENT

THIS IS THE LAST WILL AND TESTAMENT of me, [INSERT YOUR FULL NAME], of [street address], [city], [province].

PART I - INITIAL MATTERS

REVOCAATION

1.1 I REVOKE all former Wills, codicils and testamentary dispositions made by me.

MARITAL STATUS

1.2 I DECLARE that I am [*pick the appropriate option: single / married to (full name of spouse) / cohabiting with my life partner (full name of partner) / divorced from (full name of ex-spouse) / a widow(er)*]. (*If you have entered into a prenuptial, marital, cohabitation or other type of spousal contract, give the date and other particulars which will help your executor to locate and identify it, such as the name of the lawyer who prepared it*)

EXECUTOR(S) AND TRUSTEE(S)

1.3 I APPOINT my spouse, [INSERT FULL NAME OF SPOUSE], of [city], [province], to be the Executor and Trustee of this my Will; provided that if my Spouse shall die either in my lifetime or after my death but before the trusts hereof shall have terminated, or be unable or unwilling to act or to continue to act as such Executor and Trustee, or cease to be a resident of Canada within the meaning of the *Income Tax Act*, then I APPOINT [INSERT FULL NAME OF ALTERNATE TRUSTEE], of [city], [province], to be my Executor and Trustee of this my Will, in the place and stead of my said spouse.

1.4 References to "my Trustee" in this my Will shall include each Executor, Executrix, Administrator, Administratrix and Trustee of my Will, my Estate or any portion thereof, who may be acting as such from time to time whether original, alternate, or otherwise appointed and all references to "my Trustee" in this my Will shall be read with all changes of gender and number as required by the context.

1.5 I HEREBY exempt my Trustee from the obligation of providing security for administering my estate, notwithstanding anything to the contrary contained in any federal, provincial or foreign legislation having jurisdiction.

HEADINGS AND INTERPRETATION

1.6 I DECLARE that the paragraph headings in this Will are for convenience only and shall not be construed to affect the meanings of the paragraphs so headed.

Testator's Initials: _____

Witness Initials: _____

Witness Initials: _____

1.7 I DIRECT that throughout my Will, wherever the plural is used it shall be construed as meaning the singular or vice versa and the masculine shall be construed as meaning the feminine or a body corporate as the context requires.

1.8 Any reference to "issue" shall mean the child or children of any child of mine who may predecease me, or having survived my death, die before becoming entitled to receive the whole of his or her share of my estate.

SURVIVAL

1.9 I DIRECT that anyone who survives me but dies within a period of thirty (30) days following my death shall be deemed to have predeceased me for the purpose of this my Will and the distribution of my estate.

DISPOSITION OF REMAINS

1.10 I DIRECT that after my death my remains be disposed of in the following manner: *(instructions for disposition of remains, whether burial, cremation, interment, and any specific wishes for funeral arrangements - for instance, the holding of a wake - can go in this section. BE SURE YOUR EXECUTOR IS AWARE OF YOUR WISHES. THIS WILL HAVE TO BE DEALT WITH IMMEDIATELY FOLLOWING DEATH)*

PART II - DISPOSITION OF ESTATE

2.1 I GIVE AND APPOINT all my property, including any property over which I may have a general power of appointment to my Trustee upon the following trusts:

DEBTS

2.2 To pay out of and charge to the capital of my general estate my legally enforceable debts, funeral and testamentary expenses and all estate, inheritance and succession duties or taxes whether imposed by or pursuant to the law of this or any other jurisdiction whatsoever that may be payable in connection with any property passing (or deemed so to pass by any governing law) on my death or in connection with any insurance on my life or any gift or benefit given or conferred by me either during my lifetime or by survivorship or by this my Will or any Codicil thereto.

INSURANCE

2.3 I DECLARE that the proceeds of all insurance policies on my life of which my estate is a beneficiary shall be paid to my Trustee and held in trust in accordance with the provisions of this my Will. This declaration shall be a declaration within the meaning of the Insurance Act.

Testator's Initials: _____
Witness Initials: _____
Witness Initials: _____