

Will and Powers of Attorney Instruction Sheet Simple Wills and Powers of Attorney – No Estate Planning

This data sheet is intended primarily for the preparation of SIMPLE Wills and Powers of Attorney with no requirement for long term estate planning. If you require long term estate planning or there are complex estate matters you wish to disclose, please advise us and we will contact you to set up a meeting.

Please complete as much as you can of the following information. *If you need more space, please attach a list of relevant information to this instruction sheet.* This helps us to assist in drafting Wills and Powers of Attorney that meet your needs and wishes. It will be held in the strictest confidence. We will review this information and contact you for review and discussion.

DON'T WORRY IF YOU ARE UNABLE TO ANSWER SOME QUESTIONS

1. PERSONAL INFORMATION	Occupation	Date of birth
Full name of Client:		

2. CLIENT CONTACT INFO:	
Mailing address:	Home Tel: Cell: Client Email: Communications by email? <input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/>

3. MARITAL INFORMATION
<input type="checkbox"/> Married <input type="checkbox"/> Common Law <input type="checkbox"/> Single <input type="checkbox"/>
If applicable, how long have you been married or living common law?
If applicable, what is the full name of your spouse or common law partner?
If applicable, date and place of marriage:
If applicable, have either of you been married previously? <input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/>
If yes, please provide the date of death or divorce from prior spouse:
If divorced or separated, do you have a Separation Agreement in place? <input type="checkbox"/> yes <input type="checkbox"/> no
If you are not married, do you plan on getting married in the next three (3) years? <input type="checkbox"/> yes <input type="checkbox"/> no

4. CHILDREN INFORMATION		
Do you have any children? <input type="checkbox"/> yes <input type="checkbox"/> no		
Name(s) of children:	Age(s) of children:	Name of other parent:
<input type="checkbox"/>		

5. BUSINESS INFORMATION
Do you own a business or shares in a business? <input type="checkbox"/> yes <input type="checkbox"/> no
If yes, what is the name of the business?
If yes, what is the business activity?
<i>If you own more than one business, please provide the above information for all of them or as many as you can.</i>

6. WILL INSTRUCTIONS		
	Primary Choice:	Alternate Choice:
Executor(s): <i>Can be more than one person.</i>	<input type="checkbox"/> Spouse <input type="checkbox"/> Other (name and relationship to you – i.e. sibling, child, friend):	Name and relationship to you (i.e. sibling, child, friend):
Undesignated RRSPs or Life Insurance – <i>how would you like any <u>undesignated</u> RRSPs or Life Insurance to be dealt with in your Will:</i>	<input type="checkbox"/> Spouse <input type="checkbox"/> Estate <input type="checkbox"/> Other specific persons (name and relationship):	<input type="checkbox"/> Estate <input type="checkbox"/> Other specific persons (name and relationship):
Specific Gifts (If any): <i>(Can be property e.g. watch or jewellery) (If you want a list attached to or including in the will, send it back to me with this form.)</i>	<input type="checkbox"/> Not in Will, I will leave a separate list myself for my Executor, which I can update whenever I want <input type="checkbox"/> Specific list to be included in Will or attached to Will – I will do a Codicil anytime I want to change it (<i>please attach a list of the specific items and who you want to leave each item to</i>) <input type="checkbox"/> Leave completely to my Executor to decide <input type="checkbox"/> Say nothing	n/a

6. WILL INSTRUCTIONS		
	Primary Choice:	Alternate Choice:
<p>Cash Legacies (if any): <i>(you can leave certain sums of cash money to named beneficiaries – to be paid out before dealing with the residue or remainder of estate)</i></p>	<p>Name of each legacy beneficiary, amount you want to leave to them, and their relationship to you (i.e. sibling, child, friend):</p>	n/a
<p>Special Instructions for Real Property – <i>do you have an interest in real property (i.e. cottage, rental property) that you want dealt with differently than the residue of your estate (below)?</i></p>	<p>Name of beneficiary, their relationship to you and how you want your interest dealt with (i.e. <i>divide and distribute? Liquidate and distribute the proceeds?</i>):</p>	
<p>Beneficiary of Residue of Estate, after Specific Gifts, Special Real Property, Legacies:</p>	<input type="checkbox"/> Spouse <input type="checkbox"/> Other (specify name and relationship to you):	<input type="checkbox"/> All my children (provide list of names to date) <input type="checkbox"/> Only those children for which my spouse and I are the biological or adoptive parents (provide list of names to date) <input type="checkbox"/> Other (specify names and relationships to you):
<p>Distributions to “Minor” Children who Might Become Beneficiaries:</p>	<input type="checkbox"/> Three stages, 24, 27 and 30 <input type="checkbox"/> Other (please specify number of stages and ages):	n/a

6. WILL INSTRUCTIONS		
	Primary Choice:	Alternate Choice:
<p>Common Disaster Clause – <i>how would you want the residue of your estate to be distributed if there is no one alive at your death to receive their distribution of your estate – i.e. something happens to both you and your spouse and all your children and grandchildren at one time?</i></p>	<input type="checkbox"/> Split estate into two equal shares – one half to be divided equally between the persons who would be entitled to share in your estate if you had died “intestate” (i.e. without a Will) and one half to be divided equally between the persons who would be entitled to share in your spouse’s estate if he or she had died intestate <input type="checkbox"/> Other (specify name, relationship to you, and what portion of your estate they will receive):	n/a
<p>Have you recognized and properly dealt with everyone you are currently supporting or feel morally obligated to support? <i>e.g. parents, former spouse, children, anyone you regularly provide money to</i></p>		n/a
<p>Investment Powers to Trustee:</p>	<input type="checkbox"/> Wide – no limits, can invest in anything they want <input type="checkbox"/> Narrow – limited to investments approved under <i>Trustee Act</i> – emphasis on preservation of capital	n/a

6. WILL INSTRUCTIONS		
	Primary Choice:	Alternate Choice:
<p>Guardian for Minor Children under the age of 18 or Children under disability (if applicable):</p> <p><i>Please indicate if a child or children are under disability</i></p>	Specify name and relationship to you:	Specify name and relationship to you:
<p>Funeral Instructions:</p>	<input type="checkbox"/> Buried <input type="checkbox"/> Cremated <input type="checkbox"/> Keep simple and costs to a minimum <input type="checkbox"/> Other – (<i>i.e. Do you own a burial plot? Do you have a prepaid burial contract? If yes, provide particulars:</i>)	n/a
<p>Trustee/Executors Fees (**see note at end of this document):</p>	<input type="checkbox"/> Guideline used by the courts <input type="checkbox"/> Fix executors fees (provide minimum/maximum amount):	n/a

7. POWER OF ATTORNEY FOR PROPERTY INSTRUCTIONS		
	Primary Choice	Alternate Choice
<i>Powers of Attorneys are "Living Wills", they are put into place so as to give someone the authority to act on your behalf should you be unable to do so while you are still alive – i.e. mentally incapable or in a comma</i>	<input type="checkbox"/> Attorney same as executors in Will <input type="checkbox"/> No, something different (specify name and relationship to you):	<input type="checkbox"/> Alternate attorney same as alternate executors in Will <input type="checkbox"/> No, something different (specify name and relationship to you):
	<input type="checkbox"/> Wide – no limits, can invest in anything they want <input type="checkbox"/> Narrow – limited to investments approved under <i>Trustee Act</i> – emphasis on preservation of capital	n/a
	<input type="checkbox"/> Attorneys to be compensated – guidelines used by courts** <input type="checkbox"/> Fix attorney fees (provide minimum/maximum amount): <input type="checkbox"/> No, attorneys have agreed to work for nothing	n/a
	<input type="checkbox"/> Other special concerns/instructions (be specific):	n/a

8. POWER OF ATTORNEY FOR PERSONAL CARE INSTRUCTIONS		
	Primary Choice	Alternate Choice
<i>Powers of Attorneys are “Living Wills”, they are put into place so as to give someone the authority to act on your behalf should you be unable to do so while you are still alive – i.e. mentally incapable or in a comma</i>	<input type="checkbox"/> Attorney same as executor in Will <input type="checkbox"/> No, something different (specify name and relationship to you):	<input type="checkbox"/> alternate attorney same as alternate executor in Will <input type="checkbox"/> no, something different (specify name and relationship to you):
	<input type="checkbox"/> Do you want a “no heroic measures” clause? (<i>i.e. if machines are prolonging your death or keeping you alive with <u>no hope of recovery</u>, it is OK to unplug you and let nature takes it course?</i>) <input type="checkbox"/> Approve organ donation for transplants <input type="checkbox"/> Approve organ donation/body donation for medical research	n/a
	<input type="checkbox"/> Attorneys to be compensated – guidelines used by courts** <input type="checkbox"/> Fix attorney fees (provide minimum/maximum amount): <input type="checkbox"/> No, attorneys have agreed to work for nothing	n/a
	<input type="checkbox"/> Other special concerns or instructions (be specific):	n/a

9. OTHER MATTERS & CONSIDERATIONS		
<i>Question</i>	<i>Answer</i>	<i>If yes, provide particulars</i>
Have you been appointed as executor, trustee, attorney or guardian under an existing will, power of attorney, or under any legal documents?	yes <input type="checkbox"/> no <input type="checkbox"/>	
Do you have an existing Will?	yes <input type="checkbox"/> no <input type="checkbox"/>	
Do you have an existing Power of Attorney for Property?	yes <input type="checkbox"/> no <input type="checkbox"/>	
Do you have an existing Power of Attorney for Personal?	yes <input type="checkbox"/> no <input type="checkbox"/>	
Do you have a Family Trust?	yes <input type="checkbox"/> no <input type="checkbox"/>	
Do you have an interest in another Estate or Trust?	yes <input type="checkbox"/> no <input type="checkbox"/>	
Do you have a Marriage or Cohabitation Agreement?	yes <input type="checkbox"/> no <input type="checkbox"/>	

****Note on Executors Fees:**

The rule of thumb used by the courts is as follows. However, this is not a legislated fee schedule and it is subject to increase or decrease in the court's discretion in appropriate circumstances e.g. actual time spent:

- 2.5% of the total value of capital receipts of the Estate (i.e. where an executor gathers in capital assets of the estate, such as real property, the compensation on a \$100,000 property would be \$2,500).
- 2.5% of the total capital disbursements of the Estate (i.e. where the executor distributes capital property to beneficiaries; the compensation on the transfer of a \$100,000 property would be \$2,500).
- 2.5% of the total revenue receipts of the Estate (i.e. where the executor receives income, such as bank interest).
- 2.5% of the total revenue disbursements of the Estate.
- Where the estate is not distributed immediately (i.e. trust set up in Will), an annual care and management fee of 2/5 of 1% (= 0.004%) of the average annual market value of the capital of the Estate (i.e. where the average annual market value of the estate is \$100,000, the annual compensation would be \$400).

The testator can avoid the guideline by providing in the Will the amount that he or she wishes the Executor to receive in compensation.