

Executor Care



Will Preparation Guide

Will Preparation Guide

Introduction:

Preparing a Will can be made easier when a person takes the time to answer some basic questions.

This checklist will help you start the process with your lawyer, accountant, or financial planner. They will help you to identify other concerns specific to your personal circumstances.

Remember, when you die without a Will, the government has rules that govern who is entitled to the proceeds of your estate, and to what extent. It may not be in accordance with your wishes.

This document is **not** a Will. Please consult with your professional advisors to be sure you've considered all the matters relevant to your estate planning and Will preparation.

An Introduction to the Will Preparation Guide

This simple to use “Will Preparation Guide” has been prepared to help you through your will planning process. It is also intended to raise awareness around some of the areas that may create challenges and raise risks for your executor(s), help gather information that will be helpful to them, and ultimately provide guidance and support to your executor(s) to help them administer your estate to the terms of your will.

How to Use this Guide

This guide is broken into two general areas that are all easy to work through. You can work through this alone or together with your Advisor, Lawyer or Accountant, or other “Professional Advisor”.

Part 1 - Will Preparation Checklist documents basic information like key contacts and assets that your executor(s) will need to know when they first assume the role and is information you should share with your executor(s). The information will help your lawyer develop your will. It also identifies areas that may create some challenges for your executor(s) and includes a simple assessment tool. It also includes a ‘directive’ to provide your executor(s) with the help and security they need to confidently fulfill their role on your behalf.

Part 2 - Will Instructions documents your wishes for distribution of your estate. Addressing these questions in advance of meeting with your lawyer will prepare you for the meeting.

Communication is one of the biggest challenges with estate administration and this Will Preparation Guide will go a long way to setting the foundation for a smooth inheritance transition. If desired, it can open dialogue with the executor(s) and beneficiaries and help clarify wishes and manage expectations.

This guide is not intended as a replacement for a will or Power of Attorney. Sound financial, tax, and legal advice are always important components of every plan.

ExecutorCare, brought to you by ERAssure[®], also has a complimentary [Executor Guide](#)[®] that can be provided to your executors by itself, or together with the Will Preparation Guide. The Executor Guide will provide them information about the role and responsibility of the appointment, and will help them in the estate administration process. To obtain a copy, please reach us at 1-855-636-3777 or contact your insurance broker.



If you currently have a will and Power of Attorney in place, this Guide can help to provide meaningful information to those that will require it at a later date.

If you don't have a will and Power of Attorney, this Guide can help you document some of the information you will need to complete a will and Power of Attorney. Legal advice is always suggested when drafting formal wills and Power of Attorney documents.

Will Preparation Checklist – Part 1

Personal Information

Your full name:			
The name you commonly use, if different:			
Home Address:			
Telephone:	(home)	(business)	(cell)
Email:			
Name of Employer:			
Date of Birth:	Place of Birth:	Citizenship:	
Marital Status:			
Full name of Spouse:			
Date of Marriage:	Place of Marriage:		
Do you have a domestic contract? <input type="checkbox"/> Yes <input type="checkbox"/> No			

Any previous marriages? <input type="checkbox"/> Yes <input type="checkbox"/> No	
If yes, full name(s) of ex-spouse(s):	
Full name(s) of all children from previous marriages:	
Name:	Age:
Name:	Age:
Name:	Age:
Name:	Age:

Full names of children from current marriage:	
Name:	Age:
Name:	Age:
Name:	Age:
Name:	Age:

Are any of your children residents or citizens of other countries? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Are any of your children married? <input type="checkbox"/> Yes <input type="checkbox"/> No		
If yes, please provide details of spouse(s) and any grandchildren: <i>(attach additional sheets as necessary)</i>		
Child:	Spouse:	Grandchildren names/ages:
Child:	Spouse:	Grandchildren names/ages:
Child:	Spouse:	Grandchildren names/ages:
Details of any relevant personal situations (e.g. is anyone disabled; is a spouse a spendthrift; are there children with challenges):		

Your Extended Family		
Parents names:	Sibling(s) names:	Nieces/Nephews names/ages:
Father:		
Deceased <input type="checkbox"/>		
Mother:		
Deceased <input type="checkbox"/>		

Asset Information

Accountant's Name:	Phone Number:
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Your Home		
<i>Address is on page 1-2</i>		
Names on Title and how is it owned? (i.e. as joint tenants, as tenants in common)		
Current Market Value (including upgrades):	Value of Mortgage or other Encumbrances:	
Significant household upgrades in the last 5 years:		
Date	Cost	Description
Acquisition Cost and Date:		

Other Real Estate		
<i>Property #1</i>		
Address:		
Names on Title and how is it owned? (i.e. as joint tenants, as tenants in common)		
Current Market Value (including upgrades):	Value of Mortgage or other Encumbrances:	
Significant household upgrades in the last 5 years:		
Date	Cost	Description
Acquisition Cost and Date:		
<i>Property #2</i>		
Address:		
Names on Title and how is it owned? (i.e. as joint tenants, as tenants in common)		
Current Market Value (including upgrades):	Value of Mortgage or other Encumbrances:	
Significant household upgrades in the last 5 years:		
Date	Cost	Description
Acquisition Cost and Date:		

Registered Investments			
RRSPs or RRIFs			
Plan Holder:	Issued By:	Beneficiary:	Value to Estate:
Tax Free Savings Accounts			
Owner:	Financial Institution:	Beneficiary:	Value to Estate:
DPSPs and Pensions			
Name:	Issued By:	Beneficiary:	Value to Estate:
Other Registered Investments			
Name:	Issued By:	Beneficiary:	Value to Estate:

Insurance	
Name of Insurance Advisor:	Phone Number:

Insurance Policies			
	Policy #1	Policy #2	Policy #3
Issuer and Policy Number:			
Name of Owner:			
Name of Life Insured:			
Name of Beneficiary:			
Value to Estate:			

Non-Registered Investments:			
Bank Accounts			
Name and Address of Bank:	Type of Account and No.	Ownership	Approx. Balance

Investment Accounts	
Name of Investment Advisor:	Phone Number:

Approximate Value of Portfolio: <i>Attach a copy of recent portfolio statement(s).</i>

Non-Registered Assets
Do you own any stocks, bonds, debentures, GIC's, etc. separately from your investment account? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>If yes, please attach a list including current value, acquisition cost, and date and location of instrument.</i>
Do you own any US stocks or bonds (including those held in any Registered or Non-Registered Account)? <div style="text-align: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</div>

Private Corporations		
1. Do you have any shares or other interest in a private corporation? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Full Legal Name of Corporation	Are you the sole shareholder?	Value of Shares or Shareholder Loans
	<input type="checkbox"/> Yes <input type="checkbox"/> No	
	<input type="checkbox"/> Yes <input type="checkbox"/> No	
	<input type="checkbox"/> Yes <input type="checkbox"/> No	
2. Do you have any interests in a partnership or an unincorporated business? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>If yes, please describe and supply copies of all shareholder or partnership agreements.</i>		
3. Do you have any interests in any Trusts? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>If yes, please describe and supply copies of all Trust Agreements.</i>		
4. Are you an executor or Trustee of an estate or trust? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>If yes, please describe and supply copies of all Trust Agreements.</i>		

Debts owing BY YOU, including promissory notes:			
Name of Creditor:	Amount:	Maturity:	Other Terms:

Debts owing TO YOU, including promissory notes:			
Name of Debtor:	Amount:	Maturity:	Other Terms:

Automobiles, Boats and Recreational Vehicles:		
Description:	Ownership:	Value:

Any heirlooms, artwork, jewellery, or any collections of special note?
Any household goods and furniture of special note?

Total Value of Assets:	
Total Value of Debts:	
Approximate Net Value of Estate:	

What an Executor Does for Your Beneficiaries

Overview: The executor role is complex because of the variety of skills required, time consuming because of the sheer volume of tasks that need to be managed, and challenging because the relationships involved can be strained due to the combination of emotions and money.

Insurance protection can be valuable protection for your executors and beneficiaries; it can give the executor more confidence and the beneficiaries more security should the estate administration be compromised.

Direction to your executor to obtain necessary professional assistance, if required, and executor insurance protection can be included with your will.

Executor Tasks:

- obtaining the probated will of the decedent;
- advertising for and/or notifying creditors and claimants/beneficiaries;
- accounting for the assets and liabilities of the estate;
- collecting and securing the assets of the estate;
- protecting the assets of the estate;
- paying the liabilities of the estate and collecting any receivables;
- filing final tax returns of the estate
- verifying claims against the estate;
- liquidating the assets of the estate.
- distributing the assets of the estate; and
- accounting for the administration of the estate.

This is a brief summary of tasks, and is not intended as a comprehensive or conclusive list in any manner.

Protecting Your Executors and Your Beneficiaries

Acting as an executor is a serious obligation that can create personal financial liability issues for the executor if the administration of the estate goes badly.

This ultimately impacts the beneficiaries; specific insurance for the task is available that can benefit both executors and the beneficiaries.

Executor insurance is particularly important for estates that have an Estate Risk Profile score of greater than 2 (please refer to the next page). If you score 2 or more, make a direction for executor insurance within your will (see page 1-12).

If you have any questions about executor and estate liability protection, you can call 1-855-636-3777 and speak with a professional service advisor.

Professional Administration Services

Executor services range from institutions like trust companies to organizations that provide estate administration documents. It is important to note that, when an executor uses these services, they are neither relieved of nor covered by the professional trustee or agent for negligence during administration of the estate.

Insurance coverage is a recommended protection for an individual's executor, even when assisted by a professional services provider.

Estate Risk Profile

Overview: The “Estate Risk Profile” section provides a quick overview of the common variables that most often are responsible for triggering an estate claim. For a quick estate assessment, circle the number corresponding to your answer to each question, and total your score at the bottom of the page.

Family Dynamics

	YES	MAYBE	NO
Are there any unique family dynamics such as a second marriage, blended family, a history of acrimony between family members OR spouses; any financial issues with any of the beneficiaries or their children, or health or drug related concerns?	2	1	0
Has there been any unique handling of family members by such as unequal cash or property distributions or access to heirlooms; any potential ‘black sheep’ in the family OR extended family; have any beneficiaries held a disproportionate care-giving role that might be looking to be recognized for their efforts?	2	1	0

Executor Specific

Are there multiple executors involved; do they share the same relationship to you; are they all in agreement in how best to involve the use of professionals for legal, tax, accounting, investments and real estate; are any of the executors or service providers to the estate seen as potentially having personal conflict; is the executor(s) also your Power of Attorney?	2	1	0
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Investments

Are there any significant financial assets of the estate that might be complex in nature; are there debts of the estate, or did you secure any unpaid loans on behalf of anyone including family members, beneficiaries or others and are they clearly documented; are there any charitable groups listed as beneficiary?	2	1	0
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Directives of the Will

Is there a legal will, or is it handwritten or done by do-it yourself methods; are the instructions within the will clear, logical and likely to avoid contest by any of the beneficiary group; do all the beneficiary group know the contents of the will; has anyone been left out, or is there disproportionate allotment of the estate assets?	2	1	0
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Real Estate

Is there a cottage or has extended family been living in your principal residence or have primary use of the cottage; any foreign or rental properties?	2	1	0
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Non-Real Estate Assets

Is there a family business or other business assets that require management or sale; is there a clear succession plan in place; is it in harmony with the will directions and expectations of the beneficiaries? Are there family assets/antiques or heirlooms that might have significant emotional value to one or all family members?	2	1	0
--	---	---	---

TOTAL SCORE

A moderate to significant profile score would suggest that executor liability insurance protection would be advisable for the benefit of the estate and executors. The following Letter of Direction will provide such support for your executor(s). Complete it and keep it with your will.

Score:

0 = low risk;
1-3 = moderate risk;
4 or over = significant risk

IMPORTANT EXECUTOR INFORMATION

Your executor(s) face personal liability when they act in administering your estate. Executor liability insurance is available to mitigate this risk. Would you like your will drafted to include a direction for the purchase of executor liability insurance? Yes No

Letter of Direction for the Benefit of My Executor(s)/Trustee(s)

Executor Name	Address	Phone Number
1)		
2)		
3)		

As my executor(s) I authorize you to purchase, at the expense of my estate:

- Professional services as you deem fit and appropriate in the care of my estate. The intent of this direction is to ensure that my executor(s) charged with administering my estate, have the benefit of professional resources where required to manage investments, property, and business interests, and to provide legal, accounting and tax advice, ultimately for the benefit of the beneficiaries; AND
- An executor liability Insurance policy for executor(s) and estate risk protection. The intent of this direction is to ensure that my executor(s) charged with administering my estate are protected by insurance.

Signature of Testator:

Date:

(dd/mm/yyyy)

Testator Information:

_____	_____	_____
First Name	Initial	Last Name

Street Address		

_____	_____	_____
City	Province	Postal Code

Note to Lawyers: Contact ERAssure at 1-855-636-3777 for more information or to receive an Application.

Will Instructions

(Part 2)

Date: _____

Lawyer's Name and address:	Phone Number:
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Executors and Trustees:

Who will administer your estate and distribute your assets or manage trusts established for your beneficiaries in your Will when you pass away? You may wish to consider appointing your spouse either alone or in conjunction with one or more other people.

List the Full Name or Names of the Individual(s) you wish to appoint as your Executors and Trustees and their relationship to you, (ie. wife, friend, brother sister, son, daughter, cousin, accountant etc.) :

Name:	Relationship to You:	Have you discussed this with them?
		<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No

In the event that your appointed Executor and Trustee or Executors and Trustees cannot act for any reason, it is recommended that you appoint at least one alternate. This is especially important if you have only chosen ONE Executor and Trustee.

Name or Names of Alternate(s) and their relationship to you:

Name:	Relationship to You:	Have you discussed this with them?
		<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No

Unless you indicate otherwise, where there are two or more Executors and Trustees appointed all decisions must be unanimous. Please indicate if you would prefer that decisions be made in a manner other than unanimously:

Majority decision binding? Yes No

Should any beneficiary be a part of majority or have a veto right? Yes No

This document is **not** a Will. Consult with a lawyer to prepare a proper legal Will. Need to locate a Wills and Estates lawyer? Visit www.erasure.com/find-lawyer.

Dispositions:

Personal Effects:

You should consider whether there are any personal effects that should be dealt with specifically in your Will. You may list specific assets in your Will that your Trustees will be legally bound to distribute. However, should you change your mind or acquire new personal assets which you would like to dispose of, you will have to amend your Will.

It may be preferable to deal with your personal effects in a memorandum of wishes. This is a memo that you would prepare at any point in time. It does not have to be in any specific legal language because it will not form part of your public Will. You will be free to amend this memo whenever you wish without amending your Will. Note this is not legally binding on your Trustees. You may also choose to leave all of your personal effects to a group of individuals, such as your children or grandchildren and let them decide how the assets are to be divided.

Questions to consider:

1. If spouse survives, do you want all personal items to go to your spouse? Yes No
2. If no spouse surviving, and children survive, all to children or issue equally? Yes No

If yes, how is the distribution to be effected?

- in Trustees' sole discretion
- as children agree
- binding memorandum
- non-binding memorandum

3. Do you wish to make gifts of personal property to persons other than your spouse and children, even if you have a spouse and/or children who survive you?:

Beneficiary and relationship to you	Gift

4. If you do not have a spouse or children, would you like your personal effects to be left to a specific person or group of people? Please list the individuals and their relationship to you:

Beneficiary	Gift

Real Estate:

Do you wish to leave your home or any other real estate that you own to a particular person or people?

You may wish to give someone the right to use the property during their lifetime with the provision that when they pass away the property is to go to someone else. This type of arrangement is a trust and requires you to consider matters such as who will pay ongoing expenses, such as insurance and regular maintenance costs, who will be responsible for capital repairs outside of the course of everyday living expenses, etc.

If you wish to leave property, for example a cottage, for the use and enjoyment of more than one person, how is the property to be shared? Do you wish to give someone the option of acquiring real estate as part of his or her share of your entire estate?

Please describe the property you wish to deal with and set out how the property is to be distributed:

Insurance Proceeds:

Your beneficiaries for any life insurance you have are listed on page 1-6.

If any beneficiary has predeceased you, who should then receive the proceeds of any insurance policies on your life that you own?

RRSP/RRIF Or Pension Proceeds:

Your beneficiaries for any RRSP/RRIF or Pension you have are listed on page 1-5.

If any beneficiary has predeceased you, who should then receive the proceeds of any RRSP, RRIF or pensions that you own?

Shares Of Business:

If you own shares of a family business or private corporation, these shares may require special consideration.

For example, should the shares be given to a particular family member or is it more appropriate for the shares to be given or sold to a business associate?

Should the shares that have special voting rights be dealt with differently than the shares that participate in the growth of the business?

Are there agreements or contracts that obligate you in some manner, such as a Shareholders' Agreement or a buy/sell agreement?

Are there tax issues that will dictate what should be done with the shares?

Please advise of any special dispositions:

Who is the individual that would have the most knowledge about these issues? (e.g. lawyer, accountant, business partner):

Name:	
Address:	
Phone Number:	
Profession:	

Legacies:

Do you want to make a cash gift to anyone, for example to relatives, friends, employees, charities, etc. Are there any conditions to be placed on the gift, for example the person must be in your employ at the time of your death? If the person is not alive when you die should the money go to someone else, such as the person's children?

Name	Relationship	Amount	Name of Alternate if Person has predeceased

You may also want to make cash gifts to someone or a group of people, such as grandchildren or nieces and nephews, that will be held in trust for them until they reach a certain age or which can be paid out over a period of several years, for e.g. 50% at one age and the remaining 50% when the person attains another age. Please provide details.

Inheritance Proceeds:

Proceeds you may have received from an inheritance are not necessarily subject to the same distribution criteria as other assets within your estate. For this reason, you may wish to distribute these proceeds differently than other assets in your estate.

Value of Inheritance Proceeds:

Distribution:			
Name	Relationship	Amount	Name of Alternate if Person has deceased

You may also want to ensure your beneficiaries are aware of the legal treatment of inheritance proceeds under Family Law. This discussion, with the advice of your lawyer, will help ensure your estate wishes are kept intact for generations to come.

Charitable Bequest:

A charitable bequest is simply a distribution from your estate to a registered charity through your last will and testament. There are different kinds of bequests. For each, you must use very specific language to indicate the precise direction of your assets, and to successfully carry out your final wishes. In any charitable bequest, be sure to name the recipient accurately. There are a few types of charitable bequests, for example:

- General bequests
- Specific bequests
- Residuary bequests
- Contingency bequests

General Bequests are legacies left to a registered charity that come from the general value of the estate, and are made by designating a specific dollar amount, a particular asset or a fixed percentage of your estate to the cause of your choice.

Specific Bequests are made when a particular item or property is bequeathed for a designated purpose.

Residuary Bequests are made when you intend to leave the residue portion (any leftover property) of your assets after other terms of the will have been satisfied.

Contingency Bequests allow you to leave a portion of your estate to a particular charity if your named beneficiary does not survive you.

Cash or Securities

Gifts of cash are available for immediate use by the charity. Gifts of publicly or privately held securities can also be made to a charity.

Life Insurance

A gift of life insurance is made when you name a registered charity as the beneficiary. This means that you control the policy, and the charity receives the insurance proceeds upon death.

RRSP's or RRIF's

Gifts of retirement plans are made when you name a registered charity as the beneficiary. This means that upon your death the charity would receive the proceeds and your estate will receive a charitable receipt. This receipt will counterbalance your final tax return, transforming any final tax liabilities you have when you die into a charitable gift.

Annuities

A gift of annuity is made when you make a contribution of cash or other property to a registered charity in exchange for a guaranteed lifetime income (or for a stated interval of time). It is an agreement or contract between you and your organization of choice. Upon death, the charity receives the remainder of the original contribution. Depending on the time elapsed, the organization of your choice may get more or less than the original contribution. If an annuity is started when you are between the ages of 75-90 you can receive tax free income. If an annuity is started when you are between the ages of 65-74 you can receive partially tax free income. Where the income is totally tax free, you will receive a donation receipt equaling the initial amount of your contribution minus your expected annuity income.

Charitable remainder of trusts

A gift of trust is made when you decide to make the registered charity the secondary beneficiary to an irrevocable trust. The primary beneficiary (or the income beneficiary) includes you, and if applicable, your spouse. Throughout your lifetime or for a stated period of time you will receive a predetermined amount of the trust; upon death the charity will receive the remainder of the trust.

Residual interest

A gift of residual interest is made when you decide to give the property in which you reside or any other property (art, valuables etc.) to a registered charity . You can continue to use and enjoy the property throughout your lifetime. You will receive a charitable tax receipt for the present value of the property when the gift is made. Upon death, the charity receives the deed of the property.

Real estate

A gift of real estate is made when you leave property, buildings, land, or a place of residence that you own to a registered charity. This type of gift can be given immediately or specified in your will . You will receive a charitable tax receipt to be used in your final income tax return.

Name of Organization	Address	Phone Number	Amount	Type of Request

Other direction:

Residue:

Once all of the gifts of specific assets or cash amounts have been distributed and all taxes and debts have been paid, the remaining assets and/or money left in your estate is called the "residue". There are two main options when deciding how distributions of the residue are to take place.

1. Absolute/Outright Gift

You may give the residue outright to one or more beneficiaries. This means that if the beneficiaries survive you the assets are given to the beneficiaries to deal with as they like. They will have complete control over the assets. They can spend it all themselves and it will pass under their will if anything is left when they die.

2. Trust

Alternatively, you may establish a trust whereby the Trustees of your estate hold the assets for the benefit of the named beneficiaries for a stipulated period of time. The Trustees will manage the property in accordance with the terms and conditions that you establish in your Will. You may set out how earned income is to be paid and when the capital is to be distributed and to whom. This type of arrangement is particularly appropriate in the following situations:

- a) where the intended beneficiary is handicapped or young or financially irresponsible;
- b) where the intended beneficiary has actual or potential creditors;
- d) where the assets are substantial;
- e) where a second marriage is involved and the assets are to be used for the spouse's benefit during his or her lifetime and then go to the children.

Bearing the matters discussed above in mind, please answer the following questions:

1. If your spouse is living at your death will he/she receive the residue? Yes No
If yes, is it to be an outright distribution Yes No
Or a trust for life? Yes No
Can the spouse get part of the capital? Yes No

2. If spouse is not living at your death or if the assets have been held in a life trust then on the death of your spouse do you want the residue to go to all of your children? Yes No
Is there to be a giftover to your grandchildren if a child of yours is not then alive? Yes No

3. If the residue is to be held in trust for your children, at what age or ages do you want the capital to be distributed and in what percentages or amounts:

Age	%	Age	%	Age	%

Should all of the income earned on the assets in the trust be paid to the beneficiary in the meantime? Yes No

Or is the payment of income to be in the Trustees' discretion? Yes No

Should the Trustees have the power to accumulate income? Yes No

Should the Trustees have the power to encroach on capital? Yes No

Do you wish to include any special terms/trust provisions/instructions? (e.g. pay for post-secondary education) Yes No

4. If you have no spouse and/or no children either currently or in the event that you have left your estate to your spouse and/or children and you are involved in a common accident such that you have no spouse or children living at your death, then how would you like the residue to be distributed:

Temporary Guardians Of Minor Children:

In a Will you are allowed to appoint one or more persons to be **temporary** guardians of your minor children upon your death.

If the other parent to your children is alive at your death, he or she will be the Guardian. It is the Will of the second parent to die that will name the proposed Guardians. **The Wills of both parents should therefore be consistent.**

The Guardian named in the Will has the authority to act for a period of 90 days from the date of the last parent's death. On or before the expiration of the 90-day period, an application must be made to the Court for an order formally appointing the named individual(s) as the Guardians of the minor children.

Name or Names of Guardians (Note that if you are naming a married couple please advise which of the two, if any, is to have custody in the event that they are no longer married on your death):

You should consider naming an alternate Guardian in the event that the first named Guardian is unable to act.

Any special instructions for the Guardians?

Have you spoken to the Guardians about this appointment? Yes No

Living Will

The expression "living will" is sometimes used to refer to a document in which you write down what you want to happen if you become ill and can't communicate your wishes about treatment. It is quite common, for example, for people to write a "living will" saying that they do not want to be kept alive on artificial life supports if they have no hope of recovery.

A "living will" is not the same as a Power of Attorney for Personal care however; you can write your treatment wishes as part of your Power of Attorney document so that your chosen power of attorney is aware of them. It is important to communicate to family members that you have a "living will" and they know its whereabouts. It may also be of advantage to carry a wallet card outlining its existence and location.

When drafting a "living will" we suggest discussing the conditions with your Doctor and Lawyer. If you are spending time out of the country or in other provinces your Lawyer will also be able to advise you on the treatment of your living will in these locations.

Power Of Attorney For Property:

You may name a person to act on your behalf with respect to your financial matters in the event that you are incapacitated or in the event that you are unavailable for any reason. This person is your "Attorney" for property. Your Attorney will be able to do anything that you can do with respect to financial matters except they cannot rewrite your Will.

Name of Attorney(s) and their relationship to you:

Alternate(s):

How should your Attorneys act?

- By majority
- Jointly
- and/or separately

Power Of Attorney For Personal Care:

You may also authorize a person to make decisions for you in connection with medical treatment, admission to care facilities and personal care decisions. This Personal Care Attorney will only make these decisions for you when it is determined that you are incapable of making these decisions for yourself. The Attorney must make the decision that you would have made if capable. As a result, it is important that your Attorney know what your decision would have been. Any instructions that you feel particularly strongly about should be relayed to your Attorney or included in your Personal Care Power of Attorney.

Name of Attorney(s) and their relationship to you:

Alternate(s):

How should your Attorneys act?

- By majority
- Jointly
- and/or separately

Executor Care

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