



Your Will Planning Workbook

This Will Planning Workbook is designed to prepare you for your meeting with the lawyer who will be drafting your Will. You should bring the workbook with you to your meeting with your estate lawyer. You should note that your estate lawyer may also have their own questionnaire to complete which may cover many of the same things that are found in this workbook.

This workbook is not intended nor should it be construed as evidence of the testamentary intentions of the individual completing it and it is not to be relied upon for tax or legal advice. Clients should seek advice from their own professional on tax and estate planning matters.

Preparing your Will

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Glossary of terms

All these words will appear in **bold** the first time they're used in this Will Planning Workbook. References may vary from Province to Province.

Assets

All the property that you own, including your house, cottage, RRSPs, car, savings account deposits, etc.

Beneficiary

A person named in your Will, who you want to receive property from your estate or under a trust after you die.

Bequest

A gift to a beneficiary stated in your Will.

Capital gains (losses)

The difference between what you paid for certain assets and what the assets are worth when you sell them or die.

Committee

The court appointed manager assigned to handle your affairs if you become physically and/or mentally incapable of doing so yourself.

Dependants

A person who depends on another person for financial support.

Digital Assets

Assets that are dealt with by electronic means and may no longer have paper copies available for viewing. eg: on-line bank accounts, investment accounts, credit card accounts, bitcoins, photos, social media accounts, lines of credit, points programs through any organization with value. These digital assets are usually password protected.

Estate

The trust to which all of your assets are transferred when you die.

Executor/Estate trustee

A personal representative, appointed by you in your Will, who is responsible for settling your estate when you die.

Liquidator (Quebec)

The person responsible for settling an estate reference is used in Quebec.

Heirs

The people you leave behind who will inherit your property after your death.

Insurance trust

A formal trust that can be created in a Will that receives insurance proceeds. The proceeds are distributed according to the terms of the trust which is housed in the Will.

Intestate

If you die without a valid Will, you die intestate. Each province has specific legislation and regulations dealing with the distribution of the estate. In most provinces the spouse of the deceased person (testator) shall receive a preferential share of the estate and will share in the estate with the child or where no children the spouse will receive all assets under the estate.

Mandate

The Quebec equivalent of a power of attorney.

Minor

A person who has not reached the age of majority (18 in many provinces).

Personal representative

A personal representative who is appointed by the court to settle your estate if you die without a Will, and therefore do not have an executor/estate trustee.

Power of attorney (property)

A written document that allows a person to act as your legal representative (to do your banking, pay your bills, etc.) A power of attorney for personal care can also be appointed in a separate document.

Probate

The process of having a court declare your Will valid.

Probate fees

The amount paid to the court as a fee for having your Will probated.

Trust

A relationship naming or establishing a trustee to manage one person's assets for the benefit of another person, the beneficiary.

Trustee

The person responsible for managing a trust (this may be the same person as the executor of the Will).



Introduction

A great deal of thought and planning needs to go into preparing your Will. Not only should you consider what your **estate** is currently worth, you should also consider your future sources of wealth. In addition, your Will should be flexible enough to include unborn, as well as living, **beneficiaries**. It is a task that should not be handled alone. Discussions with your family and professional advisors will help you make decisions best suited to your needs and wishes. This workbook contains information to help you prepare your Will. However, you will still need to meet with a lawyer when you are ready to put it all together.

Your estate

Keep records of all your **assets** – your house, pension, savings plans, insurance and investments, **digital assets** and passwords in a safe place. A questionnaire has been provided at the back of this workbook to assist you with this. If records are kept electronically, you will need to ensure that at the time of your death they will be accessible by providing passwords and information about the nature of the records and or digital assets.

There are many questions you will need to answer regarding your estate. For example:

- Is the title to the house in your name or your spouse's name, or both? This is important in determining whether the house will form part of your estate.
- Who are the beneficiaries named in your insurance and pension plans? If anyone other than your estate is named, then the proceeds will flow outside your estate.
- What is the approximate value of all your assets?
- Do you have digital assets? If so, have you ensured access will be given to your **executor/estate trustee** at death?
- If you are a partner or a shareholder in a private business, are there any arrangements for selling your share to your family or to the other people in the business when you retire or die? If permitted in your province have you done Will planning by doing primary and secondary Wills? Does a shareholder agreement exist that deals with the shares on death? The Will and shareholder agreement should not conflict on this point.
- Have you loaned money to family or friends?

You should also keep records of what you owe, such as the mortgage on your house, bank loans, private loans, etc. If you have assets (such as investments or a second residence) which may be taxed in the future, how much will the tax be? (More about this under the heading “Income Tax.”)

It costs money to administer an estate. As a rough figure, this can be from two per cent to six per cent of the estate value.

By noting what you have and deducting what you owe, including your taxes and your estate administration costs, you will see what is left for your beneficiaries.

Beneficiaries of your estate

Your spouse

Many couples leave everything to their surviving spouse. Some people leave assets in a trust for their surviving spouse, providing them with income to meet their future needs. An executor/estate trustee is authorized to distribute the capital to the spouse if the income is not enough. When the spouse dies, the trust assets go to the children.

Life insurance, pension plans and RRSPs allow for a beneficiary to be named. This means proceeds flow directly to the named beneficiary and by-pass the estate. This avoids **probate**, attacks from creditors of the estate and generally simplifies the administration of the estate.

Your children

After you and your spouse have died, you may want what is left of the estate to be divided equally among your children. If your children are too young to receive their share, you can appoint a trustee to hold each child's share in a trust until they reach a certain age. Before they reach this predetermined age, you may specify that the **trustee** use the trust assets for the benefit of that child.

If you have several children, each child's share may not be enough to get the child through school. You may wish to specify in your Will that what is left for the children be kept in a single trust until the youngest reaches an age that you choose. In the meantime, the trustee can use the income from the trust for your children, unequally if necessary. Then, when the youngest reaches the age specified in your Will, what is left is divided among the children.

On the other hand, if a child's share will be substantial, some people direct that it be given in stages – part at one age and the balance at a later age.

In deciding shares for your children, your Will should also deal with these questions:

- How much flexibility will you give the trustee to use the income and capital of the trust for the children? (In smaller trusts, the trustee is usually given a lot of flexibility; in larger trusts, the trustee may be directed to give the income directly to older children and to use the capital as necessary.)
- If the child dies before the age when the balance is to be received, who will receive what is left? His/her children? His/her spouse? As he/she directs in his/her Will? Your other descendants?

If your child needs special care and won't be able to look after what you leave him/her, you can leave assets with a trustee to hold in trust for the lifetime of the child. The trustee must use the assets for the benefit of the child. When the child dies, what is left of the assets within the trust would go to his/her descendants or to your other descendants.

Parents of young children often ask, “Who will look after our children if we both die?” Usually, families or friends step in to help. If there is a dispute, the courts decide. In your Will, you can name someone to be guardian of your children. The effect of such an appointment differs from province to province. The appointment may only be for a set period of time (e.g. in Ontario the appointment is good for 90 days). Thereafter, the guardian will need to be appointed by the court. However, it allows you to state your intention as to who should be a guardian. This provides evidence should a dispute arise as to the proper appointment. You may want to appoint a separate guardian and executor/estate trustee to avoid any possible conflicts of interest.

If you have named a **minor** as beneficiary under a life insurance policy, the proceeds would normally be paid to the court until the child attains the age of majority. The guardian would have to apply to the court to obtain the funds. There are two ways to avoid the situation – first, you can name the estate as the beneficiary and explain your intentions in your Will or, to avoid probate and potential claims by creditors of your estate, a separate **insurance trust** can be created in your Will. Second, the trustee could be named as beneficiary to hold the life insurance proceeds in trust for the minor beneficiary.

Genetic and Reproductive Material

Your Will should also address if you have frozen or stored reproductive material or embryos. Clients should consider what should be done with this material. A number of questions should be considered and answered. What was the intent of having such material and where is it stored?

Are there any agreements that the donor entered into that should be considered in their estate plan? What is the intended use of the material after death? All of these issues should be thoroughly discussed and considered for Will planning purposes. Genetic material or reproductive arrangements may impact who are considered “children” or “issue” for Will planning purposes.

Other beneficiaries

Individuals who do not have children can consider naming nieces/nephews or family friends as beneficiaries under their estate. The same considerations would apply as discussed above for minors. Where there may be no one person to name the individual may wish to consider leaving funds to a charity or a community foundation which is discussed below.

If you want to make a specific **bequest** to someone – i.e., a relative, friend or charity – you can do so outright or within a trust, either as a set amount or a percentage of your estate. If you have no immediate family, careful consideration should be given to those you want to share in your estate and to what extent.

Planning for pets

Pets are increasingly viewed as part of the family. Many pet owners want to create on-going care arrangements for their pets after death. To avoid having a beloved pet wind up in an animal shelter, planning in your Will can occur that identifies a care provider for the animal. Once that person is identified, an estate plan can address leaving a reasonable monetary legacy to the care giver to be used for the care of the pet. The Testator, as part of the estate planning process should have a discussion with the named care giver to ensure that the individual is aware of their obligations and the purpose and use of the monetary legacy. A trust cannot be set up for the benefit of a pet but funds can be given to an individual for care of the pet.

Charities and community foundations

You may also wish to benefit a charity(ies) by making a charitable donation. There are tax planning opportunities when contributions are made to a charity(ies). Naming the charity(ies) you wish to benefit should be discussed with the lawyer drafting your Will to ensure that your desire to donate is accurately reflected in your Will. You may also wish to consider working with a community foundation to benefit your favorite charity(ies). You can reach out to your local community foundation to have the discussion and they can help you plan how to best donate to a charity or a variety of charities. You can then discuss this with your lawyer to ensure this is all part of your estate plan.

Personal and household effects

You may want personal items – jewelry, furniture, art – to go to certain people. In your Will, you can specify which items you want each person to have. However, this can lead to difficulties later if the personal item cannot be found or you wish to change your mind as to who receives the personal item. Alternatively, you can ask that these items be distributed as the executor/estate trustee decides. A common practice is to make a list of these personal items, including who you would like to receive them in memorandum form, and keep it with your Will. The memorandum is not binding but can be a useful tool for your Trustee. Your **heirs** are not bound by this list since it is separate from the Will but your executor/estate trustee can use it as a guide when distributing your property.

Dependants

Most provinces require that you make plans for the support of your **dependants** in your Will. Your dependants are those you support financially, or should be supporting, when you die. This may include your spouse (including common-law depending upon the jurisdiction), former spouse, children (this may include adult and minor children, adopted children, children born inside or outside of marriage depending upon the jurisdiction, and children that may be born by genetic material (also known as cryo-preserved material), surrogacy and assisted reproduction) parents, brothers and sisters.

Federal Child Support Guidelines exist to determine support obligations for children when separation or divorce occurs. If a spousal support obligation exists, the amount may be determined by Provincial Support Guidelines. Upon your death, if what you provide isn't adequate, the dependant may apply to the court to obtain more support.

Choosing executor/estate trustee

In your Will, you name one or more executors to carry out your instructions. Alternate executors should be named. As well, thought should be given to an executor within the same jurisdiction or living area. This simply makes it easier for your executor to deal with your affairs. It may also avoid the need for an executor who lives out of the jurisdiction to be bonded if this is required by the province. To provide peace of mind for your executor, you may wish to discuss the purchase of executor insurance when the time comes and how this insurance coverage will be paid at the time of your death.

- Your executor(s) finds out what your assets are and what they are worth. They look after them until they are sold or distributed to your beneficiaries.
- They find out what you owe, including income tax.
- As soon as they can, they plan how to pay your debts and taxes, how to provide money for your dependants while the estate is being organized and how to complete the estate administration. There are tax returns to be filed, accounts to be kept, assets to be looked after, money to be raised and reports to go to beneficiaries.

You should choose an executor who will be sensitive to the needs of your family, will be able to do the job and will know when and where to get advice. You should try to choose people who will not have a conflict between their job as executor and their personal interest in your estate, such as a beneficiary or possible purchaser of an asset.

Choosing the executor(s) is as important as deciding how the estate will be divided. Your choice will depend on many factors. Many couples, who leave everything to the surviving spouse and then to their children, name the surviving spouse as the sole executor and then name others as alternative executors to handle matters for the children in the event the spouse is not living. Some people choose a professional trustee – a trust company – or authorize the executors to hire a trust company to do the administrative work. This usually occurs when the estate is quite large or there is a lengthy period of time for the distribution of the trust(s) contained within the Will. Others choose one or more people and a trust company as co-executors.

When there is a trust set up under a Will, the executor(s) could become the trustee(s). Executors and trustees are basically the same but they need not be the same people. You could have different trustees for different trusts.

For example, if you are going to put assets in trust for your grandchildren, you could have the parents of each grandchild act as the trustee.

Digital assets

Digital Assets are those which can be accessed online or electronically usually without paper statements. Examples would include on-line banking, investment accounts, or could include reward point sites or social media pages. Since these types of accounts are usually password protected, you will need to ensure that you properly disclose to your executor the appropriate information so that digital assets can be accessed.

Foreign assets

If you own property outside of Canada you will need to seek advice in the jurisdiction where the property is located to determine whether a Will in that jurisdiction will be required to deal with the property.

Almost all countries that belong to the European Union (EU) now allow a Canadian Will to deal with property situated in that European country. If you have property in a EU country that permits distribution by a Canadian Will, an estate lawyer in Canada should discuss this option with you to determine if the Canadian Will is appropriate. Note that taxes in the foreign jurisdiction shall still be applied under the foreign tax regime.

Currently, there are no inheritance taxes or death duties in Canada. (For information on provincial **probate fees** see the section of this workbook entitled “probate fees”).

Many countries, such as the United States and England, have estate or inheritance taxes. If you have property in countries where there are death duties or estate taxes, some special planning may be needed and a professional in that jurisdiction should be consulted for advice.

Income tax

There are special rules when a taxpayer dies. Your capital assets are said to be sold when you die and any **capital gains or losses** are included in calculating your final income. Also, your RRSPs and other tax-favoured investment plans and accounts are brought into your final income. So, while there may not be any inheritance tax, there may be a large income tax liability resulting from your death.

You may be able to defer payment of this tax liability if you transfer your assets to your spouse through your Will. The tax liability will be deferred until your spouse sells the asset or receives the proceeds from the RRSP or until your spouse dies. This also applies to a spousal trust – where you leave assets in trust for your spouse alone will receive all the income from the trust for the duration of his or her life.

If planning using a trust is desired, the taxation of the trust may result in the application of the highest marginal tax rate. Therefore, tax advice should be obtained to ensure that your Will and the use of a trust(s) considers all tax implications.

There may be other planning opportunities that can reduce your tax liability on death. You should consult a professional advisor who can help you minimize the taxes your estate will owe. Often, it is appropriate to have life insurance in place to cover the potentially large tax liability at death.

Life insurance planning and your Will

You can make a beneficiary designation by either completing a beneficiary designation form provided by the insurer or by making a declaration in your Will. Which ever place you make your beneficiary designation the last one made is the one that stands. A beneficiary designation made in a Will cannot be irrevocable because a Will must always be revocable. A declaration in your Will that creates an **insurance trust** and it is that trust that receives the insurance proceeds. If drafted correctly probate fees will not apply to the insurance proceeds and creditors of your estate will not be able to attack the insurance proceeds. An estate lawyer will be able to discuss this planning option with you.

You can also benefit a charity or community foundation by naming the charity(ies) as either beneficiary or owner of a life insurance policy. There are certain tax advantages that can reduce tax payable and your accountant or lawyer can discuss this with you so that you may plan accordingly.

When to review your Will

You should review your Will whenever your circumstances change such as: marriage (in some jurisdictions, marriage revokes a prior Will), death of a beneficiary, separation or divorce, birth of children or children growing up; disposition or change in assets, debt structure changes. A Will should also be reviewed after a change to income tax laws or other relevant provincial legislation. Ideally, a Will should be reviewed every three to five years even if there has not been a significant change to one's assets or personal situation.

If you don't have a Will

If you don't have a Will, you will die **intestate**. Without a Will, provincial law decides how your estate will be distributed and that may be very different from what you want. Usually, your spouse receives a certain amount of your estate, (in some jurisdictions this is referred to as the "preferential share") and the balance is then divided among your spouse and children. Children who receive a share under age 18 may have their share paid into court. If you don't have children and if you aren't married, everything will usually go to your parents, brothers or sisters.

Also, when you die intestate, the court will appoint a **personal representative** to settle your affairs. A personal representative will have many of the same duties as an executor, however, he or she

will be restricted to handling your property in the manner set out in provincial law. The process of appointing a personal representative can be expensive and will delay the distribution of your estate. For these reasons, it is important to have a Will.

What if you become incapable of handling your affairs?

If you become incapable of managing your affairs and your assets need to be looked after, the court will appoint a **committee** or the court will appoint a guardian depending upon the jurisdiction. This could be a relative, friend or perhaps a trust company. The committee manages your assets and pays your expenses under the direction of the court. This takes time to organize and it costs money. When you die, the committee's role is terminated and your appointed executor takes over.

Powers of attorney

If you have done a **power of attorney** document for property, your appointed attorney will have the authority to sell, mortgage, manage and pay expenses when you are alive and incapacitated. It can be a general power, meaning they can do anything you can legally do, or it can be limited, meaning you authorize them to do only specific things.

In most provinces, provided that specific wording has been used, the power of attorney document may continue to be effective even after incapacity.

Many couples appoint each other as attorney, as well as appointing the other as executor/estate trustee of his or her Will. In either instance, an alternative attorney or executor should also always be named. We recommend that you consider doing a power of attorney in conjunction with the preparation of your Will. To clarify, a power of attorney document is effective during the lifetime of the grantor. It is triggered by an event noted in the document such as incapacity. A Will becomes effective only at death. This is the difference between a power of attorney document and a Will. On death, your named executor will administer your estate.

There are certain limitations on the actions of an attorney. An attorney cannot make, change or revoke a Will on behalf of the donor. The attorney cannot exercise his or her powers for personal benefit. An attorney cannot delegate their responsibilities and duties to another person unless the power of attorney document permits it. An attorney also cannot make a beneficiary designation on behalf of a donor under a life insurance policy, TFSA, RRSP, RRIF or other pension plan. An attorney cannot transfer a life insurance policy only the owner of the policy can do this.

A power of attorney can also be done for personal care. The attorney in this instance, will determine what life-sustaining measures can be taken as well as the nature of care to be provided to the grantor.

Trusts

An alternative to a power of attorney is to create a trust during your lifetime. The trust can continue to provide for you and your family until death. After death, the trust can be distributed in the manner set out in the trust, or it can simply continue to provide income to your heirs, thus effectively replacing a Will and avoiding many of the delays and costs of estate administration.

a) Joint Partner and alter ego trusts

Alter ego and joint partner trusts are a specific type of trust that is an alternative to having all your assets flow through your estate by way of a Will and having probate apply. In provinces such as Ontario or British Columbia, where probate fees are significant, using these types of trusts may be desirable. Alter ego trusts are often used to replace the need for a Power of Attorney document for property.

With these types of trusts, the trust can continue on or after the last spouse dies and the beneficiaries of the trust can be children, grandchildren, family members or a charity or community foundation.

Setting up an alter ego or joint partner trust has some advantages and disadvantages that must be considered. When doing this type of planning, you must fully weigh all the issues with a professional tax and legal advisor before implementing them.

Mandates in Quebec

Under Quebec law, the equivalent of a power of attorney is called a **mandate**. A mandate is set up to administer your assets if you become incapable of doing so yourself. The person named in the mandate will be able to make personal care decisions for you as well as manage your assets during your illness. You can draft your own mandate. However, a mandate only comes into effect if a court recognizes that you are not able to perform your duties (i.e., if you become incapacitated).

Probate fees

Probate fees are essentially a form of tax based on the value of your estate. When you die, your executor will probably need to have a court declare that your Will is valid in order to deal with certain assets. For example, banks and trust companies will often require that a Will be **probated** before they will allow an executor to get access to funds on deposit. Your executor will need to apply to the court for letters of probate and will have to pay the probate fees set by your province.

Currently, certain province (except Quebec which has an administrative fee, Alberta has a capped fee and Manitoba has no probate fees) charges probate fees. Probate fees may be higher in some provinces than others. These fees are applicable not only to the probating of Wills but also for approving the administration of the intestate estate. If you plan your affairs so that your assets pass directly to your heirs rather than through your estate, you can minimize the cost of probate fees. (e.g. naming a beneficiary in a life insurance policy)

However, certain planning like putting property in joint names with children, should be considered carefully. Once the property is jointly held, it is potentially exposed to creditors of your child including matrimonial claims by an ex-spouse of the child. Any probate planning you do should be done with the advice of your lawyer.

Primary and Secondary Wills

If you are a shareholder of a corporation, you may wish to consider having primary and secondary Wills done (sometimes referred to as corporate Wills). Your primary Will can deal with your estate assets except your shares held in your corporation. You can do a secondary Will to deal with your shares in your corporation. This avoids your shares in your corporation being included in the value of your estate for determining probate fees. You should ensure that if you have a shareholder agreement in place that your Will planning is considered in light of the provisions of that shareholder agreement. As well, it is very important to ensure that a lawyer that has experience in drafting primary and secondary Wills be consulted. The drafting of these Wills is very tricky and wording is key to ensuring probate fees do not apply. Note should be made that secondary wills are not permissible in all provinces. Nova Scotia does not permit the use of secondary wills.

Frequently Asked Questions (FAQ)

Can I do my own Will?

While you can draft your own Will it is not recommended. Estate planning is complex and it is not getting any easier. Provincial requirements to create a valid Will are not simple. A lawyer can ensure your wishes are properly captured in your Will and that it meets provincial requirements to be a valid Will.

You can make your own Will by using a Stationary Will available through various retail outlets. A pre-set form provides paragraphs with blanks for you to complete. While stationary Wills have grown in popularity in recent years, you should be aware of potential problems with interpretation and non-compliance with provincial rules to make a valid Will. You can also create a Will entirely in your own handwriting called a Holograph Will. However, some provinces do not recognize this type of Will. A holograph Will must be drafted clearly to determine how your estate will be distributed. While both of these methods are available to you to create a Will, the expertise of an estate lawyer is always recommended.

I own all my assets jointly with my spouse - Do I really need a Will?

The answer to this question is generally yes. One of the main reasons is because if you and your spouse die together you will want a Will in place to address what will happen with your assets at your death. In some provinces where joint owners die together, their assets are treated as if they have died separately from one another meaning that their respective interest will fall into their own estate. Having a Will in place allows for your interest in any asset to be dealt with. In other provinces, a simultaneous death may result in the assets falling into the estate of the youngest to die. Again, a Will should be in place if those assets fall into your estate.

How do I plan for my minor children and unborn children?

When your spouse has survived you, your planning for minor children is easier. You will most likely leave your estate to your spouse with the thought that your spouse will care for your children both emotionally and financially while they are minors and once adults, your spouse's estate will provide a benefit to them.

If both you and your spouse have died you will most likely want your estate to be divided equally among your children. If your children are too young to receive their share, you can appoint a trustee to hold each child's share in trust until they reach a certain age. You can also direct that each child's share be given in stages as opposed to a lump sum.

You can provide direction to your trustee through your Will as to how they can use your funds from your estate to benefit your children. To accomplish this goal, you will need to speak with a lawyer and provide instruction to them so that your will reflects your wishes. Your lawyer will also be able to draft a Will in such a manner so that unborn children can be contemplated for distribution purposes of your estate.

How do I ensure my debts are paid at my death?

You may have existing debts such as a mortgage, line of credit, credit card debt, private loan, etc. In addition, to having to pay these upon your death, there are additional expenses and debts that may be triggered upon your death.

For example, additional income taxes may be triggered upon your death (assuming that you do not qualify under the Income Tax Act for a spousal rollover). You will be deemed to have disposed of your capital property (e.g. a cottage or stocks are capital assets) immediately before your death (for proceeds equal to fair market value). If your capital property has increased in value, then this will trigger capital gains taxes. Further you may have income taxes payable upon your RRSPs or RRIFs.

You may also have funeral expenses and other incidental expenses. Your executor may incur estate administrative costs and professional fees.

To ensure that these expenses are paid you will need to roughly determine what will be owed at your death. Once you have that number in mind, you will need to figure out how the debts owing will be paid. Life insurance is one way to ensure that funds will be available to pay these debts.

The other alternative may result in your executor having to liquidate your assets at death if there are insufficient funds available to pay your debts. When this occurs, the beneficiaries of your estate may not receive what you had intended for them. Careful planning in that regard and knowing what your potential liabilities will be at death can help you to ensure the distribution of your estate goes according to plan.

How do I divide my assets?

When planning how to divide your estate, you will need to assess your assets and debts. When you have a clear picture of your assets or the amount which you will distribute at death, then you must decide who should be a beneficiary of your estate. The residue clause of your Will is the distribution of your estate when your debts have been paid and after any specific bequests have been made.

Conclusion

Preparing a properly drawn Will is a very important task. Your insurance advisor would be pleased to assist you in discussing issues that should be reviewed with a lawyer at the time of drafting your Will. He or she can also provide you with information on the uses of life insurance in estate planning.



Will Planning Questionnaire

Balance sheet

Date: _____

Assets:	You	Your Spouse
Personal residence	\$	
Other real estate (list on next page)		
Personal property		
RRSPs		
RRIFs		
RPPs		
TFSAs		
Stocks and bonds (list on next page)		
Life insurance (list on next page)		
Business interests		
Bank accounts (list on next page)		
Digital assets that may have a value		

Liabilities:	You	Your Spouse
Personal residence		
Other real estate (list on next page)		
Personal property		

Will Planning Questionnaire continued

	You	Your Spouse
Real estate:		
Bank accounts:		
(Could include digital accounts)		
Stocks & bonds:		
Personal loans:		
Business loans:		
Life insurance:		
Named beneficiaries under all policies and indicate under which specific policies:		
Policy loans:		

Questionnaire

1. Who do you wish to be your executor? And do you wish to have more than one executor? (note: when there are 2 or more executors how will they decide issues? - jointly or severally (separately). If you determine a commercial trustee would be best to administer your estate, you will need to work with your lawyer to submit the will to the commercial trustee in advance of signing it and at that time you should agree on fees for the services provided by the commercial trustee to administer your estate.

You: _____

Your spouse: _____

2. Do you wish to name someone to replace your executor in the event of death or inability? (contingent executor)

You: _____

Your spouse: _____

3. Do you wish to leave any personal property to anyone? (Bequest e.g., jewelry, collections, clothing)

You: _____

Your spouse: _____

4. Do you wish to leave a sum of money to anyone?

You: _____

Your spouse: _____

5. Do you wish to leave the remainder of your estate to your spouse?

You: ☐ Yes ☐ No

Your spouse: ☐ Yes ☐ No

6. If not, do you want to create a trust for your spouse, with the trust assets going to your children when your spouse dies?

You: ☐ Yes ☐ No

Your spouse: ☐ Yes ☐ No

7. Do you wish that any bequests to your children go directly to them or be held in trust by the executor or other named trustee?

You should note reproductive and genetic material in this section and discuss what will happen in the event of your death to this material and how a birth of child by reproductive means after your death will impact your estate distribution.

You: _____

Your spouse: _____

8. Do you wish to plan for the shares in your corporation using Primary and Secondary Wills? (to accomplish probate planning)

You: ☐ Yes ☐ No

If yes, do you have a shareholder agreement that should be considered with this type of planning?

You: ☐ Yes ☐ No

9. Do you wish to have your business managed by trustees until your spouse and / or children are capable of doing so?

You: ☐ Yes ☐ No

Your spouse: ☐ Yes ☐ No

In the event that children are left alone while minors

10. Who do you wish to name as guardian or guardians of your children (review with your estate lawyer how appointment is done in province and for how long)?

11. Do you wish your estate to be held in one trust until your youngest child reaches a certain age (usually age of majority) with income from the trust paid to children according to their individual needs?

You: ☐ Yes

☐ No

Your spouse: ☐ Yes

☐ No

Or

Do you wish your estate to be divided equally on your death and held in separate trusts with income paid to each child from his or her own trust?

You: ☐ Yes

☐ No

Your spouse: ☐ Yes

☐ No

12. If, at any time because of inflation or special needs, the income is not sufficient, do you wish to allow the children to use part of their capital? (capital encroachment)

You: ☐ Yes

☐ No

Your spouse: ☐ Yes

☐ No

13. At what age(s) should each child receive his or her share? (date of final distribution e.g., age 18 or, age 21, or half at age 21 and remainder at age 25)

14. If a child dies before the date of final distribution and does not leave children of their own alive, do you wish your grandchildren to take your child's share?

☐ Yes

☐ No

15. If a child dies before the date of final distribution and leaves children of their own alive, do you wish that child's share to go to your other children still alive?

☐ Yes

☐ No

16. If none of your children survive to the date of final distribution, to whom do you wish to leave the rest of your estate?

You: _____

Your spouse: _____

17. Do you wish to leave money to a charity or community foundation?

You: _____

Your spouse: _____

If yes, which charities or community foundation?

You: _____

Your spouse: _____

Other provisions

18. Are there any special clauses you want in your Will?

You:

Your spouse:

19. Is there any charity(ies) you wish to benefit? Which charities?

20. Have you thought about speaking to a community foundation to help you with your charitable donation planning?

☐ Yes

☐ No

If yes, which community foundation?

21. Life Insurance: Have you or will you make a donation by naming a charity(ies) or community foundation as beneficiary or making arrangements for a charity(ies) or community foundation to own a life insurance policy on your life?

☐ Yes

☐ No

22. Are there any special funeral instructions? (e.g., cremation, closed casket, burial plot)

You:

Your spouse:

23. Has funeral/cremation been pre-arranged? Provide details including funeral home.

You:

Your spouse:

24. Do you have pets that require a care-giver and have you discussed with the care-giver how the funds should be used?

Name of pet care-giver:

Have you made funds available to your pet care-giver? ☐ Yes

☐ No

Provide details of how the funds should be used:

Agreement	By signing below, you agree that: 1. We can obtain personal information about you as described below (examples of information to be collected, financial statements, corporate organization charts, Will, shareholder agreements etc.). 2. We can use your personal information to: • help you and your advisor(s) assess your insurance needs; • determine which of our products may meet those needs; • determine whether the insurance we may provide would require and/or be eligible for reinsurance; and • underwrite any product you decide to apply for. 3. If we need to determine whether any insurance we provide would require or be eligible for reinsurance, then you agree that we can provide your personal information to potential reinsurers for that purpose. 4. Unless you select one or both of the options below, you agree that we can obtain personal information about you from third parties such as your doctor, or medical facility, your lawyer, accountant or other insurance companies. You authorize third parties to give us any of your personal information that may be relevant to the purposes described above. You agree that we can share your personal information with these third parties to enable them to (1) identify you accurately and (2) assist us in using your personal information for the purposes described above. You do not give consent for us to obtain your personal information from third parties. If you have selected this box, we can only obtain your personal information directly from you, or from your advisor, any insurance agency that employs your advisor or has named him or her as its agent, or from any of their employees. You do not give consent for us to give your personal information to third parties. If you have selected this box, we can only share your personal information with applicable reinsurers, your advisor, any insurance agency that employs your advisor or has named him or her as its agent, and any of their employees, as required to perform their jobs. You can withdraw your consent to the collection, use or disclosure of your personal information as described in this form. If you withdraw your consent, we may not be able to assist you in assessing your insurance needs or for the other purposes described above. To withdraw your consent, or to request access or corrections to your personal information, contact your insurance advisor. To obtain more information about our privacy policies, see www.manulife.ca > Privacy Policy.	
Signatures	Client name (please print)	Client Signature
	Date (dd/mm/yyyy)	Signature of Witness

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