

DATE: _____

INSTRUCTION GUIDE FOR YOUR WILL

GENERAL INFORMATION:

NAME: _____ DATE OF BIRTH: _____

CITIZENSHIP: _____ PLACE OF BIRTH: _____

ADDRESS: _____
(including postal code) _____

TELEPHONE: (HOME) () _____ (WORK) () _____

OCCUPATION: _____ EMPLOYER: _____

DO YOU NOW HAVE A WILL? Yes ____ No ____

IF YES, WHAT YEAR WAS IT DONE? _____

IF YES, WHERE IS IT? _____

REASONS FOR NEW WILL _____

ESTATE TRUSTEE (formerly known as “Executors”):

(Your Estate Trustee is the person who gathers in your assets, pays your bills and distributes your money and other assets to your beneficiaries in accordance with your will. This person can be your spouse, some or all of your children (provided they are at least 18 years old), a trust company, or someone else in whom you have confidence. You can have more than one Estate Trustee and/or you can have alternate Estate Trustees. Alternate Estate Trustees are often named in the event that something happens to the person(s) you have named to be your Estate Trustee (such as that person dies, has a stroke, or just does not want the responsibility). Both the Estate Trustee(s) and the alternate Estate Trustee(s) should be residents of Ontario.)

1. Do you want your spouse to be your Estate Trustee? Yes ____ No ____ Not Married ____

2. Who do you want to be your Estate Trustee(s) after you (and your spouse, if married) have died?

| | Full Name | Relationship to You | Age | Telephone Number |
|-----|-----------|---------------------|-------|------------------|
| (1) | _____ | _____ | _____ | _____ |
| (2) | _____ | _____ | _____ | _____ |
| (3) | _____ | _____ | _____ | _____ |

3. Who do you want to be your alternate Estate Trustee(s) after you (and your spouse, if married) have died?

| | Full Name | Relationship to You | Age | Telephone Number |
|-----|-----------|---------------------|-------|------------------|
| (1) | _____ | _____ | _____ | _____ |
| (2) | _____ | _____ | _____ | _____ |
| (3) | _____ | _____ | _____ | _____ |

BENEFICIARIES:

(When you die, how do you want your estate distributed?)

A. IF YOU HAVE A SPOUSE, COMPLETE THIS SECTION (If you do not have a spouse, please skip this section and go to B)

1. Even while your spouse is alive, are there any particular assets, such as a piece of jewellery or an item of special furniture, to go to someone **other than your spouse** (Note: If you make such a gift, it will be taken out prior to the estate being turned over to your spouse. If your spouse predeceases you, it will also have priority over the gift to your children)?
Yes ____ No ____

If Yes, are you going to prepare a list to be kept with your Will? Yes ____ No ____

If Yes, please note that a list prepared and signed after the execution of your Will is not legally binding. However, someone might choose to have such a list because the list can be easily changed without the requirement of re-executing one's Will. Furthermore, executors and families do, in most instances, choose to honour your intentions as expressed in a memorandum to your Will listing specific assets and to whom they should go, especially where the assets are principally of sentimental value rather than of great financial value.

If No, do you want the items and the persons listed in your Will or in a memorandum that is prepared and signed before the execution of your Will and referred to in your Will (both methods cause the bequest to be legally binding)? Yes ____ No ____

If you do, name of person(s) and particular asset(s):

| | Full Name | Asset |
|-----|-----------|-------|
| (1) | _____ | _____ |
| (2) | _____ | _____ |
| (3) | _____ | _____ |
| (4) | _____ | _____ |

2. Even while your spouse is alive, are there any charities to which you want to leave money? Yes ____ No ____

| Charity | Amount |
|-----------|--------|
| (1) _____ | _____ |
| (2) _____ | _____ |

3. Does the balance of your estate (called the “residue”) go to your spouse? Yes ____ No ____

If No, Details _____

4. For the part of your estate which goes to your spouse, are there any restrictions? Yes ____ No ____

If Yes, Details _____

B. IF YOU DO NOT HAVE A SPOUSE, COMPLETE THIS SECTION:

1. Are there any particular assets, such as a piece of jewellery or an item of special furniture, to go to someone
(Note: If you make such a gift, it will have priority over the gift to your children, if any)?

Yes ____ No ____

If Yes, are you going to prepare a list to be kept somewhere? Yes ____ No ____

If Yes, please note that a list prepared and signed after the execution of your Will is not legally binding. However, someone might choose to have such a list because the list can be easily changed without the requirement of re-executing one’s Will. Furthermore, executors and families do, in most instances, choose to honour your intentions as expressed in a memorandum to your Will listing specific assets and to whom they should go, especially where the assets are principally of sentimental value rather than of great financial value.

If No, do you want the items and the persons listed in your Will or in a memorandum that is prepared and signed before the execution of your Will and referred to in your Will (both methods cause the bequest to be legally binding) ? Yes ____ No ____

If you do, name of person(s) and particular asset(s):

| Full Name | Asset |
|-----------|-------|
| (1) _____ | _____ |

- (2) _____
- (3) _____
- (4) _____

2. Are there any charities to which you want to leave money? Yes ____ No ____

| Charity | Amount |
|-----------|--------|
| (1) _____ | _____ |
| (2) _____ | _____ |

3. What is to happen to the balance of your estate (called the “residue”)?

C. IF YOU HAVE CHILDREN, COMPLETE THIS SECTION:

(The normal format is that when you (and your spouse, if married) dies, the estate is divided among the children, usually equally. However, you may not want everything divided equally among your children. In addition, you may want to make a gift to someone – a friend or a charity – after you (and your spouse, if married) have died, or you may want to make specific gifts to one or more of your children. If you make a gift with priority over the division of the residue among your children, it will be taken out of your estate prior to the balance of the estate being divided among them.)

1. Are there any particular assets, such as a piece of jewellery or an item of special furniture, to go to someone?
Yes ____ No ____

If Yes, are you going to prepare a list to be kept somewhere? Yes ____ No ____

If Yes, please note that a list prepared and signed after the execution of your Will is not legally binding. However, someone might choose to have such a list because the list can be easily changed without the requirement of re-executing one’s Will. Furthermore, executors and families do, in most instances, choose to honour your intentions as expressed in a memorandum to your Will listing specific assets and to whom they should go, especially where the assets are principally of sentimental value rather than of great financial value.

If No, do you want the items and the persons listed in your Will or in a memorandum that is prepared and signed before the execution of your Will and referred to in your Will (both methods cause the bequest to be legally binding)? Yes ____ No ____

If you do, name of person(s) and particular asset(s):

| Full Name | Asset |
|-----------|-------|
| (1) _____ | _____ |

(2) _____

(3) _____

(4) _____

2. In what proportions do you want the balance (called the “residue”) of your estate divided among your children?

Equally? Yes ____ No ____

If No, please provide particulars: _____

3. What will happen to the share of the child who dies before receiving any or all of his or her share?

Divided equally among the children of that child (i.e. your grandchildren)? Yes ____ No ____

If No, do you want that child’s share to go to your other children? Yes ____ No ____

If No to each of the above, please provide particulars: _____

D. THIS SECTION IS TO BE COMPLETED BY EVERYONE:

(Your lawyer needs to know how you want your estate distributed if some or all of the persons mentioned in Sections A, B or C die before you do or dies in a common accident with you. For example, if you are married with children and you and your spouse and your children die in a common accident, how do you want to divide your estate? For further example, if you are not married and have left everything to a relative or a friend, but that relative or friend has died or dies in a common accident with you, how do you want to divide your estate?)

1. Are there any particular assets (not already listed under this category in Sections A, B or C above), such as a piece of jewellery or an item of special furniture, to go to someone (i.e. to a friend, child or other family member)?

If Yes, are you going to prepare a list to be kept somewhere? Yes ____ No ____

If Yes, please note that a list prepared and signed after the execution of your Will is not legally binding. However, someone might choose to have such a list because the list can be easily changed without the requirement of re-executing one’s Will. Furthermore, executors and families do, in most instances, choose to honour your intentions as expressed in a memorandum to your Will listing specific assets and to whom they should go, especially where the assets are principally of sentimental value rather than of great financial value.

If No, do you want the items and the persons listed in your Will or in a memorandum that is prepared and

signed before the execution of your Will and referred to in your Will (both methods cause the bequest to be legally binding)? Yes ____ No ____

If you want the items and the persons listed in your Will, name of person(s) and particular asset(s):

| | Full Name | Asset |
|-----|-----------|-------|
| (1) | _____ | _____ |
| (2) | _____ | _____ |
| (3) | _____ | _____ |
| (4) | _____ | _____ |

2. Are there any charities to which you want to leave money? Yes ____ No ____

| | Charity | Amount |
|-----|---------|--------|
| (1) | _____ | _____ |
| (2) | _____ | _____ |

3. If someone that you have named in Sections A, B or C dies before you do, or dies in a common accident with you, what is to happen to the bequest that you were intending to give to that person?

4. If the whole of your immediate family (i.e. spouse and children) dies before you do, or dies in a common accident with you, what is to happen to the balance of your estate?

E. IF YOU HAVE A CHILD OR OTHER BENEFICIARY WHO IS UNDER 18 YEARS OF AGE, OR you have a child or other beneficiary over 18 but you want that person to have to WAIT UNTIL A LATER AGE to receive the money from your estate (note: this includes but is not limited to your own children):

1. At what age are children or other beneficiaries who are under 18 years of age to receive their share of your estate? (Note: The age of majority is 18 in Ontario)

All at 18 years? Yes ____ No ____

If not all at 18 years, please specify the age and percentages at which minority beneficiaries are to receive their share of your estate (for example, 50% at age 21 and 50% at age 25; or else 100% at age 25, etc.):

____ % at ____ years;

____ % at ____ years;

____ % at ____ years;

____ other _____

2. Do you want your Estate Trustee to be able to pay out some of the capital from the under-age beneficiary's share to or for the benefit of that beneficiary if the money is needed for such things as dental bills, medical care or education?

Yes ____ No ____

3. If the under-age beneficiary survives you, but dies before reaching the age you specify that the person can have the money, what do you want to have done with the balance of that person's share?

GUARDIAN:

(This section to be completed only by those with children under 18 years of age)

(You can have an alternate Guardian. An alternate Guardian is often named in the event that something happens to the person you have named to be the Guardian of your children (such as that person dies, has a stroke, or just does not want the responsibility).)

1. Who is to be the Guardian (your first choice) of any children you have who are under 18 years of age at your death?

Full Name

Relationship to You

Address & Telephone Number

2. Who do you want to be the alternate Guardian (your second choice) of any children you have who are under 18 years of age at your death?

Full Name

Relationship to You

Address & Telephone Number

3. Have all the Guardians been asked and are they willing to Act? Yes ____ No ____

OTHER PROVISIONS:

1. Are any of your beneficiaries challenged physically or mentally or receiving any type of Government financial assistance (for a disability or otherwise)?

Yes ____ No ____

If Yes, Details _____

2. The following are common provisions provided in Wills where your Estate Trustee is holding your estate in trust for others, mainly children. Please indicate whether you wish your Estate Trustee to have the following rights:

(Note: the more powers your give to your Estate Trustee, the easier it is for the Estate Trustee to administer your estate without the burden of intervention by the courts. However, you may have other reasons for wishing to restrict the powers of your Estate Trustee)

- (a) a discretion to convert your investments into cash Yes ____ No ____
- (b) a discretion to maintain your investments in their present form Yes ____ No ____
- (c) a right to invest the residue of your Estate Yes ____ No ____
- (d) a discretion to invest in mutual funds Yes ____ No ____
- (e) a right to hold a child's share until a certain age or ages Yes ____ No ____
- (f) a right to sell assets (i.e. real estate, shares, your business, furniture) Yes ____ No ____
- (g) a right to distribute assets of your estate without first converting them into cash Yes ____ No ____
- (f) for business owners, a right to continue and carry on your business Yes ____ No ____

* * *

This is **NOT A WILL**.

This is an **INSTRUCTION GUIDE ONLY**, and is intended to be a guide for you in developing your final instructions to your lawyer. When you have completed this Form as much as you can, please **MAKE AN APPOINTMENT TO SEE YOUR LAWYER AT Woynarski Szymura Kelly LLP** to discuss your intentions. Please note that this instruction guide is not intended to be comprehensive as to the information that your lawyer may require in order to advise you in drawing up your Will, and your personal circumstances may require further discussion with your lawyer and instructions arising therefrom.

W | S | K · LAW

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