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# WRIGHT LAW OFFICE

Barrister & Solicitor

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## WILL PREPARATION

In order to prepare your Will, we need the following information. If you need our help in deciding any matter, please feel free to phone a lawyer at our office or we can discuss your concerns at our initial meeting.

In respect of wills for a husband and wife, only one of these forms is necessary, as such wills should mirror each other in almost every respect.

1. Full name and address:

<b>Name</b>	
<b>Name of Spouse</b>	
<b>Address</b>	
<b>Phone Number</b>	Residence : _____ Office : _____

2. Who do you wish to appoint as Executor or Executrix of your Will. Please indicate first, second and third choice. For example, in Wills for a husband and wife, the first choice is usually one's spouse. Full addresses are *not* required of your Executor or Executrix.

<b>First Choice</b>	Name:	
	City/Town Province:	
<b>Second Choice</b>	Name:	
	City/Town Province:	
<b>Third Choice</b>	Name:	
	City/Town Province:	

3. Please specify if you are single, married, divorced, or are contemplating marriage.

Single  Married  Divorced  Contemplating Marriage

Widowed/  
Widower

3. If there are infant children, who are your first three choices for guardian? If you wish a couple to take care of your child or children, please consider what you would wish if the couple should separate or if one of them should die. Would you wish guardianship to be continued under one of them, if so, please indicate below. The other alternative is to have the guardianship then transferred to another couple or person, as per your choices below.

<b>First Choice</b>	Name:	
	City/Town Province:	
<b>Second Choice</b>	Name:	
	City/Town Province:	
<b>Third Choice</b>	Name:	
	City/Town Province:	

If any of your children are mentally or physically handicapped, please list their names below:

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5. State your preference for the disposition of your bodily remains, e.g., burial, cremation, other:

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6. Shares of your estate will be dealt with in the other sections below. This section speaks only to items which you completely own and which you wish to have distributed *before* any division of your estate: List any special gifts and the beneficiaries who are to receive such gifts. Most Wills do not include specific bequests. However, if you wish to provide for specific bequests, please keep in mind the following:

- a) That you can give only that which you completely own. For example, any property that you hold in joint tenancy with one's spouse cannot be gifted because it is not 100% owned by yourself, rather it is shared.
- b) Under the law of survivorship, the surviving member of property owned jointly automatically takes all of such property following the death of the other joint owner.

- c) We recommend that you avoid giving gifts of cash because your estate may not be able to afford such “cash gifts” at the time of your death. In the event that the entire intended gift of cash cannot be satisfied, the gift is said to “lapse” leaving an intended beneficiary with nothing.
- If you are married, are the below special gifts or “specific bequests” to be made *only* if spouse predeceases you?

Yes:  No:

<b>Gift</b>	
<b>Beneficiary</b>	
<b>Gift</b>	
<b>Beneficiary</b>	
<b>Gift</b>	
<b>Beneficiary</b>	

7. After the distribution of your special gifts, if any, the following questions deal with who then receives the balance or “residue” of your estate:

(a) If you are married, do you want the balance or residue of your estate to go to your spouse?

Yes:  No:

(b) If not married *or* in the event that your spouse predeceases you, who then receives the rest of your estate? (Provide full names and relationship to you, as well as the city or town each live in):

<b>First Choice</b>	Name:	
	City/Town Province:	
<b>Second Choice</b>	Name:	
	City/Town Province:	
<b>Third Choice</b>	Name:	
	City/Town Province:	

8. If one of the above beneficiaries listed above under 7(b) should die before receiving his or her share, do you wish such predeceased beneficiary’s share to go to his or her estate or to his or her children, or do you want such predeceased beneficiary’s share to be divided among the other beneficiaries listed in 7(b)?

Estate:  His or Her Children  Other Beneficiaries :

9. Are any of the potential beneficiaries referred to in paragraph 7 or 8 under 18 years of age?

Yes:  No:

- If yes, please indicate below at what age or ages you wish such minors to receive their share. If you wish such share to be paid at different ages, in what proportions? For example 50% at age 18, remainder at age 21.

Age :  Proportion:   
Age :  Remainder:

10. **Final Distribution** - Your Will should be effective for a long time in the future. In the remote event that none of the beneficiaries you have named above are alive at the time of your death (and you did not give their share to their estate in number 8 above), who then should in such circumstances, receive your estate? For example, under such circumstances, it is common to provide for a charity, religious institution or other institution. If you wish to give to a charity or other institution, it is important to be precise in the naming of such charity or institution.

<b>First Choice</b>	Name:	
	City/Town Province:	
<b>Second Choice</b>	Name:	
	City/Town Province:	
<b>Third Choice</b>	Name:	
	City/Town Province:	

**Note:**

The preparation of a Will is a service performed by Wright Law Office for a fixed fee. The fixed fee covers all routine matters that arise in the course of completing such service. If there are extra services required or an otherwise complicated set of directions requested, Wright Law Office will notify you in advance of performing such services which may call for the drafting of special clauses.

Upon completing this form, please mail, fax or drop it off at our office. We shall review your instructions and contact you with respect to arranging a convenient time for you to attend at our office to have you look over a draft of your Will. If any changes are required, we can usually make such changes right away so that you can then sign your completed will when you next visit our office. Please note that the signing of a Will requires two witnesses and typically the lawyer who prepared your Will and one of our staff will serve as witnesses. Therefore, please make your appointment for the signing of your will during our business hours, Monday to Friday between 9:00 to 5:00.

**Enduring Power of Attorney**

An Enduring Power of Attorney is a relatively new type of legal document. Like a simple Power of Attorney, it provides that Party A (called the "Donor") appoints Party B to be the Donor's legal representative, or "attorney". The attorney can be given very wide powers to deal with the Donor's estate, for example, the power to sign cheques on behalf of the Donor or transfer the Donor's interest in any property. The term "Enduring" refers to the option to have the power given to an attorney continue regardless of the fact that the Donor has become mentally incapable of handling his or her own financial affairs. An Enduring Power of Attorney can be effective immediately and continue past onset of mental incapacity OR you can specify that the Enduring Power of Attorney will only become effective in the event that you become mentally incapacitated. A simple Power of Attorney, not "enduring", does *not include* the ability to have the power given to an attorney continue past the onset of mental incapacity.

**Personal Directive "Living Will"**

Personal Directives are written statements directed to your chosen agent (generally a spouse, child or trusted friend) and health care providers which state your wishes pertaining to your medical care if you become seriously ill and unable to make those decisions for yourself. The Personal Directive is signed at a time when you have sufficient mental capacity to make sound decisions and should be done in the presence of a lawyer. The Personal Directive can be shown to your health care providers and those persons would be obligated to follow the lawful wishes stated in the Directive.

If you wish to have our office also prepare a Power of Attorney and / or Personal Directive, would you please contact us prior to your attending for the signing of your Will.

**Fees**

The fees associated with the preparation of Wills, Enduring Powers of Attorney and Personal Directives at Wright Law Office are as indicated below.

PLEASE PLACE A CHECK-MARK BESIDE THE FOLLOWING SERVICES YOU WISH TO HAVE OUR FIRM CARRY OUT FOR YOU:

**Wills**

One Will:	\$350.00	_____
Two Wills for a Husband and Wife:	\$550.00	_____

**Power of Attorney (Enduring or simple)**

One Person	\$150.00	_____
Husband and Wife	\$250.00	_____

**Personal Directive**

One Person	\$150.00	_____
Husband and Wife	\$250.00	_____

GST will be added to the above fees. There are no other charges or disbursements.

Should you have any questions or concerns in respect of any of the foregoing, please do not hesitate to contact our office at 249-8787.