

GISH LAW OFFICE

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FORM TO ASSIST TO PROVIDE INSTRUCTIONS FOR WILL

This work sheet is to supplement our future office discussions regarding estate planning. If you have an existing will, I recommend you bring a copy, or the original to review at your appointment.

Full Legal Name and day to day use name if different:

Mailing Address: _____

Phone & Fax Nos. _____

Email: _____

EXECUTOR(S)

If your spouse is the sole beneficiary of your estate, it may be preferable to name him/her as the primary executor. I like to name two alternates to your primary Executor (also called a Personal Representative). If possible, it is better to have an Executor who is a resident of Alberta particularly where beneficiaries are under age 18. You may appoint a single individual or a group of people to act as your Executors. If using one questionnaire for two people please specify individual choices.

Primary Executor(s): (*First, Middle and Last Name please*)

1. Full Name: _____ Age: ____ (Must be over 18)

Relationship: _____

Address: _____

2. Full Name: _____ Age: ____ (Must be over 18)

Relationship: _____

Address: _____

Do you wish for these people to act together or separate? _____

Alternate Executor(s): (*First, Middle and Last Name please*)

1. Full Name: _____ Age: ____ (Must be over 18)

Relationship: _____

Address: _____

2. Full Name: _____ Age: ____ (must be over 18)

Relationship: _____

Address: _____

Do you wish for these people to act together or separate? _____

You should discuss your Will with the executors you choose and try to be sure that they are willing to act on your behalf and that they understand your wishes. You do not have to give them a copy, and if you don't want to, you don't have to tell them what is in your will. You do need to let them know where you are planning to keep your original Will as they will need to be able to find it if you pass away.

GUARDIAN(S) FOR MINOR CHILDREN (under 18)

Guardians are named to provide a place for your children to live and have their health and well-being provided for. You can appoint a single individual or a pair or a group of people. If you appoint a husband and wife, you need to consider whether you would want either the husband or wife to act alone if the other spouse dies.

Primary Guardian(s) (*First, Middle and Last Name please*)

1. Full Name: _____

Relationship: _____

Address: _____

Alternate Guardian(s) (*First, Middle and Last Name please*)

1. Full Name: _____

Relationship: _____

Address: _____

It is very important to ask the Guardians if they are willing to act and discuss your expectations with them about how your children will be raised and taken care of.

TRUSTEE(S) FOR MINOR CHILDREN (under 18)

The Trustees are named to take care of your funds if they are to be held in trust until your children reach a specified age and they will control any funds that are disbursed prior to your children reaching the specified age. You may appoint a single individual or a group of people to act as your Trustees. The Trustees may be the same as the Guardians or not. They may also be the same as the Executors.

Primary Trustee(s): (*First, Middle and Last Name please*)

1. Full Name: _____

Relationship: _____

Address: _____

Alternate Trustee(s): *(First, Middle and Last Name please)*

1. Full Name: _____
 Relationship: _____
 Address: _____

ESTATE DISTRIBUTION:

The following choices as to distribution of your estate are for your convenience only. This is not a substitute for a full discussion with your lawyer.

1. Everything to your Spouse: YES / NO
 Other: _____

2. If spouse predeceases you:
 _____ equally to all children?
 _____ all to children but different amounts to each?
 _____ if you have no children, then to: _____

3. At what age are your children to receive their share of your estate?
 _____ all at 18 years
 _____ % at _____ years
 _____ % at _____ years
 _____ % at _____ years
 _____ other _____

The age of majority is 18 in Alberta. If you wish, the Will can be drafted so that your Executor will hold each child's share in trust until the specified age with the power to encroach on income and capital for education, maintenance and support of your children until they reach the specified age and can receive their share of the estate.

4. If one child dies before you do, or before attaining the age at which he or she is entitled to the share, who shall receive their share or the amount remaining?

_____ the children of the deceased child (my grandchildren)
_____ my surviving children
_____ other: _____

5. Please list full name, age and residence of all your children.

Name of Child (First, middle and Last)	Age	Address
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

6. Family Disaster:

How is your estate to be divided if you and your spouse and all your children are killed in a common accident, or if any of your children or grandchildren survive you but die before becoming entitled to receive their entire portion of your estate? **Again, these are merely suggestions: Please include all names of nieces, nephews, siblings, etc.**

_____ 1/2 to my parents and 1/2 to my spouse's parents

_____ 1/2 to my brothers and sisters and 1/2 to my spouse's brothers and sisters who are then alive in equal share

_____ to my nephews and nieces and my spouse's nephews and nieces in equal shares

_____ charities (please specify):

_____ other (please specify):

Special Concerns

_____ Children outside of current marriage

_____ Second Marriage

_____ Family Property re: Cabin, Mines and Minerals

For sentimental and ornamental items, we recommend you leave a list (ie. Susan gets my mother's bedroom suite, George gets my teacup collection, etc.) Please think this through so we can discuss whether these gifts should be listed in the Will or on your informal list.

7. Funeral Instructions

***YOU DON'T HAVE TO GIVE INSTRUCTIONS IN YOUR WILL, BUT IF YOU HAVE SPECIFIC WISHES OR CONCERNS WE CAN IDENTIFY THEM HERE.**

I wish for my remains to be: Buried ____ Cremated ____

ie) Specific plot to be buried in, type of Headstone, religion etc.

OTHER ESTATE PLANNING TOOLS

There are also two other Estate Planning Tools you should be aware of. They both come into effect in the event that you are alive, but unable to take care of your own affairs. These tools are as follows:

ENDURING POWER OF ATTORNEY: An Enduring Power of Attorney (EPA) allows you to appoint the people of your choice to take care of your **financial matters** including land, money, and investments if you should ever become incapable of doing so while still alive. The EPA does not come into effect until the person you have appointed and one doctor, or two doctors if you prefer, confirm that you are incapable of handling your own affairs.

Yes No

1. Full Name: _____ Age: ____ (Must be over 18)
Relationship: _____
Address: _____
2. Full Name: _____ Age: ____ (Must be over 18)
Relationship: _____
Address: _____

Do you wish for these people to act together or separate? _____

Alternate

1. Full Name: _____ Age: __ (Must be over 18)
Relationship: _____
Address: _____
2. Full Name: _____ Age: ____ (must be over 18)
Relationship: _____
Address: _____

Do you wish for these people to act together or separate? _____

PERSONAL DIRECTIVE: A Personal Directive (PD) allows you to appoint the people of your choice to take care of your **health care and personal decisions** if you should ever become incapable of doing so while still alive. The PD does not come into effect until the person you have appointed and one doctor, or two doctors if you prefer, confirm that you are incapable of making your own health care decisions. (Also known as a Living Will). **IF YOU HAVE SPECIFIC RELIGIOUS POSITIONS AS TO HEALTH CARE, PLEASE RAISE IT AT YOUR APPOINTMENT SO I DO NOT INADVERTENTLY REVOKE OTHER INSTRUCTIONS YOU MAY HAVE.**

Yes No

1. Full Name: _____ Age: ____ (Must be over 18)
Relationship: _____
Address: _____

2. Full Name: _____ Age: ____ (Must be over 18)
 Relationship: _____
 Address: _____

Do you wish for these people to act together or separate? _____

Alternate

1. Full Name: _____ Age: ____ (Must be over 18)
 Relationship: _____
 Address: _____

2. Full Name: _____ Age: ____ (must be over 18)
 Relationship: _____
 Address: _____

Do you wish for these people to act together or separate? _____

FEE SCHEDULE:

FOR ONE PERSON:

FOR COUPLES: - If Wills Mirror each other

Will	-	\$300.00	Wills	-	\$500.00
Enduring Power of Attorney	-	\$175.00	Enduring Powers of Attorney	-	\$300.00
Personal Directive	-	\$175.00	Personal Directives	-	\$300.00
EPA & PD, no Will	-	\$300.00	EPAs & PDs, no Wills	-	\$450.00
Will & EPA or PD	-	\$450.00	Wills & EPAs or PDs	-	\$725.00
Will & EPA & PD	-	\$550.00	Wills & EPAs & PDs	-	\$850.00

- **Fees updated as at April 1, 2011**
- **These fees are base fees for standard circumstances only.**
- **Fees are subject to increase depending on complexity of circumstances, instructions from you, and the number of appointments and time necessary to complete the documents for you.**
- **Setting up of Trusts or specific instructions for management of assets succession to children etc.. will be billed on an hourly rate of \$300.00/hr.**
- **Searches will be done on real property and corporate interests and disbursements will be charged in addition to my legal fees.**
- **5% GST will be added to the above fees.**

Potential Additional Costs

- **\$250.00 per appointment in addition to signing appointment**
- **\$250.00 minimum fee per will for setting up any kind of trust situation ie) Spousal Trust, Dependant Adult Trust, Farm Trust**