

# GISH LAW OFFICE

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## FORM TO ASSIST TO PROVIDE INSTRUCTIONS FOR WILL

This work sheet is to help us start out with a draft and act as a supplement our future office discussions regarding estate planning. The questionnaire helps us be ready but is not meant to replace face to face conversation. If you have an existing will, please send it in with this form.

Once you submit the questionnaire we will draft documents and send them to you so you can read them in advance of our appointment if you want to. Once you have had a chance to think about the document, you will need to call in to make an appointment. Expect the appointment to take about 1.5 Hours. Also expect about 2-4 weeks to get in, so call sooner than later. Because they take so much time, we tend to book one Wills appointment per day in order to leave time for the rest of my practice. IF YOU HAVE EMERGENCY CIRCUMSTANCES LET US KNOW.

Whether you ask us to or not, I will also send you a draft an Enduring Power of Attorney and Personal Directive for discussion. If you already have these documents in place, send me a copy with the questionnaire – we will do a quick review as part of your Will just to make sure all is in order.

<b>Form Filler</b>	<b>Spouse (if applicable)</b>
<b>Full Legal Name:</b>	<b>Full Legal Name:</b>
<b>List any other names you are known by:</b>	<b>List any other names you are known by:</b>
<b>Mailing Address:</b>	<b>Same?</b>
<b>Physical Address (home quarter, muni address etc)</b>	<b>Same?</b>
<b>Email:</b>	<b>Email:</b>
<b>Home Phone:</b>	
<b>Cell:</b>	<b>Cell:</b>
<b>Fax:</b>	
<b>We will send out drafts based on this questionnaire, do you prefer them by mail, email, fax? Please circle one.</b>	

**FEE SCHEDULE:**

**FOR ONE PERSON:**

Will		\$350.00
Enduring Power of Attorney		\$200.00
Personal Directive	-	\$200.00
EPA & PD, no Will	-	\$350.00
Will & EPA or PD	-	\$500.00
Will & EPA & PD	-	\$650.00

**FOR COUPLES: - If Wills Mirror each other**

Wills	-	\$600.00
Enduring Powers of Attorney		\$350.00
Personal Directives	-	\$350.00
EPAs & PDs, no Wills	-	\$600.00
Wills & EPAs or PDs	-	\$850.00
Wills & EPAs & PDs	-	\$1000.00

**Fees updated as at February 2015. 5% GST will be added to fees and non-exempt disbursements. 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. For example:**

- **Setting up of Trusts or detailed instructions for management of assets and succession to children etc. will be billed in addition to the base fee at my hourly rate of \$300.00/hr.**
- **Where property or corporate interests gift, we will conduct searches. Where disbursements are incurred they will be charged in addition to legal fees.**
- **Fees are based on using the questionnaire to reduce appointment time. This allows me to be efficient with my time and yours. Additional appointments will be charged based on my hourly rate of \$300.00 per hour.**
- **Additional documentation such as transfer of land, equity agreements, promissory notes, life lease agreements etc. will be billed on a tariff basis.**

Once you have asked my office to draft documents we will follow up with you fairly regularly to help you get this completed. We know it is not a favorite task and it is expensive. If you have decided not to proceed or you need to hold off, let us know. If you are worried about fees we will accept reasonable installment proposals. If you have initiated the work and decide not to proceed we will issue an account for half. If you decide not to do all documents we will charge you for what you complete. As indicated I like to draft the EPA and PD no matter what so we can discuss their merits.

**FAMILY STATUS QUESTIONS**

<b>Form Filler</b>	<b>Spouse (if applicable)</b>
<b>Do you have children outside of this marriage with support obligations? Y/N</b>  <b>If yes, bring the court order/agreement and you have life insurance policies, bring those policies into the appointment.</b>	<b>Do you have children outside of this marriage with support obligations? Y/N</b>  <b>If yes, bring the court order/agreement and you have life insurance policies, bring those policies into the appointment.</b>
<b>If not married, are you cohabitating with anyone? Y/N</b>	<b>If not married, are you cohabitating with anyone? Y/N</b>
<b>CHILDREN WITH CURRENT SPOUSE: List Full Name and Age</b>          <b>Done having kids (for sure? allow for surprises ....) Y/N/?</b>	          <b>Done having kids (for sure? allow for surprises ....) Y/N/?</b>
<b>OTHER CHILDREN:</b>	<b>OTHER CHILDREN:</b>
<b>If you have grandchildren, are any of them stepchildren?</b>	<b>If you have grandchildren, are any of them stepchildren?</b>
<b>Are any of your children or grandchildren mentally or physically disabled or challenged?</b>	<b>Are any of your children or grandchildren mentally or physically disabled or challenged?</b>
<b>Have any of your children predeceased you?</b>  <b>Did they have children?</b>	<b>Have any of your children predeceased you?</b>  <b>Did they have children?</b>
<b>Any other thoughts these questions trigger so far?</b>	<b>Any other thoughts these questions trigger so far?</b>

<b>PROPERTY QUESTIONS</b>	
<b>Form Filler</b>	<b>Spouse (if applicable)</b>
<b>Citizenship other than Canada? Y/N</b>	<b>Citizenship other than Canada? Y/N</b>
<b>Assets in other provinces or countries? Y/N</b>	<b>Assets in other provinces or countries? Y/N</b>
<b>Do you have or expect to inherit mines and mineral interests? Y/N – If yes, bring your file/what you have into the appointment for review</b>	<b>Do you have or expect to inherit mines and mineral interests? Y/N – If yes, bring your file/what you have into the appointment for review</b>
<b>Do you have shares in private corporations?</b>	<b>Do you have shares in private corporations?</b>
<b>Any shareholder agreements in place?</b>	<b>Any shareholder agreements in place?</b>
<b>Do you have a Pension Plan? Please name it.</b>	<b>Do you have a Pension Plan? Please name it.</b>
<b>Any other business interests?</b>	<b>Any other business interests?</b>
<b>Do you owe money on private loans?</b>	<b>Do you owe money on private loans?</b>
<b>Have you made private loans to others?</b>	<b>Have you made private loans to others?</b>
<b>Do you have a safety deposit box? Where:</b>	<b>Do you have a safety deposit box? Where:</b>
<b>Any other thoughts these questions trigger so far?</b>	<b>Any other thoughts these questions trigger so far?</b>

These questions are here to help uncover areas of specific concern to consider in your estate planning. We don't need a full inventory of your assets as those will change as time moves on. I try to craft a Will that allows for change in assets and circumstances. Where you have specific thoughts or questions about leaving specific assets to specific kids, make a note and we will have a full discussion about ideas and options at your appointment.

## CONTENTS OF WILL

**Executor – also called the Personal Representative.**

This is the person who gets things organized on your death and will be in charge of not only your financial assets but personal things like arranging to clean out your underwear drawer. 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* in order to give your Will some longevity – consider generations – someone younger than you as one alternate? 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.

Form Filler	Spouse (if applicable)
<b>Primary Executor: Spouse Y/N</b>	<b>Primary Executor: Spouse Y/N</b>
<b>Full Legal Name:</b>  Age:_____ Relationship to you: Address:  Primary/ Alternate / Together with_____	<b>Full Legal Name:</b>  Age:_____ Relationship to you: Address:  Primary/ Alternate / Together with_____
<b>Full Legal Name:</b>  Age:_____ Relationship to you: Address:  Primary/ Alternate / Together with_____	<b>Full Legal Name:</b>  Age:_____ Relationship to you: Address:  Primary/ Alternate / Together with_____
<b>Full Legal Name:</b>  Age:_____ Relationship to you: Address:  Primary/ Alternate / Together with_____	<b>Full Legal Name:</b>  Age:_____ Relationship to you: Address:  Primary/ Alternate / Together with_____
<b>Notes or questions on Executor appointment?</b>	<b>Notes or questions on Executor appointment?</b>

*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.*

**IF YOU HAVE MINOR (UNDER 18) CHILDREN**

**Guardians** are named to be the person legally in charge of your children and to ensure their well-being is provided for. Usually the children would live with the Guardian. 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. I will always appoint your spouse as guardian first to be clear we are not replacing him or her. 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. If you have custody orders with another adult we will discuss how those will affect your choice.

<b>Form Filler</b>	<b>Spouse (if applicable)</b>
<p><b>Full Legal Name:</b></p> <p>Age:____ Relationship to you: Address:</p> <p>Primary/ Alternate / Together with_____</p>	<p><b>Full Legal Name:</b></p> <p>Age:____ Relationship to you: Address:</p> <p>Primary/ Alternate / Together with_____</p>
<p><b>Full Legal Name:</b></p> <p>Age:____ Relationship to you: Address:</p> <p>Primary/ Alternate / Together with_____</p>	<p><b>Full Legal Name:</b></p> <p>Age:____ Relationship to you: Address:</p> <p>Primary/ Alternate / Together with_____</p>

**TRUSTEES** The Trustees are named to take care of your children's funds. You can choose an age at which your children get to control their own funds. Up to that point the Trustee will be in charge to use them for that child's health, education, and welfare as they see fit. 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. Your spouse is not the Trustee as normally the children are only beneficiaries if your spouse has died before you.

<p><b>Full Legal Name:</b></p> <p>Age:____ Relationship to you: Address:</p> <p>Primary/ Alternate / Together with_____</p>	<p><b>Full Legal Name:</b></p> <p>Age:____ Relationship to you: Address:</p> <p>Primary/ Alternate / Together with_____</p>
<p><b>Full Legal Name:</b></p> <p>Age:____ Relationship to you: Address:</p> <p>Primary/ Alternate / Together with_____</p>	<p><b>Full Legal Name:</b></p> <p>Age:____ Relationship to you: Address:</p> <p>Primary/ Alternate / Together with_____</p>

## 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 your spouse predeceases you:

\_\_\_\_\_ equally to all children?

\_\_\_\_\_ equally to all to children but different amounts to each? If so, please explain on reverse side

\_\_\_\_\_ 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. Make sure you have appointed a Trustee on the previous page.

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: \_\_\_\_\_

I generally recommend that you include concept of grandchildren if a child predeceases you just because it tends to be the likely thing you would do if you were not able to rewrite your will at the time. We can discuss this further at our meeting to customize things to your situation.

Do you or will you have any **RESP (Registered Education Savings Plans)** for your children? Y/N

**Life Insurance.** We recommend life insurance generally be made payable first to your spouse then alternately to your estate. This may not be suitable for all situations. If you have life insurance questions, please bring your policies, particularly the designations, with you to your appointment.

**Any other questions triggered so far?**

**FAMILY DISASTER CLAUSE.** 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? **These are suggestions: Please include the full names of parents, nieces, nephews, siblings, etc.**

\_\_\_\_\_ 1/2 to my parents and 1/2 to my spouse's parents  
Names:

\_\_\_\_\_ 1/2 to my brothers and sisters and 1/2 to my spouse's brothers and sisters who are then alive in equal share  
Names:

\_\_\_\_\_ to my nephews and nieces and my spouse's nephews and nieces in equal Shares:  
Names:

\_\_\_\_\_ charities (please specify which and proportions):

\_\_\_\_\_ other (please specify):

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. If you have specific gifts of a more substantial nature that you are thinking about, please give me your thoughts:

**Funeral Instructions** I generally prefer that we do not include funeral instructions in the Will unless you are concerned about family conflict or if you have been widowed and remarried there may be some uncertainty about your wishes. If you have made arrangements and plans I will include them in your Will if you prefer. I will also keep notes on my file. I recommend that you leave separate instructions for your Executor as well.

I wish for my remains to be:

Buried \_\_\_\_ Cremated \_\_\_\_

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

I wish for my remains to be:

Buried \_\_\_\_ Cremated \_\_\_\_

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



**ENDURING POWER OF ATTORNEY:** An Enduring Power of Attorney (EPA) allows you to appoint the people of your choice (then called Attorneys) 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. An EPA can be made effective immediately if that is what you would prefer. Often your choice of executor is similar to the choice of Attorney.

<b>Form Filler</b>	<b>Spouse (if applicable)</b>
<b>Primary Attorney: Spouse Y/N</b>	<b>Primary Attorney: Spouse Y/N</b>
<b>Full Legal Name:</b>  Age:____ Relationship to you: _____  Address: _____  Primary/ Alternate / Together with_____	<b>Full Legal Name:</b>  Age:____ Relationship to you: _____  Address: _____  Primary/ Alternate / Together with_____
<b>Full Legal Name:</b>  Age:____ Relationship to you: _____  Address: _____  Primary/ Alternate / Together with_____	<b>Full Legal Name:</b>  Age:____ Relationship to you: _____  Address: _____  Primary/ Alternate / Together with_____
<b>Full Legal Name:</b>  Age:____ Relationship to you: _____  Address: _____  Primary/ Alternate / Together with_____	<b>Full Legal Name:</b>  Age:____ Relationship to you: _____  Address: _____  Primary/ Alternate / Together with_____
<b>Questions or notes?</b>	<b>Questions or notes?</b>

**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 bring this up at your appointment so i do not inadvertently revoke other instructions you may have.**

<b>Primary Agent: Spouse Y/N</b>	<b>Primary Agent: Spouse Y/N</b>
<b>Full Legal Name:</b>  Age:____ Relationship to you: _____  Address: _____  Primary/ Alternate / Together with_____	<b>Full Legal Name:</b>  Age:____ Relationship to you: _____  Address: _____  Primary/ Alternate / Together with_____
<b>Full Legal Name:</b>  Age:____ Relationship to you: _____  Address: _____  Primary/ Alternate / Together with_____	<b>Full Legal Name:</b>  Age:____ Relationship to you: _____  Address: _____  Primary/ Alternate / Together with_____
<b>Full Legal Name:</b>  Age:____ Relationship to you: _____  Address: _____  Primary/ Alternate / Together with_____	<b>Full Legal Name:</b>  Age:____ Relationship to you: _____  Address: _____  Primary/ Alternate / Together with_____
<b>Questions or notes?</b>     	<b>Questions or notes?</b>     