

A Guide For Making Your Will

This guide will assist you and your lawyer in preparing a thoughtful Christian will.

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Is Making a Will Important?

Writing a will is one of the most important documents you will ever make. Oddly enough around half of all Canadians have not done so. This is true in Christian circles too. Where wills do not exist it is left up to the courts (often secular people) to decide how a persons estate will be divide. For a Christian who has worked hard and been a good steward of their God given resources, this seems tragic.

What Does the Bible Have to Say?

The earth is the Lord's, and everything in it, the world and all who like in it.

Psalm 24:1 NIV

As Christians we believe that everything belongs to the Lord and the we are stewards or trustees of what he has put in our hands. A will allows us to insure adequate provision for family members and children under legal age and the naming of guardians to care for them.

A Christian will is a life tool knowing that we do not pass from life to death but from life to eternal life. A will can be a testament of your love for Christ, the body of Christ and the Kingdom of God. A bequest to the ministry will help ensure that need finances are available for the Lord's work and is a testimony of one's faith in Christ. You could be involve in church planting and Kingdom growth once you've entered eternity.

Will You Need a Lawyer or Notary?

While it is not required in many provinces it is essential that your will be drawn up by a member of the legal profession. Making a will is not an entire do-it-yourself project. A do-it-yourself will often contains errors that can render the document void or undermine your intent and desires.

Notes and Information With Respect to the Will Preparation Worksheet

The following information is provided by John Toogood, a lawyer of Richards, Wood and Toogood. This is what John gives to his clients to assist them in preparing their will.

The information provided, via the attached worksheet or any other means, will be held in the strictest of confidence. The questionnaire simply allows me, as your lawyer, to determine or discover possible problems or issues that should be addressed in your Will. It also may be a helpful tool to aid you in the formulation of your instructions.

After you have completed the worksheet you can return it to me. I will then produce a draft version of your Will, Enduring Power of Attorney and/or Personal Directive. Once changes are made and we are satisfied with its contents we can arrange a time to get together here at the office in order to properly execute (sign and witness) the official documents.

If you have any questions as you go through the worksheet please feel free to give me a call.

A Will is a disposition or declaration by which the person making it provides for the distribution or administration of property after his death. It is vital to have a valid and complete will to be sure your property goes to the right place and, more importantly, to be sure nobody will tie up your estate in costly and drawn-out litigation. If you have underage children you will need to properly incorporate guardianship and perhaps trust provisions and, depending on the size and type of assets, taxation matters may need to be addressed. In addition, there are certain requirements with respect to form, content, and execution that must be complied with in order for the will to be valid and enforceable. It is important, therefore, to have the assistance of a qualified lawyer when drafting your Will.

An Enduring Power of Attorney (EPA) is a formal instrument by which one person authorizes or empowers another person to act on their behalf with respect to property and financial affairs. Should you become physically or mentally unable to manage your financial affairs your attorney (the person you appoint in the EPA) can do so for you. This can save literally thousands of dollars should such a need arise. Without an EPA, a relative would need to apply to court for a Dependant Adult Trusteeship Order. Such an order would be necessary, for example, to allow them access to your bank account to pay your rent and thus avoid eviction—or to pay your credit card bills or mortgage and thus avoid accumulation of interest or foreclosure on your home. Acquiring such an order could cost several thousand dollars and take weeks or months to acquire. It may be wise, therefore, to have a properly drafted and executed EPA so that, if the situation arises, someone you trust is legally authorized and empowered to deal with your property and finances.

A **Personal Directive** is a legal document that you can write in case something happens and you cannot make decisions about personal matters (that are non-Financial in nature) such as: medical treatments you would or would not want, where you would like to live, who you would like to live with, and choices about other personal activities (recreation, employment or education). The *Personal Directives Act* became law on December 1st, 1997. If you already have a living will or an advanced directive, it will need to be redone according to the requirements of the Act to ensure it is valid. Without a personal directive relatives and friends do not have legal rights to make personal decisions for you as an adult. A Dependent Adult Order granting guardianship rights would need to be obtained in order for relatives or friends to make personal decisions on your behalf.

Will Preparation Worksheet

RICHARDS WOOD TOOGOOD

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Your name: **Preliminary Information** Spouse: 1. Full Names - Include age, Children: nicknames, maiden names or former married names, if any. 2. Address - current residential address and business address. Also include telephone numbers. 3. Marital Status and History include where you were married, whether marriage contract exists (summarize its terms) and divorce information if applicable. Assets 4. Bank Accounts - location and type (also indicate whether they are in testator's name only or are jointly held with spouse or third party). 5. Real Estate - location, legal or municipal description, manner of registration (joint or tenantsin-common), and approximate value.

6.	Insurance – company, value, beneficiary and type (i.e. term/whole life/accident).	
7.	Pension Benefits, Investments – company plans, RRSPs; include	
	any beneficiaries, approx. value	
	and survivor benefits.	
8.	Business Interests – Joint ventures, partnerships, private	
	companies, etc. (are there any	
	buy/sell provisions?).	
9.	Miscellaneous Assets and	
	Significant Liabilities.	
Wil	ll Instructions	
10.	Executor - include executor's name, address and relationship to testator. This is the person that will be responsible for maintaining and transferring your assets in accordance with your will. It is advisable to indicate a primary and	Primary:
		Alternate:
	alternate executor if possible.	
11.	Guardians for your Dependant	Primary:
	Children - please include full name, address and relationship to testator. It is advisable to indicate primary and alternate guardians if possible.	
	guardians ii possibie.	
		Alternate:
		/ MCTHate.

12.	Burial Instructions or Donation of Organs - where do you want to be buried, do you want to donate organs for transplants or research, do you want to be cremated, etc.?	
13.	Specific Bequests - if you have specific property like jewelry, heirlooms or a special painting that you would like someone specific to have please indicate here. Also, if you would like some part of your estate to go to a specific charity please give full name and address of organization and full description of property to be donated by estate.	Example: My wedding ring goes to my daughter Jane
14.	 Distribution of the Remaining Estate Property - here are some issues to think about: Give estate to surviving spouse? If spouse dies before you then to whom? Children - if they are to receive cash, are they to receive everything at age 18 or are they to receive payments over time (i.e. 25% at age 18, 50% at age 21, etc.)? If a child predeceases you do you want their children (your grandchildren) to receive that child's share or should that share be divided between your surviving children? Who gets estate if spouse and children and grandchildren predecease you? 	

The following two sections are optional:

Enduring Power of Attorney and Personal Directive Instructions

15.	Please indicate who you would like to be your attorney for the EPA. This will be the person who will have the power to handle your finances and deal with your property.			
	Primary: Name: Address: Phone:			
	Alternate: Name: Address: Phone:			
Per	sonal Directive Instructions.			
16.	Doctors Name, Address and Phone Number.			
17.	Primary and Alternate Agent (the person(s) who you would like to make decisions on your behalf). Give Name, Address and Phone Number.			
18.	Types of Decisions and Instruction you want your agent to abide by when making those decisions:			
	e following choices as to personal decisions are for your convenience only. This is not a substitute for a full ussion with your lawyer and Doctor.) I want my agent to be able to make decisions relating to:			
	My health care; My accomodation; With whom I may live and associate; My participation in social, educational and employment activities; Legal matters that do not relate to my estate; Other.			
19.	Please write down any specific instructions for your agent:			

My agent must follow the following instructions when making personal decisions on my behalf (Choose from either "one" or "two" below and indicate which best describes your wishes):

- One—To instruct my health care service providers to **cease and refrain** from any medical or surgical treatments which would prolong my life in the following circumstances:
 - ☐ If I am in a coma or a persistent vegetative state and, in the opinion of my physician and other consultants, have no known hope of regaining awareness and higher mental the matter what is done; OR
 - ☐ If I am in a coma and, in the opinion of my physician and other consultants, have a small likelihood of recovering fully, a slightly larger likelihood of surviving with permanent brain damage, and a much larger likelihood of dying; OR
 - ☐ If I have brain damage or some brain disease that in the opinion of my physician and other consultants cannot be reversed and that makes me unable to recognize people or to speak understandably, and I also have a terminal illness, such as incurable cancer, that will likely be the cause of my death; OR
 - ☐ If I have brain damage or some brain disease that in the opinion of my physician and other consultants cannot be reversed and that makes me unable to recognize people or to speak understandably, but I have no terminal illness, and I can live in this condition for a long time.
- O Two—My agent must instruct my health care service providers based on the following guidelines:

I do not wish my life to be prolonged by artificial means when I am in a coma or a persistent vegetative state and, in the opinion of my physician and other consultants, have no known hope of regaining awareness and higher mental functions, no matter what is done.

I wish to be kept comfortable and free from pain. This means that I may be given pain medication even though it may dull consciousness and indirectly short my life.