

James K. Fraser Law Corporation

PLANNING YOUR WILL

THIS FORM HAS BEEN PREPARED TO ASSIST YOU TO PLAN YOUR WILL. IT CANNOT FORESEE EVERY EVENTUALITY, BUT DOES DRAW ATTENTION TO SOME OF THE MANY ISSUES YOU SHOULD CONSIDER. THESE QUESTIONS ARE DESIGNED TO HELP YOU CONSIDER THE GENERAL NATURE OF THE WILL YOU WISH TO MAKE, BEFORE CONSULTING US FOR ADVICE. WE WILL FIND IT EASIER TO ADVISE YOU AFTER YOU HAVE USED THIS FORM TO DIRECT YOUR MIND TO POSSIBLE ISSUES AND WAYS TO DEAL WITH YOUR ESTATE. THE INFORMATION PROVIDED BY YOU NEEDS TO BE COMPLETE AND CLEAR. IT IS ALL CONFIDENTIAL. IF YOU HAVE ANY QUESTIONS ABOUT THESE ISSUES, OR ANY OTHER MATTERS YOU THINK MAY BE IMPORTANT TO YOUR WILL, PLEASE MAKE SURE TO ASK BEFORE SIGNING THE WILL.

INFORMATION FOR WILL

- 1. Full Name: Address: Telephone: Facsimile: Date of Birth: Place of Birth: Spouse's / Partner's Full Name: Date of Birth: Place of Birth: Occupation(s):

Do you have a previous Will or similar document? YES / NO. If "yes", please provide a full copy of it to us.

Do you have a Marriage Agreement of any kind? Have you ever been legally divorced?

Are you presently separated from a spouse? Have you had a Spouse-like relationship?

If so, for how long continuously? or presently have a Spouse-like relationship?

Have you made any agreements about what to leave to anyone in your Will?

Are you presently under any pressure to leave anything to anyone in your Will?

CHILDREN: (list full names, dates and places of birth and current full addresses; use the other side of this page if necessary):

Three horizontal lines for listing children's information.

- 2. Is it possible that other children may be born before you next amend your Will?

3. Whom do you wish to appoint your Executor/Executrix/Personal Representative and Trustee?

(a) First Choice: _____
Relationship: _____
Address: _____

(b) Alternate Choice: _____
Relationship: _____
Address: _____

4. How do you wish to dispose of your real estate? _____

Who is registered on title or entitled to ownership now? _____

Do you want to bequeath it to Spouse / Partner absolutely; or for life, with or without power to sell or exchange; or to child or to children, equally or unequally; or to be sold and proceeds added to residue of estate; or otherwise:

5. Do you wish to leave any specific bequests (i.e. specific gifts of money or objects like art, keepsakes, vehicles, furniture, etc.) to other people, charities, religious institutions, etc.?

6. Do you have any powers of appointment? (If so, their effect(s) should be carefully described to us.) _____

7. If you own a business or have business interests, how do you wish them to be disposed of? If you are in partnership, the partnership agreement should be examined. _____

Do you own shares in a limited company? _____ How would shares in companies be voted? _____

Does a shareholders' agreement exist? _____

Do you wish to make provisions for carrying on your business after your death? If so, by whom? _____

8. Do you wish to give your Executors and Trustees full power of sale? _____

Should they have the right to postpone sale of any assets if they deem it prudent to do so? _____

9. Do you wish to make special provisions in the event your Spouse / Partner fails to survive you for a period of 5 days?

10. Do you wish to make special provisions in the event your Spouse / Partner fails to survive you for a period of 30 days?

11. Do you have any wishes as to funeral, burial or cremation? (These wishes are not binding under the law.) _____

12. Do you own any property, freehold or otherwise, situated outside B.C.? _____ Outside Canada? _____

13. How do you wish to dispose of life insurance policies which are not on your life, but owned by you? _____

14. How do you wish to dispose of life insurance policies on your own life?
- (a) to beneficiaries already named in the policies or in a declaration recorded with the insurance company? (if so, such life insurance will not form part of the instructions in your Will.) _____
 - (b) to beneficiaries to be named in your "Will" by a declaration which keeps insurance money separate from the rest of your estate and exempt from the claims of your creditors? _____
 - (c) to be administered in the same way as the rest of your estate? _____

15. How do you wish to dispose of the residue of your estate? TWO possibilities (by no means the only ones) are:

"A": by outright gift to one or more persons? (For example: to spouse and/or children)? _____

OR "B": by providing a life income from your estate to one or more persons and then to distribute the capital or residue in a particular manner (for example: to spouse for life then to children)? _____

WARNINGS:

(i) Fully taxable proceeds from RRSP Plans or registered pension plans, as well as other fully taxable items in an estate that are eligible for tax-free transfer to a spouse or other beneficiary usually should not be included in this type of estate settlement. Since spouses and beneficiaries frequently enjoy lower tax rates, care should be taken by consulting with your plan managers and a professional tax accountant to ensure that tax-free rollover privileges are not lost inadvertently by holding such funds in the estate, and by providing a life income from them after tax. Tax-free transfers of fully taxable money taken as income by survivors can greatly increase their net after-tax income, compared with the income available when tax is payable by the estate. Check with a competent financial advisor like a professionally-qualified Accountant.

(ii) If you choose Method "B", do you wish to provide authority to spend capital as well as income to whatever extent your Trustees in their discretion deem advisable? Or do you wish capital reductions to be permitted only in certain specified events? Or in certain amounts annually? _____

(iii) On the death of your Spouse / Partner, do you wish your children to receive the residue of your estate? If so, in what proportions and at what ages? _____

(iv) If a child of yours dies before receiving his or her share of your estate, who should receive that share?

16. Do you wish your Trustee to have a wider power of investment than that usually permitted to trustees?

17. Do you wish to recommend a guardian should you and your Spouse / Partner die before any child or children of yours reaches 19 years of age, or to consent to their adoption by certain persons? (Note this may not be binding after death.)

18. Do you want to name the solicitor who will handle the administration of your Estate, or name other persons such as realtors, accountants, etc. to assist in the administration of your Estate? _____

19. Do you have a spouse or child who is needy or unable (or unwilling) to provide for himself or herself? It is important that you answer this question fully, without regard to how much you like or dislike, favour or oppose such spouse or child, because under the B.C. Wills, Estates and Succession Act ("WESA") a Court can "rewrite" part or all of a Will if it concludes in its opinion that proper provision has not been made for a needy child or spouse. The Supreme Court of Canada has ruled that such legislation requires you to consider not only legal obligations, but also "moral" obligations,

which terms we can explain to you more fully if you have such people in your family. WESA also redefines “spouse” to include “common-law” and “same-sex” relationships, including more than one such relationship at the same time, and so you must advise us if there are any such relationships present or past; otherwise, we may not be able to protect you as fully as you want. You may need to make a separate Memorandum about this to adequately explain your reasons to try to persuade a Court to take your views into account if it considers varying your Will after your death.

20. Particulars of any further wishes, other trusts, or provisions: _____

21. Are you the sole owner of the property disposed of in this Will (or, if you are not, how is ownership divided and who owns with you), or does anyone else (e.g. your spouse) have a joint tenancy right of survivorship with respect to it, or any part of it; and does anyone else have a right to some fraction or part of it? Couples should describe their ownership arrangements and consider what is joint and what is separate. _____

22. If you have any such Joint Accounts or Joint Property, did you make such arrangements so that the other person(s) would take that property absolutely after you die? Or did you do so only to allow for a simpler administration and distribution of your Estate after your death, i.e. so that other people would receive a share in that “joint” property? Please describe who is entitled to which parts of the “joint” property. _____

23. Please provide a separate, complete list of your **digital assets** and how your Personal Representative can gain access to your digital assets, accounts, loyalty points, nicknames and passwords after your death. Note: if your Executor does not know what your digital assets are and how to gain full access to them, they might never be found / closed / transferred to beneficiaries. _____

24. For the purpose of registration under WESA, please advise us where you plan to keep this Will (e.g. Name & Address of Bank Safety Deposit Box), at home, etc. _____

25. How do you intend to amend your Will in the future?. _____

26. Have you made any plans for possible mental incapacity? Please give details. _____

27. Do you wish to tell us anything else?. _____

DATE: _____

Signature

Signature

Please return this form to us. We will consider such return to mean that you are entering into a contract for professional legal services with us, and that you are instructing us to draft a Will, or Wills, for signature by you and for registration under WESA, and that you will pay us for doing so; and we will then proceed to draft the Will or Wills, and will contact you when they are ready. Thank you for your instructions, and for choosing our firm to draft your Will.

JAMES K. FRASER LAW CORPORATION
Barrister & Solicitor, Notary Public
200 - 4603 Kingsway
Burnaby, B.C., V5H 4M4
Telephone: 604-433-0010
E-mail: jkf@j kf.ca