

## **WHY HAVE A WILL AND POWER OF ATTORNEY?**

1. If you die without a Will (intestate) your property will be divided according to the laws of the jurisdiction where it is located, instead of according to your wishes. Further to this, the Court will be required to appoint an “Administrator” to administer the Estate. Persons entitled to apply may be difficult to locate, may be a poor choice or may have no interest in doing so. Where several people have equal standing there may be disagreements as to who should assume the role and ultimately the administrator may be required to post security to protect the Estate.
2. A Will allows you to name an Executor who will administer your Estate.
3. A Will allows you to pick guardians for your infant children.
4. A Will allows you to control the age at which children or grandchildren will receive money from your Estate and allows you to set how much they will receive.
5. A Will allows you to ensure that family heirlooms, land, or other assets are passed on to the appropriate person and not simply sold off.
6. A Will allows you to control who shares in your Estate and exactly how much or how little they receive.
7. A Power of Attorney allows you to give a trusted person the right to make decisions on your behalf in the event of your mental incapacity.
8. A Power of Attorney can give a trusted person the power to make necessary health care decisions on your behalf.

Even if you don't have a lot of assets it is still important to have a Will. A Will ensures that your personal wishes are followed and that the assets that you do have end up where you want them.

A Power of Attorney allows someone to act on your behalf when you are unable to do so. This document may never be needed but if events come to pass where you no longer have the capacity to make your own decisions and you do not have a valid Power of Attorney no one will be able to deal with your assets without a Court order. It can be very expensive and time consuming to get a Court appointed Power of Attorney.

We hope this information has been helpful and would encourage you to feel free to ask us any questions you might have about any of the foregoing.

**BEHIEL, WILL & BIEMANS**



**3. CHILDREN**

Please list all children, including any children from a previous marriage or relationship.

FULL NAME	ADDRESS (City and Province)	RELATIONSHIP (son, step-son, etc.)	DATE OF BIRTH

**4. GUARDIAN OF INFANT CHILDREN (any child under 18)**

Guardian: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Relationship: \_\_\_\_\_  
Consulted: (Yes/No)

Alternate Guardian: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Relationship: \_\_\_\_\_  
Consulted: (Yes/No)

**5. SPECIAL BEQUESTS**

Please list anyone that you wish to give something specific to out of your Estate and what you would like to give them. (personal items, cash, land, charitable donations, etc.) These bequests come first and remove the items from the Estate so it does not become part of the residue.

NAME	ADDRESS (City and Province)	RELATIONSHIP (friend, charity, etc.)	PROPERTY TO BE GIVEN

**6. MONEY FOR GUARDIAN**

The person that takes responsibility for your children will incur costs. Do you want to provide them funds to offset some of the potential costs?

- I wish to give money to the person that accepts guardianship of child/children. Can be a lump sum or set up as an amount/year. (Please ask if you want more details)
- I have no direction.

**7. DISPOSITION OF EVERYTHING ELSE (Residue)**

**If there is a Spouse**

- Everything to spouse if spouse survives for 30 days; or
- Spouse is to receive: \_\_\_\_\_

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**If there are Children**

- If spouse predeceases me or dies within 30 days, everything to children in equal shares
  - Everything to children, in equal shares
  - To children as follows: \_\_\_\_\_
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**Consider if Child predeceases you:**

If child does not survive, his/her share to go to:

- deceased child's children (your grandchildren) or, if none, to deceased child's brothers and sisters;
- deceased child's brothers and sisters;
- deceased child's estate (this could include the spouse of a deceased child - *your daughter-in-law or son-in-law*)

**Consider if entire family predeceases:**

- If spouse and **all** children do not survive (entire family dies in a common disaster), residue of estate is to go to:

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**If a minor (someone who is not 18 years of age) is entitled to share in your estate:**

- I wish payment to a child (or grandchild) to be made at some time **after** age 18. The money can be paid out in any number of stages (please ask if you want more details)
- share of an infant to be paid to the parent or guardian of that infant - the receipt of the parent or guardian to be a full discharge to the Executor
- I have no directions

**If no Spouse or Children**

Names of the persons to whom the rest of the Estate goes.

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**Declaration under *The Family Property Act***

- I wish to include in my Will a declaration under *The Family Property Act* respecting the spouses of my children so that my children benefit under my Will and not their spouse if they are going through a divorce at the time of my death.

**8. BUSINESS INTERESTS**

Do you own a business? \_\_\_\_\_(Yes/No)

Is it incorporated? \_\_\_\_\_(Yes/No)

Who are the Shareholders? \_\_\_\_\_

\_\_\_\_\_

Is there a Shareholders Agreement? \_\_\_\_\_(Yes/No)

**9. MARRIAGE CONTRACT**

Are you a party to a Marriage Contract (Pre-Nuptial)? \_\_\_\_\_(Yes/No)

**10. REAL ESTATE**

Do you own real property (land)? \_\_\_\_\_(Yes/No)

If so, please list the property and note if the property is held as joint tenants, tenants in common, or in one name alone.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**-please note if property is held as joint tenants it will not form part of your Estate and it will pass directly to the survivor.**

**11. LIFE INSURANCE**

Do you have life insurance? \_\_\_\_\_(Yes/No)

Is there a designated beneficiary? \_\_\_\_\_(Yes/No) If so, who? \_\_\_\_\_

**-please note if there is a designated beneficiary life insurance proceeds will not form part of your estate but will pass directly to the named person or persons.**

**12. BANK ACCOUNTS/INVESTMENTS**

Do you have a safety deposit box? \_\_\_\_\_ (Yes/No) If so, where? \_\_\_\_\_

Where do you have bank accounts? \_\_\_\_\_

Are the accounts joint with anyone else? \_\_\_\_\_(Yes/No)

**-please note that if accounts are joint with someone else they will not form part of your estate but will pass directly to the survivor.**

**13. WILL STORAGE**

Our office will store your original Will in our vault and provide a copy to you at no extra charge. This guarantees accessibility to your Executor in the event of your death and it allows us to have it on hand should you ever wish to review it or make changes. If you do not agree with this arrangement, please provide alternate arrangement details: \_\_\_\_\_

\_\_\_\_\_

**14. ENDURING POWER OF ATTORNEY**

Do you have an existing enduring Power of Attorney? \_\_\_\_\_(Yes/No)

-if you do not have one or are interested in doing a new one, please complete the next page and we would be happy to discuss it with you.

**15. OTHER QUESTIONS OR MATTERS YOU WOULD LIKE TO DISCUSS**

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## Enduring Power of Attorney Information

A Power of Attorney will allow someone to step into your shoes and do all the things that you can do. Please **print** clearly. Use full names, including middle name.  
(For example, rather than putting Mr. A. Behiel put in Aaron Gregory Behiel)

### Primary Power of Attorney

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Full Name: \_\_\_\_\_

Relationship: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Full Name: \_\_\_\_\_

Relationship: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

If you appoint more than one Attorney you call allow them to act individually, only together, or in both fashions. The person you appoint should be someone that you trust completely.

### Alternate Power of Attorney

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Full Name: \_\_\_\_\_

Relationship: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Full Name: \_\_\_\_\_

Relationship: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

The Alternate Power of Attorney acts if your primary Power of Attorney cannot or will not.

You do not have to release your Power of Attorney immediately. We can hold it and only release it when certain conditions are met.

### Letter of Direction

- Please hold my Power of Attorney until you either get a letter in writing from me stating to release it or a letter from a doctor certifying me incapable of handling my own affairs.
- Please release my Power of Attorney immediately.

### Contact my appointed Attorneys

- Please contact my appointed Power of Attorney so they know where to find my Power of Attorney in an emergency.
- Please do not contact my appointed Power of Attorney.

A Power of Attorney is useless if no one knows it exists or where to find it.