

**PETER R. WELSH**  
**BARRISTER & SOLICITOR**



**ESTATE PLANNING, WILLS AND  
POWERS OF ATTORNEY  
INFORMATION AND INSTRUCTION KIT**

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**Peter R. Welsh Professional Corporation**

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## WILLS: WHAT THEY ARE AND WHY YOU NEED ONE

### INTRODUCTION

We thank you for the opportunity to provide this “kit” to you. It has 2 purposes: first, to assist you in your planning including your own inventory of your property; and secondly, to assist us in recording your wishes.

Aside from assisting you in the preparation of your Will, the primary purpose of which is to appoint someone to administer your Estate and direct its distribution, we also seek to reduce or avoid taxes and probate fees on your property. This Questionnaire, accordingly, prompts initiatives outside of just the preparation of a Will that could significantly help in your asset preservation.

### THE PROCESS

We’ve found this “kit” contributes to your consideration of your wishes and allows us to prepare a draft Will for your review, reducing time and expense.

The first step is completion of this “kit” by you. We take your preliminary plans, assess your wishes, propose some alternatives and deliver a draft Will, sometimes with notes in it for your further consideration.

This is an iterative process: you consider your ideas. We propose alternatives and solutions. You choose your options. We record your decisions. There obviously will be some discussions with us. This is an important process for you, not lightly undertaken and often deferred, but important. We wish to be sure you are content with your decisions when finalized.

In the end, we, together with you, document your plans and produce a final Will or Wills (there is a possibility of more than one Will, which might seem strange, but read on).

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## **WHAT HAPPENS IF I DIE WITHOUT A WILL?**

If you die without a Will (referred to as “intestate”), your estate will be frozen and will remain frozen until someone (usually next of kin or possibly even the Public Guardian) applies to the Ontario Superior Court of Justice to appoint an Administrator (Estate Trustee Without a Will) to wind up your affairs and pay off your creditors. The Administrator may not necessarily be the person you might have nominated in your Will. Upon death without a Will, Ontario law limits the amount a spouse can inherit if there are children. If you have neither a spouse nor children, your property will be distributed to your relatives according to a statutory formula.

Any minor children who inherit under the statutory formula will have their share tied up in a government bank account until they are 18. All the money is then paid to them. Money held by the government for minor children will earn interest at the government prescribed rates. The designated guardian of your children will have to apply to the Office of the Children’s Lawyer for support payments out of the children’s funds held by the government. You will not be able to nominate specific individuals to act as guardians of your infant children if you have not made a Will, and you cannot control the access of your children to their money after they reach the age of 18.

The Ontario statutory formula for distributing the assets of an estate where there is no Will cannot be varied, for any reason, to provide for your intended wishes, shares of your estate for spouses, children, family members, friends, charities, or treatment of business interests and non-cash assets.

## **PROBATE**

Now some money and legal issues. “Probate”, a term that is actually now discontinued, but still holds a common understanding, is all of a process, a Court Order and a tax matter. First, the process.

A Will identifies an “Executor” (or an “Executrix”) who is your chosen person(s) who will handle your Estate and carry out your wishes. You are called a “Testator”. You appoint your chosen Executor in the body of the Will. The Executor need not be a “professional” and

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frequently isn't. In fact, most Executors are the spouses of the Testator. Alternative Executors are encouraged, just in case of the inability or incapacity of your chosen Executor. These alternatives are frequently adult children, friends, trusted advisors or anyone of your choosing.

### **EXECUTOR'S FIRST TASK:**

The Executor's first task is to consider whether your Estate will require any Court involvement. That's, in old terms, "Probate", which is an Application to the Superior Court of Justice, Ontario, to confirm the appointment of the Executor. A Court Order is issued (the actual Order is for the "Appointment of an Estate Trustee with Will").

There is a cost to get this Appointment and we obviously seek to avoid its necessity. However, if the Estate includes real estate or sizeable (over \$20,000 is all that is required to be sizeable) investments (such as term deposits, GICs, treasury bills, shares in publicly traded companies, even RRSPs), then Probate may be necessary.

### **PROBATE COSTS:**

If Probate is necessary, you should be aware there are fees or taxes now called "Estate Administration Tax" (not just lawyer's fees) payable to the Government of Ontario on the value of the Estate: \$5 per \$1,000 up to \$50,000 of value of the Estate and \$15 per \$1,000 for the value of the Estate in excess of \$50,000.

As part of our process, accordingly, we want to reduce the probability "Probate" must be obtained. Avoiding Probate, at the most obvious, also reduces costs.

We should point out that, in the event of death without a Will, the Probate process becomes quite a bit more unwieldy. The Estate is in limbo until someone, usually a relative, steps forward to seek a Court Order (a "Certificate of Appointment of an Estate Trustee Without Will"). This was once referred to as an "Administrator" (as opposed to an "Executor") and the cost to secure this Court Order most probably would not be less than \$3,500 in legal fees alone on top of the Probate fees and taxes referred to above.

In addition, you should be aware that in the absence of the Appointment of an Administrator, the Public Guardian & Trustee of the Province of Ontario has the responsibility to administer the

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Estate. Hence, the benefit of a Will as against the necessity and cost of the Appointment of an Administrator or the Public Guardian is self-evident.

Finally, we have the “Beneficiaries”. These are the people, institutions, charities that you identify to receive your Estate assets. However, just before them are your creditors: Mortgagees, Lenders, credit cards, car loans, even the funeral home and of course, taxes. These must be addressed (and paid) first, before your plans for your asset distribution even begins.

So your Executor will need to identify all those to whom you owe anything, pay them off, file your final year Tax Return and then begin either the distribution of your assets or their administration in a trust.

## **EXECUTOR FEES**

As you can see, your Executor (or the “Administrator”) is responsible for a lot right after your death. Just so you know, Executors are entitled (and there is no hard and fast rule on this) to receive compensation from the Estate assets for their duties.

As a general rule, two things occur: if your Executor/Executrix is a spouse or a close family member, Executor fees are seldom paid. Often, these “close” Executors perform their duties without ever asking or receiving any fees. Frequently, the Executor is the major Beneficiary of the Estate in any event.

Now the second rule of thumb: You obviously want an Executor/Executrix who not only already may know your wishes, but will exercise discretion in fulfilling your wishes even, at times, unfortunately, over unexpected objections of other potential Beneficiaries. Regrettably, the role of Executor is not always smooth and sometimes emotions run high. So, the more you can do to direct your Executor the fewer the issues you leave that person to handle.

## **WHAT SHOULD I DO BEFORE SEEING MY LAWYER?**

1. **DO AN INVENTORY OF YOUR ASSETS:** Your first step before making your Will should be to take inventory of your property (house, summer cottage, securities, RRSPs, pension benefits, shares held in any corporation, etc.) and of your debts (mortgage, loans, etc.). You can use the work sheet at the end of this package to assist you with your

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inventory. Pay attention to how ownership is established for each of these assets (i.e. do you own them, are they joint with another or partnership property of some kind?)

2. **CHOOSE AN EXECUTOR(S):** The next step is to think about who you will want to manage your Estate after you die. You should ask the person you wish to name as Executor whether or not he or she is prepared to accept these responsibilities. You may name more than one person as Executor. If you choose one person, it is a good idea to choose an alternate Executor in case your designated Executor dies, declines or fails to act on your behalf.

In choosing an Executor, you should ask yourself the following questions:

- Will this person be reasonably available to handle these duties? (i.e. residing in the Country)
- Is this person capable of handling financial matters?
- Will this person act in the best interests of my family and beneficiaries?

3. **DECIDE ON A GUARDIAN FOR MINOR CHILDREN (if any):** You may also appoint someone to have custody of your children when you die. This appointment cannot be a forced appointment (in the sense the person “must” accept the appointment), since someone must apply to the Court for a Custody Order to establish permanent custody of your children. However, your expression in your Will carries a strong message about who you want to look after your children if neither you nor your spouse is alive.

#### 4. **DECIDE HOW YOU WANT TO LEAVE YOUR ESTATE**

- a. Frequently, husbands and wives make Wills that mirror one another’s, leaving everything to the surviving spouse, particularly when it is a first marriage for both spouses.
- b. If there are children, it is frequently the case that each parent leaves everything to be divided equally among their children in the event that they are the last spouse to die or they die together. If the children are young, it is common that the children’s shares are directed to be held in Trust by a Trustee, often the Executor, until they reach some age older than eighteen. Often distributions are provided at

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age various staged times; e.g. twenty-one or twenty-five, or even older, depending on the size of the Estate.

- c. Particularly if your family is young, it is wise to provide in the Will for what would happen if none of your immediate family was alive (everyone dies together). If this provision is missing and there is a total disaster with the family, your Estate will be divided among your closest living relatives as though you had no Will. Again, potential Public Guardian. If this is not what you would want, it is important to have your Will say what you do want.

## 5. SAVING/DELAYING TAXES AND FEES

- a. Naming a surviving spouse as the recipient of your RRSP, RRIF or pension benefit will allow the funds to go to your spouse free of income tax, and without Estate Administration Tax (formerly Probate fees). If these funds are left to your Estate, or designated to go to someone other than your spouse, the tax is payable on the full value of the plan as income in the year of your death.
- b. Life insurance payable to a named beneficiary passes to that person without any income tax or Estate Administration Tax and it cannot be attacked by creditors of your Estate.
- c. Leaving your Estate to your spouse or to a trust for the benefit of your spouse, allows the Estate to pass without any income tax payment at your death. The tax on capital gains from the date that you acquired the property is only paid when the asset is actually sold or when both spouses die.
- d. Real estate and any other property owned between you and another person as joint tenants, will go to that other person automatically on your death, with no need to wait for Probate or to pay Estate Administration Taxes. If there would be income tax payable on the asset if it were owned by you alone, that tax is still payable at your death, even if the asset goes to a survivor and is not part of your Estate.
- e. If you hold shares in a corporation, you should consider utilizing a “Secondary Will” for these assets. Secondary Wills are not subject to Probate fees and

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therefore the value of your corporate shares would not be included. They are simply excluded from your Estate.

6. **FUNERAL AND BURIAL INSTRUCTIONS:** A Will can include your last wishes regarding how you would like your body disposed of. It is important that these wishes also be written down in another document that can be read immediately after your death. In many cases, the contents of the Will are learned only after death and your wishes concerning burial or cremation may only be discovered upon the reading of your Will, but far too late to carry out your wishes.

Insofar as organ donation planning may be considered, these plans can, of course, be expressed in your Will. Again, however, like cremation, by the time your Will is read, your charitable organ donation plans may well be too late. It is much better to carry your plans in your wallet and let your Executor, spouse and possibly your adult children know in advance of your wishes.

7. **DO I ONLY NEED TO MAKE A WILL ONCE?:**

No, your Will generally has a life span of 3-5 years before it should be revisited. Possibly even sooner if there has been a dramatic change in your circumstances. Keep in mind such events as the birth of children, the death of appointed Executors or Guardians of minors, marriage, divorce, acquisition of assets, shareholdings, etc. These are just some of the possible changes that can occur making it necessary to revisit your present Estate plan.

8. **WHO CAN WITNESS THE SIGNING OF MY WILL?:**

2 witnesses must be present when you sign your Wills and these witnesses must be 18 years of age or older and cannot be a named party in the Will, either as an Executor/Trustee or as a Beneficiary.

9. **WHAT IS A HOLOGRAPH WILL?:**

A document written entirely in one's own hand, dated and signed by the Testator (no witnesses required) is considered a Holograph Will. Section 6 of the Ontario Succession

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Law Reform Act allows this by stating "A testator may make a valid will wholly by his or her own handwriting and signature, without formality, and without the presence, attestation or signature of a witness."

A typewritten Will with handwritten changes or corrections is not considered a valid Holograph Will.

**10. CAN I MAKE CHANGES TO MY WILL?**

Yes and No. Any handwritten changes made on a Will document, even if initialed by the Testator, invalidate the Will. However, a change can be made to your plans in the Will by way of an amendment (called a "Codicil"), but that document must also be typed, with 2 witnesses as well and should be kept with your original Will document.

**11. NOW THAT I'VE MADE A WILL, WHAT DO I DO WITH IT?:**

Once your Will is signed it is a "live" document and should be stored in a safe place such as a home safe or safety deposit box. If it cannot be located at the time of death, it may be presumed that you did not have a Will or that you had intentionally destroyed it. In that case, your estate would be distributed as if no Will ever existed. Therefore, it is suggested you provide a copy to the Executors and inform him/her of the location of the original Will.



## **POWERS OF ATTORNEY WHAT THEY ARE AND WHY YOU NEED THEM**

### **POWER OF ATTORNEY FOR PROPERTY**

Unlike a Will, a Power of Attorney for Property takes effect while you are still alive but are temporarily or permanently incapacitated or absent. If you are unable to make decisions with respect to your property, your Attorney will have the necessary powers to make decisions and carry those decisions out on your behalf.

Your Attorney will have unlimited access to your property and may deal with your property as he or she sees fit. The Attorney's duties include supporting you and your dependants, and acting in your best interests. Your Attorney cannot make a Will for you, but can review any existing Will, because your affairs must be managed to protect, as far as possible, your Will plan for your eventual beneficiaries.

Your Attorney can consent on your behalf to any sale of a family home being sold by your spouse. If your Attorney is your spouse, he or she can deal with the family home and other family property completely, during your incapacity or absence.

Your Attorney can make gifts or loans to friends and relatives, subject to statutory limitations, and can make charitable gifts, again subject to limitations. Alternatively, you can prohibit your Attorney from making any gifts, loans or donations, during your incapacity.

Your Attorney is entitled to compensation in accordance with a prescribed statutory fee schedule, unless you specify a different fee arrangement or no fee. Remember that your named Attorney may refuse to act if he or she is not entitled under your Power of Attorney to any compensation.

It is important to name an "alternate" Attorney in the event that the appointed Attorney is unable or unwilling to act on your behalf. It is also beneficial to appoint someone who resides in the same jurisdiction as making decisions on your behalf from a distance could be a challenge.

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Two or more Attorneys can be appointed, and they can be required to only act together (jointly) or permitted to act separately (severally). Frequently, multiple Attorneys are appointed jointly and severally (which means one may act, or they act together. This offers the most flexibility).

A Power of Attorney will be effective as soon as it is signed, unless you specify some mechanism whereby the power becomes effective at a later date. It is recommended that you allow the Power of Attorney to be effective immediately, without limitation, but control access to it by means of arranging for safekeeping of all signed copies and providing a mechanism for the holder to know when, how and to whom to release the documents.

### **POWER OF ATTORNEY FOR PERSONAL CARE**

In 1995, Ontario legislation was proclaimed (and amended significantly in 1996) which permitted individuals to make binding decisions as to who will make medical and personal care decisions for them while they are alive but unable to give instructions.

Your Power of Attorney for Personal Care can be general or specific. It will appoint an Attorney to make health care decisions (which will include decisions regarding shelter, hygiene, clothing, etc.). It may also include your specific preferences with respect to the above.

You should also name an “alternative nominee” for your Attorney in the event that your appointed Attorney is unable or unwilling to act on your behalf. It is also beneficial to appoint someone who resides in the same jurisdiction as you since making decisions on your behalf, often required on an immediate basis, from a distance could be a challenge.

Your Power of Attorney for Personal Care, through specific directions to your Attorney, may also provide instructions for treatment at a time when you are unable to communicate these instructions. It may include your wishes regarding:

- (a) donation of organs;
- (b) use of life extending machines;
- (c) preferences for homecare or institutionalization; and
- (d) blood transfusions.

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You should discuss your wishes with your Attorney in advance. You may also wish to discuss your wishes with your religious advisor and your doctor.

You should know that health care providers may require your Power of Attorney for Personal Care in order to verify your wishes. This is often impossible in emergency situations.

Finally, you should remember that a medical code of ethics may conflict with your instructions. If so, there is no absolute guarantee that your wishes as set out in your Power of Attorney for Personal Care may be followed.

The specifics relating to the appointment of an Attorney for personal care are very much the same as those for appointment of an Attorney for property. However the circumstances when a Power of Attorney for Personal Care can be used are different from those where a Power of Attorney for Property can be used. A Power of Attorney for Property can be exercised by the Attorney at any time, and is often used in business situations or for convenience. A Power of Attorney for Personal Care can only be exercised when it has been determined by your health care providers that you are unable to make care decisions yourself.

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## WILL PLANNING INFORMATION SHEET

***PLEASE BRING THIS COMPLETED DOCUMENT TO YOUR INITIAL APPOINTMENT OR RETURN BY EMAIL***

### PERSONAL INFORMATION

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

Also Known As: \_\_\_\_\_

Date of Birth \_\_\_\_\_

Address \_\_\_\_\_

Phone Number:      business      \_\_\_\_\_

home      \_\_\_\_\_

Cell:      \_\_\_\_\_

Email:      \_\_\_\_\_

Citizenship \_\_\_\_\_

### **SPOUSE:**

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

Also Known As: \_\_\_\_\_

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Date of Birth \_\_\_\_\_

Address of Spouse \_\_\_\_\_  
(if different)

Phone Number: business \_\_\_\_\_

home \_\_\_\_\_  
(if different)

Cell: \_\_\_\_\_

Email: \_\_\_\_\_

Citizenship \_\_\_\_\_

Date of Marriage \_\_\_\_\_

**CHILDREN:**

1. Full Name: \_\_\_\_\_

Address: \_\_\_\_\_  
(if not residing with you)

\_\_\_\_\_

Date of Birth: \_\_\_\_\_

Marital Status: \_\_\_\_\_

Name of Spouse: \_\_\_\_\_

Children & Ages: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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2. Full Name: \_\_\_\_\_

Address: \_\_\_\_\_  
*(if not residing with you)* \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Marital Status: \_\_\_\_\_

Name of Spouse: \_\_\_\_\_

Children & Ages: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Full Name: \_\_\_\_\_

Address: \_\_\_\_\_  
*(if not residing with you)* \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Marital Status: \_\_\_\_\_

Name of Spouse: \_\_\_\_\_

Children & Ages: \_\_\_\_\_  
\_\_\_\_\_

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4. Full Name: \_\_\_\_\_

Address: \_\_\_\_\_  
*(if not residing with you)*

Date of Birth: \_\_\_\_\_

Marital Status: \_\_\_\_\_

Name of Spouse: \_\_\_\_\_

Children & Ages: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please indicate if any children are stepchildren or from a previous marriage:

1. Full Name: \_\_\_\_\_

Address: \_\_\_\_\_  
*(if not residing with you)*

Date of Birth: \_\_\_\_\_

Marital Status: \_\_\_\_\_

Name of Spouse: \_\_\_\_\_

Children & Ages: \_\_\_\_\_

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2. Full Name: \_\_\_\_\_

Address: \_\_\_\_\_  
(if not residing with you)

Date of Birth: \_\_\_\_\_

Marital Status: \_\_\_\_\_

Name of Spouse: \_\_\_\_\_

Children & Ages: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Do any of your children or dependents have special needs? If so, please give details.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**OTHER DEPENDENTS:**

Do you have any legal obligation to support another person in addition to your spouse and children, or have you been providing actual support to anyone other than your spouse and children? If so, please give the details:

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



**GENERAL:**

Accountant: \_\_\_\_\_

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

\_\_\_\_\_

Phone: \_\_\_\_\_

Financial  
Advisor \_\_\_\_\_

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

\_\_\_\_\_

Phone: \_\_\_\_\_

Have you or your spouse been previously married? \_\_\_\_\_

Is spouse deceased? If so, please provide date of death: \_\_\_\_\_

**DOMESTIC CONTRACTS AND COURT ORDERS:**

Have you or your spouse ever signed a Separation Agreement, Marriage Contract, or been involved in a court proceeding which might have an impact on your estate:

YES   
NO

If so, please provide details together with a copy of the agreement.

\_\_\_\_\_

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Divorce (if any): \_\_\_\_\_

Date & Place: \_\_\_\_\_

Details: \_\_\_\_\_

Any other children/  
Beneficiaries? \_\_\_\_\_

Full names: \_\_\_\_\_

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

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

### **FINANCIAL DETAILS OF THE ESTATE**

#### **A. REAL ESTATE**

Do you own a house? If yes,

- (i) Address: \_\_\_\_\_
- (ii) Approx. value \_\_\_\_\_
- (iii) Mortgage amount/ to whom \_\_\_\_\_  
(if applicable)
- (iv) Registered in the name of \_\_\_\_\_



Other Properties:

- (v) Address: \_\_\_\_\_
- (vi) Purchase Price: \_\_\_\_\_
- (vii) Approx. value: \_\_\_\_\_
- (viii) Mortgage owing/amount/to whom: \_\_\_\_\_
- (iv) Registered in the name of \_\_\_\_\_
- (x) Date of acquisition: \_\_\_\_\_

Automobiles or Boats:

- (xi) Item: \_\_\_\_\_
- (xii) Approx. value: \_\_\_\_\_
- (xiii) Registered in the name of: \_\_\_\_\_
- (xiv) Date of acquisition: \_\_\_\_\_

**B. BUSINESS INTERESTS:**

- (i) Name: \_\_\_\_\_
- (ii) Address: \_\_\_\_\_
- (iii) Type of Business:   Sole Proprietorship     
                                   Partnership                                     
                                   Limited Company

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Are you a party to any partnership agreements or unanimous shareholders' agreements? (If so, please provide a copy)

Do you own shares in a private Ontario Corporation? If so, please provide:

- (i) Business Name: \_\_\_\_\_
- (ii) Business Number: \_\_\_\_\_
- (iii) Number of Shares:
  - (a) Common: \_\_\_\_\_
  - (b) Special: \_\_\_\_\_

**C. INSURANCE**

	Company	Face Value	Policy No	Beneficiary
<b>Group Insurance:</b>				
<b>Personal Insurance:</b>				

**D. RRSP'S**

- Name of Owner: \_\_\_\_\_
- Trustee and Plan No. \_\_\_\_\_
- Approx. Value: \_\_\_\_\_
- Beneficiary: \_\_\_\_\_
- Name of Owner: \_\_\_\_\_



Trustee and Plan No. \_\_\_\_\_

Approx. Value: \_\_\_\_\_

Beneficiary: \_\_\_\_\_

**E. PENSION PLANS:**

Do you have through your employment?

Self:            Yes                        No   

Spouse:        Yes                        No   

If so, who is the beneficiary?: \_\_\_\_\_

**F. STOCKS, BONDS AND OTHER SECURITIES:**

Please provide a current list of your stock portfolio or other securities:  
(You can attach as separate page; e.g. statement from broker)

**G. BANK ACCOUNTS, G.I.C.'S AND OTHER INVESTMENTS:**

Please provide a current list of your accounts and other investments.

**H. DEBTS AND LIABILITIES:**

Please provide all details of monies that you owe to a third person (if any):



I. Are you an executor/trustee for someone else? If so, please provide details.

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Are you presently receiving benefits from an estate or trust? If so, please give particulars.

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Have you set up a trust to benefit another person? If so, please give particulars.

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**WILL INSTRUCTIONS**

A. What person or persons would you like to act as your Estate trustee or Executor:

- Spouse
- Other – If other:

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

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



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

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

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

**[if trustees are not resident in Ontario, further consultation will be needed]**

If you have chosen your spouse or anyone and your spouse or that someone predeceases you or is unable to act, who would be your alternate choice?:

**FOR MY WILL:** Name: \_\_\_\_\_

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

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

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

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

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

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***PLEASE NOTE THAT A SPOUSE MAY DISPOSE OF HIS/HER ESTATE SEPARATELY FROM HIS/HER SPOUSE.***

**SPOUSES WILL (if different):**

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

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

\_\_\_\_\_

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

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

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

\_\_\_\_\_

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

My Spouse is to receive all of my property if I pass away first.

Yes  No

**[if No, further consultation will be needed]**

If my spouse dies before me, I would like all of my property to be divided equally among my children who survive me.

Yes  No

**[if No, further consultation will be needed]**



If children are not of the age of majority, I would like their shares held in trust and distributed as follows (e.g. 1/4 at age 25, 1/3 of remainder at age 30 and remainder at age 35):

Age	Share distribution

If a child has died before me and my spouse leaving children (my grandchildren) who survive me, those grandchildren will take their parent's share equally.

Yes  No

If both my spouse and I die together, I wish my child(ren) to remain under the guardianship of:

Name & Address: \_\_\_\_\_

\_\_\_\_\_

Relationship to you: \_\_\_\_\_

List alternate & relationship to you: \_\_\_\_\_

\_\_\_\_\_

Please state whether you wish your child(ren)'s custodial guardian or your Estate Trustee to manage the distribution of your child(ren)'s share in your Estate:

\_\_\_\_\_

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Should all of myself, my spouse and my child(ren) die together, I wish my Estate to be divided equally between/among:

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If you have specific bequests (e.g. jewellery item(s) or collection) for beneficiaries, these can either be included in your Will or you can include in a separate memorandum written in your own hand to be appended to your Will.

ITEM/BEQUEST	RECIPIENT (and relationship to you)

Please list any other specific wishes to be recorded in your Will, such as provisions relating to funeral arrangements, donations, etc. (or attach as separate sheet):

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Do you wish any restrictions on the powers of your executor?:

Yes  No

If yes, please indicate the restrictions:

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**POWER OF ATTORNEY FOR PROPERTY**

Attorney(s) for property are (insert full name(s) and address(es) of not more than 2 people):

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The alternate(s) (insert full name(s) & address(es) of at most 2 people) in order of preference):

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Attorneys must act together only (jointly): yes  no:

Attorneys can each act alone (severally): yes  no:   
(Note: *Attorneys can act both jointly & severally*)

There will be restrictions on my Attorney(s) powers: yes  no:

If there are to be restrictions, please provide particulars.

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My Attorney(s) will be entitled to either:

no compensation; or

**PETER R. WELSH**  
BARRISTER & SOLICITOR



- compensation at usual trustee rates pursuant to the laws of Ontario.

Please indicate choice.

My Power of Attorney for Property will be:

- immediately effective; or
- effective when my family physician or other qualified person has decided that I am incapable of managing property.

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**POWER OF ATTORNEY FOR PERSONAL CARE**

Attorneys for personal care are (insert full names and addresses of not more than 2 people):

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The alternate(s) (insert full name(s) & address(es) of at most 2 people) in order of preference):

---

---

Attorneys must act together only (jointly):            yes:             no:

Attorneys can each act alone (severally):            yes:             no:

(Note: *Attorneys can act both jointly & severally*)

If you have any special instructions pertaining to your personal care, please outline below:

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The following Work Sheet is for your assistance when considering your testamentary intentions and to highlight matters that may require special consideration for Will preparation.

**NET ESTATE**

**ASSETS**

Category	location	owned by	joint: yes/no or designated beneficiary	value	estate value
real estate					
insurance					
RRSP					
RRIF					
Bank acct					
stocks					
bonds					
<b>total assets</b>					

**LIABILITIES**

Category	Creditor	Amount	Insured Yes/no	Total debt to Estate
Mortgages				
Personal loans/credit cards				

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Funeral expense		\$10,000 (approx)		
Tax liability on RRSP/RRIF				
Tax liability Capital gains				
<b>Total debts</b>				
<b>Net estate value</b>				

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