



**LAW**

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**Things to think about and gather before attending for a Will appointment**

DATE COMPLETED: \_\_\_\_\_

CLIENT A (Wife)		CLIENT B (Husband)	
Full Legal Name:		Full Legal Name:	
Birth Date/Age:		Birth Date/ Age:	
Place of Birth:		Place of Birth:	
Occupation:		Occupation:	
Place of Employment/ Source of Income:		Place of Employment/ Source of Income:	
Address:		Address:	
Phone Number:		Phone Number:	
Citizenship:		Citizenship:	
Marital Status:		Marital Status:	
Date of Marriage:		Date of Marriage:	
Place of Marriage:		Place of Marriage:	

Separation Agreement?		Separation Agreement?	
Particulars of Divorce		Particulars of Divorce	

<b>CHILDREN</b>			
<b>Full Name</b>	<b>Address</b>	<b>Birth Date</b>	<b>Birth Child or Step Child?</b>

MORE CHILDREN TO FOLLOW? Yes  No

ANY CHILDREN OF SPECIAL CIRCUMSTANCES? \_\_\_\_\_

<b>PARENTS</b>			
<b>Full Name</b>	<b>Address</b>	<b>Date of Birth</b>	<b>Parent of Husband or Wife?</b>

<b>BROTHERS &amp; SISTERS</b>		
<b>Full Name</b>	<b>Address</b>	<b>Date of Birth</b>

**POTENTIAL EXECUTORS**

*The executor is a person or people you appoint to carry out the instructions in your will. He may hire lawyers, or accountants, or business advisors, but he is the one that is in charge. Two, or alternate executors are recommended.*

<b>Full Name</b>	<b>Address</b>	<b>Relation</b>

**POTENTIAL GUARDIANS OF YOUR CHILDREN**

<b>Full Name</b>	<b>Address</b>	<b>Relationship</b>	<b>Spouse's name</b>	<b>Joint or Alternate?</b>

BEQUEST TO GUARDIANS? \_\_\_\_\_

**FINANCIAL INFORMATION**

<b>Wife's Employment/Income Source</b>	<b>Husband's Employment/ Income Source</b>

**ASSETS:**

We would suggest that you take the time to complete our Statement of Affairs in order to set out any assets or debts currently in your name.

With this basic information you and the lawyer can arrive at a proper will for your circumstances. The following items will probably be discussed:

1. Whether to transfer the assets down to the next generation instead of leaving it to your spouse.
2. Leaving the estate to the children in trust, if both you and your spouse should not survive.
3. Whether the children are to receive the funds at the age of 18 or later (it has to be a contingent gift to use a date other than 18 years of age).
4. What to happen with the property if the whole family were killed in a car crash or something.
5. If one of the children should not survive should his/her share go to his/her children.
6. Do you need a Power of Attorney? (this appoints somebody to handle your financial & business affairs while you are alive). This is a powerful document and has a potential for misuse. It will however, save a substantial amount of money if it is available when you are incapable of carrying on your own affairs.
7. Health Care Directive (medical care proxy)? (Appoints somebody to make medical and personal care decisions if you are unable to continue to do so).
8. **DO NOT TRY TO PLAN YOUR WILL AS THOUGH YOU ARE GOING TO DIE TWENTY YEARS FROM NOW. PLAN IT TO COVER THE SITUATION OF YOU DYING IN THE NEXT FOUR OR FIVE YEARS.**

**OTHER ITEMS TO CONSIDER:**

- Property into joint names with your spouse - insure a constructive trust agreement be set up to confirm that and avoid tax problems.
- A child as a beneficiary of an RIF or RRSP will result in income tax on death, which will be payable by the estate.
- Cancellation of debts through the estate is better than during your lifetime.
- Should you consider crystalization of your capital gains exemption if there is farm machinery and equipment, it will roll over tax free to a farming child, but will produce recaptured depreciation if it is left to children or beneficiaries who are not active in farming.
- Family Property Act can apply to your property in relation to your spouse (or live-in companion), but also in relation to your children and their spouses (or live-in companions).