

# **This is the Last Will and Testament of me**

## ***Your Name here***

**of *address here* Avenue in the City of Surrey,  
in the Province of British Columbia, Canada.**

1. I HEREBY REVOKE all former Wills and other Testamentary Dispositions by me at any time heretofore made and DECLARE this only to be and contain my Last Will and Testament.
2. I NOMINATE, CONSTITUTE, AND APPOINT my wife **her Name here** to be the sole Executor and Trustee of this my Will and I DIRECT MY SAID Executor and Trustee to pay all my just debts, funeral and testamentary expenses as soon as conveniently may be after my demise.
3. I GIVE, DEVISE, AND BEQUEATH all residue, both real and personal, whatsoever and wheresoever, of which I am seized or possessed of or entitled to, and over which I have any power of appointment, unto my said wife **her Name here** absolutely.
4. PROVIDED HOWEVER, that if my wife **her Name here** does not survive me for a period of Thirty (30) days, then I DECLARE THAT Paragraphs “2 and 3” herein shall not take effect, and in lieu thereof, the following provisions shall take effect:
  - a) I NOMINATE, CONSTITUTE, AND APPOINT **First Choice here** as my Executor and Trustee of this my Last Will and Testament, and if said **First Choice here** is unable or unwilling to act as Executor, I NOMINATE, CONSTITUTE, AND APPOINT **Second Choice here** to be the Executor and Trustee of this my Last Will and Testament, and I hereinafter refer to the said Executrix as my “Trustee”.
  - b) I DIRECT my Trustee to pay all my just debts; funeral and testamentary expenses as soon as conveniently may be after my demise.
  - c) I GIVE, DEVISE, AND BEQUEATH all of the remainder of my estate, both real and personal, whatsoever and wheresoever, of which I am seized or possessed or entitled to, and over which I have any power of appointment, unto my Trustee upon the following trusts, namely:
    - i) To use his or her discretion in the realization of my estate, with power to my Trustee to sell, call in, and convert into money any part of my estate not consisting of money at such time or times, in such manner and upon such terms, and either for cash or credit or for part cash and part credit as my said Trustee may in his or her uncontrolled discretion decide upon, or to postpone such

conversion of my estate or any part or parts thereof for such length of time as he or she may think best, and I HEREBY DECLARE that my Trustee may retain any portion of my estate in the form in which it maybe at my death (notwithstanding that it may not be in the form of an investment in which Trustees are authorized to invest trust funds, and whether or not there is a liability attached to any such portion of my estate) for such length of time as my said Trustee may in his or her discretion deem advisable and my Trustee shall not be held responsible for any loss that may happen to my Estate by result of so doing.

- ii) To hold the residue of my estate as a special fund for the maintenance, education, and benefit of my children until the youngest shall attain the age of nineteen (19) years. I HEREBY DECLARE that it shall be lawful for my Trustee at any time in his or her absolute discretion to raise the sum or sums out of the income or capital of my residuary estate and apply them for the advancement and benefit of my child or children during his, her, or their minority or majority in such manner as he or she shall think fit, and my Trustee shall be entitled to spend more on one child than on another, and no sum so spent shall be brought to account by any child upon the division or balance of such funds or of my residuary estate. The receipt by any child or guardian of any payments authorized to be made herein shall be a sufficient discharge to my Trustee and shall exonerate my Trustee from all responsibility with respect to the application thereof.
- iii) Upon the youngest surviving child attaining the age of nineteen (19) years (hereinafter called the distribution date) to divide the remainder of my estate into as many shares as I have children, and to transfer one share to each of my children, absolutely.
- iv) If any child of mine does not survive the distribution date but dies leaving a child or children living at the distribution date, then the share of the residue which such child of mine would have taken had such child survived distribution date and obtained a vested interest in the residue of my estate shall be divided equally among such child or children as aforesaid of such child of mine, and if more than one, in equal shares. Provided further that if any child of mine shall die before the distribution date leaving no child or children living at the distribution date, then the share of residue which such child of mine would have taken had he or she survived distribution date is to be distributed among my children who survive distribution date.

5. I AUTHORIZE my Trustee to make payments for any person under the age of nineteen (19) years to a parent or guardian of such person, whose receipt shall be sufficient discharge to my said Trustee.
  
6. I NOMINATE, CONSTITUTE, AND APPOINT **First Choice here** to be the guardian of my children. If the said **First Choice here** is unable or unwilling to act as guardian, then I NOMINATE, CONSTITUTE AND APPOINT **Second Choice here** to be the guardian of my children.

IN TESTIMONY WHEREOF, I HAVE TO THIS DAY, MY Last Will and Testament, written upon this and 2 preceding pages of paper, subscribed my name, this **June** \_\_\_\_\_ **2006**.

SIGNED, PUBLISHED and DECLARED

By the said Testator:

***Your Name here***

as and for his Last Will and Testament,  
in the presence of us both present at the  
same time who at his request and in his  
presence and in the presence of each other  
have hereunto subscribed our names as  
**witnesses:**

NAME **First Witness' Name**

ADDRESS: ????

Surrey, BC

OCCUPATION: **Welder??**

NAME: **Second Witness Name**

ADDRESS ???

Surrey, BC ????

OCCUPATION: Clerk???

SIGNATURE OF THE TESTATOR: