

# Example of the Quebec Law Network Will & Testament Form (Excerpts) (Universal Legacy)

[Return to the English Will Order form](#)

## MY LAST WILL AND TESTAMENT

I the undersigned, **First Name, Family Name, Occupation**, domiciled at **Address** in the city of **Name of City**, province of Quebec, Canada, born on **Day Month Year (example: 3<sup>rd</sup> of October 1960)**, carrying social insurance number **(indicate your social insurance number example: 123 456 789)**, make my last Will and Testament as follows:

### CIVIL STATUS

**Select only one civil status from among the following – eliminate all others**

I am married to **First Name and Family Name (of your spouse)**.

**OR**

I am married but separated from **First Name and Family Name (of your ex-spouse)**. **OR**

I am married but separated from **First Name and Family Name (of your ex-spouse)** and have been living in a common-law relationship with **First Name and Family Name (of your common-law partner)** for **number (example: 24) months (or years)**.

**OR**

I am divorced and have not remarried.

**OR**

...Many other civil status

### REVOCATION OF PREVIOUS WILLS

I hereby expressly revoke all other wills, codicils and legacies predating the present Will. Without prejudice to the foregoing, all other wills,

...

### FUNERAL AND BURIAL

I leave the care of my funeral and burial to the discretion of my liquidator, surrounded by my loved ones, to ensure that the details are handled appropriately.

I nonetheless reserve the right to stipulate in a future document, other than a testamentary document, my final wishes concerning my funeral and the disposal of my remains.

[Return to the English Will Order form](#)

*Our Will form also provides the option to leave certain goods to precise individuals (or charities). These are called PARTICULAR LEGACIES, accompanied by a RESIDUAL LEGACY. This option does appear here...*

**You may devise (leave) all your assets to one or several individuals without describing your possessions – UNIVERSAL LEGACY.**

**UNIVERSAL LEGACY** (the word "legacy" implies leaving your assets at your death)

I devise all my assets, movable as well ...of my death, to **First Name and Family Name (relationship to you - example: my common-law partner)** whom I name as my .... **OR if you wish to devise assets to**

several individuals to the following individuals named hereinafter, whom I name as my legatees by... in the following proportions:

First Name (relationship to you) for x (example: 50) %.

First Name (relationship to you) for x (example: 50) %.

You must devise a total of 100%. If you name three legatees, you can write "one third." If you devise all your assets to several individuals, you must include one of the following two clauses:

In the event that one of my legatees dies before me, his or her portion will accrue to the other legatees.

**OR**

If you left assets to your children – the following clause is recommended

In the event that one of my children dies before me, his or her portion shall descend to his or her children (my grandchildren) by .... If my child dies without children, his or her share shall increase the portion of ...

If you left all your assets to ONE INDIVIDUAL, include the following clause.

In the event that my legatee named above dies before me or...

...

## [Return to the English Will Order form](#)

**LIQUIDATOR** (formerly known as "executor" or, in common-law law, "trustee")

As liquidator, I name and designate, **First Name and Family Name** (relationship to you - example: my common-law partner), domiciled at **City**, with seisin and possession of all my assets, movable and immovable, until such time as the ....

If my aforementioned liquidator dies before me or ...

### **POWERS AND OBLIGATIONS OF THE LIQUIDATOR**

My liquidator is charged with the full ... of the assets in my estate. My liquidator need not...

Notably, he or she may – without seeking the authorization of the court, a judge or the legatees – do and propose all that is necessary for the good ..., including:

*...detailed description of powers here*

### **OPTIONAL ASSETS DEVISED TO YOUNG INDIVIDUALS**

My liquidator will administer all assets devised in this Will to my legatees not having reached the ages specified below and the liquidator will remit to each ...

*... ages for the interest and the capital*

**OPTIONAL NOMINATION OF A TUTOR TO MINOR CHILDREN** (a tutor is also known as the legal guardian)

### **INVENTORY**

...

## RENDERING OF ACCOUNT AND PROPOSAL FOR PARTITION

...

## **OPTIONAL FOR MARRIED INDIVIDUALS ONLY (see instructions) MATRIMONIAL ADVANTAGES**

...

## PREVENTION OF SEIZURE

...

## EXCLUSIVITY OF ASSETS

...

**IN GOOD FAITH**, I have entailed each page of the present Will and I sign the whole document in the presence of the ....

Signed at \_\_\_\_\_, this \_\_\_\_\_.

\_\_\_\_\_  
Signature of the testator

**IN GOOD FAITH**, the witnesses have entailed each of the pages of the present Will and now sign it in ...

Signed at \_\_\_\_\_, this \_\_\_\_\_.

Witness:

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

(signature, family name, first name, occupation,  
complete address)

Witness:

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

(signature, family name, first name, occupation,  
complete address)

[Return to the English Will Order form](#)

## INSTRUCTIONS TO THE TESTATOR

### **READ THE FOLLOWING CAREFULLY**

Including : Who should be the executor, who can be a witness, mandatory formalities, where and how to keep your Will, when to do an new Will, the advantages of having an Affidavit (the appropriate Affidavit is included), what is "probate", etc.

**For further information :**

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