

# **Last Will and Testament**

This section will help you think about the kind of will you might want to make out.

## **Why do I need a will?**

It is important that you make a will for the following reasons:

- To ensure that your bequests (gifts) are passed on to the proper person(s);
- To avoid leaving your relatives with costly paperwork and lawsuits after your death;
- To allow you to choose appropriate individuals as your child(ren)'s adoptive parents or guardians;
- To prevent your estate from going to the provincial or federal government.

## **After I write my will, what do I do?**

It is not necessary to have a lawyer or other official sign your will.

A will signed by you and properly witnessed is a legal will.

Store your will someplace safe, where your loved ones or your executor will be able to find it.

You do not have to “register” your will and you do not have to pay a lawyer to store it for you.

## **Do I need a lawyer?**

Most people can prepare their own wills without the cost of retaining a lawyer.

However, there are some situations when it is recommended you do retain a lawyer.

# Last Will and Testament

You **should** consult a lawyer if you are:

- about to be married;
- separated or are in the process of getting divorced;
- the owner of a large, complex estate;
- very old or suffering from mental or physical disabilities;
- not of legal age;
- born or married under a community property system (Quebec and Washington State residents);
- involved in a common-law or same-sex relationship;
- the parent of a child or children born out of wedlock whom you are not supporting;
- residing in a province or country in which you are unsure of the regulations (different jurisdictions have different rules regarding the validity of wills);
- the owner of real estate outside your province or country of residence;
- disinheriting a child or spouse; and/or
- concerned or unsure about the particulars of your will.

# This is the Last Will and Testament

of me, \_\_\_\_\_

of the, \_\_\_\_\_ of \_\_\_\_\_  
(City, Municipality, Town, District)

in the Province of \_\_\_\_\_ made the \_\_\_\_\_ day of \_\_\_\_\_.

1. **I REVOKE** all former Wills, Codicils and Testamentary Declarations previously made by me.

2. **I APPOINT** \_\_\_\_\_

of the \_\_\_\_\_ of \_\_\_\_\_  
(City, Municipality, Town, District)

in the Province of \_\_\_\_\_ to be the Execut \_\_\_\_\_ of this my last Will and Testament.  
(or/rix)

BUT IF my said Execut \_\_\_\_\_ should refuse to act, predecease me, or die within  
(or/rix)  
period of \_\_\_\_\_ days following my death,

THEN I APPOINT \_\_\_\_\_

of the \_\_\_\_\_ of \_\_\_\_\_  
(City, Municipality, Town, District)

in the Province of \_\_\_\_\_ to be the Execut \_\_\_\_\_ of this my last Will and Testament.  
(or/rix)

3. **I DIRECT** all my just debts, funeral and testamentary expenses, all succession duties, inheritance and death taxes, and all expenses necessarily incidental thereto, to be paid and satisfied by my Execut \_\_\_\_\_ as soon as conveniently may be after my death.  
(or/rix)

4. I GIVE the following legacies:

Legacies (cont'd):

IN WITNESS whereof I have set my hand the day and year first above written.

\_\_\_\_\_  
(Signature)

This page was signed and the preceding pages were initialled by the Tetat \_\_\_\_\_ and  
(or/rix)  
published and declared as and for \_\_\_\_\_ last Will and Testament in the presence of us  
(his/her)  
both present together at the same time who at \_\_\_\_\_ request and in \_\_\_\_\_  
(his/her) (his/her)  
presence and in the presence of each other hereunto subscribed ourt names as witnesses:

Name: \_\_\_\_\_  
(Signature)

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

Occupation: \_\_\_\_\_

Name: \_\_\_\_\_  
(Signature)

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

Occupation: \_\_\_\_\_

Dated: \_\_\_\_\_