

The Will Planning Process

You may be considering having a Will drafted as part of your estate plan. This may help answer some of your questions.

Q. What is a Will?

- A. A Will is a written document that becomes effective on your death. It directs how your assets are to be distributed including your business holdings and personal effects.

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Q. Why is it important to have a Will?

- A. The purpose of a Will is to outline your wishes. Everyone needs a Will but almost half of Canadians don't have one. Many people avoid making a Will because it makes them feel uncomfortable to think about the prospect of death or they recoil from making decisions about beneficiaries. If you die without a valid Will, your estate will be administered and your property distributed under the appropriate provincial legislation. You will have had no say in how you would like your assets dealt with.

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Q. What should I look for in planning my Will?

- A. Your Will needs to be part of a total financial solution, adjusted as your circumstances dictate and integrated with your evolving priorities. A professional can help you ensure your wishes are reflected in your Will and that it is right for your overall financial strategy and your beneficiaries longer term.

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Specifically they will:

- Set a value on your estate through an analysis of your assets and liabilities
- Determine how the needs of your beneficiaries can best be met
- Help you understand all the legal, tax and investment implications of various types of bequests, from an outright distribution of your estate to the creation of one or more trusts
- Provide you with information regarding the appointment of a guardian for any minor children
- Work with your lawyer or legal advisor on the preparation and execution of your Will
- Guide you on appointing a Financial Power of Attorney who will assume responsibility for handling all financial matters on your behalf

continued overleaf

Q. What are the benefits of having a Will?

A. A properly drafted Will is the cornerstone of your estate plan and provides peace of mind and control:

- The comfort in knowing that your wishes will be respected after your death
- Ensures that support for family members, dependents or charities that you wish to support occurs
- Means you have done your best to minimize taxes and probate fees payable out of your estate
- Gives you control over the details of the distribution of your estate
- Makes it easier and often less expensive to administer your estate and reduce strain on your family at a difficult time
- Allows you to appoint the most effective representative, either an individual or a trust company, to administer your estate

Q. What steps are involved in the Will planning process?

A. There are six major steps:

1. Information gathering on assets, wishes, family obligations and needs summarized in a document
2. Review of tax and legal issues
3. Creation of a point-form Will plan
4. Referral to solicitor to draft final document on your behalf
5. Safekeeping of the Will
6. Regular reviews to confirm that circumstances have not changed to affect your Will

Q. When should I change my Will?

A. You should consider changing your Will if:

- Your financial circumstances or the nature of your assets changes significantly
- You move to another country, marry, separate, or divorce
- Assets (especially real property) are acquired outside of Canada
- An executor named in the Will dies or is no longer able to carry out their duties
- The circumstances of the beneficiaries change or you wish to make provision for additional people or charities
- Legislative changes occur which will affect your estate

At Scotia Private Client Group, the Will planning process takes your business and personal situation into account to develop a comprehensive estate plan that reflects your wishes.

The information in this document is not intended to replace the advice of a lawyer or accountant and should not be relied upon as such.