

Make a Will

A Will is a legal document used after you pass away. In it, you name a **personal representative**, also known as an executor, to deal with your **estate** according to your written instructions.

Your Will should include several items. It's a good idea to review the questions below and then take some time to think and plan before you make your Will.

*Your **estate** is the property you own at the time of your death, including your home, money, pets, vehicles and other belongings. Your estate does **not** usually include property you co-own in joint tenancy and assets with designated beneficiaries.*

Revoke (cancel) previous Wills

- ☐ Do you already have a valid Will?
- ☐ If yes, do you want to revoke (cancel) your existing Will and make a new one? If you don't revoke your previous Wills, then they continue to be valid to the extent they don't contradict newer versions. This can be confusing!

Choose a personal representative

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| <ul style="list-style-type: none"> ☐ Who will be your personal representative(s)? ☐ Have you talked to the people you want to be your personal representatives? Have they agreed to act? It's not a good idea to name someone without asking them first. ☐ Do you want to name two or more co-personal representatives to act at the same time? If yes, do you want them to act jointly (together) or severally and jointly (both alone or together)? If your Will doesn't say co-personal representatives can act severally, they must do all things jointly. ☐ Who will be your alternate personal representative(s) to act in case your first choice cannot or refuses to act? Do you want to name more alternates in case your first and second choices cannot or refuse to act? ☐ Do your personal representatives have the skills, experience and time to manage your estate? ☐ Do your personal representatives have a general idea of your estate (your real estate, accounts, belongings, etc.)? | <ul style="list-style-type: none"> ☐ Have you made a list of your property and debts to keep with your Will (and update as needed)? ☐ Do you want to pay your personal representative for acting for you? Your estate must pay your personal representative for any expenses they incur, such as photocopying and parking. If you don't include pay for your personal representative's time in your Will, they can ask the residual beneficiaries or apply to court for reasonable compensation. ☐ Do any of your personal representatives live outside Alberta but within Canada? If yes, the personal representative may have to post a bond with the court as security before they can deal with your estate. ☐ Do any of your personal representatives live outside Canada? If yes, there may be tax consequences for your estate. ☐ For each personal representative, you'll need their name, birth date, contact info and relationship to you. |
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Name beneficiaries of your estate

- ☐ Who do you want to inherit your estate?
- ☐ Do you have family members that you are legally obligated to financially support? If you do not leave enough money to certain family members in your Will, they can ask the court to give them more from your estate.
- ☐ Do you want certain people to get certain things? These are **specific gifts**.
- ☐ Who should get the rest of your estate after your personal representative pays your debts and gives away your specific gifts? This is the **residue** of your estate and the beneficiaries of it are **residual beneficiaries**.
- ☐ If your beneficiaries are children, do you want their gift or share of your estate to be held in trust until they reach 18 years or older? Who will be the trustee for these trusts?
- ☐ If you, your spouse/partner and your children all die at the same time, who will get your estate?
- ☐ For each beneficiary, you'll need their name, birth date, contact info and relationship to you.

Name guardians for minor children

- ☐ Do you have children who are under 18?
- ☐ If yes, who do you want to care for your children if you die?
- ☐ Have you talked to these people about being guardians for your children if you die?
- ☐ For each guardian, you'll need their name, birth date, contact info and relationship to you.

Set out funeral arrangements

- ☐ Do you want your body to be buried or cremated?
- ☐ Have you talked to your personal representative about your wishes for your body and funeral arrangements?
- ☐ Have you already made funeral arrangements? If yes, have you talked to your personal representative about these arrangements so they know who to contact when you die?

Ready to get started?

CPLEA's **Estate Planning 101** booklet has more information about what a Will is, choosing a personal representative and how to make a legally valid document.

Learn more at cplea.ca/estate-planning-101.pdf