

WILL PLANNING QUESTIONNAIRE

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PRELIMINARY INFORMATION FOR PLANNING YOUR WILL

A Will is a legally valid document that allows you to choose how to distribute your estate to your beneficiaries. Thoughtful and careful planning will ensure that the document faithfully reflects and fulfills your wishes and intentions.

This easy to complete form is designed to assist you in compiling information regarding you and your family, preparing a detailed list of your assets and setting out the distribution of your estate. It is important that you complete as much of this questionnaire as possible. The information that you list here can be used not only in the preparation of your Will, but it can also assist your executors and trustees in carrying out your intentions when the time comes to administer your estate. Keep a copy of this information for your own records and update it as frequently as you may feel is necessary.

Please fill out this questionnaire, print a copy for your own records and e-mail or fax the completed document to us. You will then be better prepared to discuss in more detail your exact wishes and instructions. For a further explanation of any of the terms used in this questionnaire, refer to the accompanying article, "The Basics of Planning Your Will".

NOTICE:

While we hope you find the information contained in this document to be interesting and informative, the contents are for general information only. While we believe the contents to be true and accurate as at the date of writing and that they reflect Ontario law, we can give no assurances regarding the accuracy, currency or applicability of any of the contents in relation to specific situations or particular circumstances. As such, the contents of this document should not be relied upon and legal or other professional advice should be taken in specific cases.

Neither the content of this document nor any use made of it will form part of any contract between Stephen Sweeney Lawyer and you or constitutes an offer by us. A relationship of solicitor-client is not formed and no duties or responsibilities will be assumed by the completion or submission of this document to us, except in cases where a formal retainer has been entered into including an agreement for the payment of all fees and expenses.

Stephen Sweeney is licensed to practice law in the Province of Ontario, Canada, only, and the information in this document pertains only to the laws of the Province of Ontario.

INFORMATION GATHERING

I. PERSONAL INFORMATION

	You	Your Spouse
Full Legal Name		
Date of Birth		
S.I.N.		
Home Address and Postal Code		
Home Phone/Fax		
Primary e-mail address		
Secondary Address and Postal Code		
Marital Status	<input type="checkbox"/> Single <input type="checkbox"/> Common Law <input type="checkbox"/> Married <input type="checkbox"/> Separated <input type="checkbox"/> Divorced <input type="checkbox"/> Remarried <input type="checkbox"/> Widowed/Widower	<input type="checkbox"/> Single <input type="checkbox"/> Common Law <input type="checkbox"/> Married <input type="checkbox"/> Separated <input type="checkbox"/> Divorced <input type="checkbox"/> Remarried <input type="checkbox"/> Widowed/Widower
Do you have a Marriage Contract?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Name of Previous Spouse (if applicable)		
Is there a Separation Agreement? (if applicable)	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Date and Place of Divorce/Death (if applicable)		
Occupation/Employer (if retired, previous occupation/employer)		
Employment Address and Postal Code		

Charities that are to be Beneficiaries of your Will	Address/Branch	Contact Name

III. YOUR ASSETS AND LIABILITIES

A thorough review of your assets and liabilities will help you to understand the nature and extent of your estate. While the information provided in this section will change over time, it is a helpful exercise to list everything in one place and you can review or update this information periodically. Also, listing this information here can help to identify some planning options.

Assets:

Real Estate: Description and Location	Owned by Self	Owned by Spouse	Owned Jointly
	\$	\$	\$
	\$	\$	\$
	\$	\$	\$
	\$	\$	\$

Investments (Non-registered): Description and Location	Owned by Self	Owned by Spouse	Owned Jointly
	\$	\$	\$
	\$	\$	\$
	\$	\$	\$

Bank Accounts: Description and Location	Owned by Self	Owned by Spouse	Owned Jointly
	\$	\$	\$
	\$	\$	\$
	\$	\$	\$
	\$	\$	\$

Personal Property (Household/Personal Effects, Vehicles etc.): Description and Location	Owned by Self	Owned by Spouse	Owned Jointly
	\$	\$	\$
	\$	\$	\$
	\$	\$	\$
	\$	\$	\$
	\$	\$	\$

Registered Savings Plans and Insurance (including RRSP/RRIF): Type, Institution and Address	Owned by Self	Owned by Spouse	Designated Beneficiary
	\$	\$	\$
	\$	\$	\$
	\$	\$	\$
	\$	\$	\$

Unsecured Loans to Family Members, Others: Name of Borrower	Documented Y/N	Owed to Self	Owed to Spouse	To be Repaid/Forgiven on Death
		\$	\$	
		\$	\$	
		\$	\$	
		\$	\$	

Business, Proprietorship, Corporation: Name, Type and Equity Interest (Shareholding etc.)	Owned by Self	Owned by Spouse	Business Succession Plan in Place?
	\$	\$	
	\$	\$	
	\$	\$	
	\$	\$	

For Business interests (including shares held in private companies), are there any buy-sell agreements in place? If yes, provide details	<input type="checkbox"/> Yes <input type="checkbox"/> No
For Business interests, is there a business succession plan in place? If yes, provide details	<input type="checkbox"/> Yes <input type="checkbox"/> No

Liabilities:

Outstanding Mortgages: Property, Institution, Address, Maturity Date	Life Insured Y/N	Self	Spouse
		\$	\$
		\$	\$
		\$	\$
		\$	\$

Personal Loans, Credit Cards, Personal Guarantees: Type, Address, Institution	Life Insured Y/N	Self	Spouse
		\$	\$
		\$	\$
		\$	\$
		\$	\$

Business Debts: Type, Address, Institution	Personal Guarantee? Y/N	Self	Spouse
		\$	\$
		\$	\$
		\$	\$
		\$	\$

CHOICE OF EXECUTOR (ESTATE TRUSTEE) AND GUARDIAN

I. EXECUTORS

One of the most important aspects of your Will planning is the choice of your executor, or Estate Trustee, the person who will have the power and authority to administer your estate on your behalf. Administering an estate can be a complex, time consuming task. Although the person you choose need not have any particular qualifications or training, he or she should have personal knowledge of your family and your affairs, should be competent to perform these tasks and must be willing to do so.

A trusted relative (including your spouse) or friend is sometimes the most obvious choice, however, if your estate is more complex or may require professional management, you can consider the option of choosing a trust company or other professional to act as your executor.

When choosing your executor, remember that the person you choose may not survive you or may not be capable or willing to act. Therefore, you should always name a primary executor and a secondary, or alternate, executor. Your spouse may be the obvious person to act as your primary executor, especially if he or she is to receive the bulk of your estate. When naming an alternate executor, you can name more than one person so long as those persons can work together and are both able and willing to devote the time and attention required.

For more information on choosing executors, refer to the accompanying article, "The Basics of Planning Your Will".

PRIMARY EXECUTOR Full Name	Address	Relationship	Age	Phone
<input type="checkbox"/> Spouse? or:				

ALTERNATE EXECUTOR Full Name	Address	Relationship	Age	Phone

II. GUARDIAN FOR MINOR CHILDREN

In the event that both you and your spouse die before your children reach the age of majority (age 18 in the Province of Ontario), you should indicate the person or persons whom you wish to act as their legal guardians to care for their needs.

Naming a guardian in your Will is not legally binding and the appointment must be confirmed by a Court. However, this designation does leave the Court with an indication of your wishes.

It is usually best that the person or persons you name as guardians not be the same person who will act as your executor, to avoid conflicts of interest.

PRIMARY GUARDIAN(S) Full Name	Address	Relationship	Age	Phone

ALTERNATE GUARDIAN(S) Full Name	Address	Relationship	Age	Phone

DISPOSITION OF YOUR ESTATE

It is now time to list how you wish the property in your estate to be distributed. When considering what is and is not included in your estate, please keep in mind the following:

- your estate only includes property owned by you at the time of your death and not subject to a right of survivorship. Property that you own jointly, as joint tenants (which can include real estate, bank accounts, investments), will automatically pass to the other joint owner and not through your Will. Therefore, this type of property may or may not form part of your estate (i.e., you may or may not be the surviving joint owner).
- registered investments and life insurance policies will be paid or transferred directly to the beneficiary named in the contract. These proceeds will only become part of your estate if your named beneficiary does not survive you.
- your distribution of your estate through your Will is subject to the Family Law Act, in Ontario. Therefore, your spouse retains rights in your estate even if not named in your Will. Care should be taken to ensure that your Will complies with the Family Law Act.
- if you have other legal obligations at the time of your death, including, debts, taxes or support obligations to dependents, these must be satisfied first out of the assets of your estate before you can distribute your estate to your beneficiaries.
- if you and your spouse are making your Wills together and you wish to ensure that all your property is disposed of in the same manner regardless of who dies first, it is important to ensure that your Wills “mirror” each other as to the disposition of property.
- depending upon the nature and value of your assets, it may be necessary to consider more sophisticated tax planning techniques to minimize the effects of income tax on your estate and on your beneficiaries. Such planning is beyond the scope of this document and should be undertaken in advance with your legal, accounting and financial advisors.

Also, please note that you need only refer to specific personal property in your Will if you intend specific articles to go to specific persons. You must describe any such items exactly to avoid any mis-identification. Everything that is left in your estate after these specific gifts, if applicable, we refer to as the “residue” of your estate.

I. PERSONAL EFFECTS, HOUSEHOLD GOODS, CHATTELS, VEHICLES

All personal effects, household goods to your spouse if he or she survives you?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If your spouse does not survive you, all personal effects, household goods to your children to be divided by your executor?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Do you wish to prepare your own listing, or memorandum, of specific items to be distributed to specific persons, and have such memorandum included as part of your Will? (Note: such a memorandum is only effective if made before the signing of your Will.)	<input type="checkbox"/> Yes <input type="checkbox"/> No

SPECIFIC ARTICLES: Name	Relationship	Description of Article(s)

II. CASH BEQUESTS

CASH BEQUESTS TO INDIVIDUALS Full Name and Address	To be paid upon your death	To be paid only if your spouse dies before you	Amount (\$)

CASH BEQUESTS TO CHARITIES Full Name and Address	To be paid upon your death	To be paid only if your spouse dies before you	Amount (\$)

III. RESIDUE OF YOUR ESTATE

<p>PRIMARY GIFTS: Outright gift of Residue to your spouse if he or she survives you?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>If not an outright gift of the Residue to your spouse, a gift of the Residue to be held in trust for your spouse for so long as he or she lives? If you wish to ensure your estate does not pay tax on this gift, this trust must be only for your spouse for as long as he or she lives and only he or she can have access to the income and capital of the trust. This is called a "spousal trust".</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>If your spouse does not survive you, gift of Residue to your children in equal shares?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>If not to your spouse and/or children, list the names of the primary beneficiaries of the Residue of your estate here and the shares (or percentages) each is to receive:</p> <p>1. 2. 3.</p>	<p>Share (or percentage)</p> <p>1. 2. 3.</p>
<p>If your children are to share in the Residue of your estate, and if any child is a minor child at the time of your death, their share must be held in trust and managed by your executor. Does your executor have discretion to use both the capital and the income for the children's care, maintenance, education and enjoyment of life?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No

<p>If the Residue of your estate is held in trust for your minor children, at what age should they be entitled to be paid their share?</p>	<input type="checkbox"/> Age 18 <input type="checkbox"/> Age 21 <input type="checkbox"/> Age 23 <input type="checkbox"/> Age 25 <input type="checkbox"/> Other _____
<p>If the Residue of your estate is held in trust for your minor children, should their share pass to their children (your grandchildren) if any of them die before being paid their share?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No

ALTERNATE (SECONDARY) GIFTS: If your primary beneficiaries do not survive you, then a gift to the following person or group of persons	In equal shares	50/50 between your family and your spouse's family	Other division
Parents (your parents and your spouse's parents) Full Names: 1. 2. 3. 4.			
Siblings (your siblings and your spouse's siblings) Full Names: 1. 2. 3. 4. 5. 6.			
Other relatives Full Names: 1. 2. 3. 4. 5. 6.			
Others Full Names			

OTHER ESTATE PLANNING CONSIDERATIONS

I. POWER OF ATTORNEY FOR PROPERTY

A Power of Attorney for Property can be a valuable document to ensure your affairs can be managed on your behalf should you, for any reason, become incapable of doing so. The person you appoint as your attorney will be given authority to pay bills, handle assets and generally ensure things continue to run smoothly when emergencies strike.

For more information on choosing an attorney, refer to the accompanying article on "Powers of Attorney".

PRIMARY ATTORNEY Full Name	Address	Relationship	Age	Phone
<input type="checkbox"/> Spouse? or:				

ALTERNATE ATTORNEY Full Name	Address	Relationship	Age	Phone

II. POWER OF ATTORNEY FOR PERSONAL CARE

A Power of Attorney for Personal Care is desirable to ensure that health care, treatment and medical intervention can be managed on your behalf should you, for any reason, become incapable of doing so. The person you appoint as your attorney for personal care will be given authority to make decisions and give instructions on your behalf in matters of health care and treatment.

PRIMARY ATTORNEY FOR PERSONAL CARE Full Name	Address	Relationship	Age	Phone
<input type="checkbox"/> Spouse? or:				

ALTERNATE ATTORNEY FOR PERSONAL CARE Full Name	Address	Relationship	Age	Phone

II. FUNERAL ARRANGEMENTS

Have you made pre-arranged funeral arrangements? If yes, provide details, including name and address of funeral home	<input type="checkbox"/> Yes <input type="checkbox"/> No
Do you have a pre-paid funeral plan? If yes, provide details, including name and address of funeral home	<input type="checkbox"/> Yes <input type="checkbox"/> No
Have you made arrangements for, or do you wish to be, cremated?	<input type="checkbox"/> Yes <input type="checkbox"/> No

III. LEGAL OBLIGATIONS

Are you and your spouse parties to a marriage contract? If yes, provide details	<input type="checkbox"/> Yes <input type="checkbox"/> No
Are you or your spouse parties to a separation agreement with a former spouse? If yes, provide details	<input type="checkbox"/> Yes <input type="checkbox"/> No
Is there any person dependent upon you financially for whom you have not already provided for in your Will? If yes, provide details	<input type="checkbox"/> Yes

	<input type="checkbox"/> No
Do you have any obligations under a business buy-sell or other agreement regarding the purchase or sale of shares or a business interest upon your death? If yes, provide details	<input type="checkbox"/> Yes <input type="checkbox"/> No
Will you, at the time of your death, have any outstanding taxes or other debts not previously listed here that must be paid out of your estate? If yes, provide details.	<input type="checkbox"/> Yes <input type="checkbox"/> No

IV. SAFEKEEPING AND REVIEWING YOUR WILL

Once signed, the original of your Will should be held by us for safekeeping. We will hold your original Will in our vault as a complimentary service so long as you instruct us to release them to your executor when the time comes. You should retain for safekeeping the “true copy” of your Will that we leave with you. This copies indicate the date that you made your Will and the location of the original. You can then review this copy at your convenience.

It is now important that your Will be kept up-to-date to reflect changes in your personal circumstances, changes in your financial affairs and changes to relevant laws affecting your Will and will planning generally. As a rule of thumb, it is a good idea to review your Will at least every 3 – 5 years. If no changes are needed, you can re-file your Will until the next review. However, if changes are required, please contact us to discuss.