



HOW DO I CREATE A WILL?

A Will is a written document that sets out your instructions for what should happen to your estate (property) after death.

A Will also names a person (an estate trustee) who you want to carry out the terms of your Will.



ESSENTIAL COMPONENTS IN A WILL

- Clause to name estate trustee
- Who your beneficiary or beneficiaries are (a beneficiary is a person, charity, or entity named to receive some or all of your assets after you die)
- Guardians for children below 18 years old
- What your wishes are for any specific gifts and the "residue" (everything left over after all specific gifts, debts, taxes, funeral costs, and administrative expenses are paid out)

WHO CAN MAKE A WILL?

Anyone over 18 years of age can make a Will. When you make a Will, the law says that you have to be of "sound mind".

Sound mind means that you do not have a mental impairment that stops you from knowing what you are doing.



WAYS TO MAKE A WILL



USE CLEO'S GUIDED PATHWAY

- CLEO's (Community Legal Education Ontario) interactive interview can help you to prepare a free, basic Will
- You can appoint an **estate trustee** to pay your final bills, do your final tax return, and distribute the property in your estate
- Visit: stepstojustice.ca/guided-pathways



WRITE A HOLOGRAPH WILL

- A Holograph Will is a handwritten Will created and signed by you, the testator, without the help of any mechanical processes
- You must clearly state:
 - Your name
 - "This is my last will and testament"
 - Who your estate trustee is (one or more people)
 - What your wishes are



PURCHASE A WILL KIT

The Will kit must:

- Be for an Ontario Will
- Be dated
- Be signed in front of 2 witnesses, who also must sign in your presence and each other's presence
- Include an affidavit of execution by one of the witnesses



HIRE A LAWYER TO DRAFT YOUR WILL

- This option will cost more than the other options but the lawyer will ensure that your Will follows all the rules required by law for a valid Will
- You can find a lawyer in Waterloo Region by visiting: www.waterloolaw.org or through the Law Society Referral Service at www.lso.ca



WANT TO LEARN MORE?

Waterloo Region Community Legal Services does not provide legal support in Estate Law (Wills and Powers of Attorney.)

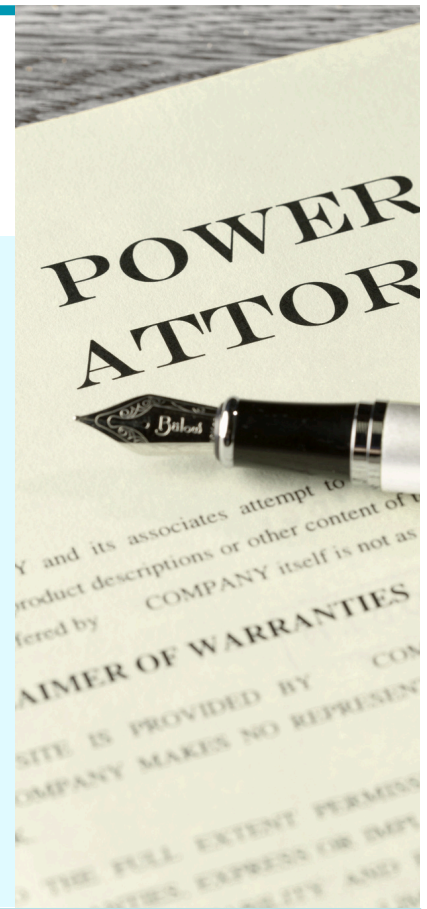
However, we have a video on our Youtube channel that can provide some information on these topics. Please visit: bit.ly/WRCLSwills



Phone: 519-743-0254 | Fax: 519-743-1588

Website: www.wrcls.ca





POWERS OF ATTORNEY

A Power of Attorney is a legal document that gives someone else the power to act on your behalf (while you're living).

There are two types in Ontario:

- Continuing Power of Attorney for Property
- Power of Attorney for Personal Care

POWER OF ATTORNEY FOR PERSONAL CARE

A Power of Attorney for Personal Care is a document where you name someone to become your attorney to make personal care decisions on your behalf if you become mentally incapable of making those decisions yourself.

An attorney is not a lawyer but a person that you trust to make decisions for you when you are not able to do so yourself. Personal care decisions refer to decisions about your health care and medical treatment, diet, housing, clothing, hygiene and safety.

CONTINUING POWER OF ATTORNEY FOR PROPERTY

A continuing Power of Attorney for Property is a legal document that lets you appoint an attorney to make financial and other property decisions for you.

An attorney is not a lawyer but a person that you trust to make decisions and manage your property on your behalf.

Depending on how the Power of Attorney is written, your attorney may have authority to:

- (1) act for you both when you are capable and when you are mentally incapable; or
- (2) act only when you have been found mentally incapable of managing your property/finances in accordance with the law

