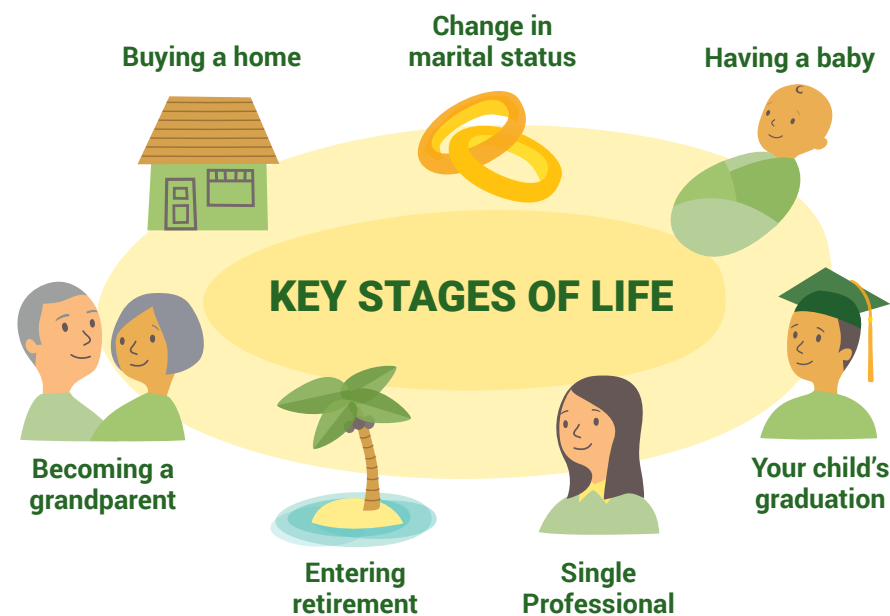


THE POWER OF WILLS

Your Will should grow as you do

A Will is an essential document that ensures your wishes and values are carried into the future. It's important to revise your Will at different stages of life, as your assets and circumstances change. Every update to your Will is an opportunity to also consider a gift to your favourite charity to ensure your values continue well into the future.

Update your Will at these key stages of life so that nothing, and no one, is missed.



Assets your Will does not take care of

Jointly-owned assets and assets where a beneficiary designation has been made (such as life insurance policies and registered investments) are not governed by a Will. They are administered by the financial institution.

Make it easier with the right advisor

Writing a planned future gift into your Will isn't complicated—but if the gift is also used to mitigate capital gains taxes on passing, for example, it's vital to contact a tax planning lawyer who will explain relevant tax rules on how a legacy gift can assist with reducing taxes.

Accountants, bankers and investment advisors are knowledgeable about a client's financial situation and can usually provide recommendations and referrals.



HOW TO BUILD YOUR LEGACY

A Q&A WITH A TAX PLANNING LAWYER

Joyce Lee, Q.C. is a partner at Deloitte Legal Canada LLP. As a member of BC Children's Hospital Foundation's Chinese-Canadian Planned Gift Committee for the past 17 years, she has spoken at numerous seminars on the topic of planned gifts.

Q Tell us a bit about yourself.

A I am a mother to two teenage daughters, a wife and a lawyer. I am a partner at Deloitte Legal Canada LLP and practice in the area of tax. In particular, I enjoy working with private clients to structure their estate plan through the use of trusts and Wills. It's very fulfilling to be part of many intimate and enlightening conversations in helping clients refine their thoughts and reach their estate planning goals.

Q How would you describe a legacy gift to someone who may be unfamiliar with the term?

A A legacy gift is a thoughtful gift that a donor wishes to leave to one or more charities. The thought process involves identifying charities whose purposes resonate with the donor based on their life experiences and interests, determining the appropriate amount and the method of fulfilling the legacy gift.

Q Why create a Will? What does it avoid?

A Having a Will avoids the additional time, expense and confusion to family members when they have to decide who will take responsibility of the administration of the estate. Otherwise, the administrator needs to do the extra step of getting consensus from other family members and applying to the Court for approval to act.

Q Why should you not leave everything to one person and trust them to distribute your estate using instructions NOT in the Will?

A If a testator's wishes are not recorded in their Will, there is no accountability to the rightful beneficiaries. There is a high risk that gifts to beneficiaries and charities will not be fulfilled. In addition, if a donation is not contained in the Will, the charity cannot issue a charitable tax receipt to the estate.

Q What assets does a Canadian Will cover?

A Most clients will only have one Will; however, if a testator has assets outside of Canada, it may be a good idea to have separate Wills—one to deal with assets in Canada and another to deal with assets outside Canada. While the Canadian taxes payable will be the same, this will save time and expense otherwise incurred to obtain probate in Canada, which probate needs to be resealed in the other jurisdiction. With the appropriate wording in the Canadian Will, it will only cover assets located in Canada.

Q Why is it important to create a Will when you are healthy?

A An estate plan will evolve with changes in a person's life and often takes time and a clear mind to settle. It would be best not to leave the planning until a critical event has occurred. We cannot predict health and capacity issues, which can arise unexpectedly.

Q Are there other documents that would be helpful to have crafted at the same time as your Will?

A Powers of attorney and representation agreements should be discussed at the same time as a Will. These cover financial and health situations, and more.

Q When complete, where should the Will be kept and who should know where to find it?

A A lawyer will usually file a Wills Notice stating where a person's Will is stored. It should be stored in a safe place such as a safety deposit box. Lawyers will often store Wills for clients and the clients can then advise their executor where to locate the Will.