

Making a Will

in Alberta

This booklet is for people who are wondering if they should write a Will. It explains what is involved in making a Will. The purpose of writing a Will is to pass on your belongings to your loved ones according to your wishes and with as few problems as possible. If you die without a Will, it's often more costly, complicated, and time-consuming to settle your estate, and this booklet describes some common examples. It gives general information only, not legal advice. It is not a do-it-yourself guide. For that, you need a more detailed self-help publication or legal advice. See the last few pages of this booklet for information on where to get this help.

You should **not** rely on this booklet for legal advice. It provides general information on **Alberta law only**.



Legal
Resource
Centre

#201 10350 – 124 Street
Edmonton, AB T5N 3V9
Phone: 780.451.8764
Fax: 780.451.2341

Contents

1. What is it? General information about Wills	2
2. How do I make one? Top 10 Questions about Creating a Will.....	5
3. What goes in it? Top 15 Questions about the Contents of a Will	8
4. When does it get reviewed? Top 5 Questions about Reviewing and Updating Wills ...	13
5. What happens with it? Top 10 Questions about the Administration of Wills	15
6. How does it end? Top 5 Questions about how a Will stops having effect	17
7. What do the Words Mean? Glossary	18
8. Where can I get more help? Community Resources	19

FREE

Changes in 2009

Replacement of *Dependant Adults Act*

Before the end of 2009, the Government of Alberta will bring into force the *Adult Guardianship and Trustee Act* (AGTA). The AGTA will replace the current *Dependent Adults Act*, which is mentioned in this booklet. Once proclaimed, the AGTA will make important changes to decision-making for adults who lack capacity. As a result, some of the information in this booklet will soon be outdated. These changes, however, only affect situations where an Enduring Power of Attorney and Personal Directive have **not** been made. It is still best for a person to have these documents made before any lack of capacity occurs. This will ensure more control over future personal and financial matters and provide greater peace of mind for loved-ones.

1. What is it?

General information about Wills

1.1

What is a Will?

The dictionary defines a Will as the legal statement of a person's last wishes about how to divide his or her property after death. The property that is distributed as per the instructions in a Will is known as the "estate". When you make a Will, you are known as the testator (or testatrix if female). The person you put in charge of carrying out your wishes as expressed in the Will is called an Executor/Executrix.

A Will does not take effect until you die. Therefore, if you specify in your Will that you leave certain property to someone — for example, a diamond bracelet to your sister or a lake lot to your brother — you may still dispose of that property during your lifetime. You may sell it or mortgage it or deal with it in any way you choose. If that item is no longer in your possession at the time of your death, then the Will is interpreted as if that property did not exist. Of course, you may also change your Will at any time.

In Alberta, and in every province in Canada, a Will must be in writing. Other requirements differ, depending on the type of Will.

The property in your estate is first used to pay debts and taxes, and then it is distributed in accordance with the instructions in your Will.

There are three different types of Wills:

- ones drawn up by a lawyer;
- ones that you can complete yourself by filling in forms that you can obtain at any stationery store; and
- ones that you handwrite completely by yourself. Ones that you handwrite are called holograph Wills. They are legal in Alberta, Manitoba, and Saskatchewan, but they are not allowed in other provinces in Canada.

1.2

What is my "estate"?

The property that you own at the time of your death and which is distributed as per the instructions in your Will, is known as your "estate". The property in your estate is first used to pay debts and taxes, and then it is distributed in accordance with the instructions in your Will.

Property that does *not* flow through your Will does *not* form part of your estate. For example:

- property such as land, a house, and bank accounts for which the registered owners are described as "joint tenants". This kind property transfers to the remaining joint tenant(s) when you die. Note: On the other hand, property for which the registered owners are described as "tenants in common" *does* flow through your estate.
- RRSPs, pensions, life insurance policies for which you have designated a beneficiary other than your estate.

Consider the following scenarios.

- » In 1999 you signed a designation of beneficiary form leaving the death benefit of your pension plan to your sister. In 2006 you then wrote a Will but did not mention your pension plan. The death benefit will go directly to the named beneficiary (your sister) and will not form part of your estate. No part of the funds can be used to pay the debts of your estate.
- » On the other hand, in 1999 you signed a designation of beneficiary form leaving the death benefit of your pension plan to your sister. In 2006 you then wrote a Will and in that Will you *did* make other arrangements for this benefit (you left it to your brother). The death benefit *will* form part of your estate (meaning that it can first be used to pay debts, and what remains of it will go to your brother).

As a result, it is very important to be careful and stay consistent when dealing with property for which you can designate a beneficiary other than in your Will.

1.3

What is an Executor?

An Executor is the person named in a Will to carry out the directions contained in that Will. The Executor is responsible for settling the person's affairs after death. The person's estate (everything he or she owned) passes temporarily to the Executor. The Executor locates all of the person's assets, pays the funeral costs, debts and taxes, and then distributes the remaining money and property according to the instructions in the Will.

The Executor is accountable to the beneficiaries. For example, the Executor must let the beneficiaries know if or when he or she is applying for probate and must keep records and give all beneficiaries a final statement of accounts.

1.4

Do I have to make a Will?

No – it is optional and voluntary. While it is very important to consider making one, you don't have to, and no one can make you sign one if you do not want to do so.

Making a Will just makes things clearer when you die as it helps to ensure that the things you own go to the people you want to have them. A Will is also useful for the people who outlive you, as they can feel certain that they are carrying out your final wishes.

1.5

Why should I make a Will?

It is a good idea for everyone to have a Will. Illness or accident could claim any of us at any time. People often have more assets than they think. For example, life insurance and pension benefits may be payable to an estate, or sometimes credit card contracts include accidental death benefits if airline tickets are booked on the card. Even if you don't have many assets, a Will is the only way to control who gets what you do have.

Anyone with children should make a Will so that they can recommend a guardian for the children, and wishes about their financial needs and their upbringing can be addressed. **Note:** The naming of a guardian in a Will is not binding. Someone else can still apply to be the guardian of your children, and only the court has the final say. Naming a guardian in a Will, however, does ensure that a court will hear your opinion.

Only you know what you want done with your estate when you die and simply telling someone, or even more than one person, does not suffice. Your wishes need to be in writing.

Finally, your estate may end up being more complicated and expensive for your family to handle if you don't leave a Will, as a family member may need to apply for a court to appoint him/her as administrator.

Your Executor is the person you name to carry out the instructions in your will.

1.6

When should I make a Will?

You can make a Will at any time. You should make a Will if you marry (or enter into some other type of committed relationship), start a family, or divorce (or end some other type of committed relationship). You should also make a Will if you have a particularly complicated set of wishes. Even if you are not in one of these situations, it is still a good idea to write a Will so that you can leave your belongings to whom you want.

In addition, you should make a Will when you are still in good health, as, in order for a Will to be valid, you must be mentally capable (i.e. have the appropriate mental capacity – see Question 2.6) when you make it. Your mental capacity can be affected by illness, accidents, or drug treatment.

1.7

I am young and healthy and don't have much of an estate, why do I need a Will?

It is a good idea for everyone to have a Will. Good health is no guarantee of long life since an accident could claim any of us at any time. In addition, even young people often have more assets than they think (see Question 1.5, above).

Also, anyone with young children should make a Will so that they can recommend a guardian for the children, and your wishes about their financial needs and their upbringing can be addressed. **Note:** The naming of a guardian in a Will is not binding. Someone else can still apply to be the guardian of your children, and only the court has the final say. Naming a guardian in a Will, however, does ensure that a court will hear your opinion.

If you die without a Will, your estate may not be divided up as you would have wished.

1.8

What happens if I die without a Will?

If you die without a Will, you are said to die “intestate”.

Two immediate problems arise:

- as there is no Executor/Executrix appointed, there is no one to take charge of the handling of your estate; and
- there is no formal written record of what you would like done with your estate.

In this situation, an Alberta statute called the *Intestate Succession Act* comes into effect. All provinces across Canada have similar legislation, although its contents and effect will vary from province to province. In Alberta, this Act deals with the first problem by providing for the appointment of an administrator/administratrix to handle the gathering together and distribution of the estate. This must be done after someone applies to take on the job and the court issues an order appointing him or her, so there may be some initial delay.

The Act takes care of the second problem by setting out a schedule of blood relatives who may inherit the estate. For example, if the value of the estate is less than \$40,000 and there is a spouse and children, then the spouse inherits the whole estate. If it is worth more than \$40,000 and there is a spouse and children, then the spouse gets the first \$40,000 and splits the rest with the children, in shares that depend on the number of children. If there is no spouse and no children, then the estate will go to other relatives in an order set out in the Act. If there is no spouse and no blood relatives, then another Alberta statute comes into play: the *Unclaimed Personal Property and Vested Property Act*.

According to this Act, if a person dies without a Will, after two years from the date of the grant of administration, the Administrator must give the provincial government any portion of the estate not claimed by a valid heir. The provincial government must keep this unclaimed personal property, or its equivalent value, for ten years. During the ten-year period, a valid heir could still come forward to claim the property. After the ten-year period has passed the property belongs to the government.

The result: if you die without a Will, your estate may not be divided up as you would have wished. Only you know what you want done with your estate when you die and simply telling someone, or even more than one person, does not suffice. Your wishes need to be in writing.

In addition, if you do not write a Will, and if there is no one to whom your estate can be left under the *Intestate Succession Act*, your estate may end up going to the provincial government (*Unclaimed Personal Property and Vested Property Act*).

1.9

If I make a Will, will the government take some of my money in “estate fees”?

No. There are *no* estate fees of any kind in Alberta, regardless of whether there is, or is not, a Will.

If you write a Will and the Will needs to be probated, there will be fees for filing for a grant of probate. The exact amount depends on the value of the estate. However, probate may not be required; the need for probate is related to the kind and amount of property involved, not the existence, or non-existence, of a Will. Choosing not to write a Will may lead to court fees for your family if they need to file for a grant of administration.

1.10

What is the cost of preparing a Will?

There is no exact answer to this question. It will vary from lawyer to lawyer, and it will also depend on the complexity of the Will and the expertise needed to draft it. Often, lawyers will quote a single price for separate Wills done for two spouses (or common-law partners) at the same time, and this will be a saving. Similarly, a lawyer may quote a single price for a package of Powers of Attorney, Personal Directives and Wills for two spouses at the same time. The price may increase if the lawyer needs to use his or her expertise in complicated tax planning measures, the creation of trusts, or very large estates.

Choosing not to write a Will may lead to court fees for your family if they need to file for a grant of administration.

2. How do I make one?

Top 10 Questions about Creating a Will

2.1

Who can make a Will?

In Alberta, any adult (age 18 or over) who is mentally capable (i.e. has sufficient mental capacity – refer to Question 2.6) can make a Will.

In addition, a person *under* the age of 18 can make a Will if s/he:

- has a spouse or adult interdependent partner;
- is a member of a part of the Canadian Forces that is a “regular force” under the *National Defence Act*;
- is a member of the Canadian Forces on active service under the *National Defence Act*;
- is a mariner or seaman; or
- does not have a spouse or adult interdependent partner, but has a child (or children) – but only to make a bequest to such a child/children.

2.2

How do I make a Will?

There are three different types of Wills, each with its own rules and requirements:

- ones drawn up by a lawyer;
- ones that you can complete yourself by filling in forms that you can obtain at any stationery store; and
- ones that you handwrite completely by yourself. Ones that you handwrite are called holograph Wills. They are legal in Alberta, Manitoba, and Saskatchewan, but they are not allowed in other provinces in Canada.

2.3

Do I have to use a lawyer to make my Will?

There are certainly advantages to having a lawyer draw up your Will. He or she has a lot of expertise that you can call upon in matters like tax consequences, international matters, trusts, making suitable arrangements for young children, and many other issues.

Wills have to be worded very carefully and precisely to make sure that exactly what you want comes to pass. Lawyers are skilled in the careful use of language and are unlikely to make a mistake. In the unlikely event that the lawyer should make a mistake, there is insurance to cover the situation.

It is particularly important for some people to consult a lawyer about making a Will:

- people with large and complex estates (for example: issues such as business assets, children who live outside of Canada and children with special needs);
- people who are separated or getting a divorce, so that their ex-spouse doesn't inherit the estate;
- people with blended families;
- older or ill people who feel that they are being pressured or influenced by others;
- people who are thinking about getting married; and
- people starting or ending an adult interdependent relationship.

Wills have to be worded very carefully and precisely to make sure that exactly what you want comes to pass.

2.4

Are Wills made on stationery store forms OK?

This sort of Will is valid in Alberta. These forms are readily available, are reasonably priced, and come with instructions for filling them out. They offer the advantage of privacy, since no one but you needs to know the contents. They also offer the advantages of speed and low-cost.

The disadvantage is that they are subject to the same strict conditions for witnessing as a Will done by a lawyer. The *Wills Act* (Alberta) sets out very specific conditions for the witnessing of Wills. For example, both witnesses must see you and the other witness sign the Will at the same time. If all three persons are not present at the same time and do not watch each other sign the Will, it may be held to be invalid.

Also, a beneficiary (a person who gets something under the terms of the Will) must not be a witness. If a beneficiary does sign as a witness, that does not invalidate the whole Will, only the gift to that person becomes invalid. For example, if you leave your estate to your wife and your wife is one of the witnesses to your Will, then the gift to her becomes invalid.

Wills on stationery forms may also run a risk of being confusing or ambiguous in their interpretation. If you decide to make your own Will using a store-bought form, you should read the instructions very carefully, be sure that you understand them, and follow them exactly. If you have any doubts, you should consult a lawyer.

You must have testamentary capacity at the time when you make the Will.

2.5

What is a holograph Will?

A holograph Will is one you write entirely in your own handwriting, including a signature. These Wills are valid in Alberta, but not in all other provinces in Canada.

The advantages of holograph Wills are that they do not require any witnesses and they can be prepared quickly and privately. There are some very interesting examples of holograph Wills. The most famous in Canada concerns a farmer who was trapped under his tractor when it rolled over on top of him and who managed, before he died, to scratch on the fender that he left his estate to his wife! Certainly, holograph Wills are handy in an emergency, and some people will write them before leaving on a trip or on some other occasion when time is short.

However, it is very easy to make a mistake or write in a way that leaves confusion or ambiguity, so holograph Wills are not usually a good idea.

2.6

What “mental capacity” do I need to make a Will, and who decides if I have that capacity?

Having the “mental capacity” to make a Will (also known as having “testamentary capacity”) means that you must:

- know that you are making a Will and understand what a Will is;
- know what property you own; and
- be aware of the people (such as a spouse and children) you would normally feel you should provide for.

You must have testamentary capacity at the time when you make the Will. If you become mentally incompetent after you make a Will, it is still a valid Will.

Testamentary capacity can be an issue with individuals who have a mental infirmity or who are very ill. The mental capacity of a very ill person may be affected by illness, drugs or pain. This can mean that the person sometimes has testamentary capacity, and sometimes does not. Making your Will while you are in good health may avoid the problem of having your mental capacity questioned.

In addition, you must know and approve of the contents of your Will. If you were misled, whether by fraud or simply by accident, or if someone put undue influence on you, your Will may later be found to be invalid. For example:

- undue influence would occur if someone (such as your child or your caregiver) pressures or forces you to make a Will so that he or she can benefit from it; and
- fraud would occur if you were persuaded to sign a Will but you believed that it was some other document.

This is another reason for meeting with a lawyer to discuss your Will. This may provide proof that the Will was made by your own free choice. At some point when you are writing the Will, you should be alone with the lawyer. You need to be able to speak freely without being afraid of hurting anyone's feelings. You see a lawyer to ensure your wishes are out in the Will and you are not put under pressure by outside parties.

When you see a lawyer to make a Will, the lawyer will conduct tests to ensure that you have the required capacity. Although any interested party can question your capacity in the making of a Will, it is the lawyer that makes the assessment. If, however, you are found incapable, you have the right to request a capacity review hearing and be represented by counsel at that hearing.

If you were misled, whether by fraud or simply by accident, or if someone put undue influence on you, your Will may later be found to be invalid.

2.7

Who can be a witness to my Will, and what are my witnesses' responsibilities?

A witness must:

- be 18 years of age or older;
- cannot be a beneficiary under the Will (or the bequest to him/her will be void); and
- cannot be the spouse or adult interdependent partner of someone who is a beneficiary under the Will (or the bequest to him/her will be void).

The person who is appointed as Executor can be a witness. The witnesses do not need to read your Will. All they have to do is see you sign your name to the Will, and sign the Will themselves in front of you. Witnesses are required to act in good faith and should refuse to witness the Will if they have reason to question the mental capacity of the person who is signing it. As long as they meet these standards they will not be held responsible even if the Will is later challenged.

2.8

What should I do with my Will after I have completed it; do I need to register it with the Alberta government?

It depends on your situation. Many people choose to put it in a safe place that their Executor/Executrix knows about and can be easily accessed. Others choose to leave it with a trusted third party such as their lawyer. If you do this, however, it is important to remember that it may be many years, if ever, before your Will is needed and the person you have left it with may have moved away or even died in the meantime. You can also leave a copy in a safe, fire-proof place such as a bank safety deposit box.

There is no requirement that a Will be registered. The government does not keep a registry (except for international Wills – your lawyer can discuss this issue with you).

It makes sense, however, to make sure that the people in your life who need to know about these documents, especially your Attorney under a Power of Attorney, have a copy or know where to get one if needed. In addition, you should review your Will every few years, as circumstances can change quickly.

2.9

How can I change my Will?

You should look at your Will at least every few years to make sure that it is still up to date. For example, you may have sold or given away some of the property mentioned in your Will, or you may want to make changes in the Will because of births, deaths and marriages in the family.

There are two usual ways to change your Will.

- You can write a separate document that only changes a part of your Will. This is called a “codicil”. You must sign and witness your codicil in the same way as your Will. The opening words of the codicil usually refer to the Will that it is amending. It will say that certain clauses of the Will are revoked or amended and others are substituted. It should say that, apart from these changes, you confirm the terms of your original Will.
- You can make a completely new Will. It may be wise to do so if you wish to make major changes, or if you have already made a number of codicils. The first clause of a new Will usually says: “I revoke all Wills and testamentary dispositions of any nature and kind made by me.” The most recent Will, properly executed, is the one which will be used following your death.

You should not change your Will by marking or crossing out words, as such hand-written changes are unlikely to be effective. It is much wiser to make a codicil or a new Will.

You must have testamentary capacity at the time you make the changes or the new Will or codicil may be challenged in court and maybe found to be invalid.

2.10

If I made my Will in another province, do I have to make a new one if I move to Alberta, and vice versa?

You will not always have to remake your Will. However, if you want to be sure your out-of-province Will meets the requirements of Alberta law, it is a good idea to have it checked by an Alberta lawyer. Similarly, if you move to another province, it is a good idea to have your Will checked by a lawyer in that province to see that it meets the legal requirements of the province where you will live. In addition, a holograph Will written in Alberta may not be valid, depending on the province to which you move.

You should not change your Will by marking or crossing out words, as such hand-written changes are unlikely to be effective.

3. What goes in it?

Top 15 Questions about the Contents of a Will

3.1

What should I consider in making a Will?

In making a Will you should, at minimum:

- consider (and make a list) all of the property you have. This includes: land, possessions, insurance policies, bank accounts, pension plans, investments, etc;
- decide to whom you want to give this property when you die;
- think about whether there is any property that could, and that you might want to have, flow directly to a beneficiary (i.e.: not pass through your estate under your Will);
- think (and make a list) of what debts you have, as debts must be paid from your estate;
- if you have minor children, decide upon a person that you would suggest as a guardian;
- if you have special needs children, think about what arrangements you might wish to make for them;
- be aware of your potential legal obligations to any spouse, adult interdependent partner and children;
- consider any special bequests you would like to make (and think about doing so while you are still alive if you anticipate any problems with such bequests);
- choose someone to act as Executor and talk to this person about it; and
- assess family dynamics and make your decisions accordingly.

In addition, remember that you will not be around to help your loved ones interpret your Will. Therefore, be sure that you are as clear as possible in your description of your wishes. For example, you need to be clear about exactly who your beneficiaries are. You can't say, for example, that you want to leave everything to "hungry children in Africa." Similarly, you need to be clear about the special items that you leave. For example, you may have more than one ring, and more than one nephew, so be sure to mention that is it your "great-great grandfather Bob's gold wedding ring" that you want to leave to your nephew, "Joe".

3.2

What is my "estate"?

The property that you own at the time of your death and which is distributed as per the instructions in your Will, is known as your "estate". The property in your estate is first used to pay debts and taxes, and then it is distributed in accordance with the instructions in your Will.

Property that does *not* flow through your Will does *not* form part of your estate. For example:

- property such as land, a house, and bank accounts for which the registered owners are described as "joint tenants". This kind of property transfers to the remaining joint tenant(s) when you die. **Note:** On the other hand, property for which the registered owners are described as "tenants in common" *does* flow through your estate.
- RRSPs, pensions, life insurance policies for which you have designated a beneficiary other than your estate.

Consider the following scenarios:

- » In 1999 you signed a designation of beneficiary form leaving the death benefit of your pension plan to your sister. In 2006 you then wrote a Will but did not mention your pension plan. The death benefit will go directly to the named beneficiary (your sister) and will not form part of your estate. No part of the funds can be used to pay the debts of your estate.
- » On the other hand, in 1999 you signed a designation of beneficiary form leaving the death benefit of your pension plan to your sister. In 2006 you then wrote a Will and in that Will you *did* make other arrangements for this benefit (you left it to your brother). The death benefit *will* form part of your estate (meaning that it can first be used to pay debts, and what remains of it will go to your brother.

As a result, it is very important to be careful and stay consistent when dealing with property for which you can designate a beneficiary other than in your Will.

3.3

What kind of instructions does a Will contain?

Your Will contains your instructions about what you want done with your property after you die. The language should be clear and simple, so that no one is confused about what you meant.

Typically, a Will has several sections.

- It often begins by cancelling any previous Will(s).
- It appoints the Executor. This is the person who is responsible for carrying out the instructions in your Will. You should appoint someone whom you think will outlive you and who is capable to the task. It is wise to also appoint a person to be an alternate Executor, in case the first Executor becomes unwilling or unable (e.g. through death or illness) to act when the time comes.
- It says who gets your property. Remember that your Will only comes into force after your death. It can only dispose of property which you owned at the time of death. If you are leaving property to someone in particular, you may want to provide for the possibility that he or she might die before you. For example, if you leave your property to your niece, what happens if she dies before you do? Do you want her children to inherit it, or do you want the property to go to someone else?
- It should make sure that all of your property is taken care of.
- It says who gets any property that remains (known as the “residue”) after all the beneficiaries have been given their specific gifts. If a Will does not contain such a clause, the residue will be treated as if the testator had died without a Will (“intestate”).
- It can include other details as you wish. For example, you can name a guardian and/or create trusts for your minor children. **Note:** The naming of a guardian in a Will is not binding. Someone else can still apply to be the guardian of your children, and only the court has the final say. Naming a guardian in a Will, however, does ensure that a court will hear your opinion.
- Unless you state in the Will your plan to marry a specific person, if you marry or remarry after the date you signed your Will, your Will is automatically revoked.

Make sure that all of your property is taken care of. [...] The language should be clear and simple, so that no one is confused about what you meant.

3.4

Should I put my burial wishes in my Will?

You can if you want to, but it may not be a good idea, as often the Will won't be found or read until after the funeral. Therefore, you should tell the person who is likely to arrange the funeral what your wishes are or leave separate written instructions.

3.5

What is an Executor?

An Executor is the person named in a Will to carry out the directions contained in that Will. The Executor is responsible for settling the person's affairs after death. The person's estate (everything he or she owned) passes temporarily to the Executor. The Executor locates all of the person's assets, pays the funeral costs, debts and taxes, and then distributes the remaining money and property according to the instructions in the Will.

The Executor is accountable to the beneficiaries. For example, the Executor must let the beneficiaries know when he or she is applying for probate, and must keep records and give all beneficiaries a final statement of accounts. If the Will is probated, the Executor is also accountable to the court.

Property that does not flow through your Will does not form part of your estate.

3.6

Who can I appoint as my Executor?

You can choose any adult you wish. Most often people choose a family member or a trusted friend to be Executor.

An Executor can also be a corporation (such as a trust company). Either way:

- be sure that the person you choose has the time and ability to carry out the many duties of Executor; and
- before you appoint someone, ask them if they are willing to do the job.

You can also choose a beneficiary to be your Executor. You can choose someone who does not live in Alberta, but this may prove inconvenient, as all procedures to settle your estate will be done in Alberta. In addition, an Executor that lives outside of Alberta may have to post a bond.

3.7

What should I think about in choosing an Executor?

Looking after an estate can be difficult and time-consuming. Sometimes it can include responsibilities that last for years. The best Executor is a trustworthy, reliable and competent adult. An Executor needs to be someone you trust and who has the ability to carry out your instructions (which may involve standing up to family members and friends and dealing with interpersonal conflicts).

You should consider choosing someone who has some knowledge about business affairs. Choose someone who is likely to outlive you. Choosing someone who lives in the same province as you do may cut down on long distance phone calls and other administrative expenses. Your spouse, an adult child, a friend, family member or heir may be able to do a good job as Executor. Many people choose their spouse or main heir as Executor.

It is also very important to name an alternate (back-up) Executor in case your first choice dies, moves away, or for some reason is unable to do the job.

You can name your lawyer as Executor but most lawyers don't act as Executors. Before you name your lawyer check that s/he is willing to be your Executor. If your estate is complicated or you don't have a relative or friend who is able to act, you may want to appoint a trust company as Executor. In addition, if there is a chance that a problem will arise among your heirs, a trust company might be a good choice because it would be an impartial Executor. There can, however, be disadvantages to using a trust company. It usually charges the maximum fee allowable and tends to be a conservative investor. In addition, it probably won't be as familiar with your assets as a friend or family member would be. You should check that the company is willing to act as Executor. If you don't, the company might refuse to act as Executor upon your death.

You can appoint more than one Executor. However, all Executors must agree to this arrangement. In most matters, all Executors must agree and must act together. If you appoint more than one Executor, be sure that they will be able to work together. You should discuss your wishes with both of them. It is best to do this with them together. If one co-Executor dies, the other one can act alone.

Sometimes people choose three Executors so that if there are disagreements, the Executors can vote and the majority will decide (known as a "majority rule" clause). However, you need to specify in your Will that this is what you want. You also must say that the Executor who doesn't agree with the other two will still go along with, and do whatever is necessary to carry out the decision.

An Executor needs to be someone you trust and who has the ability to carry out your instructions (which may involve standing up to family members and friends and dealing with interpersonal conflicts).

3.8

I want to name a specific family member as Executor but I'm worried that this will cause conflict. Is there anything I can do to prevent this?

There are a number of options that may help, depending on your situation and personal preferences. Conflict can often be avoided by telling your family in advance and explaining the reasons for your choice. Another way to avoid family conflict is to name someone else such as a close friend, or a trust company.

3.9

Should I include provisions about payment for my Executor?

The *Surrogate Rules* indicate that an Executor is entitled to “fair and reasonable compensation for their responsibility in administering an estate by performing the personal representatives’ duties.”

In your Will, you can state how much your Executor will be paid. If you do, this is the maximum the Executor can receive. If you do not do so, and if the Executor wants to be paid, your Executor may either ask the beneficiaries to approve his/her fee or the court must order the fees. There are three categories of fees:

- fees charged on the gross capital value of the estate. These should not exceed 5% of the gross value of the estate;
- fees charged on the revenue received by the estate during administration. These should not exceed 6% of the revenue receipts; and
- care and management fees charged in trust estates.

Often, an Executor does not accept a fee. This is common if the Executor is a spouse, family member, or close friend. Alternatively, your Executor may prefer to take a gift rather than a fee because a fee is taxable, but a gift (jewellery, cash, real estate, etc.) given under your Will is not.

Any expenses the Executor has while settling the estate are paid for out of the estate. Examples of such expenses are photocopying, postage, and long-distance phone calls.

If you own assets in joint tenancy, they do not form part of the estate.

3.10

Can I deal with all of my property in my Will, or is there some property that I cannot deal with in my Will?

In theory, in your Will, you can deal with all types of property: land, possessions, money, investments, personal belongings, insurance policies, business assets, etc. However, *how* you hold a particular piece of property (for example, joint tenancy), might mean that that property does not flow through your estate and therefore is not dealt with under your Will. Similarly, documents you otherwise sign in relation to a piece of property, like a designation of beneficiary form, might mean that that property does not flow through your estate and therefore is not dealt with under your Will.

3.11

What happens to property held in “joint tenancy”?

If you own assets in joint tenancy, they do not form part of the estate. Let's say you and your spouse own your home as joint tenants, or have a bank account as joint tenants. When you die, the home and the money in the account automatically belongs to your spouse and does not pass through the Will. As a result, such property cannot be used to pay your debts. Note: On the other hand, property for which the registered owners are described as “tenants in common” *does* flow through your estate.

3.12

What happens to my RRSPs, RRIFs and pension plans?

Usually RRSPs and RRIFs do not form part of the estate, because in the RRSP or RRIF you name a beneficiary. If you do so, when you die, the bank or trust company transfers the RRSP or RRIF, or pays it out to the beneficiary you named. You can also name your estate as the beneficiary, at which point the monies will flow through your Will. Similarly, if at the time of your death your named beneficiaries have died before you, the monies will flow through your Will. This is why it is important to keep in mind who you have named as beneficiaries and ensure that you keep your wishes up-to-date.

With RRSPs and RRIFs, it is also important to think about the potential tax consequences. There are tax advantages to leaving RRSPs and RRIFs to a spouse. These tax advantages do not exist with other beneficiaries.

Similarly, a pension plan death benefit can say that it is to be paid to a certain beneficiary or to your estate. If the money is to be paid to your estate, the money will form part of your estate and will be distributed according to the terms of your Will. If the money is to be paid to a certain beneficiary, the money goes directly to that beneficiary. It does not become part of your estate. If at the time of your death your named beneficiaries have died before you, the monies will flow through your Will.

In Alberta it is also important to keep in mind the provisions of the *Trustee Act*, which states that the most recent designation of pension plan benefits applies. For example, if you name a pension plan beneficiary in your Will, and then later sign a separate designation form for the pension plan benefit, the earlier provision made in the Will is revoked.

3.13

What happens to insurance policies?

An insurance policy can say that it is to be paid to a certain person or to your estate. If the insurance money is to be paid to your estate, the money from your policy will form part of your estate, may be used to pay debts, and will be distributed according to the terms of your Will. If the insurance money is to be paid to a certain person, the money goes directly to that person. It does not become part of your estate.

Again, if at the time of your death your named beneficiaries have died before you, the monies will flow through your Will, an important reason to keep in mind whom you have named as beneficiaries and ensure that you keep your wishes up-to-date.

It is important to keep in mind who you have named as beneficiaries and ensure that you keep your wishes up-to-date.

3.14

I own my own business and have a special needs child – how do I deal with such things in my Will?

Business assets are often considerably complicated and there are many legal technicalities that you may need to consider (such as corporate law and tax law). Please consult a Wills and Estates lawyer.

There are various means of ensuring financial security for your special needs child (such as the creation of a trust). This, however, can get quite complicated. Please consult a lawyer.

You should also consult a lawyer for more complicated estates, for example, if you own property in various areas of the world, or if you wish to leave property, especially land or business assets to someone living in another country (as there may be tax issues to resolve).

In most cases, you are free to deal with your property as you wish. However, two laws, the Dependants Relief Act and the Matrimonial Property Act, place some limits on that freedom.

3.15

Do I have to leave my Estate to my family?

In most cases, you are free to deal with your property as you wish. However, two laws, the *Dependants Relief Act* and the *Matrimonial Property Act*, place some limits on that freedom.

- The *Dependants Relief Act* tries to make sure that your dependants are left with money and support whenever possible and if necessary. Children, including illegitimate and adopted children, and a widow or widower are all considered “dependants” under this Act, and they can make a claim if they feel that they have not been adequately provided for under your Will. In such a case, the judge considers all the circumstances of a case in deciding whether to give support to the dependant. They include whether a dependant deserves help (what his or her character and conduct is like), whether there is any other help available to the dependant, the financial circumstances of the dependant, any services provided by the dependant to the testator, and the testator’s reasons for not providing for the dependant in the Will. It helps if the reasons are in writing and signed by the testator, or if they are included in the Will. This is not a complete list. The judge may take other factors into account. A dependant who wants to apply for support should talk with a lawyer.
- The *Matrimonial Property Act* recognizes the contribution of both spouses to a marriage. The Act says that when one spouse dies, the surviving spouse can apply for an equal division of matrimonial property. The surviving spouse must apply to the court. A judge decides what share of the property the surviving spouse should get.

You may decide to leave your estate to someone other than your closest relatives, or you may decide to leave it to some family members but not to others. For example, you might decide to divide your estate between two of your children and leave nothing to a third child. If you do this, it is wise to consult with a lawyer so that he or she can keep a record of your reasons.

4. When does it get reviewed?

Top 5 Questions about Reviewing and Updating Wills.

4.1

How often should I review / update my Will?

Ideally, you should review your Will every few years, although this does not necessarily mean a meeting with your lawyer. You should at least remind yourself of your Will's contents and decide whether anything has happened which requires a change in your Will. Examples of such events include: changes in your marital status, the purchase of property or investments, and the birth or adoption of children or grandchildren.

4.2

How can I change my Will?

You should look at your Will at least every few years to make sure that it is still up-to-date. For example, you may have sold or given away some of the property mentioned in your Will, or you may want to make changes in the Will because of births, deaths and marriages in the family.

There are two usual ways to change your Will.

- You can write a separate document that only changes a part of your Will. This is called a "codicil". You must sign and witness your codicil in the same way as your Will. The opening words of the codicil usually refer to the Will that it is amending. It will say that certain clauses of the Will are revoked or amended and others are substituted. It should say that apart from these changes, you confirm the terms of your original Will.
- You can make a completely new Will. It may be wise to do so if you wish to make major changes, or if you have already made a number of codicils. The first clause of a new Will usually says: "I revoke all Wills and testamentary dispositions of any nature and kind made by me." The most recent Will, properly executed, is the one which will be used following your death.

You should not change your Will by marking or crossing out words. It is unlikely to be effective. It is much wiser to make a codicil or a new Will.

You must have testamentary capacity at the time you make the changes or the new Will or codicil may be challenged in court and may be found to be invalid.

4.3

I just got married /separated /divorced – does that void my Will?

If you marry, any Will you made before your marriage will be invalid unless you expressly state that the Will was made in contemplation of that marriage. Therefore, you should make a Will that specifically mentions that you are making the Will in contemplation of marriage (and name the person) or else you should make a new Will immediately after your marriage.

A separation or divorce, on the other hand, does *not* invalidate your Will. If you make a Will while you are married that leaves your entire estate to your spouse, then s/he will inherit it after you are divorced unless you make a new Will.

You should look at your Will at least every few years to make sure that it is still up-to-date.

4.4

What does being in an adult interdependent relationship have to do with making a Will?

Unlike a marriage, the start of an adult interdependent relationship does *not necessarily* automatically invalidate a Will. Specifically:

- if you sign an Adult Interdependent Partner Agreement, your Will *is* automatically revoked upon signing (unless the Will specifically mentions that you are making the Will in contemplation of this agreement with this person, and name the person). This includes non-conjugal adult interdependent relationships;
- *but*, if you begin an adult interdependent relationship by a means *other* than the signing of such an agreement (in other words: for childless couples, at the three-year mark; and, for couples who have a child, the point at which that child is born or adopted) your Will is *not* automatically revoked.

Similar to divorce, the end of an adult interdependent relationship does *not* automatically invalidate a Will.

As a result, at the start or end of an adult interdependent relationship, it is very important to review your Will to ensure that it still meets all of your needs.

4.5

If I make a new Will, does it automatically cancel the old one?

Basically, yes, if you make a completely new Will that revokes your previous Will. That means the previous Will is “cancelled.”

However, it is possible to simply make a new document that only changes parts of your Will. This is known as a “codicil.” Making a properly executed codicil does not automatically void all of your previous Will, but rather, only certain clauses of that Will.

To be certain that you have only one complete Will in effect, ensure that each new Will includes a phrase that revokes all Wills previously made.

Note: If your Will is accidentally destroyed, for example, by a fire in which you die, a copy of the Will can be used because you did not intend to revoke it.

To be certain that you have only one complete Will in effect, ensure that each new Will includes a phrase that revokes all Wills previously made.

5. What happens with it?

Top 10 Questions about the Administration of Wills

5.1

When and how will my Will take effect?

A Will does not take effect until you die. Therefore, if you specify in your Will that you leave certain property to someone — for example, a diamond bracelet to your sister or a car to your brother — you may still sell it or mortgage it or deal with it in any way you choose during your lifetime. If you no longer own that item at the time of your death, then the Will is interpreted as if that property did not exist. Of course, you may also change your Will at any time.

5.2

How long does a Will last?

A Will remains in effect until all debt and taxes are paid and all of the bequests have been carried out. For a simple and straightforward estate, one year is not uncommon. However, the exact time depends on the nature of the bequests. For example: if a Will sets up a trust, an estate may be in existence for a very long time.

Probate is a legal procedure where the court determines the Will's validity and confirms the Executor's appointment.

5.3

What are my Executor's duties and is there anything s/he cannot do?

Your Executor is responsible for settling your affairs after your death. S/he locates all of your assets, pays the funeral costs, debts and taxes, and then distributes the remaining money and property according to the instructions in your Will.

In your Will, you set out what you want your Executor to do. You can list anything that you do not wish him/her to do. However, you cannot ask your Executor to refrain from doing something that is required by law. For example, you could not state that your Executor should not pay your outstanding debts.

In addition, your Executor is governed by the provisions of the *Alberta Trustee Act*, which does place certain restrictions on actions. For example, if your Executor needs to invest your assets for a while, s/he can only invest in a specified list of allowable investments.

Your Executor must report to the beneficiaries. In addition, if probate is obtained, your Executor may have to report to the court.

5.4

What is "probate" and what is involved in that?

Probate is a legal procedure where the court determines the Will's validity and confirms the Executor's appointment. In Alberta, this is the Court of Queen's Bench, Surrogate Matters. An Executor must apply to the Court to probate a Will.

There is a range of court fees charged for probate – the larger the estate, the higher the fee. For example, as of the spring of 2008, the fees were:

\$10,000 and under	\$25.00
over \$10,000 but not more than \$25,000	\$100.00
over \$25,000 but not more than \$125,000	\$200.00
over \$125,000 but not more than \$250,000	\$300.00
over \$250,000	\$400.00

5.5

Is an Alberta Will effective outside of Alberta; and is a Will that was created outside of Alberta effective in Alberta?

A Will that was created in Alberta is generally effective outside of Alberta. However, if the property in question is located outside of Alberta, your Executor may have to file for probate in that jurisdiction. This is especially true for real property (land). It is best to check the laws of that other jurisdiction.

Similarly, a Will that was created in another province is generally effective in Alberta. However, if the property in question is located in Alberta, your Executor may have to file for probate in Alberta. This is especially true for real property (land).

5.6

If there is more than one signed Will, which one is valid?

Usually, the most recent Will is valid.

If the most recent signed Will revokes the other Will(s), only the most recent is valid. However, if the most recent signed Will does *not* revoke the other Will(s), a court would have to look at the contents of the Will to try to determine the wishes of the testator. For example: does each Will deal with separate property? Can the Wills all be administered, or do they contradict each other?

This is why it is extremely important to be very clear in your Will and, whenever possible, ensure that there is only one Will in existence. Remember – you will not be here to help your loved ones, or a judge, determine your final wishes; the documents you left behind will be what they rely on.

5.7

What happens if the person I appoint as my Executor cannot act for me for some reason, or wants to quit?

You can avoid this problem by naming one or more people as your “alternate” Executor(s). The alternate(s) can act if your Executor dies, or is unable or unwilling to assume the role.

If, before you die, the person you have named as Executor dies or indicates that s/he is no longer willing to act as your Executor, you should consider making a new Will. If, after you have died, your Executor who had previously accepted the appointment dies, or is unable or unwilling to continue the role, s/he must apply to the court for a discharge.

That said, if all of the possible Executors named in your Will are unable or unwilling to act, a court will appoint someone.

5.8

Can a Will be challenged?

Yes. Common causes of a challenge include claims that that testator was unduly influenced, and claims under the *Dependants Relief Act*. Only a court has the final say about whether a Will is valid.

In order to minimize the chances of a future challenge, talk to your family members, your beneficiaries, and anyone who may be entitled to a share of the estate. Explain what your plans are. This may prevent problems later.

In order to minimize the chances of a future challenge, talk to your family members, your beneficiaries, and anyone who may be entitled to a share of the estate.

5.9

What if my Executor makes decisions that are not in accordance with my Will?

Your Executor must follow the provisions of your Will. If s/he does not, one or more of your beneficiaries can ask a court to examine the conduct in question. Under Alberta law, your Executor is answerable and accountable for his/her own acts and neglects.

If an Executor is uncertain about the meaning of certain provisions of your Will, your Executor can always ask a court for advice and direction.

5.10

Is a photocopy of the Will valid?

Very few parties accept a mere photocopy of a Will. Most parties require at least a notarized copy of the Will.

An application for a grant of probate will require your original Will.

If you write a new Will, copies of the previous Will should be destroyed and replaced, so as to avoid confusion.

The Executor must pay all debts, gather all assets, distribute all assets and make an accounting.

Generally, once this is done, the process comes to an end.

6. How does it end?

Top 5 Questions about how a Will stops having effect

6.1

When does the effect of a Will generally end?

There is no set time for the work to end, or for the responsibilities of the Executor to be finished. The Executor must pay all debts, gather all assets, distribute all assets and make an accounting. Generally, once this is all done, the process comes to an end. However, sometimes an asset or a debt might turn up years later. The Will still applies and it is still the responsibility of the Executor to deal with this newly-discovered matter.

6.2

Can I cancel my Will?

There are four ways to cancel your Will. This is usually called “revoking”.

- Your Will is revoked if you marry, unless you made the Will knowing you were getting married and said so in the Will.
- You can make a written document saying that you want to revoke the Will. It must be signed and witnessed in the same way as a Will. For example, in one case a bank manager had the testator’s Will. The testator became ill and wrote a letter to the bank manager saying: “Will you please destroy the Will already made out.” This letter was properly signed and witnessed, and it revoked the Will.
- You can make a properly executed new Will.
- You can destroy the Will or ask some other person to destroy it in your presence. If your Will is accidentally destroyed, for example, by a fire in which you die, a copy of the Will can be used because you did not intend to revoke it.

6.3

If I make a new Will, does it automatically cancel the old one?

Generally, yes, as most Wills contain a clause that revokes all previous Wills. However, if you do not explicitly revoke all previous Wills, there may be some confusion as to which Will is the one you intended and this can lead to problems.

Also, if you write a separate document that only revokes and changes a *part* of your Will (known as a “codicil”), it does not revoke all of your previous Will, only the part that is addressed in the codicil.

6.4

What should I do once I’ve revoked my Will?

Tell the individual(s) that you had appointed as Executor(s) and alternate Executor(s). Also tell anyone who knew about the now-revoked Will. It is also a good idea to get back the original (and now revoked) Will, as well as any copies, and destroy them.

6.5

If a witness to a Will dies, does the Will become invalid?

No. Under Alberta law, in order to probate a Will, witnesses to the Will have to sign a separate statement swearing to their role as a witness. If you use a lawyer to create your Will, the lawyer usually has the witnesses sign this document immediately after the Will is signed and witnessed. If, however, at probate, there is no such statement and the witness has died, there are steps that your probate lawyer can take to address this issue.

Under Alberta law, your Executor is answerable and accountable for his/her own acts and neglects.

7. What do the Words Mean?

Glossary

administration (or “grant of administration”)	a legal procedure wherein the Alberta Court of Queen’s Bench (Surrogate Matters) appoints someone (an administrator) to administer the estate of a deceased person who died without a Will. The Court’s authority for that administrator to act is given in a grant of letters of administration.
Administrator	someone who is given authority by the Alberta Court of Queen’s Bench (Surrogate Matters) to manage and administer the estate of a deceased person who dies without a Will. When an administrator is appointed, the Court issues a grant of letters of administration. (A female administrator is sometimes called an Administratrix.)
adult interdependent partner	a person with whom you are in an adult interdependent relationship.
adult interdependent relationship	<p>a term unique to Alberta and governed by the Alberta <i>Adult Interdependent Relationships Act</i>.</p> <p>It is a “relationship of interdependence” as a relationship outside of marriage where two people: share one another’s lives; are emotionally committed to one another; and function as an economic and domestic unit. To meet these criteria, the relationship need not necessarily be conjugal (sexual). It can be platonic.</p> <p>There are two possible ways for such a relationship to exist.</p> <ul style="list-style-type: none"> • If you have made a formal and valid adult interdependent partner agreement with the other person (two people that are related by either blood or adoption <i>must</i> enter into such as agreement in order to be considered adult interdependent partners); or • If you are not related by either blood or adoption and if you have: <ul style="list-style-type: none"> – lived with the other person in a “relationship of interdependence” for at least 3 continuous years; or – lived with the other person in a “relationship of interdependence” of some permanence where there is a child of the relationship (either by birth or adoption).
assets	what you own. Assets can include things such as money, land, investments, and personal possessions such as jewellery and furniture.
beneficiary	a person or organization that you leave something to in your Will.
bequest	personal property left to someone in a Will.
codicil	a document made after the Will that changes some of the things in your Will.
debts	what you owe. These can also be called “liabilities” and may include credit card balances, loans, and mortgages.
estate	all of the property and belongings you own at your death. The estate does not include property you own with someone else in joint tenancy, or joint bank accounts. The estate does not include insurance policies, RRSPs or RRIFs, or other things you own which specifically name someone as your beneficiary.
Executor/Executrix	the person you name in your Will who is responsible for managing your estate and for carrying out the instructions in the Will.
holograph Will	a Will that is completely in a person’s own handwriting.
intestate	a person has died without leaving a Will.
joint tenancy	a type of ownership where any two or more persons (related or not) may equally own property and the property passes to the survivor or survivors on the death of one (without flowing through the estate of the deceased).
last Will and testament	the legal statement of a person’s last wishes as to the disposition of his or her property after death.
probate (or “grant of probate”)	a legal procedure that confirms the Will can be acted on and authorizes the Executor to act. The procedure includes submitting special forms and the original Will to the Alberta Court of Queen’s Bench (Surrogate Matters).
spouse	a person to whom one is legally married.
tenancy in common	a type of ownership where any two or more persons (related or not) own property, but, unlike joint tenancy, the shares need not be equal, and there is no right of survivorship (on the death of an owner, the share does not flow to the other tenant in common, but rather, flows through the estate of the deceased tenant).
testator / testatrix	a person who has made a Will.
trust	a part of your estate that is set up to ensure ongoing income for a beneficiary, usually a dependent child.
trustee	the person or company you name to manage a trust.
Will	the legal statement of a person’s last wishes as to the disposition of his or her property after death.

8. Where can I get more help?

Community Resources

For copies of the Acts contact the Queen's Printer Bookstore.

- 780-427-4952 in Edmonton
- 403-297-6251 in Calgary
- Toll-free service in Alberta, dial 310-0000.
- Website: www.qp.gov.ab.ca
- The *Wills Act* is available electronically at: www.qp.gov.ab.ca. See alphabetical list of Acts.
- The *Adult Guardianship and Trustee Act* (AGTA) will come in to force in 2009. More information is available on the Alberta Seniors and Community Supports website at: www.seniors.gov.ab.ca/services_resources/opg/guardianship/index.asp. In addition, you can access the current draft of the Act, known as Bill 24 of 2008 at: www.assembly.ab.ca/bills/2008/pdf/bill-024.pdf.
- The *Surrogate Rules* are available electronically at: www.qp.gov.ab.ca. See alphabetical list of regulations.
- The *Intestate Succession Act* is available electronically at: www.qp.gov.ab.ca. See alphabetical list of Acts.
- The *Ultimate Heir Act* is available electronically at: www.qp.gov.ab.ca. See alphabetical list of Acts.
- The *Survivorship Act* is available electronically at: www.qp.gov.ab.ca. See alphabetical list of Acts.
- The *Trustee Act* is also available electronically at: www.qp.gov.ab.ca. See alphabetical list of Acts.
- The *Dependent Adults Act* is available electronically at: www.qp.gov.ab.ca. See alphabetical list of Acts. This Act will be replaced by the AGTA in 2009.
- The *Dependent Adults Regulation* is available electronically at: www.qp.gov.ab.ca. See alphabetical list of regulations. This Act will be replaced by the AGTA in 2009.
- The *Adult Interdependent Partner Agreement Regulation* is available electronically at: www.qp.gov.ab.ca. See alphabetical list of regulations.

More information about **Probate** can be found at: www.albertacourts.ab.ca/CourtofQueensBench/FrequentlyAskedQuestions/tabid/95/Default.aspx

Alberta Seniors Information Line

Toll-free in Alberta: 1-800-642-3853

Edmonton Area: 780-427-7876

Deaf or Hearing Impaired with TDD/TTY units:

Toll-free in Alberta: 1-800-232-7215

Edmonton area: 780-427-9999

Fax: 780-422-5954

Hours: Monday to Friday, 8:15 am to 4:30 pm; closed statutory holidays

Seniors Association of Greater Edmonton (SAGE)

100 102A Ave

15 Sir Winston Churchill Sq NW

Edmonton AB, T5J 2E5

Phone: 780-423-5510

Fax: 780-426-5175

Email: info@MySage.ca

Website: www.MySage.ca

Hours: Monday to Friday: 8:30 am to 4:15 pm

Older Adult Knowledge Network

www.oak-net.org

Government of Alberta

Alberta Seniors and Community Supports, Seniors Services Division. *Saying Farewell: A Guide to Assist you with the Death and Dying Process.*

Available electronically at: www.seniors.gov.ab.ca/services_resources/saying_farewell/Sayingfarewell.pdf

Alberta Seniors and Community Supports

www.seniors.gov.ab.ca

Law Society of Alberta Lawyer Referral Service

A Lawyer Referral Operator will provide you with the names of three lawyers in your area that you can consult. Each lawyer will provide a half-hour consultation free of charge.

Toll free: 1-800-661-1095

Calgary Area: 403-228-1722

www.lawsocietyalberta.com/publicservices/lawyerReferralService.cfm

Alberta Law Line

A program of Legal Aid Alberta, which provides legal information and referrals to Albertans and legal advice to eligible callers. This is a free service and is available across Alberta. To call toll-free, dial 1-866-845-3425. In Edmonton, call 780-644-7777. Alberta Law Line does not provide legal information or legal advice over email.

www.lawline.legalaid.ab.ca

Student Legal Services

A nonprofit, charitable organization of approximately 300 volunteer law students that provide year-round free legal services to those individuals who are unable to afford a lawyer. Please call in advance as student volunteers are not always available at all hours.

11011-88 Avenue
Edmonton, AB T6G 0Z3
Phone: 780-492-8244

www.slsedmonton.com

Dial-A-Law

Pre-recorded legal information messages available 24 hours a day, 7 days a week.

Toll free: 1-800-332-1091

Family Law Information Centre

Edmonton Law Courts Bldg, 1A Sir Winston Churchill Sq
Edmonton, AB T5J 0R2
Phone: 780-415-0404

Legal Aid Society of Alberta

Provides legal services to financially eligible applicants.

Phone: 780-427-7575

Website: www.legalaid.ab.ca

This booklet is part of a series from *The Law and You: Seniors and Older Adults* project. The series includes:

- Making a Will
- Making a Personal Directive
- Making a Power of Attorney
- Being an Executor
- Being an Attorney
- Being an Agent
- Protecting Yourself from Consumer Fraud and Scams
- Grandparents' Rights

The Legal Resource Centre

The Legal Resource Centre is a non-profit society whose purpose is to provide Albertans with reliable information about their rights and responsibilities under the law.



#201 10350 – 124 Street
Edmonton, AB T5N 3V9
Phone: 780.451.8764
Fax: 780.451.2341
www.legalresourcecentre.ca

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You should **not** rely on this booklet for legal advice. It provides general information on **Alberta law only**.