

For more than 25 years

Edmonton Community Foundation has been presenting 'WillPower Wills Week' as a public service to encourage Edmontonians to have a valid, up-to-date will that protects their family, their businesses, and their assets; to seek professional assistance in creating their wills, and to contemplate how their wills can benefit their families and causes important to them. ECF is pleased to be a resource in this important endeavour.

This unique year, WillPower Wills Week is to be presented in an online format starting October 5, 2020. Thanks to a creative and dedicated committee of volunteer lawyers, we have discovered a silver lining to this change in format – it allows us to offer "topic specific" sessions in addition to the usual general information sessions.

To participate, you will need to register for each session you wish to view (they are outlined below).

More information about registration and any updated timing for each session will be available starting mid-September. Please go to ecfoundation.org/initiatives/wills-week for all the details and any changes. Sessions times may change.



FIGHTING THE TERMS OF A WILL – HOW CLAIMS ARISE AND HOW TO AVOID THEM

Jacklynn Pivovar, LLB, Partner, Miller Thomson LLP

MONDAY, OCTOBER 5 | 11:00 AM

In this presentation you will learn about how some estate claims arise and how to avoid them. This will include information about the formal requirements for a valid will, the use of will kits, family support claims, property owned jointly with someone else and how things like "capacity" and "undue influence" may affect the intention of a person making a will. You will learn about the potential problems often seen in estate disputes and how to avoid them before they happen.

ESTATE PLANNING 101 – A GENERAL OVERVIEW

Colleen Feehan, Feehan Law Office

MONDAY, OCTOBER 5 | 1:00 PM

Let's define your legacy goals and discuss how to achieve them most effectively! This session provides a general overview of things to keep in mind when preparing your estate plan and addresses common questions for wills, and for other documents that affect your estate. Even if you are planning to participate in one of the other sessions, this overview provides great context and groundwork to better understand the adjustments necessary to address the specific issues those other sessions will cover.

PICKING THE RIGHT EXECUTOR IS NOT AS EASY AS YOU MIGHT THINK

Victoria Jones, BA, LLB, MA, de Villars Jones

MONDAY, OCTOBER 5 | 6:30 PM

You think you have your estate figured out? Well hold on! Who is going to deal with everything you leave behind? What sort of job is being an executor? Who should you appoint to do the job? What are the less known complications of appointing certain people? What options are available? Tune in to this session to get answers to all of these questions and more.

WHAT COULD POSSIBLY GO WRONG?!

Michael Simons, Partner, McCuaig Desrochers LLP

J. Allison Barkwell, Partner, Barkwell Brown Estate & Tax Lawyers

TUESDAY, OCTOBER 6 | 6:30 PM

Seasoned lawyers will pull back the curtain on what happens when people fail to plan, or worse, mistake their Google search for a law degree! Hearing what can go horribly wrong might be just what you need to make good decisions and finally get your estate plan in place. These panelists will compete with each other to see who can "one-up" the other with true stories that are certainly stranger than fiction!

BRADY BUNCH BASICS – ESTATE PLANNING FOR BLENDED FAMILIES

Patty Ko, B.Comm., LLB, Associate, Bishop & MacKenzie LLP

WEDNESDAY, OCTOBER 7 | 11:00 AM

Every family has its own story and challenges – and blended families are certainly no exception. In this session, we will explore some of the unique circumstances that blended families face and the impact that those circumstances may have on wills and estate planning.

WHY PROFESSIONAL HELP IS IMPORTANT

Anna May Choles, LLB, Rackel Belzil LLP

WEDNESDAY, OCTOBER 7 | 3:00 PM

A will can be valid without being good. You aren't paying for a "thing" when you pay for a will, you are paying for advice, good questions, and effective writing to make a better will. This session will consider some of the common mistakes and assumptions that people make when creating a will; covering topics such as formal requirements for a will to be valid, who are not good choices for witnesses and/or executors, property that you cannot give away in a will, wills that don't "add up" and who you must include in your estate plans, to name just a few.

HOW TAX PLANNING COULD LEAD TO A BIGGER ESTATE

Michelle Coleman, CPA, CA, TEP, Sr. Manager, Taxation Services, MNP

WEDNESDAY, OCTOBER 7 | 6:30 PM

When writing/updating your will, you will want to be sure to plan for the impact taxes will have. Planning to reduce or defer taxes is an essential part of estate planning and administration. You will want to contemplate the potential tax liability, how it will be paid, and also provide your executor(s) with the tools and flexibility they need to prepare the tax returns and administer the estate in a tax-effective and efficient manner. This presentation will address many commonly asked questions and will present tax planning options for you to discuss with your family and advisors.

THE WILL ISN'T THE ONLY THING YOU NEED

Ravinder Chana, JD, Parlee McLaws LLP

THURSDAY, OCTOBER 8 | 10:00 AM

Said by some to be the best gift you can give your family, this is an introductory presentation on the importance of two documents that help you and your family during your lifetime. This is especially important if you are temporarily or permanently unable to act for yourself.

This presentation will explain what an *Enduring Power of Attorney* and *Personal Directive* are, how they differ, how they come into effect and the consequences of not having them in place. It will also touch on potential issues and problems that can arise or be avoided and the importance of receiving legal advice when obtaining these documents.

PLANNING FOR A BENEFICIARY WITH DISABILITIES

Shelly K. Chamaschuk, BSc, LLB, TEP Partner, Reynolds Mirth

Richards and Farmer LLP

THURSDAY, OCTOBER 8 | 3:00 PM

Estate planning can be a daunting task for anyone but planning when one of your loved ones is a person with a disability or has special needs, is particularly difficult. This presentation will discuss a number of tools available to families whose plans involve a beneficiary who is disabled. We will also discuss the applicable AISH rules, use of RDSPs, and the role of discretionary trusts (also called *Henson Trusts*).

CREATING A BETTER WORLD FOR YOUR FAMILY AND OTHERS – AND A LEGACY FOR YOURSELF

Panel

THURSDAY, OCTOBER 8 | 6:30 PM

In addition to your family, what has brought you joy during your lifetime (e.g. arts, education, nature, recreation)? Are there any issues that you would love to help solve (e.g. health condition, poverty, environment)? Have any organizations helped you or a loved one?

Your will and estate plan offer you an unrivalled opportunity to create your legacy of caring for the causes and issues important to you and save significant taxes. You may have one or more favourite charities but have no idea how to support something very important to you. This presentation will address ways to make a meaningful difference while providing generously for your family. Tools will be provided to help you think through what type of legacy plan will give you a sense of satisfaction and adjust to changes over time and ways to get started.

SESSIONS



Inheritance Rules in Alberta

Many people are surprised to discover that the way Alberta law dictates who will receive their property at the end of their lives is not at all how they imagine. This may be especially true for immigrants, because inheritance rules in Alberta are very different from those in places from where they have moved. (Each province also has its own rules governing wills.)

In the absence of a valid will, the Wills & Succession Act of Alberta sets out which people will receive your property (called "your estate") and how much of your estate each person will receive (the "inheritance"). This law is not based on any cultural or religious law or on the laws of another country or province from which you have moved.

In Alberta, cultural and religious rules do not apply to inheritances unless:

- a) you create a valid will that gives your estate in accordance with your cultural and/or religious rules; AND
- b) those cultural/religious rules are not contrary to the law set out in the Wills & Succession Act of Alberta

For example, if your will does not provide adequately for certain people (e.g. spouse, dependent children) the Alberta Wills & Succession Act allows the courts to override the will, to be sure those people do receive an adequate amount.

Not having a good will can create confusion, disappointment, and costs (legal and others).

Talk to a wills and estates lawyer about your wishes and have a will drafted that thoroughly meets your family's unique circumstances.

Getting Our Houses in Order

Only a year ago we never imagined the upheaval and change that we have experienced in 2020 due to COVID-19, a demonstration of the surprises and uncertainties that are out of our control. Some people have used the time of "staying home, staying safe" to undertake projects long postponed and to put their houses in order.

We have heard from lawyers that many clients have taken the opportunity to review or start their estate plans, thinking and rethinking what they value and how to protect their loved ones; another way of "putting their houses in order".

With so much now taking place "virtually," it may be tempting to look online for ways to create wills and other documents, not understanding that not only must a will (or other estate document) be legally valid, it needs to provide a good result. It is also important to note that each province has its own wills and inheritance laws.

How you have worded your wishes in an online questionnaire, "will kit," or handwritten version and the things you missed thinking about can create huge problems. These potential problems provide a steady, lucrative business for lawyers to later sort out the mess that these documents create. Like many things, investing in quality product now prevents hardship and surprising costs later.

One of an estate advisor's most important roles is to ask many thoughtful questions so that what you want to happen can be properly described in your will. That takes time and expertise, but it helps to ensure that your wishes can be described in a legally effective way. They can also alert you to cost savings and other advantages of having truly useful documents to help you when you are alive but unable to act for yourself. These are called "Enduring Power of Attorney" for financial decisions and "Personal Directive" for other decisions, such as where you will live and what medical decisions are to be made. Without these documents, costs and delays can be extensive and come at a time when everyone involved is likely to be most unable to deal with them.

Consider what you pay in home and car insurance every year and then compare that to the cost of good advice to ensure that your will protects so much more than your home and car; it protects your business, all your other property and, most importantly, your family. You may never need to claim the insurance but one day, you will definitely need the will.

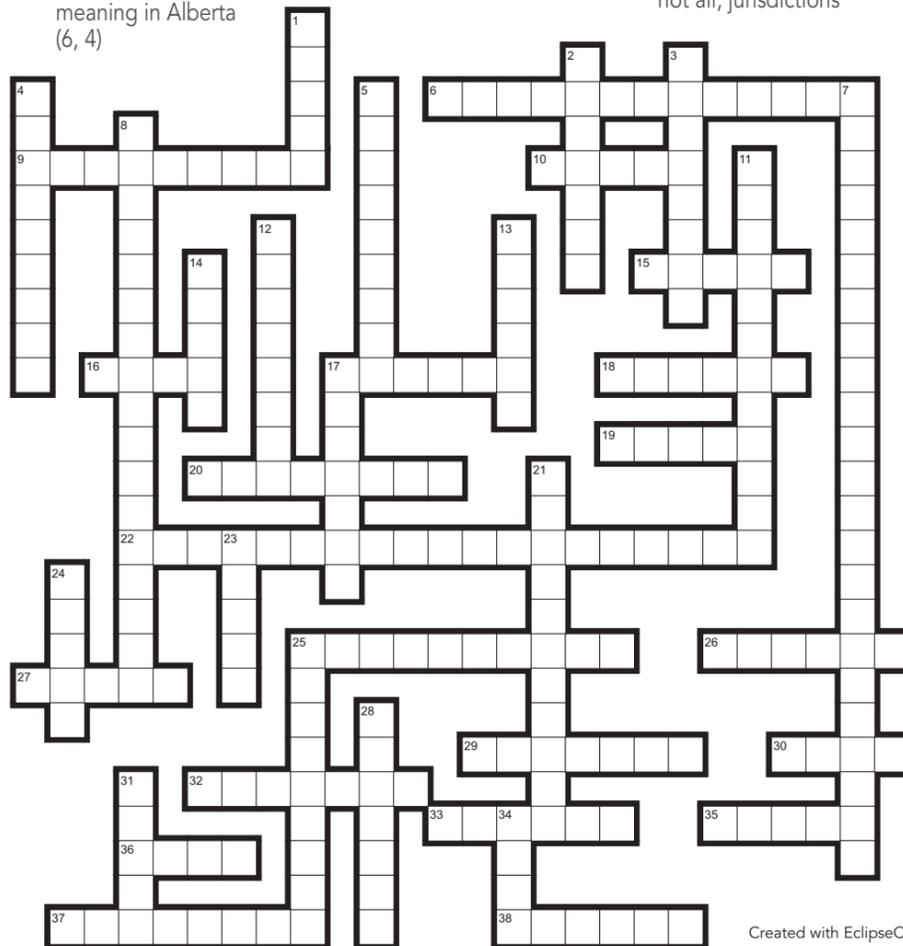


ACROSS

- 6. pays out on death (4, 9)
- 9. someone who needs you to provide the basics of life
- 10. authority
- 15. legally enforceable
- 16. most people don't _____ to fail, they fail to _____
- 17. ability to select
- 18. _____ wills have special rules for signing and witnessing
- 19. body that ultimately decides if a will is valid
- 20. an event that does not void an existing will
- 22. good source of philanthropy information (9, 10)
- 25. a term that has no meaning in Alberta (6, 4)
- 26. property distributed by your will
- 27. send or direct information
- 29. an organization that enhances our lives
- 30. attend to someone
- 32. provides a broad base of information to assist in making better decisions
- 33. prepares your will to be complete and valid
- 35. the worth of an asset
- 36. transferring property without expectation of return
- 37. appointed by an Enduring Power of Attorney (not necessarily a lawyer)
- 38. how you might be remembered in this world

DOWN

- 1. property or cash
- 2. a splitting up that DOES affect a will
- 3. a person who cares for children
- 4. a way of ensuring your charitable gift will keep on giving, virtually forever
- 5. valid will in some, but not all, jurisdictions
- 7. appoints someone to make financial decisions on another's behalf (8, 5, 2, 8)
- 8. appoints an agent to help you with medical and other non-financial decisions
- 11. the feeling you have after preparing your will
- 12. manages your estate as detailed in your will
- 13. on average, people with wills live _____
- 14. appointed by a Personal Directive
- 17. an amendment to a will
- 21. one who receives a gift through a will
- 23. a person under the age of majority
- 24. paid to the government at least annually
- 25. an obligation to pay money to another party
- 28. process to prove a will is valid
- 31. a just and legal claim
- 34. written document of your last wishes



Created with EclipseCrossword — www.eclipsecrossword.com

Find the solution at: ecfoundation.org/initiatives/wills-week

You will also find lots of other helpful information.

