

Your Digital Life

In her first book *"Your Digital Undertaker"*, written specifically for Canadians, Sharon Hartung, Captain (Ret'd), PEng, TEP, makes the point that "your digital life needs a will too". This includes both:

- digital access to your other assets (such as passwords), like bank/brokerage accounts, insurance, contracts and all other legal documents, funeral and burial planning and preferences, and all the online accounts that you use to manage your home (bill payments, etc.); and
- digital assets themselves, whether of financial or sentimental value.

Digital assets have been described simply as an electronic record stored in a digital format, such as your e-mail, photos you store on your computer or online, smart home services, loyalty points, electronic games, e-books, music/movie/software licences, electronic games, cryptocurrency or other blockchain based applications to name but a few. It is all well and good to leave your photo collection to your daughter, but if there is no way to access it or transfer it, she may never be able to enjoy it. The same holds true for other examples, not to mention questions about ownership, privacy and fraud prevention and other issues.

The following triage exercise considers:

1. relatively easy items for you to do such as creating an inventory
2. matters that require more effort like reviewing how you use digital access, how you secure your devices and how you manage your privacy and passwords, with a view to how difficult it will be for your executor to do that too.
3. matters that require the most effort and care so that valuable assets are not lost or remain invisible/inaccessible.

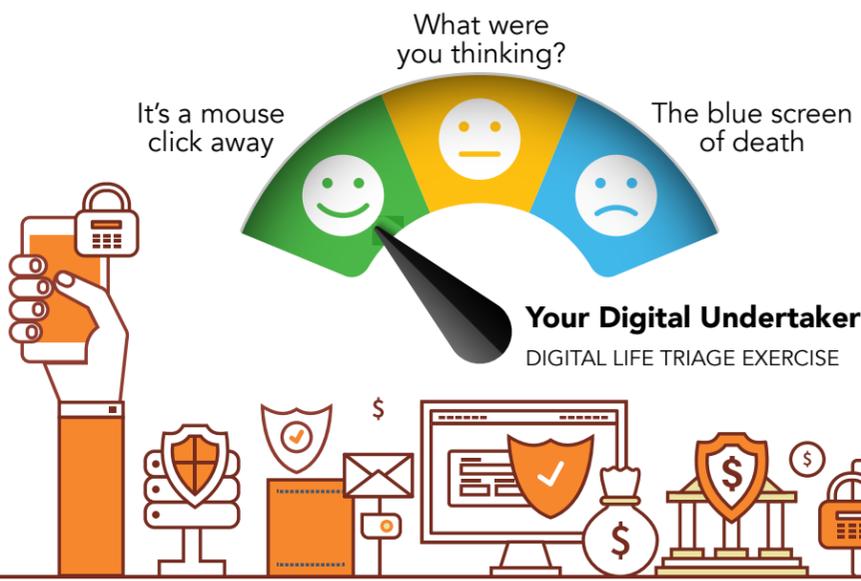


Table 1: Your Digital Undertaker – Digital Life Triage Exercise

	1.1	1.2	1.3	1.4
It's a mouse click or phone call away	1.1 Create a digital assets inventory, and engage legal advice.	1.2 Pre-plan: transfer, backup or shut down.	1.3 Pre-plan: select appropriate online options and tools.	1.4 The good old-fashioned way by contacting the provider.
What were you thinking?	2.1 The practical utility of it all.	2.2 Secure and manage digital access, like passwords.	2.3 Secure digital devices.	2.4 Privacy, security and confidentiality.
The blue screen of death	3.1 E-mail may not just be e-mail.	3.2 Review digital assets that have financial value with estate advisors.	3.3 Underlying assets (e.g., bank account) that should not be accessed online by the fiduciary.	3.4 What the future may bring.

Reprinted by permission under license. Copyright ©2022 Sharon Hartung. Sharon Hartung, Captain (Ret'd), PEng, TEP, the author of "Your Digital Undertaker: Exploring Death in the Digital Age In Canada (Amazon)", "Digital Executor®: Unraveling the New Path for Estate Planning (Amazon)" and coauthor of "Digital Asset Entanglement: Unraveling the Intersection of Estate Laws & Technology. (LexisNexis Discount Code: SHARON15)".

SESSIONS

Join us for FREE seminars on the importance of having a valid, up-to-date will. Session recordings will be available after at www.ecfoundation.org/initiatives/wills-week.

ESTATE PLANNING 101 – A GENERAL OVERVIEW

These sessions provide a general overview of things to keep in mind when preparing your estate plan and addresses common questions for wills and other documents that affect your estate. Even if you plan to tune into one of our theme-specific webinars, this overview provides great context and groundwork to better understand the specific issues addressed in those other sessions.

MONDAY, OCTOBER 3 – 1:30 - 3:00 PM

- Terwillegar Recreation Centre, 2051 Leger Rd NW

TUESDAY, OCTOBER 4 – 6:30 - 8:00 PM

- Northgate Lions Senior Recreation Centre, 7524 139 Ave NW

WEDNESDAY, OCTOBER 5 – 1:30 - 3:00 PM

- Westend Seniors Activity Centre, 9629 176 St NW

WEDNESDAY, OCTOBER 5 – 6:30 - 8:00 PM

- ONLINE session. Registration is required in advance. Visit www.ecfoundation.org/initiatives/wills-week

THURSDAY, OCTOBER 6 – 6:30 - 8:00 PM

- Telus World of Science, 11211 142 St NW

THE RIGHT TAX PLANNING COULD LEAD TO A BIGGER ESTATE

Planning to reduce or defer taxes is an essential part of estate planning and administration. This session will address many commonly asked questions and will present tax planning options for you to discuss with your family and advisors.

MONDAY, OCTOBER 3 | 6:30 - 8:00 PM – ONLINE

NO PLAN IS STILL A PLAN

Our panel will discuss their professional experiences of the unintended consequences when a person does not have a Will, Enduring Power of Attorney and/or a Personal Directive and explain how failing to plan results in a default estate plan which you might not be thrilled about! They will also discuss how the Adult Guardianship and Trusteeship Act applies to incapacitated individuals without Enduring Powers of Attorney or Personal Directives.

TUESDAY, OCTOBER 4 | 10:00 - 11:30 AM – ONLINE

NEW RULES OF PROBATE

Did you know that getting a grant of probate has changed? In this session, explore the new forms and learn about what's new in applying for a grant of probate. Plus, get a sneak peek into the Surrogate Digital System that is bringing the probate process into the 21st century!

THURSDAY, OCTOBER 6 | 10:00 - 11:30 AM – ONLINE

FIGHTING THE TERMS OF A WILL

Learn about the potential problems lawyers often see in estate disputes and how to avoid them *before* they happen. This session will include information about the formal requirements for a valid will, the use of will kits, family support claims, property owned jointly and how things like capacity and undue influence may affect the intention of a person making a will.

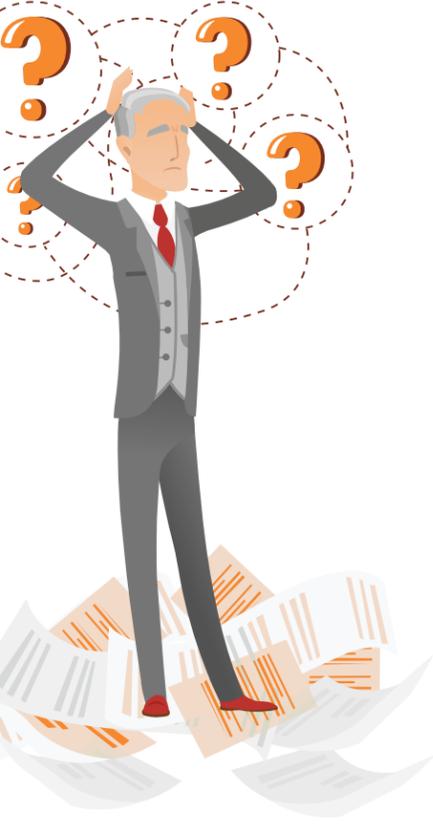
THURSDAY, OCTOBER 6 | 2:00 - 3:30 PM – ONLINE



PLEASE NOTE: Sessions are subject to change. For current details or to register for an online session, please visit www.ecfoundation.org/initiatives/wills-week



Avoid Problems Later – Have Powerful Conversations NOW



There are many reasons to talk to your family about your will, most importantly, *where is it?*

If your family or a trusted friend does not know where your will is, or if you even have a will, it will create problems for them and for your estate. The uncertainty leads to additional stress and expense at a terrible time when they're already dealing with grief.

If you haven't let your loved ones know where to find it, it's guesswork where to look for your will.

Believe it or not, wills have been found "under the passenger seat," in the freezer, or not found at all. Wills in a safety deposit box cause a circular problem. The bank may require the will in order to be able to open the safety deposit box (where the will is located).

Even if you do not wish to share the contents of your will, make sure someone knows where to locate it. However, it is also a good idea for a neutral person to know the contents of your will in case your will is lost (e.g., flood or fire). A wills and estates lawyer can suggest best practices for protecting your intentions.

It is also important to put together a list of what you own (and where) and maintain a list of your advisors (lawyer/banker/accountant) that can be easily found. Let at least two people know where you keep your list. Don't rely on people finding it on your computer.

If a loved one has died and you do not know where the will might be, connect with an experienced wills and estates lawyer to see what suggestions they may have.

If your will cannot be found, you will be said to have died 'intestate' and all of your well-planned, well-intentioned wishes will not be fulfilled. Harness your will power and to make sure it can be found.

WORD SEARCH | ESTATE PLANNING

M E R W V P Y P O W E R O F A T T O R N E Y Y J
 A X Z I L R O N I M A T P H N R I S S Q N M K X
 X Y F N A I D R A U G Y N V T G G M R F Z S G C
 O B V P Z E Q B Q M O X V E T J E M I Y M H S L
 D E A R W I L L Y I I K U C B X H D E F U X O Z
 Q G F O P T F I K S E T O U E Q U X M L U K I Q
 R R N P L M B X A W S S P C A C N R O W C D P C
 Y P Q E A P Z J A U E G U V I P F S L L K G Y W
 C A T R D K D B R A R T A A K D H Q C D D B F L
 J Y G T Z M L T F L O F R Z H J Q N O U T T X Q
 S R C Y L T J H Z R G Y Y O M W J E H W Y D Y L
 Z A A F I O D U A Q L M R E V O C A B L E O Z O
 U I A J O I N T T E N A N C Y P C K S J F F F G
 E C M R I L S F I E F B C P E T T D F U N S O P
 K I V S R Y V T S L U W K C A G N K D G K L R R
 J F A W D P H T G O F F Q Z C T E H I L L U I L
 U E R H A W A E J H P J V G V D M W J N I A G M
 G N B C U T H L S T H V Q C S D U V S Z C P I D
 P E Y W E Q P E Y C R G Y I X W C M X M I A N X
 F B H P Y O Z P V S N U I M R U O X X F D T A F
 V V L H N A W H L V J U S A Y R D G N G O Q L L
 A A I P X Z O S R M S E M T Q A R M H X C V F D
 N K H C Q B G Q C U A S I O E Y D Y O H W H E D
 F P Z D C J O Y L J E U Q E D E C E E A O M F M

Property	Executor	Guardian	Revocable
Will	Beneficiary	Fiduciary	Original
Document	Trustee	Trust	Codicil
Minor	Joint Tenancy	Estate Plan	Power of Attorney



ESTATE VOCABULARY

ADMINISTRATOR: The person or entity appointed by the court to administer an estate if you die without a valid will. An administrator can also be appointed when the will does not designate an executor or the designated executor cannot act and there is not an alternate named.

AGENT: The person given authority to act on your behalf under a personal directive.

ATTORNEY: The person or corporation (e.g. a trust company) given authority to act on your behalf under an enduring power of attorney. This is not a lawyer.

BENEFICIARY: The person or organization that receives a gift under your will or receives a benefit under a trust, life insurance policy or RRSP/RRIF/TFSA designation.

BEQUEST: A gift of property made in a will to a particular beneficiary.

CANADIAN REGISTERED CHARITY: An entity registered with the Canada Revenue Agency as operating exclusively for charitable purposes such as: helping people in need, education, health, recreation, environment, arts and culture. Gifts to Canadian registered charities in a will, life insurance, or RRSP/RRIF TFSA designation can result in significant tax savings so that you can choose where more of your estate is distributed.

CODICIL: A legal document to amend a will.

CONTINGENT BEQUEST: A gift in your will that takes place only if your first choice is not possible; such as when a person named as a beneficiary dies before you.

DEEMED DISPOSITION: When the Income Tax Act (for tax purposes) treats property "as if" it was sold. For example, when a person dies, there is a deemed disposition of the person's property.

DONOR: Under an enduring power of attorney, this is the person who names another person (the "attorney") to act on the donor's behalf.

A person who makes a gift to a charity during lifetime or in a will or other estate document.

ENDURING POWER OF ATTORNEY (EPA): A legal document created by you (called the "donor") to give someone else (called the "attorney" - please note that this is not a lawyer) the power to handle your financial matters during your lifetime. An EPA can be immediate or "spring" into effect when you lose the ability (temporary or permanent) to handle your own financial matters. On your death, it ceases to have any effect.

ESTATE: All of the property in which you have a right or interest.

EXECUTOR / EXECUTRIX (F): See "personal representative."

HOLOGRAPH WILL: A will written entirely in the handwriting of the testator, dated, and signed by the testator but unwitnessed. (Not a "fill in the form," online or typed document). Many problems have been caused by mistakes and omissions made in holograph wills.

INTESTATE: When a person dies without a valid will, the person is said to die "intestate."

JOINT TENANCY WITH SURVIVORSHIP: A form of property ownership where the property passes directly to the survivor(s) and is not part of the estate distributed by the will. Exercise caution when owning property jointly with someone other than a spouse, as this type of ownership can have unintended consequences.

LAST WILL AND TESTAMENT: See "will."

NAMED ENDOWMENT: A fund, named for the donor or another person the donor chooses to honour, that provides ongoing support to a charity or cause important to the donor. At Edmonton Community Foundation (ECF) fully operational endowment funds can be created during your lifetime or in your will with gifts amounting to \$10,000 or more. They can support any Canadian registered charity or charitable work described by the donor. Gifts of any amount may be made to any of the more than 1,100 existing funds at ECF.

PERSONAL DIRECTIVE: A document that appoints one or more people (called "agent") to make personal nonfinancial decisions for you when you are incapable of making them yourself. It can include palliative care decisions, and decisions about where you live, the activities you take part in, etc.

PERSONAL REPRESENTATIVE: A person, or corporation (e.g. trust company) named in the will to administer the estate (also called an "executor" or "executrix").

PROBATE: The court process of validating a will and administering an estate in accordance with the terms of the will.

PROBATE FEE: The amount charged by the courts to fulfill the probate process. In Alberta this fee is very reasonable. Currently the highest fee in Alberta is \$525.

POWER OF ATTORNEY: A legal document created by a person (the "donor") to give someone else (the "attorney"- not a lawyer) the power to handle his/her specific or general financial matters. For this document to be effective after the donor loses mental capacity, it must be an enduring power of attorney.

RESIDUAL BEQUEST OR RESIDUE: A gift in a will of all or a percentage of what remains of your estate after paying taxes, other expenses and specific bequests.

SPECIFIC BEQUEST: A gift in a will of a specific amount of money (a "legacy") or of particular property (e.g. a car).

TAX CREDIT: The amount that may be subtracted from the tax otherwise due. Gifts to Canadian registered charities during lifetime or in a will create a generous tax credit.

TESTATE: When the person who dies has a valid will, the person is said to die "testate."

TESTATOR: A person who dies with a valid will.

TRUST: An arrangement under which an individual (the "settlor") transfers property to a person or institution (the "trustee") to be managed for the benefit of one or more beneficiaries. Your will may include one or more trusts (e.g. for minor children).

TRUSTEE: The person or institution (e.g. trust company) that holds legal title to property in a trust and has responsibility for managing it on behalf of another person.

WILL: A document that directs how a person's property is to be distributed after the person's lifetime. It has no effect until the person dies. In Alberta it must be in writing and there are very specific signing requirements that apply (see also "holograph will"). If incorrectly prepared or incorrectly signed, unintended consequences result.

