

A

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.

B

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.

C

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.

D

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.

E

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. It ceases to have any effect on death.

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

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

H

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.

I

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

J

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.

L

LAST WILL AND TESTAMENT: See "will."

N

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.

P

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.

R

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.

S

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

T

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.

W

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.