

Will Planning Workbook



Why You Need To Plan Your Estate

One of the most important documents you will sign in your lifetime is your will. Yet often people put off the preparation of a will until it is too late. Strange legal language and uncertain costs can make this easy to postpone.

That is why the Shevchenko Foundation is pleased to provide you with this Will Planning Workbook. It will help you bring together an inventory of all your assets, and it will help resolve some of the anxiety or questions you might have about estate planning.

A will gives you the last word on what happens to your estate upon your death. You ensure the care of minor children or dependents. You help protect the value of your estate from unnecessary taxes or legal costs. You help minimize conflict among loved ones by telling them your wishes. And you can provide gifts to your loved ones and causes you believe in.

Whether you are revising your will or preparing it for the first time, completing this booklet before visiting your legal counsel will save you time and money. It will also help ensure that your personal wishes are respected. Keep a copy of it with your will. It will save your Trustee/Executor from carrying out costly searches for important details about your estate. More importantly, it gives you and your loved ones peace of mind.

What's a Will?

Your will is the cornerstone of your estate plan. It should be made early and revised regularly. A properly prepared will can save you and your family time, money, and grief.

Mental Competence

To make a valid will, you must be considered of sufficiently “sound mind” to appreciate:

- The act of making a will;
- The extent of your property;
- The identity of family or friends who should be considered as potential beneficiaries.

Mental competence may be impaired due to illness or advanced age, strong medication, or other factors. If competence is in question, a will should only be made by experienced lawyers who will assess their client's mental capacity, and properly document their reasons for proceeding.

Selection Of An Executor/Liquidator/Trustee

Your Executor is the person with whom you entrust your assets at the time of your death. They maintain and keep secure the estate's assets for distribution. You should confirm that the person you select is willing to act as your Executor. In case they predecease you, you may appoint an alternate in your will. You may also appoint more than one Executor to your will, allowing you to choose family members and/or professionals, to ensure familiarity with your assets as well as financial or legal expertise. If an Executor is not appointed in your will, the court will appoint someone to administer your estate (usually the spouse or the closest next of kin).

Personal Wishes

A will may contain your instructions for funeral arrangements or organ donations, although this is not always the best place for it. You can deal with these matters in a letter to the Executor that is kept with the will. Such instructions are merely an expression of your wishes. They are not legally binding on the Executor.

Pecuniary or Residual Gift

You have many options when deciding how to dispose of your estate. You may provide a beneficiary with a specific (pecuniary) gift of real estate, a gift of personal property, such as a family heirloom or personal library, or a gift of money. Those assets not distributed by way of a specific bequest represent the residue of your estate. Pecuniary and residual (in whole or in part) bequests may be transferred to any beneficiary, be it a family member, a friend, or charity.

Consider leaving a legacy in the form of a percentage of the total worth of your estate, rather than in absolute Canadian dollars. That way, the size of each individual legacy remains in proportion to the value of your estate.

Donations to registered charities such as the Shevchenko Foundation generate significant tax credits that can reduce the taxes the donor's estate may owe.

Amending Your Will

Once you have prepared your original will, it is always open for you to change your mind and amend its provisions. This may be done through a new will or by preparing a document called a codicil, which is then attached to your original will.

A sample codicil could take this form:

"This is a codicil made by me, [*your name*] of [*where you live*] dated [*today's date*] to my will dated _____. I leave the Ukrainian Canadian Foundation of Taras Shevchenko of 202-952 Main Street, Winnipeg, MB R2W 3P4 / Charity No. 11927 3472 RR001, a gift in my will of [*amount or % of estate or % of estate's residue*]. In all other respects, I confirm my said will."

Other Obligations

Any existing domestic contract (cohabitation, marriage, or separation agreement), shareholders' agreement, or partnership agreement may require you to make a will containing specific terms or provisions. Your will is also restricted by current legislation to protect spouses and dependents who have a right to a share in your estate.

If a will is properly prepared and executed according to law, it can lessen probate expenses (the cost of having your will confirmed as the most recent and authentic expression of your wishes).

In Canada, there is currently no succession duty (inheritance tax) upon death. So your beneficiaries will not have to pay tax on any legacy you leave them.

As for your estate - unless your assets pass to a spouse or a trust for the spouse - you are deemed to have disposed of all your assets on the date of your death. This might cause extra income tax to be payable under the tax return for the year of your death. For example, RRSPs and RRIFs are fully taxable in the year of your death, and capital gains taxes are payable on assets that have appreciated in value.

Income tax planning should be incorporated into the dispositions in your will.

If You Die Without A Will

If you die without a will, local law determines who receives your assets. The Probate Court will determine who the legal heirs are, and then appoint someone to distribute the estate.

Your surviving legally married spouse (if any) and other heirs chosen on the closeness of their blood relationship to you generally receive all your assets.

If you die without a will, no gifts will be made to friends, your church, or favourite charity. Your jointly held assets may pass to the surviving owner. A court appointed trustee may also have to post a bond - an additional cost to your estate

Review Your Will Regularly

Once made, a will should be regularly reviewed and revised to account for: significant changes in your personal assets; the death of your spouse or a change in your marital status; any change in the status of your dependents; any change in your residency or location of assets.

Some Points To Remember About Making Your Will

A properly executed and up-to-date will is the only legally recognized way to ensure your wishes are followed. If you have not made a will or have not kept it up-to-date, you should do so now. Think carefully about what people, needs, causes, or institutions you would like to have benefit from your will.

Consult a professional lawyer and/or estate planner to make sure your will is properly drawn up and provides you with the most favourable tax treatment. For a small fee, this will provide you and your loved ones peace of mind. Word your will clearly and specifically. Since times change, try to be flexible enough so your estate trustees are not locked into actions that may have become impossible or may require them to interpret your wishes.

Name an estate executor(s) whom you trust to carry out your wishes.

If applicable, make sure your spouse has a properly drawn up current will.

We encourage you to provide first for your loved ones, then consider a gift to the Shevchenko Foundation to ensure culture, heritage and tradition carry on for generations to come.

Helping Ensure a Strong and Viable Future for the Ukrainian Community in Canada Through Your Will

Here's why Kobzar Fellow, Lesia Szwaluk, chose to leave a gift in her will to the Shevchenko Foundation:

"As past Executive Director and someone who has spent my life volunteering in the community, I know first hand the impact the Shevchenko Foundation has made towards building a stronger Ukrainian Canadian culture and heritage in Canada. That's why I have left a gift in my will to the Shevchenko Foundation – because it means I will continue to be part of the work they do, and future generations of Ukrainian Canadians will forever benefit from my support, even when I am no longer here. I encourage everyone to do the same".

Your will enables you to provide for your family and loved ones. It is also an opportunity to help in the advancement of a flourishing Ukrainian community for the enrichment of Canada. We hope you will consider including the Shevchenko Foundation in your estate plans. Our staff can help you make a gift that is appropriate and tax-effective in wills, or life insurance. Please call 1-866-524-5314 or email donna@shevchenkofoundation.ca if you have any questions, or if you want assistance in completing this guide.

This Will Planner is to help you prepare for questions the lawyer will ask at your appointment. Thinking about and completing these questions before your appointment will help to save time and make the process more efficient.

_____ Date of Birth: ____/____/____
Your name (please print above)

Address

City, Province, Postal Code

_____ Email

Marital Status: Single Engaged Married Separated Divorced Widowed Remarried

_____ Date of Birth: ____/____/____
Your partner/spouse's name (please print above)

Address

City, Province, Postal Code

_____ Email

Marital Status: Single Engaged Married Separated Divorced Widowed Remarried

_____ Date of Birth: ____/____/____
First child's name (please print above)

_____ City : _____
Address

Province, Postal Code

_____ Marital Status

Relationship to you

_____ Date of Birth: ____/____/____
Second child's name (please print above)

_____ City : _____
Address

Province, Postal Code

_____ Relationship to you _____ Marital Status

_____ Date of Birth: ____/____/____
Third child's name (please print above)

_____ City : _____
Address

Province, Postal Code

_____ Relationship to you _____ Marital Status

_____ Date of Birth: ____/____/____
Fourth child's name (please print above)

_____ City : _____
Address

Province, Postal Code

_____ Relationship to you _____ Marital Status

Do you have a will? Yes No _____ Date of your current will: ____/____/____

Location of your will

Does your spouse/partner have a will? Yes No _____ Date of spouse/partner's current will: ____/____/____

Location of spouse/partner's will

List Your Assests

Cash (savings, checking accounts)	\$
Stocks, Investments, Mutual Funds, Bonds	\$
Real Estate - Your Home	\$
Real Estate - Other Property or Land	\$
Personal Assests (vehicles, jewelry, furniture, collections)	\$
Life Insurance	\$
Annuities	\$
Retirement Benefits (pension, etc.)	\$
Other	\$
Total Assets	\$

List your Liabilities

Mortgage	\$
Loans	\$
Current Bills (department store, credit cards, other charges)	\$
Other Liabilits	\$
Total Liabilities	\$

Assets less liabilites = estate value

\$

Who Gets What?

Now that you've determinded which assets comprise your estate and their values, you need to indicate who you want to inherit your assets.

Bequests to spouse

Description of asset or percentage of estate

Name/Relationship/Address

To other beneficiaries

Description of asset or percentage of estate

Name of Beneficiary/Relationship/Address

To charitable organizations

Name and address of charitable organization

Percentage of net estate

Dollar amount

<hr/>	<hr/>	<hr/>
	% OR \$	
<hr/>	<hr/>	<hr/>
	% OR \$	
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	% OR \$	
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	% OR \$	

Residue of estate

Name and address of charitable organization

Percentage of residuary estate

<hr/>	<hr/>
	%
<hr/>	<hr/>
	%
<hr/>	<hr/>
	%

Name and address of other beneficiaries

Percentage of residuary estate

<hr/>	<hr/>
	%
<hr/>	<hr/>
	%
<hr/>	<hr/>
	%

Choice of Executors

Choosing an executor is one of the most important decisions you'll make when you're preparing your will. Choose someone who is willing and able to carry out the many required tasks.

Name of Executors: (1) _____

(2) _____

Address of Executors: (1) _____

(2) _____

Relationship to you: (1) _____

(2) _____

Passwords:

First product/service, account name, user name or account number/password (please print above)

Second product/service, account name, user name or account number/password

Third product/service, account name, user name or account number/password

Fourth product/service, account name, user name or account number/password

Funeral & Burial Instructions

I have made arrangements to donate the following organs:

I have pre-arranged my funeral at Funeral Home:

Memorial gifts (in lieu of flowers) to:

Glossary

Administrator

The person appointed by the Court to make sure your estate is divided fairly if you die before making a will, or if your estate trustee is unwilling or unable to act in such a capacity.

Assets

Things a person owns, including property, money, and investments.

Benefactor

A person who gives money through a will, insurance policy, or other means.

Beneficiary

A person or organization who inherits or receives part of your estate.

Bequest

A gift of personal property by a will.

Codicil

A signed document that adds to or modifies your will.

Estate

A person's holdings in real and personal property.

Executor

The person you appoint in your will to make sure your wishes are carried out.

Intestate

A person who dies without a will.

Legacy

A gift contained in a will and an estate executor is directed to transfer the property (cash or real property) to the named beneficiaries.

Probate

Official examination by the courts to prove the will is valid

Residue

The money and property that remains after all debts, taxes, expenses and any other legacies have been made.

Testator (male) and Testatrix (female)

A person who makes a will.

Glossary (con't)

Trust

A part of your estate that is set aside in your will for a beneficiary.

Trustee

A person you appoint in your will who will look after a Trust Fund.

Will

A legal document that says what you want done with your estate, or property after you die.

What is the Kobzar Fellowship?

Kobzar Fellowship members are people who believe in the mission and vision of the Shevchenko Foundation.

It is a program designed to recognize and thank individuals who have included the Shevchenko Foundation in their estate plans by designating a gift to the Foundation. The Kobzar Fellowship is a way of paying tribute to the generosity and foresight of those who make this simple gesture now, knowing that it will mean many lifetimes of support for the efforts of their children, their grandchildren, and all others who recognize the value of developing and supporting Ukrainian culture and heritage.

Each inducted member will receive a special lapel pin, which is worn only by members of the Kobzar Fellowship, and their name will be included in the Annual Report as well as on the website. There is no minimum amount. Any gift included in your bequest allows you to become a member in the Kobzar Fellowship.

Plan now for the satisfaction of knowing that you have already arranged for your special gift for the development of Ukrainian culture and heritage in Canada. **The spirit of your gift will endure forever.**

For more information, or to arrange a confidential meeting, please write, call or email:

Donna Korade
Development Officer
Shevchenko Foundation
202-952 Main Street, Winnipeg, MB R2W 3P4
1-866-524-9128
donna@shevchenkofoundation.ca
www.shevchenkofoundation.com

The information contained in this booklet is not intended as legal or financial advice. For this, please consult with your legal advisor