



WILLS WORKBOOK

**A manual to assist you in putting your personal affairs in order,
including possible legacy stewardship,
in thanks to God for the gifts and blessings given to you.**

***Sponsored by the Planned Giving Sub-committee
Diocese of Eastern Newfoundland and Labrador
Anglican Church of Canada***

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Will Workbook

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Introduction

*“Watch therefore for you do not know on what day the Lord will come.”
(Matthew 24:42)*

Jesus' words may seem a warning to some, but for those who are prepared, they are words of assurance that He will come and will reward our faithfulness. Preparation, true spiritual preparation, encompasses every aspect of our lives: our spiritual lives, our business lives, our community lives, our family lives, and our personal lives. Each of us is expected to keep his or her house in order and to plan for the future. Those are the subjects of this booklet. We hope it will be useful.

At the time of a person's sudden illness or death, family members or friends are often faced with the need for specific information. It is extremely helpful for them to have access to a record of insurance papers, marriage and birth certificates, bank account numbers, investments, etc.

For married couples, each spouse should compile separate information and prepare separate documents, although many of the materials will be the same. This booklet can help you make decisions about what is to happen to your assets and your corporal self at the time of incapacitation or death. It also provides a place to make and keep a record of the information others would need. Review the information periodically, preferably with the person(s) who must use the information.

We suggest that you make one or more copies of the information sheets after completing them. Keep one copy with important papers and put others in sealed envelopes and give them to trusted persons.

Some people keep one copy in a plastic bag in the refrigerator for easy access. These instructions are not legally binding, but show the intent of the person signing the form as of the date signed.

Ordering Your Affairs

A. WHAT IS A WILL?

A Will is a written document in which you indicate your wishes about how your estate will be distributed upon death. It tells WHO will receive WHAT, and WHEN they will receive it, and HOW things will be managed before they receive. A Will must be VALID before your wishes can be followed. A Will is absolutely essential as an important way to ensure your wishes are carried out after your death. Make it a priority to have an up-to-date Will. It lays the foundation for your entire estate plan

B. WHAT IS A VALID WILL?

A Will is valid, or recognized by law, in Newfoundland and Labrador when it complies with the Wills Act RSNL. These rules govern WHO can make a valid Will and HOW a Will must be executed (properly subscribed, signed, and witnessed) to be valid. If a Will does NOT follow these strict rules, it may be INVALID, which means that the person will be declared upon death as having died INTESTATE, i.e. without a Will.

C. WHO CAN MAKE A WILL?

If you are 17 years of age or older, you can make a Will in Newfoundland and Labrador. There are some exceptions to this rule, for example sailors or fishers may dispose of their property while at sea. allowing younger persons to make a Will if they are married or are members of the Armed Forces.

D. HOLOGRAPH WILLS

Newfoundland law does recognize holograph Wills. A holograph will is one written by the testator himself or herself, usually in handwritten form, and signed without witnesses. However, it is preferable to have your will drawn up by a lawyer to ensure that it complies with the requirements of the Wills Act and other legislation that could impact upon your will.

E. WHAT HAPPENS IF YOU DIE WITHOUT A WILL

If you die without a will, you die INTESTATE. The following table shows what you lose control over and what will happen instead, in general terms, concerning intestate estates.

WHAT YOU LOSE	WHAT WILL HAPPEN INSTEAD
You can NOT select an estate trustee.	The COURT will appoint an estate trustee called the Administrator.
You can NOT elect to waive the requirement for the estate trustee to act without a bond.	Your ESTATE PAYS the cost of bond fees for the administrator.
You can NOT select the guardian for your minor children.	The COURT appoints the guardian.
You lose control over management of your minor children's share of your estate	The shares of minor children are paid INTO COURT and held in trust until they reach 19 years of age.
You lose the less-expensive method of probate.	You generally pay MORE for the process of administration than for the process of probate.
You lose the ability to plan for greater	You will likely pay more TAXES than

WHAT YOU LOSE	WHAT WILL HAPPEN INSTEAD
tax savings.	necessary.
You lose the power to choose WHO will be your beneficiaries, WHAT exactly each will get, and WHEN they get it.	The GOVERNMENT dictates by legislative rules WHO gets WHAT and WHEN they get it.
You lose the power of distributing something to persons outside your family.	The GOVERNMENT decides what your family gets. No one else.
You lose the choice of making a gift to your church or other charity.	Your church or favorite charity will get NOTHING from your estate.
You lose the power of giving your estate trustee your choice of powers to invest and manage assets before they are distributed.	The GOVERNMENT dictates to the Administrator what assets are kept and how to manage them, and what assets must be sold, according to legislated rules and not according to market conditions.
You lose the ability to make your wishes known and followed.	The GOVERNMENT decides everything.

Make sure you have a current Will. Review your own values about property and stewardship in life and death. Learn as much as you can about legal consequences to consider in estate planning. And encourage others to do the same. Before you plan a seminar for your own parish, attend two or three estate planning seminars. You will not only learn something for yourself but you will also get ideas on how your parish can structure and sponsor seminars.

F. INCAPACITY BEFORE DEATH

Your Will has no effect until your death. It has no power to deal with circumstances if you become mentally incapacitated while living. We all face the risk of incompetence, no matter what age we enjoy. An accident could impair us for life. As we get older, other factors such as disease and physical degeneration increase the risks.

A document called a **Power of Attorney** allows you to appoint someone as your Attorney to manage your affairs if you are not able to do so. It grants a lot of power, so you must appoint someone you trust implicitly. You do not want someone who might abuse the power and use your property for their own gain while you are vulnerable. Power of Attorney documents can vary widely – it is best to have a lawyer prepare one for you. The usual rule in law is that a Power of Attorney expires (becomes null and void) if you become incompetent at a later date. However, a professional can ensure that it will continue despite the onset of incompetence.

If you do not have a valid Power of Attorney and you become incompetent, a family member may apply to the courts for an order to be appointed as a Committee (pronounced com-mit-TEE). The Committee has broad powers to manage your

affairs. However, because you did not make the appointment, the Court and the Public Trustee both play significant roles to oversee the appointment. An application for committee ship is much more expensive than granting a Power of Attorney, and involves a high degree of government involvement. If you have someone in your life that you trust to take care of your affairs if you were not able, the Power of Attorney is an important part of your estate plan.

Organ or Body Donation

You may have some ideas about donating organs or your body for the functional or medical use of others. These ideas need to be discussed with your family and stated clearly, in writing.

Once you have made a Will, tell your executor where you keep your Will and other important documents. S/he will need to access this information immediately on your death.

Use this booklet to develop your funeral plan and discuss your wishes with your executor and family

***The rubric from the Book of Common Prayer reminds Anglicans
“. . .to liberally give alms to the poor.” (p. 714, 1959)***

This offers you a threefold opportunity: (1) to support your church,; (2) to continue to give life to the areas of the church community you care about; and (3) to make a witness to your family and friends of what was important and valuable in your life.

Christian Preamble *Witnessing to one's faith while doing estate planning*

A Christian Preamble to one's Will allows one to share his/her faith with family and friends. Through this personal statement of faith, you can deliver an important message to those you love the most. This message of faith will be delivered at a time of grief and loss and will serve to invite friends and family to place their trust in Jesus Christ, just as the person who sent the message did. The preparation of a Will or estate plan should begin with prayerful consideration.

The Christian Preamble may read:
I, _____, of the City of _____, and Province of _____, being of sound mind and memory and being under no restraint, do make, declare and publish this my last Will and Testament, hereby revoking all Wills and Codicils heretofore made by me. In thanksgiving to God for the gifts of life,

and for the many blessings which God has showered upon me; and in thanksgiving to God for the gifts of faith and hope through Jesus Christ; and in thanksgiving to God for the gifts of nurture and love through the Church where I have shared faith and fellowship; I now commend my loved ones to grow in this same faith, being true to their Baptism, knowing

that God will continue to provide for them in their lifetime; I encourage them to place their faith and trust in our Lord and Savior.

I therefore ... (then the particulars of the Will would follow, leaving gifts as desired to family and friends, but also articulating the gifts left to various Church ministries and charitable causes.)

Some people also use language such as the following as they make gifts to support various ministries:

I faithfully respond with a decision to (use any of the suggested wordings

below to specify how to make your gift.) This gift is an expression of my thanksgiving and stewardship, with the hope that it will help strengthen and extend the ministries of Jesus Christ in the life of the Church.

Others may wish to communicate much the same message in their own words. And some insert something about their own history with their church or other organization(s) they support through a bequest in their Wills. Working with your lawyer, please use whatever seems appropriate to you.

Suggested Bequest Wordings

The Diocese of Eastern Newfoundland and Labrador and its parishes and related groups are pleased to provide the following suggested bequest wordings for your lawyer to use in drawing up your Will. Your lawyer should help you determine which may be right for you. Regardless of the specific wording used, it is important that the proper legal name of the entity be used. You may obtain the proper name of your parish from its office or from the Diocese if you wish to make a bequest directly to your own parish. To leave a bequest to the Diocese use the name "Diocese of Eastern Newfoundland and Labrador". (This term may also be used if you wish the Diocesan Office to receive and/or manage funds to benefit a parish.) If you wish to make a bequest to benefit a specific program affiliated with the Diocese (e.g. Lavrock, Queen's College, Mission to Seafarer's, etc.), please contact the Diocesan Planned Giving/ Stewardship Office or the Business Administrator for the proper legal name.

You may make a bequest in one of several ways. Here are some examples, with the appropriate wording:

A general bequest is for a certain dollar amount of property, usually cash: e.g.,

I give to The Diocese of Eastern Newfoundland and Labrador the sum of \$_____ to be used for the general purposes of the Diocese at the discretion of the Diocesan Council.

A specific bequest directs that the Church is to receive a specific piece of property: e.g.,

I give 500 shares of XYZ stock to The Settlement Fund of the Diocese of Eastern Newfoundland and Labrador.

A residual bequest designates all or part of what remains after debts, taxes, expenses and other bequests have been paid: e.g.,

I give 50 per cent of the rest, residue and remainder of my estate to Queen's College

A contingent bequest takes effect only under certain conditions: e.g.,

In the event that my spouse does not survive me, I give to The General Synod of The Anglican Church of Canada the sum of \$___.

Not only can you choose how to make a bequest, you can also choose one or more purposes such as Parishes, parish ministries, Dioceses etc. for which it will be used. While most bequests to The Anglican Church of Canada are for its general purposes (as in the first example), you may also make a restricted bequest for a particular program or ministry. Subject to church policies, you may specify that the principal of your bequest be held as an endowment from which only the income is spent, or you can establish a fund in your name, or the name of a family member, friend or colleague, as a thanksgiving offering or as a memorial.

A Power To Vary clause is a good idea where a bequest is intended. It gives the Church the power to use your gift for a different purpose in the event that the original purpose is no longer possible and/or necessary.

Loving Letter

A Will is a legal document that lets you direct the distribution of your material assets. Often it is also the last communication from you to those you love. In order for you to leave a warmer last communication, we suggest that you also prepare one or more "loving letters" (or audiotapes, videotapes, computer disks, etc.) to say the loving things you would like your family and friends to know. These should be kept with the Will in a sealed envelope and reviewed and updated whenever the Will is reviewed and updated.

WHAT IS PLANNED GIVING?

Planned giving refers to gifts made from assets accumulated during one's life rather than writing a cheque from current income. Usually these gifts are part of an overall estate plan. Planned gifts are typically made by:

A Will

Providing for family, the church and other loved ones through a bequest in one's Last Will and Testament. For more information ask for our helpful Wills & Bequest Brochure.

Gift Plus Annuity

The Gift Plus Annuity allows a donor to make a charitable donation, increase income for life, lower income taxes, and avoid future investment concerns through a lifetime annuity. In exchange for your gift, The Anglican Church of Canada buys you a lifetime annuity from a licensed insurance company. The amount of your annuity payment depends on your age and the size of your contribution, but the rate will usually be quite a bit higher than what you now get from your investments, and it is fully guaranteed. It will continue as long as you live, no matter what happens to the economy or to interest rates. For more information, ask for our helpful Annuities, Trusts, Securities Brochure.

Life Insurance

Gifts of life insurance truly make an impact on ministry, often for a very small payment. Donors who want to really make a difference to the lives of people in their faith community choose the gift of life insurance to create that impact because they are able to give significantly larger gifts than they might otherwise be able to make. You can write new insurance or

use paid up policies that are an idle asset to create a win/win situation for your financial and estate tax planning and for the Anglican Church. For more information, ask for our helpful Life Insurance Gifts Brochure.

Charitable Remainder Trust

Unlike a future bequest in your will, for which you get no tax benefit now, a charitable remainder trust provides you with a large donation receipt in the year you make your gift and you'll also continue to receive the trust income for life. On your death, the trust asset goes to the church. You can use cash, securities or real estate to fund a trust gift to the Church. For more information, ask for our helpful Annuities, Trusts, Securities Brochure.

Appreciated Securities

When you donate appreciated securities to the Church, you get a tax receipt for the full market value of the gift and only pay tax on 25% of the gain derived from gifting the securities. It is the most tax-effective way to make a donation. For more information, ask for our helpful Annuities, Trusts, Securities Brochure.

Retirement Plan Gifts

It is now possible to leave your RRSP or RRIF surplus to the church — tax free. Ordinarily the surplus, at death, is taxed as income — often at the highest marginal tax rate. By designating your parish or the diocese as beneficiary, you will be creating a significant gift and eliminating the tax payable on death. Probate fees and will challenges are also avoided by choosing this option. Contact the planned giving office for assistance with retirement plan gifts.

A Letter Regarding My Final Arrangements

To Whomever Takes the Responsibility for My Final Arrangements

In calm recognition of the inevitable, I have given thought to my personal wishes concerning my final arrangements. I feel that the effort I have made to pull information together and state my wishes will minimize the emotional strain on my survivors. I do not wish them to be burdened by the great pressures of having to make immediate decisions on matters that inescapably must be made then if I do not make them now.

Difficult though it may be for me to set this down, I feel that my loved ones would find it more difficult to make the decisions with no indication of my specific wishes.

Though these wishes may not be legally binding, I trust that they will help my survivors avoid confusion, extra expense, or at the least any self-reproach that might arise because of doubts, omissions, or commissions.

Signature _____ Date _____

Your name: _____

Your address: _____

Your city/province/postal code: _____

The Funeral Liturgy

Remembering all those wretched funerals I have attended and also the truly beautiful and inspiring ones, I make the following plans. I wish my service to reflect my life, faith, and love.

“The liturgy for the dead is an Easter liturgy. It finds all its meaning in the resurrection. Because Jesus was raised from the dead, we too, shall be raised.

The Liturgy, therefore, is characterized by joy, in the certainty that ‘neither death, nor life, nor angels, nor principalities, nor things present, nor things to come, nor powers, nor height, nor depth, nor anything else in creation, will be able to separate us from the love of God in Christ Jesus our Lord.’

This joy, however, does not make human grief unchristian. The very love we have for each other in Christ brings deep sorrow when we are parted by death. Jesus himself wept at the grave of his friend. So, while we rejoice that one we love has entered into the nearer presence of our Lord, we sorrow in sympathy with those who mourn.”

The Book of Common Prayer, Episcopal Church

(When possible, it is suggested that you fill out the following in consultation with your clergy, providing a copy of these instructions for the church.)

“The family and friends of the dead person are encouraged to consult as early as possible with the priest or other person responsible in their parish, as well as with the undertaker who may be involved, to plan the various events which will constitute the funeral.”

The Book of Alternative Services, Page 568

Circumstances permitting, I wish my Burial Service to take place at:

_____ Church

Address _____ City/Postal Code _____

My first choice of Celebrant: _____

My second choice of Celebrant: _____

The service shall be “The Funeral Liturgy” from:

The Book of Alternative Services: ___ Form I or ___ Form II

The Book of Common Prayer: The Order for the Burial of the Dead.

___ I request the Funeral Liturgy only to be read

___ I request the Funeral Liturgy and Celebration of Eucharist be done

I request a Graveside Service: YES NO

Suggested pallbearers:

- 1. _____
- 2. _____
- 3. _____
- 4. _____
- 5. _____
- 6. _____

If possible, I would like to have the following Psalms and Lessons. For suggestions, see *The Book of Alternative Services, pages 604-605.*

I would especially like the following hymns:

- 1. _____
- 2. _____
- 3. _____
- 4. _____

Memorials

(Policy regarding acceptance of flowers within the church buildings may vary. Instead of sending flowers, many prefer to make a more lasting memorial. Most parishes have both a general memorial fund and a building fund, as do many other charities. Memorial gifts may also be made to the Diocese of Eastern Newfoundland and Labrador special programs and ministries of the Diocese of Eastern Newfoundland and Labrador.)

If you so desire, please indicate where you would like to have such contributions made:

- 1. _____
- 2. _____
- 3. _____

Burial Information

I prefer to be: 1. Buried (Ground Crypt) or Cremated
2. Before or after the funeral.

Disposal of Ashes: (name a favourite place where you may wish your ashes spread.)

Location of cemetery lot deed, crypt deed, columbarium contract:

I have made arrangements to have certain parts or all of my body donated to:

Repatriation: If I die outside Canada, repatriate my remains: YES NO

Funeral Home to use: _____

CASKET specifications: Least expensive Mid-range Elaborate Rental Only

URN specifications: _____

VIEWING:

I ___ do / ___ do not wish to have my casket open at the Funeral Home Church.

My jewelry should be left on, removed.

Burial Dress: _____

Monument: Stone Plaque

Inscription: _____

Other information for my survivors:

Signature

Date

Information For My Family and Friends

Final Directions and instructions upon the death of:

Name

Date

(File this information where it will be found easily upon your death. It is suggested that you also file this with your local church or your lawyer, and notify your heirs that the form has been completed for their information.)

Name (Complete) _____

Address: _____

Birth Date: _____ Place of Birth: _____

Baptism Date: _____

Spouse's Name: _____

Spouse's Address: _____

Spouse's Birth Date: _____ Spouse's Place of Birth: _____

Spouse's Baptism Date: _____

Church Affiliation: _____

Name and Address of Home Church: _____

Father's Full Name: _____

Birth Date/Place: _____ Living? Yes No

Mother's Full Name: _____

Birth Date/Place: _____ Living? Yes No

Names, addresses, and phone numbers of living brothers and sisters:

1. _____
2. _____
3. _____
4. _____

Names, addresses, and phone numbers of living children:

- 1. _____
- 2. _____
- 3. _____
- 4. _____
- 5. _____

(We also recommend keeping an up-to-date address and telephone book. This can be a big help in notifying others in times of emergency.)

Location of Book _____

Names, addresses, and phone numbers of other persons to notify upon my death:

- 1. _____
- 2. _____
- 3. _____
- 4. _____
- 5. _____

The following nearby person (s) has agreed to care for my:

Family temporarily: _____ Phone: _____

Pets temporarily: _____ Phone: _____

My Occupation: _____

Employer (Name & Address):

Social Insurance Number: _____

MCP Health Card Number: _____

Canadian Forces Service?: YES NO Entitled to Veteran's Benefits: YES NO

Service Branch Contact: Phone:

Personal Representative's name and address:

- 1. _____
- 2. _____

Last Will Executed on: _____ Will is located at _____

Executor's name and address:

- 1. _____
- 2. _____
- 3. _____

Enduring Power of Attorney's name and address:

- 1. _____
- 2. _____

Bank Accounts/Savings Institution Accounts/Other Income-Producing Accounts:

<i>Name of Institution</i>	<i>Type</i>	<i>Account Number</i>
1. _____		
2. _____		
3. _____		
4. _____		

Joint Accounts:

<i>Name of Institution</i>	<i>Type</i>	<i>Account Number</i>
1. _____		
2. _____		

Safe Deposit Box Number & Location: _____

Location of Safe Deposit Box Key: _____

Other Key Holders?: _____

Key Advisors (Names/Address or Phone)

Clergy: _____

Lawyer: _____

Accountant: _____

Investment Counselor: _____

Estate/Financial Planner: _____

Trust Company/Officer: _____

Insurance Agent: _____

<i>Life Insurance Co.</i>	<i>Amount</i>	<i>Certificate #</i>	<i>Beneficiary</i>
1. _____			
2. _____			
3. _____			
4. _____			

RSPs, RRIFs, Pensions:

<i>Company</i>	<i>Account Number</i>	<i>Beneficiary</i>
1. _____		
2. _____		
3. _____		
4. _____		

Credit and charge accounts:

<i>Company</i>	<i>Account Number</i>

Organizations/Associations/Societies/Unions/Lodges/Professional Association, etc. (include office or position--past/present, and check if organization is to be notified).

<i>Organization Notify:</i>	<i>Yes/No?</i>

Regarding disposition of personal effects (clothes, jewelry, paintings, etc.) unless otherwise specified in Will: *(Note: this list expresses your preferences but has no legal standing; in your Will you may incorporate by reference such a list to make it legally binding.)*

<i>Article</i>	<i>Beneficiary</i>
<hr/>	<hr/>

Since the survivor will be faced with many problems, the following additional documents may be necessary in establishing rights to insurance, pensions, Social Security, ownership, relationship, etc. Indicate location for each item listed.

(H) Home (D) Safe Deposit Box (O) Office (A) Lawyer

- | | |
|---|---|
| <input type="checkbox"/> Marriage License | <input type="checkbox"/> Legal proof of age/birth certificate |
| <input type="checkbox"/> Citizenship papers /passport | <input type="checkbox"/> Survivor's Pension Information |
| <input type="checkbox"/> Bill of Sale for car/title, reg. | <input type="checkbox"/> Stocks |
| <input type="checkbox"/> Bank books /Interac Card(s) | <input type="checkbox"/> Will |
| <input type="checkbox"/> Deeds to property | <input type="checkbox"/> Insurance Policies |
| <input type="checkbox"/> Income tax returns,
receipts/canceled cheques | <input type="checkbox"/> Representation Agreement |
| <input type="checkbox"/> Power of Attorney | <input type="checkbox"/> Military Discharge Papers |
| <input type="checkbox"/> Automobile Information | <input type="checkbox"/> Other _____ |

Liturgical Resources

PRAYERS FROM THE BOOK OF ALTERNATIVE SERVICES

<i>Anniversary of a baptism</i>695	<i>A prayer for Grace and Faith</i>131
<i>Anniversary of a marriage</i>696	<i>A Prayer for Guidance</i>131
<i>For celebration</i>696	<i>A Prayer for peace</i>130
<i>For reconciliation in a home</i>697	<i>For the Aged</i>682
<i>For the poor and neglected</i>681	<i>A Prayer of Christian Life</i>682

Planned Giving Resources

You Can't Take it With you: The Common Sense Guide to Estate Planning for Canadians
by Sandra E. Foster, 4th Edition, John Wiley & Sons, 2002, ISBN: 0-470-83156-1

Estate Planning Workbook, A Companion to "You Can't Take it With You"
by Sandra E. Foster, John Wiley & Sons, 2002, ISBN: 0-470-83177-4

The Canadian Guide to Will & Estate Planning, 2nd Edition
by Douglas Gray & John Budd, McGraw-Hill Ryerson, 2002, ISBN: 0-07-0894396

Planned Giving Office Brochures & Publications

Wills & Bequests Brochure
Life Insurance Gifts
Annuities, Trusts, Securities Brochure
Endowment Brochure
Residual Interest Gifts Brochure

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