



WILL & POWER OF ATTORNEY CONSULTATION

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BARRISTER & SOLICITOR**

Introduction & Identification

1. Collect and review information forms client has filled out for consultation, if not already sent in.
2. Obtain and explain need for identification and obtain copy of Driver's License

Purpose of Consultation

(Explain What this Consultation Hopes to Achieve)

- To obtain client's instructions to draft Will and Powers of Attorney
- To answer client's questions
- To advise client with respect to Will, the Powers of Attorney and Estate Planning concepts
- To finalize obtaining all necessary information
- To confirm LSP's process to finalize
- To review client's "To Dos" and follow up checklist

What a Will Does

- Decides who gets what assets or what part of the estate
- Decides at what age beneficiaries receive their bequest
- Decides who looks after the estate and who looks after the trust for minors
- Suggests who would be custodians of minor children
- Suggests the mode of burial

Asset Information

Reasons to obtain asset information

- Starting point to help locate assets on death
- Explanation of the problem
- Advice re pages in the manual

Confirms competency

- Explain law of competency
- Obtain monetary values if competency might be an issue

Simple Probate Planning

- Joint accounts, naming beneficiaries
- Suggested changes

Decides whether more complex tax planning is needed

- What are rough value of assets

Finalize Asset Information Form

- Review form and make sure it is complete

Beneficiaries

Review the client's suggested beneficiaries

- Record beneficiaries and their bequests

Explain who would normally be the beneficiaries (if there was no Will)

If suggested and normal beneficiaries are different, obtain explanation from client as to why

Decide if medical competency report needed for why beneficiaries are different

Ensure there are alternate beneficiaries

- Explain the need for alternates including Rule of Saunders v. Vautier
- Record alternate beneficiaries and their bequests

What age are the children and grandchildren to receive their bequests

- Explain how Trust would work for children
- Record ages beneficiaries obtain their bequests out right.

Are there children born outside of marriage?

- Explain the Law and the clause
- Record whether needed to be put in the Will

Estate Trustees (Executors)

1. Explain duties of Executors and Trustees
2. Review choice of Executors and Alternates
3. Explain LSP theories on who should be Executors
 - Why more than one Executor
 - Who Executors should be
4. Record Executors and Alternate Executors

Estate Planning

1. Review when appropriate

2. Testamentary Trusts

- Explain how testamentary trusts work and how money can be saved
- Explain appropriate situations
- Investigate whether their case is appropriate
- Explain costs
- Record whether need to be put in the Will

3. Multiple Wills

- Explain how money can be saved
- Explain appropriate situations
- Investigate whether their case is appropriate
- Explain costs
- Record whether needed to be put in the Will

Estate Planning Continued

4. Simple Estate Planning

- Review again joint ownership, naming of beneficiaries

5. Review what not to do

- Joint ownership with children
- Giving away assets

CUSTODIANS (GUARDIANS OF CHILDREN)

- Explain duties of custodians
- Explanation of the Law of appointing custodians
- Review choice of custodians and alternates
- Record custodians

BURIAL INSTRUCTIONS

- Explain Law
- Explain page in LSP Will manual
- Record mode of burial

Safe Keeping of Original Will

- Explain need for Will to be in a safe place
- Does client have their own safety deposit
- Explain process if in LSP safe
- Record where the Will will be kept

Location of Previous Will

- Record where previous Will is
- Record particulars of Direction to get previous Will

Estate Trustee Letters

- Explain why we have Executor letter
- Explain what letter states
- Obtain email (or post) addresses

Legal Considerations

- ✓ Discuss and record testamentary capacity
- ✓ Discuss need for capacity assessment
- ✓ Discuss whether anyone is influencing the decisions in the Will
- ✓ Discuss and record whether in contemplation of marriage or divorce
- ✓ Discuss dependant's issues
- ✓ Ask if there is a marriage contract
- ✓ Ask if there is a foreign property
- ✓ Explain multiple Wills, obtaining advise in the other jurisdiction
- ✓ Decide whether need for an international Will
- ✓ Ensure no contravention of Rule against perpetuities
- ✓ Ensure no contravention of Rule against accumulations
- ✓ Ensure no contravention of Rule in Saunders v. Vautier

Will Summary and Special Clauses

1. Review what Will states
2. Review special clauses
 - Born Outside of Marriage Clause
 - Family Law Act Clause
 - “Per stirpes”
 - Technical Clauses

Lawyer Obligation When Joint Instruction

Explain Lawyer's obligation when advising a married or unmarried couple

Continuing Power of Attorney for Property

- Explain purpose of this type of Power of Attorney
- Explain how it takes effect immediately
- Review and record choices of Attorneys and Alternates
- Explain acting separately or together

Continuing Power of Attorney for Personal Care

- Explain purpose of this type of Power of Attorney
- Explain when it takes effect
- Review and record choices of Attorneys and Alternates
- Explain acting separately or together
- Explain and decide about life support clause

LSP PROCESS TO FINALIZE

- Explain process to execute and complete the file
- Follow up Checklist
 - Go through each item on checklist
 - Make an appointment date to sign Will and Powers

The background of the slide features a stylized, 3D perspective illustration of a stack of papers or documents. The papers are light gray with white outlines, creating a sense of depth and layering. They are arranged in a way that suggests a thick stack, with the edges of many pages visible, receding into the distance.

ANY OTHER QUESTIONS FROM CLIENT

Ask if there is anything not covered that the client wishes to know

MANUAL & NEW CLIENT MEMORANDUM

- Give client manual
- Explain basically what is in the manual
- Give and review LSP New Client Memorandum

REQUISITION FORM TO OPEN FILE

Complete Requisition Form to open file

Provide LSP Magnet