



MPC Foundation

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UNIVERSITY OF
CALGARY CHAPTER

A LEGAL INFORMATION
GUIDE FOR SENIORS



WILLS

Planning for the Future



WHAT IS A WILL AND WHY IS IT IMPORTANT?

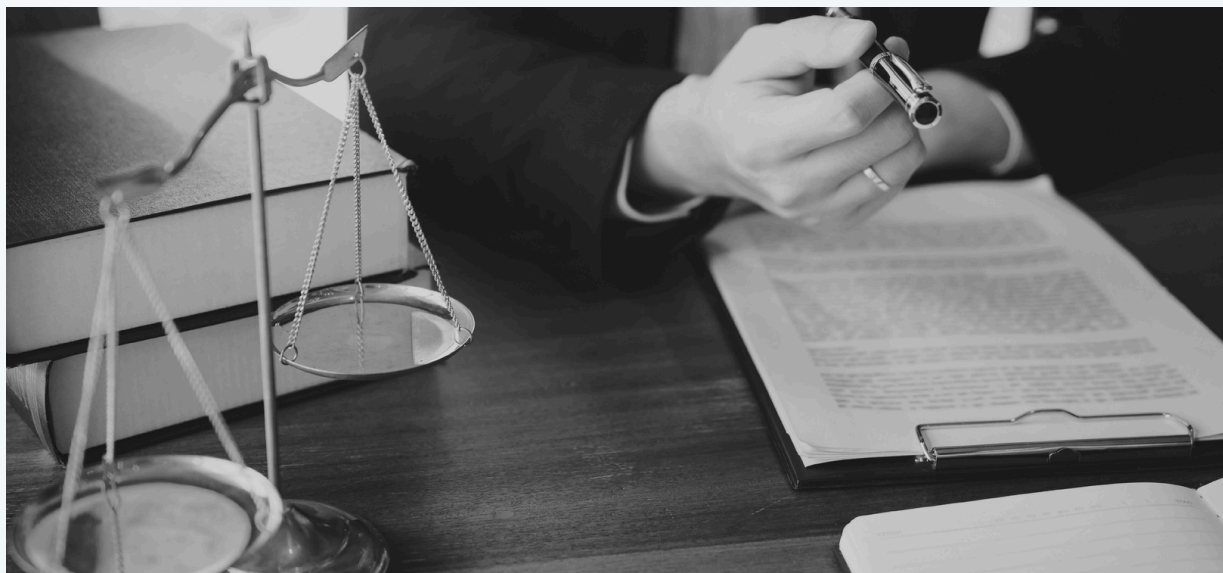
A Will is a legal document outlined by an individual prior to their death and can include:

- Selecting a personal representative who will carry out your wishes after your death.
- Managing the distribution of your personal property after death.
- Naming a guardian for any children who are minors at the time of your passing.
- Alterations or revocations to previous wills

A Will is important, as without one, your property may be distributed against your wishes.

You may want to consider registering your Will. The Alberta Government does not require a Will to be registered, and they do not have a provincial agency that will register your Will. However, there are private organizations that will register it for you. If you are considering registering your Will, further research will be needed to determine if you are registering with a legitimate company because they are receiving a lot of personal information.

You may come across the term 'codicil', which is simply an addition or supplement to a Will that clarifies, changes, or revokes a part of it.



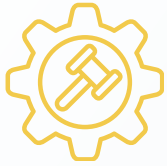
WHAT IS AN EXECUTOR? WHAT IS THE ROLE/RESPONSIBILITIES OF AN EXECUTOR?

- An executor is an individual selected by the person creating the Will to fulfil the wishes outlined in the document; they are sometimes also referred to as the 'personal representative.'
- The role and responsibilities of the executor may include:
 - Making funeral arrangements
 - Identifying the estate assets and liabilities
 - Fulfilling any estate debts or obligations
 - Gathering, managing, and distributing the estate assets

You may also want to consider compensation for the executor. This is not mandatory, but it is a time-consuming process, and you may want to provide compensation.

WHAT HAPPENS IF SOMEONE DIES WITHOUT A WILL (INTESTACY)?

- Intestate means an estate or any part of estate not disposed of by a Will (i.e., when someone dies without a valid Will)
- When a person dies intestate a family member may apply to the courts to act as the estate administrator.
 - The Estate Administration Act sets out who can apply to the court for a grant of administration for the deceased's estate
 - Without court permission, no one has authority to deal with an intestate person's estate
 - If the court grants permission through letters of administration, the administrator must complete various tasks (e.g., paying out all the debts of the estate and making sure the beneficiaries receive what they should under intestacy laws).
 - The specifics of how an estate is administered is governed by the Wills and Succession Act which determines who will receive what (e.g., estate may go to a spouse, children, grandchildren, parents, siblings, cousins, etc.)
 - If the province finds no relatives, then the province gets the estates assets and administers the funds.
 - Ultimately, having a Will allows someone to determine how they want their estate to be distributed whereas an intestate estate allows the province to determine how the estate will be distributed



HOW TO UPDATE OR REVOKE A WILL

- Governed by the Alteration, Revocation and Revival section of the Wills and Succession Act
- There are various methods of revoking a Will in Alberta:
 - A new Will is made
 - A testator makes a writing declaring an intention to revoke the earlier Will (e.g., a Codicil)
 - Destroying an existing Will with the intention of revoking it
 - *Note: the revocation of a Will does not revive any earlier Will (If a person revokes their Will without creating a new Will, the person's estate is intestate)*
- A Will can also be updated by:
 - Making a new Will
 - Writing in a codicil that includes the changes
 - Court may, on application, order that a writing, marking or obliteration is valid as an alteration of a Will



WHERE TO GET HELP (FREE OR LOW-COST SERVICES)

- **Law Central Alberta Legal Clinics** (e.g., The Calgary Chinese Community Service Association) (<https://www.lawcentralalberta.ca/en/calgary-clinics>)
- **Calgary Legal Guidance provides Elder Law Services including Wills and Estate planning** (<https://clg.ab.ca/index.php/programs/elder-law/>)
- **Pro Bono Law Alberta, lists Pro Bono Legal Clinics** (e.g., Central Alberta Community Legal Clinic) (<https://www.pbla.ca/legal-resources>)

Caveat: This information applies to Alberta only.

This resource does not contain legal advice.

This resource was prepared with the assistance of PBSC Calgary Law student volunteers, supervised by Carina Au (Barrister and Solicitor). PBSC volunteers are not lawyers, and they are not authorized to provide legal advice. This resource contains general discussion of certain legal and related issues only. If you require legal advice, please consult with a lawyer.