

GOOD WILL MATTERS

Simple Ways to Strengthen God's Work through Your Estate

Strengthening the body of Christ and returning thanks to God for His blessings is the goal of every committed Christian. Yet many are not aware that a simple Will (or Last Will and Testament) can be a powerful tool for acknowledging God's blessings and furthering His work.

Your Will—the final statement of your faith and commitment—does not need to be complicated or costly.

The Alberta Conference of the Seventh-day Adventist Church recognizes that this is unfamiliar territory for most people. As part of its practical ministry, the Conference has a specialist—the Director of Planned Giving and Trust Services—who can personally help you navigate your questions, and refer you, if needed, to specialists and professionals appropriate to your situation. The goal is to make sure that your Will reflects your wishes *and* meets the legal requirements that ensure your wishes are carried out.

Where there's a Will:

The Nuts and Bolts Guide to Saving Money, Stress, and Good Intentions

At what age should I think about making a Will? What happens if I don't?

If you're over 18 and of sound mind, you should have a current Will. If you do not have one, any assets such as bank accounts, cars, real estate and other investments will be governed by the laws in place at the time for persons without a written Will. These laws do not take into account your verbal directions. No church, school, or other institution can benefit from your estate—no matter how well-known your dedication to the church, or who you have told your wishes to.

In Alberta, if there are no living relatives, all the property goes to the province. If there are relatives, a court application can be made, and the closest relative has the greatest right to be appointed "administrator" of the estate—an unnecessary cost that can be avoided with a valid Will. Until an administrator is appointed, the family will not be able to use the assets. An administrator not resident in Alberta may have to be bonded by an insurance company—another cost to the estate.

If family is identified, the property is distributed according to ridged rules. If there is a spouse, the surviving spouse gets the entire estate, whether or not there are any living children. Other rules apply to single persons and to more complicated situations (ex: where there are children from more than one relationship).

Can I write my own Will?

Yes, if it is entirely in your own handwriting and signed at the end. This is called a “Holograph Will.” It is meant for emergency situations, not to take the place of a Will drawn by a lawyer and witnessed according to law. Because there is no witness required, this type of Will may be easier to contest or challenge.

What does the province of Alberta require in a Will?

The Will *must* be in writing. The maker of the Will (“Testator” or “Testatrix”) must be at least 18 years old (exceptions: married minors, a member of the military on active service, or a seaman at sea). The maker of the Will must be of sound mind. Unless it is a Holograph Will, the written document must be witnessed by two people in the manner set out in the *Wills Act*.

Can a change of circumstances change my Will?

The person who makes a Will can change it at any time and as many times as the individual wants to. Under the *Wills and Succession Act* of Alberta (in force as of February 1, 2012), a new marriage does not cancel an existing Will, but a divorce disentitles or “disinherits” a former spouse from gifts or appointments under the Will.

If you wish to keep the distribution of family keepsakes or other personal and household effects flexible, you can prepare a memorandum that is specifically mentioned in your Will. This document can be rewritten at any time to include new personal and household effects. It must be in your own handwriting, dated, and signed by you, but does not require a witness.

What’s the best time to make a Will?

Simply put, NOW is the best time. Don’t wait until an emergency, which produces a situation that is both emotional and stressful.

Planning a Will: What Should it Contain?

Besides the requirements of writing and mental capacity set out above, a Will should:

- Revoke earlier Wills
- Name one or more executors (Appointing an alternate executor can save court costs if your first named executor can’t or won’t accept the responsibility. If the estate is complex, a trust company can be a good choice.)

- Express wishes about funeral arrangements and disposition of remains
- Provide for the custody and management of benefits of the Testator's minor children
- Distribute specific chattels (ex.: heirlooms, furniture) if specific persons are to receive them (this can be changed without a new Will if done in a separate "Memorandum" that is specified in the Will)
- Specify the distribution property or "the estate" (usually in percentage or fraction terms, what is owned~ real estate, investments cash) to individuals, charities, or other entities
- Specifically include (or exclude) adopted persons, step-persons, and persons born outside of marriage from any class of beneficiaries (ex.: "my children").

Types of Gifts ("Bequests") to consider:

- **Specific** – An identified piece of property (ex.: clock, shares in a company, sum of money).
- **Residual** – What remains after all debts, taxes and specific bequests; can be all of remainder or a fraction.
- **Contingent** – Gift made if circumstances in the Will happen (ex.: "If my children predecease me").
- **Charitable** – Gift to a charitable organization prompted by gratitude, love, conviction of faith, desire to help others, or other personal reason.

Other Useful Information on Planning for your Future Needs and Gifts

About Personal Health Care Directives & Powers of Attorney – The PHCD enables someone of your choice to make medical decisions for you if you are unable to do so. The Power of Attorney allows a person you choose to care for your finances if you cannot. These documents are NOT part of your Will. They are often, however, drafted by a lawyer at the same time as a will for an additional fee.

About Safekeeping – You may want to keep a copy of your Will at home, but the original should be stored in a safety deposit box. Tell your executor where the original is kept, as the original Will is required for them to be allowed to act.

About Legal Advice – A properly-drafted Will requires the legal expertise of a lawyer. A Will drafted by a lawyer is the best insurance that changes in circumstances or poor drafting do not alter the effect of your will.

The information in this brochure is provided for preliminary planning only. The advice of a lawyer should be sought. The further advice of financial advisors may be beneficial.

How Can We Help You?

The Alberta Conference and the Director of Planned Giving and Trust Services/Philanthropy take a personal approach to assisting God's family. As members endeavor to be good stewards and make decisions that align their estates with their spiritual values, we offer information and knowledgeable support to help them find the resources they need.

Keeping up with Change: New Laws and Your Life's Realities

The new *Wills and Succession Act* that came into force February 1, 2012 changed the law regarding Wills in Alberta. While the new law does not invalidate existing Wills, some presumptions have changed. Besides encouraging all members to have valid Wills, it is recommended that those with Wills made before February 2012 also have them professionally reviewed, as life circumstances and events such as divorce may affect family support and matrimonial property in new ways.

Connecting with Independent Professional Advisors

As life and estates becomes more complex, the experience of people with special expertise in financial, legal, and family matters can be valuable. Over time, professionals in these areas have come into contact with the Conference, and if you do not have a trusted advisor in an area of felt need, we can provide some names and contact information. As in all professional-client relationships, you should do your own research on the advisor's experience and interview them to determine suitability, and be clear on any fees before retaining them.

Making Your Will Attainable

The Conference and Director do NOT write Wills. We have, however, developed a "Will Worksheet" on which to record your instructions. If invited by a member, we use the worksheet during our visit, and then forward it to the law office of their choice. Their lawyer creates and oversees the signing of the Will. The worksheet does not take the place of a legal Will.

The Alberta Conference reimburses members for lawyer's fees incurred to create a basic Last Will and Testament at the customary rate approved by The Conference.

To book an appointment or for more information, contact:

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