

# Estate Planning: Preparing to meet your lawyer

## 3 Key Legal Documents in BC

### 1. Will



Outlines the distribution of your assets and appoints key roles such as executor and guardian.

### 2. Power of Attorney (POA)



Authorizes someone to make legal and financial decisions on your behalf if you become incapacitated.

### 3. Representation Agreement



Appoints a representative to make healthcare and personal care decisions if you are unable to do so.

## Choose People for Key Roles

You should designate both a primary and an alternate person for the following roles. While spouses often choose each other as their primary option, alternates can differ.



#### Executor(s)

Distributes estate assets per the terms of your will.



#### Trustee(s)

Manages assets held in trust for a beneficiary.



#### Guardian (if applicable)

Appointed to care for minor children.



#### Power of Attorney (POA)

Makes legal and financial decisions on your behalf.



#### Health Care Representative

Makes medical decisions on your behalf.

Document full names, relationships and contact details for each person.

As with choosing the right people for key roles, it is equally important to work with the right professional when planning your estate. For example, an estate planning lawyer brings specialized expertise, whereas a generalist or a notary may not have the same depth of knowledge in complex estate matters.

### New Worth & Asset Inventory

- Prepare a comprehensive list of all your assets and liabilities, including:
  - Bank accounts, investments, pensions, real estate, business interests, vehicles, personal valuables, insurance policies
  - Mortgages, loans, credit cards
- Note the ownership structure (e.g., sole or joint ownership) and estimated value of each asset.
- This will help your lawyer assess estate distribution, probate implications, and tax considerations.

### Wills, Estates and Succession Act

- The Wills, Estate and Succession Act (WESA) is specific to British Columbia and allows spouses and children (biological and adopted) to challenge a will if they believe they have not been adequately provided for. This can lead to legal disputes, delays in estate administration, and even the forced sale of assets to satisfy claims.
- In blended families there is a heightened risk that children from a previous relationship may be disinherited, or a surviving spouse may not receive enough assets to support them. If you are in a blended family or second marriage, be sure to disclose all information and concerns to your lawyer.

### Distribution of Assets

- Who do you want to receive your assets at death? Draft an allocation in dollars or percentages.
- Do your wishes change if your spouse predeceases you?
- Are there specific assets you want to leave to particular people? Consider heirlooms, property, or investment accounts.
- Are there organizations or charities you would like to leave gifts to?

### Trust Terms

- A trust is a legal arrangement where a trustee holds and manages assets on behalf of beneficiaries, ensuring they are distributed according to specified terms. Trusts are commonly used to manage assets for minor beneficiaries, individuals with disabilities, or to control distributions over time.
- Will your estate need a trust? If yes, consider how and when you want the trustee to distribute funds to beneficiaries.

### Beneficiary Designations

- Assets such as RRSPs, TSFA and life insurance can have named beneficiaries.
- Named beneficiaries receive the assets directly from the source, avoiding probate fees and saving time.
- Named beneficiaries should be adults, do not name a child. Spouses receive extra benefits as named beneficiaries.
- Prepare a list of your current beneficiary designations for your lawyer.

### Crypto & Digital Assets

- Unlike traditional assets, crypto is not stored in a bank or managed by a centralized institution. Work with an estate planning lawyer who understands digital assets and local laws. Clearly define who should inherit and how to access your crypto.
- Consider documenting access details for email, cloud storage, social media, and other digital assets.

### Next Steps

#### Review & Discuss

Go through this guide with your spouse or family, select key people for roles, and write down any questions or concerns.

#### Book a Meeting

Bring this information to your first meeting with a lawyer. Your preparation, combined with their expertise, will help create legal documents that effectively support your estate planning goals.