

## Directive to Physicians

We will also discuss when it is determined that you should have an incurable injury, disease or illness certified to be a terminal condition by two physicians, one of whom is the attending physician, and where the application of life sustaining procedures would serve only to artificially prolong the moment of your death and where your physician determines that your death is imminent, whether or not life sustaining procedures should be utilized. As there is currently no registry in Canada for this directive, this really would be for the benefit of your family to know your wishes in advance of any such occurrence.

## Storage of your Will and Enduring Power of Attorney:

Once you have completed your Will & Incapacity Documents, you will be given the originals. It is very important to keep them in a safe place & to let your representative know where they are kept. It is also a good idea to keep a list of your assets & liabilities with your original documents so that your Representative is able to find & distribute your full estate to your beneficiaries. Hendrix Law will always keep a scanned copy of your signed documents.

Contact Hendrix Law for more information regarding estate planning services:

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**Reference this Brochure to receive 20% off your Legal fees for a Will or Incapacity Documents with Hendrix Law!**

**Contact us Today!**



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# Hendrix Law



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# DO I NEED A WILL?

## An Overview of Wills:

A Will instructs the representative of your estate on how to divide your property among your beneficiaries upon your death. You may also name a guardian for any minor children. If you die without a will, the law and the Court will determine how your property will be distributed.

## What happens if I die without a Will?

If you die without a will, your estate is considered "intestate". This means that all your property (real property, money/investments & personal items) is not disposed of by a will and will be distributed according to the provisions of the Alberta Wills and Succession Act.

The way in which the law will divide your property depends on the family members that exist at the time of death. Your property may be divided among a spouse and children, or parents, siblings and other family members.

## If I am married and die without a will what will happen to my property?

There is a common misconception that if you are married all of your property will automatically be transferred to your spouse upon your death. This is only true if the property is owned jointly with your spouse. If you have other property such as separate bank accounts, investment accounts, business interests or shares in a private corporation, this property will not be transferred automatically and their transfer requires legal procedures.

Additionally your estate may incur unintended tax consequences when certain types of property are not gifted to your spouse by Will.

## What are Incapacity Documents?

As part of an overall estate plan, a person should plan for what happens in the event that they become incapacitated and unable to manage their affairs. For example, in the case of an accident or when an elderly person becomes unable to make reasonable decisions on their own behalf wherein a physician may deem them mentally incapable. Incapacity Documents consist of an Enduring Power of Attorney and a Personal Directive.

## What is an Enduring Power of Attorney?

An Enduring Power of Attorney is a document where an individual grants to someone (their Attorney) the power to be able to deal with their legal and financial affairs and properties in the event that they become incapable of doing so themselves. An Attorney can be anyone you choose: a spouse, an adult child or a trusted friend. The power can either have immediate effect or come into effect only after the incapacity has occurred.

## What is a Personal Directive ?

A Personal Directive is similar to a "Living Will" wherein it allows the Maker (you) to list down your wishes in reference to your medical care, health or any other personal (non-financial) matters. Also, it appoints your Agent who will carry on your wishes when you become incapacitated or if your wishes are not known, to make decisions on your behalf regarding health care and accommodations.

## How often should I review my Will?

We suggest that you should review your will every 2-5 years depending on how your personal circumstances may have changed. Life events such as marriage, divorce, death of a spouse and having children are all considerations that suggest you may need to change your will. A change in the legislation should also prompt you to review your Will.

## Do I need a lawyer?

Writing a will without legal advice is a risky proposition.

Although there is no magic in the language of a will, there are many potential pitfalls.

Handwritten wills and will kits may result in conflicting language in the will that may result in errors in the distribution of your property, unintended tax consequences for your estate, and greater risk that a gift may be invalid or challenged.

A will and Incapacity Documents drafted by our law firm along with the formal supporting documentation we provide will help to reduce the risk of your will being challenged and provide some security that additional problems that can arise in estate law may be avoided.

## The Hendrix Law Will Process:

We would be happy to assist you in the preparation of your will and Incapacity Documents. We will begin by sending you a questionnaire by email, fax or regular mail that you may review at your leisure prior to our beginning the preparation of your documents. After it is completed, we will review the questionnaire and discuss your instructions with you through telephone and/or email. We will then send you a draft copy of your will and Incapacity Documents for you to review. Once reviewed, we can discuss any changes you may like to make. Lastly, once the Will and Incapacity Documents are finalized, we will meet for the formal signing.

*Nothing in this brochure is intended to be legal advice. This brochure is for information purposes only.*

