

WILLS FOR CHANGING LIVES

A Simple Way to Strengthen God's Work

Your Will does not need to be complicated or costly to have a lasting impact.

A simple Will (sometimes called a Last Will and Testament) can be a final statement of your faith and commitment. When that is coupled with a gift to God's church, it can be a powerful tool for demonstrating your lasting commitment to furthering His work.

The Alberta Conference of the Seventh-day Adventist Church recognizes that Wills are unfamiliar territory for most people. As part of its practical ministry, the Conference has a specialist—the Director of Planned Giving and Trust Services/Philanthropy—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 will be carried out.



WHERE THERE'S A WILL: 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 matter how many people you've 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).

In short, having an enforceable Will saves your family a lot of work, stress, and money. It ensures that your estate is distributed according to your wishes rather than those of the government.

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.

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.

Other Useful Information on Planning for your Future Needs and Gifts

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.

Safekeeping – You may want to keep a copy of your Will at home, but remember that the original will is required to enable your executor/personal representative to act and deal with your assets. You may have a safe place at home; your lawyer's office or the Alberta Conference office are also possible options. If considering use of a safety deposit box, check with your bank on their executor access policy to ensure your executor/personal representative will not encounter difficulty. Tell your executor/personal representative where the original will is kept.

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.



To book an appointment or for more information, contact:
Lynn McDowell, CSPG | Director
(403) 342-5044 x 233 • lmcdowell@albertaadventist.ca
5816 Hwy 2A, Lacombe, Alberta T4L 2G5
Charitable registration # **10669-3047RR0001**

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