

**THIS IS THE WILL  
OF  
OF , ALBERTA**

**PART I INITIAL MATTERS**

**1. REVOCATION OF FORMER WILLS AND CODICILS**

I hereby revoke all former Wills and Codicils made by me.

**2. APPOINTMENT OF PERSONAL REPRESENTATIVE AND TRUSTEE**

I appoint to act as Personal Representative and Trustee for this my Will but if should predecease me or die before the trusts herein created are at an end, or should otherwise be unable or should refuse to act or to continue to act as Personal Representative and Trustee for this my Will, I appoint my -- of AB to act as Personal Representative and Trustee for this my Will in place of .

**3. DEFINITIONS**

**a. Trustee**

The expression "Trustee" used throughout includes the terms Personal Representative, Personal Representatives, Executor, Executors, Trustee, and Trustees for the time being whether original, substituted or surviving.

**b. Guardian**

The expression "Guardian" used throughout includes the terms Guardian or Guardians for the time being whether original, substituted or surviving.

**c. "Child" or "Children"**

The expression my "Child" or "Children" used throughout includes:

- i. all children of mine, including any deceased children, at the date of this my Will;
- ii. any children of mine that are born after the date of this my Will;

**d. Spouse**

The expression "Spouse" used throughout includes the term "spouse" and the term "adult interdependent partner" as defined in *Alberta's Adult Interdependent Relationships Act*.

**4. PROCEEDS OF INSURANCE**

I declare that the proceeds of all policies of insurance on my life owned by me shall be payable and paid to my Trustee to be held by my Trustee in trust for or transferred to, as the case may be, the beneficiaries entitled to the residue of my estate under the terms of this my Will upon the same trust, terms and conditions as if such proceeds would have formed a part of the residue of my estate but after the payment of all debts, expenses and taxes. This declaration shall be a declaration within the meaning of the Insurance Act of Alberta. For further clarity, nothing herein shall be construed as making such life insurance proceeds part of my estate and it is my intention that such life insurance proceeds be held separate and apart from my estate.

**PART II DISPOSITION OF ESTATE**

**ESTATE TO TRUSTEE UPON TRUSTS**

I give all my estate both real and personal, and all property over which I may have any power of appointment, to my Trustee upon the following trusts:

**1. PAYMENT OF DEBTS AND EXPENSES**

To pay, from my general estate, my legally enforceable debts, funeral, and testamentary expenses.

**2. PAYMENT OF TAXES**

To pay, from my general estate, all indebtedness for taxes which I am legally required to pay in this or any other jurisdiction in respect of any of my taxation years including the taxation year in which I die, and in respect of any property deemed to have been disposed of by me immediately prior to my death and as a result of my death, and in respect of any taxation years of my estate.

**3. Death of a Child**

If a Child does not survive me (the "Deceased Child"), I direct my Trustee to

**4. Death of Another Beneficiary**

If any beneficiary, who is not a Child of mine, does not survive me (the "Deceased Beneficiary"), I direct my Trustee to

### 1. WIPE-OUT CLAUSE

If the whole or any part of the residue of my estate should remain in the hands of my Trustee and not be disposed of by the terms of this my Will (the "Undistributed Residue"), I direct my Trustee to

### 2. GIFTS TO ORGANIZATIONS

#### a. Organization Undergoes Name Change or Amalgamation

If at the time of distribution, any organization named in this my Will has amalgamated with another organization or organizations, or has changed its name or location of its work, the bequest or share of residue provided for it shall not fail but my Trustee shall, in their sole discretion, pay the same to the organization they deem to be the successor organization.

#### b. Organization Ceased to Exist or Never Existed

If in the sole discretion of my Trustee, any of the organizations named in this my Will has ceased to operate or has never operated or been in existence (as distinct from having amalgamated, changed its name or location of its work) then my Trustee shall in their sole discretion pay the bequest or share of my estate to the organization which, in my Trustee's sole discretion, most clearly resembles the organization I intended to benefit, upon the same terms and conditions provided for in this my Will.

#### c. Receipt From Organization is Sufficient Discharge

The receipt of the treasurer or other officer of any named (or substituted) organization which receives a bequest or share under this my Will, shall be a sufficient discharge to my Trustee with respect to such bequest and my Trustee shall have no further responsibility for such bequest or the administration thereof.

#### d. Obtain Best Tax Advantage

I authorize my Trustee to satisfy any charitable gift in my Will by either a cash gift or a gift in kind, whichever provides the best tax advantage to my estate as determined by my Trustee in their absolute discretion.

### 3. TESTAMENTARY TRUST FOR MINOR CHILDREN

#### a. Separate Trust

Any assets bequeathed, transferred, or gifted to a minor beneficiary named in this my Will (the "Minor Beneficiary") are to be held in a separate trust (the "Minor Trust") by the trustee of the Minor Trust.

#### b. Trustee for the Minor Trust

#### c. Minor Trustee Discretion in Use of Funds

My Minor Trustee shall be entitled to use as much of the income and capital of the Minor Trust, as may be determined appropriate by my Minor Trustee, in their sole discretion, for the education, maintenance and advancement in the life of the Minor Beneficiary.

#### d. Income is Added to Capital

Any net annual income earned but not paid to the Minor Beneficiary in any year shall be added to, and become a part of, the capital of the Minor Trust. Any net annual income earned but not paid to the Minor Beneficiary immediately prior to the final distribution from the Minor Trust shall be added to, and become a part of, the capital of the Minor Trust.

#### e. Distribution of the Minor Trust

## PART III ADMINISTRATION OF ESTATE

### 1. FAILURE DATE

Every person who would otherwise benefit under this my Will but who fails to survive me for thirty (30) days shall be treated for the purposes of the devolution of my Estate as having predeceased me.

### 2. ABSOLUTE DISCRETION OF TRUSTEE

I declare that my Trustee shall have, in their absolute discretion, the following authority:

#### a. To retain advisors or consultants

To retain the services of professional advisors or consultants, including but not limited to lawyers, accountants, brokers, valuers, surveyors and any other professional, in order to efficiently and effectively administer the estate and any trusts resulting hereunder. My Trustee may employ such parties without liability for any neglect, omission, misconduct or default of any such employed party, provided the party was selected and retained by my Trustee with reasonable care and supervision.

#### b. To make elections, determinations or designations

To make or not to make any election, determination or designation pursuant to any taxing statute, including the Income Tax Act, which they deem to be in the best interest of my estate and the beneficiaries thereunder and without limiting the foregoing:

- i. To allocate capital gains (whether actual or deemed) to a beneficiary or beneficiaries with or without effecting a distribution of any asset or assets.
- ii. To allocate capital cost allowance, recapture of capital cost allowance, depletion allowance, or dividends to any beneficiary.
- iii. To allocate as between any beneficiaries of my estate the incidence of any tax credits or allowance.

**c. To fix values**

To fix the value of my estate or any part thereof, for the purpose of making any division, setting aside or payment of any share or interest therein, with no duty to give each beneficiary a proportional share of any individual asset or investment holding.

**d. To assist with taxes that result from exercise of discretion**

To advance sufficient income or capital to any beneficiary to assist that person to pay any tax which may be payable by such beneficiary as a result of my said Trustee exercising their discretion. Any exercise by my Trustee of their discretion shall be binding upon all beneficiaries of my estate, notwithstanding that an advantage may be conferred upon any beneficiary and notwithstanding that the exercise of their discretion may result in an even hand not being maintained among the beneficiaries of my estate.

**e. To borrow money**

To borrow money from any institution, corporation, person or persons whatever for any purpose in connection with the administration of my estate or for any other purpose in connection with any person deriving a benefit under this my Will (whether the interest of such person is presumptive or otherwise) as they may in their discretion consider advisable from time to time relating to the terms of any borrowings, including terms as to interest (if any) and repayment of principal (if any), and to pledge the assets of my estate as security for such borrowings as they shall think fit.

**f. To invest all or any part of estate**

To invest all or any part of my estate in such investments as a reasonable and prudent investor would, taking into account all relevant circumstances. I hereby exonerate my Trustee from any responsibility or liability for loss or damage which may be occasioned to my estate or to any such trust (as the case may be) through a bona fide exercise by them of any of the discretion vested in them, whether as to retention, realization, conversion or investment.

**g. To manage real estate**

To sell, mortgage, lease (without being limited as to term), exchange, give options on or otherwise dispose of or deal with any real estate held by my Trustee and to repair, alter, improve, add to or remove buildings thereon, and generally to manage such real estate.

**h. To sell any assets, investments or re-investments in estate**

To sell or otherwise dispose of, at the time or times and in the manner that my Trustee in their discretion decide upon, any assets, investments or re-investments in my estate.

**i. To retain in whole or in part**

To retain assets or investments of my estate in whole or in part in the form in which they are at my death until they are distributed, sold or disposed of and even though they are not authorized for my Trustee, they are considered to be authorized for the purpose of this my Will.

**j. To act in my place in relation to corporate investments**

To take any action or exercise any rights and powers that I could do if alive and the sole owner thereof in relation to any corporation in which I or my Trustee may hold shares, debentures or other securities or as to any investments in which any part of my estate is invested at the date of my death. Without limiting the foregoing to continue, discontinue, reorganize or wind up any business, corporation, contract or transaction pending in which I may have interest at the time of my death.

**k. To invest or delegate investment decisions**

To invest in any mutual funds (including a private mutual fund), pooled funds, common trust funds or similar investment; and to delegate any investment decisions to any investment fund managers, investment counsellors or property managers or any similar entity, where my Trustee in their sole discretion deem it beneficial to my estate and my beneficiaries.

**l. To employ a corporate body as a custodian**

To employ a corporate body as a custodian of all or any part of my estate and to transfer or assign all or any part of my estate to such custodian upon such terms and conditions as my Trustee may determine and such custodian may be one of my Trustees.

**m. To make payment to a parent or guardian of a minor beneficiary**

To make any payment for any person under the age of majority to a parent or guardian of such person whose receipt shall be a sufficient discharge of my Trustee.

**n. To access, handle, distribute, and dispose of my electronic and digital assets**

To access, handle, distribute, and dispose of my electronic and digital assets and to obtain, access, modify, delete, and control my passwords and other electronic credentials associated with my digital devices and digital assets. For the purpose of this paragraph, the term "digital assets" includes the following:

**i. Files Stored on My Devices**

Files stored on my devices that are capable of storing digital data, including but not limited to, personal computers, external hard drives, USB flash drives, tablets, network attached storage, digital cameras, smartphones, smartwatches, smart-televisions, gaming consoles, and any similar device that is capable of storing digital data which currently exists or may exist as technology develops; and

**ii. My Accounts and Other Files**

Emails received and sent, email accounts, cloud storage accounts, digital music, digital photographs, digital videos, software licenses, social network accounts, file sharing accounts, financial accounts, brokerage, stock or other trading accounts, banking accounts, domain registrations, DNS service accounts, web hosting accounts, tax preparation service accounts, online stores, affiliate programs, other online accounts and similar digital items which currently exist or may exist as technology develops, regardless of the ownership of the physical device upon which the digital item is stored.

### **3. DISPOSITIONS PRIOR TO DEATH**

I further direct that none of my beneficiaries shall be liable to bring into account any sum of money or the value of any property or interests which I have already paid or transferred to or settled on such beneficiary or which I may hereafter pay or transfer to or settle on such beneficiary before my death, unless I have indicated in writing at the time of the transfer that it is not to be a gift.

### **4. REASONABLE COMPENSATION FOR TRUSTEE**

I direct that my Trustee is entitled to be paid reasonable compensation from my estate and my Trustee shall be entitled to receive the said compensation during the course of the administration of my estate.

### **5. LANGUAGE BASED ON CONTEXT**

I direct that wherever the context of my Will requires, the plural shall be deemed to extend to and include the singular, and where one gender is used, it shall include all genders.

### **6. HEADINGS ARE FOR CONVENIENCE ONLY**

The headings that use a bold font in this my Will are for the convenience of the reader only and shall not affect the meaning or interpretation of this my Will.

**REMAINDER OF PAGE INTENTIONALLY LEFT BLANK**

In witness whereof I have hereunto set my hand this \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_.

SIGNED, PUBLISHED AND DECLARED by for this Will in the presence of us, both present at the same time, who at the request of , in the presence of and in the presence of each other, have hereunto subscribed our names as witnesses.

\_\_\_\_\_

\_\_\_\_\_  
Witness 1 signature

\_\_\_\_\_  
Print name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City Province

\_\_\_\_\_  
Witness 2 signature

\_\_\_\_\_  
Print name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City Province

**AFFIDAVIT OF WITNESS TO A WILL**

Court File Number

Testator Name

Deponent \_\_\_\_\_

Exhibit Attached

Exhibit A - Original will dated \_\_\_\_\_  
yyyy-mm-dd

THE DEPONENT  SWEARS UNDER OATH OR  AFFIRMS THAT THE INFORMATION IN THIS AFFIDAVIT IS WITHIN THE DEPONENT'S KNOWLEDGE AND IS TRUE. WHERE THE INFORMATION IS BASED ON ADVICE OR INFORMATION AND BELIEF, THIS IS STATED.

1. I am one of the witnesses to the will of the testator, .
2. The will is dated \_\_\_\_\_ and is marked as Exhibit A to this affidavit.  
yyyy-mm-dd
3. The testator, the other witness to the will and I were all present together when the testator and the witnesses signed the will.
4. The testator, the other witnesses to the Will and I were all present together when the testator and the witnesses signed the Will.
5. Before the testator signed the Will, the testator made the following changes to it:

SWORN OR  AFFIRMED BEFORE A COMMISSIONER FOR OATHS IN AND FOR THE PROVINCE OF ALBERTA

at \_\_\_\_\_, ALBERTA ON \_\_\_\_\_, 202\_\_\_\_  
(month) (day)

BASIS FOR AFFIRMATION CONFIRMED

\_\_\_\_\_  
Signature of Deponent

\_\_\_\_\_  
A Commissioner for Oaths in and for Alberta

\_\_\_\_\_  
Appointment Expiry Date (yyy-mm-dd)