

∞ WILLS ∞
DOCUMENTS

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WILL CHECKLIST

General Notes

The *Will Checklist* may either be completed by the lawyer during the interview with the Will-Maker or sent to the client and completed before the meeting with the lawyer. Use of the *Checklist* ensures that instructions are taken in an organized, comprehensive manner, that nothing is forgotten, and most importantly, that the Will-Maker's instructions are accurately recorded. Once completed, the *Checklist* will be used by the legal assistant to draft the Will.

The *Checklist* provided in the *Guide* is a sample only, and each law firm will probably have its own particular template. As checklists are ever-evolving and periodically change for various reasons, they will be reviewed, expanded and updated from time to time. Once the *Checklist* is developed, the legal assistant should ensure that the supervising lawyer is provided with a copy and "encouraged" to use it when interviewing the Will-Maker. It should be the lawyer's policy that instructions to the legal assistant are always written on a checklist either similar to the one in the *Guide* or on one developed by the law firm.

Preparation

You will find the precedent for the *Will Checklist* in the **Helpful Information** chapter. It is in electronic format and may be printed "as is" and completed by hand. It may also be retrieved in electronic format, saved as a new document, and then completed in the usual way, using your word processor.

Before the interview, the legal assistant may complete any information which is already known to the law firm (such as the Will-Maker's name, address and other vital statistics).



Print the *Checklist* single-sided and never write any information on the back of a page as it may be easily overlooked.

If the family situation of the Will-Maker is complicated, it may help to draw a picture of the family tree (or a pedigree), in order to help visualize the family relationships.

Processing

When the *Checklist* is completed, diarize the file for two weeks (maximum) to ensure that the Will resulting from the instructions is prepared in a timely manner.

Once the Will has been prepared, keep the *Checklist* on file as a permanent record of the instructions. When the file is ultimately closed, ensure that the *Checklist* is not destroyed. One reason for this practice is that the *Checklist* may later be used as evidence in a possible lawsuit that challenges the Will, if the competency of the Will-Maker is questioned, or if undue influence is alleged.

SAMPLE WILL

A typical sample Will is shown on the following pages. This example provides an idea of the basic layout (i.e. how each page should look) and the general appearance of the finished product. The names, information, and situations contained in this example are fictitious.

The clauses in this sample are set out in their customary sequence, although there is no set rule in this regard. The legal assistant should consult with the lawyer about the content and sequence of these clauses to ensure that the lawyer's preference is followed. Consistency with the sequence of the clauses will ensure that none are forgotten.

Generally, the following sequence is adhered to when preparing a Will:

- **Preamble and revocation:** Usually, the Will starts by introducing the Will-Maker by name, occupation, and address (the latter two not strictly required by law) and by revoking (or cancelling) all previous Wills and Codicils.
- **Appointments:** The Will-Maker appoints the executors and trustees, and if there are infant children, appoints Guardians to look after them.
- **Vesting powers:** The Will-Maker “gives” the residue to the executors and trustees with provisos that all debts of the estate be paid.
- **Bequests:** The Will-Maker may make some gifts (obviously, not all Will-Makers will do so).
- **Residue:** The Will-Maker directs the executors to distribute the remainder, or the bulk of the estate – the residue. The residue clause usually requires more involved drafting, which is done either by the lawyer or, if the legal assistant is experienced enough, by the legal assistant under the supervision of the lawyer.
- **Exclusions:** Sometimes if the Will-Maker has excluded a family member (such as an estranged spouse or a wayward child), the reasons for such exclusion may be set out in the Will.
- **Wishes and Directions:** The Will-Maker may include funeral wishes, and miscellaneous directions to the Trustees.
- **Trustees' Powers:** The Will-Maker sets out the additional powers of the Trustees with respect to this particular estate.
- **Attestation clause:** It is located at the very end of the Will, the place where the it is signed.

For each of the above steps, precedents are given in **Wills • Precedent Clauses**, together with extensive explanations for each step. The example opposite only helps to visualize the appearance of the finished product. For specific clauses, refer to **Wills • Precedent Clauses**.

LAST WILL

THIS IS THE LAST WILL of me, **JOHN ALEX BROWN**, Retired, of 4568 West 68th Avenue, Vancouver, BC V5J 2G3.

1. **I REVOKE** all prior Wills and Codicils made by me.
2. **I APPOINT ALICE VALERIE BROWN** to be the Executrix and Trustee of this Will.
3. If **ALICE VALERIE BROWN** does not survive me, or is unable or unwilling to act or continue to act or dies before the administration of my estate is completed, then I appoint **PETER EDWARD McMASTER** and **JOHN PATRICK BROWN**, jointly or the survivor of them, to be the Executors and Trustees of my Will.
4. I hereinafter refer to my Executors as my Trustees and the expression "Trustees" shall mean and include the Executor or Executors, Executrix or Executrices and the Trustee or Trustees whether original, additional or substituted.
5. Should my spouse, **ALICE VALERIE BROWN**, predecease me, I appoint **PETER EDWARD McMASTER** and **JOANNE ELAINE McMASTER**, or the survivor of them, to be the Guardians of the persons and estates of my children during their respective minorities.
6. **I GIVE** all my property of every nature and kind and wheresoever situate, including any property over which I may have a power of appointment, to my Trustees upon the following trusts:
 - (a) to use their uncontrolled discretion in the realization of my estate, with power to my Trustees to sell, call in and convert into money, or otherwise dispose of any part of my estate not consisting of money at such time or times, in such manner and on such terms as they may, in their uncontrolled discretion, decide and either for cash or other assets or investments or on credit or any combination thereof, with power and discretion to postpone such conversion of my estate or any part or parts thereof for such length of time as they may think best, and I declare that my Trustees shall have a separate and substantive power to retain any portion of my estate in the form in which it may be at my death, notwithstanding that the same may not be in the form authorized under this Will, and whether or not there may be any liability attached thereto, for such length of time as they, in their absolute discretion, deem in the best interest of my estate, and my Trustees shall not be held responsible for any loss that may happen to my estate by reason of their so doing.
 - (b) to pay out of and charge to the capital of my general estate:
 - (i) my funeral and other expenses relating to my Will and my death;
 - (ii) my just debts including income taxes up to and including my death;
 - (iii) all succession duties and inheritance and death taxes, whether imposed by or pursuant to the law of this or any province, state, country or jurisdiction whatsoever that may be payable in connection with:

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- (A) any insurance on my life;
- (B) any registered retirement savings plan, registered retirement income fund, annuity, pension, or superannuation benefits payable to any person as a result of my death;
- (C) any gift or benefit given by me either in my lifetime or by survivorship or by this my Will or any Codicil thereto;

whether such duties and taxes are payable in respect of estates or interests which fall into possession at my death or at any subsequent time; and I hereby authorize my Trustees to pay such duty or tax prior to the due date thereof, or to commute the duty or tax on any interest in expectancy.

- (c) to pay the following cash bequests to the following organizations, societies, associations, corporations, or the like, as are in existence at my death:
 - (a) the amount of \$10,000.00 to **EAST PENDER HOMELESS SOCIETY**; and
 - (b) the amount of \$5,000.00 to the **CANADIAN OPERA COMPANY**.

For the purpose of this my Will, the receipt of any person purporting to be the secretary or treasurer, or other officer, or officers, as the case may be of any organization, society, association, or corporation, or the like, being a legatee or beneficiary hereof, shall be a full and sufficient receipt and discharge to my Trustees as to such bequests, and my Trustees shall neither be bound to see to the application thereof, nor to enquire as to the authority to give any such receipt.

- (d) to deliver my Stradivarius violin to my daughter, **MELODY ANNE BROWN**, if she survives me for a period of 30 days.
- (e) to transfer to my brother, **JOHN PATRICK BROWN**, any interest I may have at my death in lands and premises located at 1234 Pine Tree Lane, Okanagan Lake, British Columbia, legally described as:

Lot 1, District Lot 54, Plan 12345

clear of any financial encumbrances registered against the property.

- (f) to give the residue of my estate to my spouse, **ALICE VALERIE BROWN**, if she survives me for 30 days;
- (g) if **ALICE VALERIE BROWN** does not survive me for 30 days, to divide the residue of my estate then remaining in equal shares among my children alive at my death, except if any child of mine dies before me and leaves one or more of his or her children alive at my death, to create an equal share for that deceased child and to divide such share equally among those of his or her children who are alive at my death.

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- (h) If no child or other descendant of mine acquires an absolutely vested interest by virtue of the trusts herein declared, to divide the residue of my estate then remaining equally among PETER EDWARD McMASTER, JOANNE ELAINE McMASTER, and GILES EDWARD BROWN, or the survivors of them. If none of PETER EDWARD McMASTER, JOANNE ELAINE McMASTER and DANIELLE ANNE BROWN and GILES EDWARD BROWN are then alive, to pay the residue of my estate then remaining to the BRITISH COLUMBIA OPERA COMPANY.
7. I make no bequest to the children of my first marriage as they are presently in the custody of my ex-wife and her husband and are being well provided for.
8. Subject to the foregoing, my Trustees shall have the following powers:
- (a) To pay or apply the capital and income, or either, of the then expectant, presumptive or vested share of any beneficiary in the residue of my estate, whether a minor or not, for or towards the maintenance, education, advancement, or benefit of any such beneficiary and my Trustees shall not be bound to see to the application thereof.
- (b) To make any payments for any person under the age of 19 years to a parent or guardian of such person whose receipt shall be sufficient discharge to my Trustees.
- (c) Except as otherwise provided herein, if any person becomes entitled to any share in my estate before attaining the age of 19 years, to invest and keep invested the share of such person and to use the net income and capital or so much thereof as my Trustees, in their absolute discretion, consider advisable, for the benefit of such person until he or she attains the age of 19 years.
- (d) To make any division of my estate or set aside or pay any share or interest therein, either wholly or in part, in the assets forming my estate at the time of my death or at the time of such division, setting aside or payment and, in their absolute discretion, to fix the value of my estate or any part thereof, for the purpose of making any such division, setting aside or payment, and the decision of my Trustees shall be final and binding on all persons concerned.
- (e) As to any investments held by my estate, including any investment in or in connection with any company or corporation, to join in or take any action in connection with such investments or to exercise any rights, powers and privileges which, at any time, may exist or arise in connection with any such investments to the same extent and as fully as I could if I were alive and the sole owner thereof.
- (f) If, at the time of my death, I am liable as endorser, guarantor, surety or otherwise for any company or person or persons, to renew from time to time, in their discretion, the bills, notes, guarantees, or other securities or contracts evidencing such liability and for that purpose, to enter into new bills, notes or other securities or contracts for and on behalf of my estate.
- (g) To raise money, either without security or by a mortgage or charge or renewal thereof, on any part of my estate to carry out the Trustees' duties and powers hereunder and the trusts hereof.

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- (h) So long as any real or leasehold property forming part of my estate shall remain unsold, to let or lease the same from month to month, year to year, or for any term of years and subject to such covenants and conditions as they shall think fit, to accept surrenders of leases and tenancies, to expend money in repairs and improvements and generally to manage the property. My Trustees shall be at liberty to renew and keep renewed any Mortgage or Mortgages on any of my real estate, or to borrow money on any of my real estate on any Mortgage or Mortgages, and to pay off any Mortgage or Mortgages or any renewal thereof, which may be in existence at the time of my death.
- (i) To employ accountants, lawyers, financial advisors or other professional advisors in the administration of my estate and the trusts established by this Will, and to pay all professional charges and disbursements in relation thereto.
- (j) Any Trustee of my Will, being a lawyer or chartered accountant or engaged in any other profession or business, may make and be paid all usual professional and other charges for work done by them or their firm or any partner of theirs in relation to the probate of this Will or any Codicil hereto or the trusts thereof, or either, in the same manner in all respects as if they were not Trustees hereof, and also their reasonable charges in addition to disbursements for all work and business done and all time spent by them or their firm or any partner of theirs in connection with matters arising in the premises, including any matters which might or should have been attended to in person by a trustee not being a lawyer or chartered accountant, or other professional person, but which matters might be reasonably required to be done by a lawyer or chartered accountant or other professional person.
- (k) I authorize my Trustees, when making investments for my estate, to invest and reinvest any property belonging to my estate in such investments as my Trustees consider advisable, including units or other interests of any mutual funds, common trust funds, pooled investment funds, unit trusts or similar investments which may otherwise be considered to be an improper delegation of duty, and to change and vary the same from time to time as my Trustees consider advisable.
- (l) I authorize my Trustees to vary and transpose such investments from time to time without the consent of any beneficiary not being a trustee of this Will.

MEMORANDUM TO WILL

General Notes

When a Will-Maker wants to give numerous personal belongings (or in legal terminology, “make bequests”) to family members and friends, or has some elaborate directions to the executors and trustees, it is sometimes too cumbersome to include a list of these items or directions (or wishes) in the Will. In this instance, a separate *Memorandum* is prepared and attached to the Will.

For a *Memorandum* to be binding, it must be:

- included by reference in the Will – that is, specifically mentioned in the Will (*Memorandum to Will – Wills • Precedent Clauses*);
- dated on or prior to the Will’s date;
- signed by the Will-Maker;
- in existence at the time of the Will-Maker’s death.

Once the Will is signed, the *Memorandum* cannot be altered (or a new one prepared) without re-executing the Will or preparing a *Codicil* to the Will that confirms such alteration (or the execution of a new *Memorandum*).

Quite often, the Will-Maker will provide a *Memorandum* that is ready to be signed. If this is the case, the supervising lawyer must ensure that the *Memorandum* is signed by the Will-Maker **prior** to signing the Will.

Note: The articles must be owned by the Will-Maker at the date of the Will-Maker’s death so that gifts do not adeem.

The beneficiaries must survive the Will-Maker so that the gifts do not lapse.

Preparation

A suggested form of *Memorandum* is set out opposite.

- ❶ Insert the Will-Maker’s name (exactly as in the Will).
- ❷ Omit this paragraph if the *Memorandum* is prepared before the Will is completed.
- ❸ Leave the date blank – it will be completed when the *Memorandum* is signed. Just ensure that it is done prior to the date of the Will or, if both documents are signed on the same day, the *Memorandum* is signed first.
- ❹ If the *Memorandum* has been prepared outside the law office, it does not need to be witnessed as long as it signed and dated.

Processing

Handle the processing of the *Memorandum* as you do for the Will (copying and safekeeping). When reporting to the client, confirm that the original of the *Memorandum* is held for safekeeping with the Will and provide the client with a copy.

MEMORANDUM TO WILL

of

1

2This Memorandum referred to in paragraph *{number}* of my Will which I intend to sign today.

I, *{NAME OF WILL-MAKER}*, direct my Trustees to deliver to the following persons respectively, if they are alive at my death, the articles listed opposite their names if such articles are still owned by me at my death:

ARTICLE

BENEFICIARY

{description of article}

{name}

In each case where a beneficiary is stated to receive one item of which I have a number, or an interest in a group of belongings, such items shall be allocated by, or division of such items shall be determined by, my Trustees after consultation with the beneficiaries in question.

In addition, it is my hope, without imposing any obligation on them, that each of my aforesaid beneficiaries will give effect to my wishes with respect to such division as set out in any lists or as indicated in writing with respect to any particular item.

Dated at *{City}*, this **3** day of _____, 20__.

WITNESS: **4**)
)
)
 _____)
 Name)
)
 _____)
 Address)
)
 _____)
)
 _____)
 Occupation)

{NAME OF WILL-MAKER}

CODICIL

General Notes

Sometimes, months or even years after a Will has been executed, the Will-Maker may want to make changes to it, or revoke part of the Will. Instead of drawing up an entirely new Will, the Will-Maker may execute a document called a *Codicil* wherein the changes, deletions or additions are detailed. The *Codicil* is an addendum or amendment of the original Will. However, in the interest of clarity, an entirely new Will should be prepared if:

- numerous changes are required by the Will-Maker; or
- the changes are substantial; or
- there are already several *Codicils*.

Notes: If a Will that has been revoked is revived by a *Codicil*, the Will is deemed to have been made at the time it is revived (s. 57(3) of WESA).

To revoke a Will in its entirety, see **Revocation of Wills – Wills and Will-Makers – Overview**, and prepare the *Revocation* on page 14 of this chapter.

Preparation

Type the *Codicil* on will paper and have it be executed in the same manner as the Will (see **Execution – Wills • Documents**).

Insert the following:

- ① date of the existing Will of the Will-Maker that is being amended (not the date of the *Codicil* that you are preparing);
- ② Will-Maker's full name as it appears in the original Will;
- ③ Will-Maker's current address (it may be different from the address shown in the Will being amended as the Will-Maker may have moved since the date of the Will).

Even if the correction in the paragraph is very small and obvious, replace the whole paragraph. For each paragraph of the original Will that requires changing:

- ④ first: insert the instructions for the deletion of the paragraph to be amended by typing this sentence and then, in the appropriate spaces, insert the number of the original paragraph and the page number(s) on which the paragraph is located;
- ⑤ then: type in the new paragraph that replaces the paragraph being changed. Indent the new paragraph and set it off with quotations marks.

Repeat this procedure as many times as there are paragraphs in the Will to be amended.

- ⑥ Insert the new paragraph(s) including the correct numbering.
- ⑦ Once you have inserted the new paragraph(s), the subsequent paragraphs must be renumbered: describe each instance of renumbering.
- ⑧ Leave the date blank as it will be completed when the *Codicil* is signed.

Processing

Handle the processing of the *Codicil* as you do for the Will (copying and safekeeping). When reporting to the client, confirm that the original of the *Codicil* is held for safekeeping with the Will and provide the client with a copy.

CODICIL TO LAST WILL

THIS IS A CODICIL to the last Will dated **1** of me, **2**, *{occupation}*, of **3** which last Will is referred to in this Codicil as “my Will”.

1. **4**I hereby revoke paragraph **4** page **4** of my Will and substitute in its place the following:

5“*{number and text for the new paragraph}*...”

2. I hereby add the following paragraph as paragraph **6** of my Will:

6 “*{number and text for the new paragraph}*...”

3. I direct that paragraph No. **7** of my Will be renumbered as paragraph No. **7**.

4. In all other respects, I confirm my Will.

I have signed this Codicil to my Will on **8** _____, 20__.

We were both present at the request of *{NAME OF WILL-MAKER}*, when he/she signed this Codicil. We then signed as witnesses in his/her presence and in the presence of each other.

Signature of Witness

Printed Name

Address

Occupation

Signature of Witness

Printed Name

Address

Occupation

{NAME OF WILL-MAKER}

REVOCATION OF WILL

General Notes

Pursuant to section 55 of WESA, a Will (or part thereof) may only be revoked by:

- a new Will validly-made by the Will Maker pursuant to section 37 of WESA;
- a written declaration of the Will-Maker revoking a portion or the whole of the Will. To be valid, such revocation must be executed in the same manner as a Will (s. 37 of WESA); or
- the Will-Maker (or a person in the presence and at the direction of the Will-Maker) burning, tearing or destroying all or part of a Will.

Prepare this document when the Will-Maker:

- wishes to formally revoke (or cancel) a Will in its entirety;
- does not want to execute a new Will; and/or
- wants to document the revocation – to ensure, for example, that once destroyed, no copy of the original Will is probated.

Preparation

Type the Revocation on will paper and have it executed in the same manner as a Will (see **Execution – Wills • Documents**).

- ❶ Will-Maker's full name as it appears in the original Will;
- ❷ Insert the date of the Will that is being revoked.
- ❸ Leave the date blank, as it will be completed when the Revocation is signed.

When date is inserted by hand (during execution), the Will-Maker and the two witnesses must sign their names or affix their initials near the alteration.

Processing

Make the same arrangements for the copying and safekeeping of this document as for the Will. When reporting to the client, confirm that the original of the **Revocation** is held for safekeeping by the law firm and provide the client with a copy.

Handle the processing of the **Revocation** as you do for the Will (copying and safekeeping). When reporting to the client, confirm that the original of the **Revocation** is held for safekeeping with the Will and provide the client with a copy.

REVOCAION OF WILL

I, *{NAME OF WILL-MAKER}* ❶ of *{address}*, **REVOKE** my Will dated ❷ .

IN WITNESS WHEREOF, I have to this Revocation of Will subscribed my name, this ❸ day of _____, 20__.

We were both present at the request of ❶)
{NAME OF WILL-MAKER}, when he/she)
signed) this Revocation of Will. We then)
signed as witnesses in his/her presence and in)
the presence of each other.)

_____)
Signature of Witness)

_____)
Printed Name)

_____)
Address)

_____)
Occupation)

_____)
Signature of Witness)

_____)
Printed Name)

_____)
Address)

_____)
Occupation)

_____) *{NAME OF WILL-MAKER}* ❶

CERTIFICATE – INTERNATIONAL WILL
(Convention Providing a Uniform Law on the Form of International Wills)

General Notes

The Convention Providing a Uniform Law on the Form of International Wills (the “Convention”) allows British Columbia lawyers and notaries to prepare International Wills (schedule 2 to WESA) that are deemed to be valid in all jurisdictions that are parties to the Convention (see **International Wills – Overview**).

The key elements to International Wills are:

- the presence of an **authorized person** to the signature of the Will-Maker **in addition** to the two witnesses. The Will-Maker, two witnesses and the authorized person must be present together, and see each other sign the International Will;
- a **certificate of the authorized person** that must:
 - be in the form set out in Article 10 of the Annex to the Convention;
 - be signed by the authorized person (in British Columbia, only a lawyer or a notary public);
- a declaration regarding the location where the Will shall be kept for safekeeping if the Will is made in British Columbia.

Preparation

Before preparing the Certificate, ensure that the International Will is validly made pursuant to Part 4 of WESA and that **in addition**:

- the Will is dated at its end by the **authorized person**, as the effective date of the Will shall be the date of its signature by the authorized person;
- the Will is signed **at its end**: that is, there is no allowance for the signature to be affixed in any other place in the Will (s. 39 of WESA);
- each page of the Will is signed by the Will-Maker; and
- the Will-Maker declares, in the presence of **two witnesses** and the **authorized person**, that the document is his or her Will and that he or she knows the contents thereof.

Complete all blanks in the Certificate. The instructions printed in the form are complete and self-evident.

Processing

Ensure that the authorized person has dated and signed the *Certificate*.

Attach the original of the *Certificate* to the Will.

Make an additional copy of the Will (with the attached *Certificate*) to be kept by the authorized person.

If instructed by the supervising lawyer, file a *Wills Notice* (see above – recommended).

CERTIFICATE

(Convention of October 26, 1973)

1. I, *{FULL LEGAL NAME}*, *{address}*, *{capacity}*, am a person authorized to act in connection with international wills.

2. I certify that on *{date}* at *{place}* the Will-Maker: *{FULL LEGAL NAME}*

Address: *{address}*
 Date of Birth: *{date of birth}*
 Place of Birth: *{place of birth – city, province, country}*

in my presence and in the presence of the following witnesses has declared that the attached document is his/her Will and that s/he knows the contents thereof:

(a) the first witness: *{FULL LEGAL NAME}*

Address: *{address}*
 Date of Birth: *{date of birth}*
 Place of Birth: *{place of birth – city, province, country}*

(b) the second witness: *{FULL LEGAL NAME}*

Address: *{address}*
 Date of Birth: *{date of birth}*
 Place of Birth: *{place of birth – city, province, country}*

3. I furthermore certify that:

- (a) the Will-Maker has signed the Will in my presence and in the presence of the witnesses;
- (b) the witnesses and I have signed the Will;
- (c) each page of the Will has been numbered and signed by the Will-Maker; and
- (d) I have satisfied myself as to the identity of the Will-Maker and of the witnesses as designated above;
- (e) the witnesses met the conditions requisite to act as such according to the law under which I am acting;
- (f) the Will-Maker has requested me to include the following statement concerning the safekeeping of his Will:

“Place of safekeeping of Will:

{location where original Will will be located}”

Dated at *{city}*, British Columbia, this ___ day of _____, 20__



SEAL

{Print name}

BACKING SHEET

General Notes

Prepare a backing sheet to accompany every Will and Codicil . The backing sheet not only protects the Will, it also displays information which allows for easy identification of the Will when it is folded, letter style. It also shows the name of the lawyer who prepared it. This may be important in a future law suit.

There are basically two types of backing sheets and the one chosen depends upon the law firm's practice:

- A **standard** backing sheet is typed sideways (landscape format) on standard letter-sized bond paper, like the format used for court documents. One staple is placed in the upper left-hand corner and a “blue corner” may be used when stapling the Will together to protect it from tearing; or
- A **special** backing sheet is usually made of thick, light-blue paper and is about 1/2” longer than the standard letter-sized paper. The top of the backing sheet is folded over the top of the Will and then staples (usually three) are placed along the top margin. When using this type of backing sheet, there must be about a 2” inch margin at the top of the first page of the typed Will and about 1” at the top of all other pages.

Although the paper on which the backing sheet is typed may vary in weight, quality, size and colour, the typing is the same. An example is set out opposite.

Preparation

The typing on the backing sheet should appear “sideways” or “landscape”. When preparing it:

- if using a typewriter or a printer into which paper is inserted manually, you must insert the paper sideways;
- if using a laser printer, select the “landscape” or equivalent orientation (or definition) of the paper.

If you are preparing a backing sheet for a **Codicil**, add the words: “Codicil to ...”.

LAST WILL
of
{NAME OF WILL-MAKER}

JOHN DOE & ASSOCIATES
Barristers and Solicitors
1234 West 2nd Avenue
Vancouver, B. C.
V6K 1P2

File No. _____
{Initials of Lawyer and legal assistant}

WILLS NOTICE

General Notes

Pursuant to sections 73 to 76 of WESA, a **Wills Notice** may be filed with the Vital Statistics Agency to notify that office of the following:

- execution of a new Will; or
- relocation of a Will or Codicil; or
- revocation of a Will; or
- execution of a Codicil.

The **Wills Notice** identifies the Will-Maker and advises the Agency of the Will's (or Codicil's) date and location. On the death of the Will-Maker, a search must be conducted with the Vital Statistics Agency to determine the existence and the location of a Will. For this reason, although it is not mandatory to file a **Wills Notice**, it is recommended to do so in order to enable the executor to locate the original Will after the Will-Maker's death (**Wills Notices – Wills and Will-Makers**).

The Notice may be submitted electronically (see page 22) or in paper format. If you submit the **Wills Notice** in paper format, you can download it from the Vital Statistics Agency's website: ⇨ **Wills Registry ⇨ Filing a Wills Notice** (see: "Wills Notice" in **Addresses and Links, Helpful Information**). It will only be accepted in the form prescribed by the regulation, and can either be obtained free of charge from the Registry, or printed from the Vital Statistic Agency's website:

Preparation

A blank **Wills Notice** is shown opposite and a completed example (with fictitious information) is shown on the following page. The same information is required for an electronic and a paper form.

Insert the following:

- ❶ supervising lawyer's name, address (and postal code), telephone and fax numbers;
- ❷ date the Notice is prepared and signed;
- ❸ Will-Maker's full legal name (initials and names in brackets or quotations are not accepted) as well as sex (M/F/X). Even though the Will may contain aliases, you cannot submit any variables or aliases in the **Wills Notice**. Any such information added in ❸ (other than the legal name) is not recorded by the Vital Statistics Agency. In addition, if you file the Notice online, there is no space for aliases;
- ❹ date of Will-Maker's birth. For any particular or special circumstances (for example the date or place of birth or is unknown), contact the Registry for assistance prior to submitting the **Wills Notice**;
- ❺ place (including city, province and country) of Will-Maker's birth;
- ❻ "x" in the appropriate box. You may check two boxes at the same time, for example, if a new Will is executed and a prior one revoked;
- ❼ date of Will or Codicil;
- ❽ new location of the Will that is: the name and address of the law firm, financial institution, or any other location where the Will is being held for safekeeping.

The information concerning the execution of a new Will that revokes a previous Will, and the change of location of a Will may be submitted on the same form. When a client brings an original Will to your office for safekeeping, prepare and file a new Notice.

Continued...

This form is fillable. To begin, click in the Name field in the Mailing Address section, and start typing.



Vital Statistics Agency

Print

Clear Form

WILLS NOTICE

(REGISTRATION OF THE LOCATION OF A WILL)

MAILING ADDRESS: Name and address of testator or firm submitting this notice. Please PRINT clearly.		FOR VSA OFFICE USE ONLY	
Name 1		APPLICATION FOR SERVICE NUMBER	
Address		-	
City, Province/State, Country		Postal/Zip Code	
Work Phone Number (include area code)	FAX Number (include area code)		
If mailing to a company, ATTENTION:			

IMPORTANT - We cannot register this notice without ALL these particulars.

Wills Notice dated this **2** _____ day of _____, A.D. _____
Month Year

is filed respecting the will of **3** _____
Given name(s) Initial Surname Sex

born on the **4** _____ day of _____, A.D. _____
Month Year

at **5** _____
City/Town/Village Province/State, Country

Complete form in full.

I/Testator:
 (Please choose one option only. Refer to "How do I register the location of my will?" on reverse.) **6**

(a) have/has executed my/their Last Will and Testament and/or codicil (i.e. The will is signed and is legal.)

(b) have/has revoked my/their Last Will and Testament and/or codicil (Note: When a new will is executed, the previous will is automatically revoked.)

(c) have/has changed the location of my/their Last Will and Testament and/or codicil

Date of will and/or codicil: _____
Day Month (written in full) Year

Present location of will and/or codicil:

7 _____
Name of place, trust company, bank, law office, etc.

_____ Street Address

_____ City or Place Province Postal Code

_____ Telephone Number (include area code)

X _____
Signature of testator, solicitor, notary public, or trust officer

Remit form with the fee of \$17.00 to the Vital Statistics Agency.

This information is collected by the Vital Statistics Agency under section 26(c) of the *Freedom of Information and Protection of Privacy Act*, and will be used to fulfill the requirements of the *Vital Statistics Act* for the recording of the location of a Last Will and Testament and for the release of Last Will and Testament information. Should you have any questions about the collection of this personal information, please contact:
Manager, Vital Statistics Agency, 250 952-2681, PO Box 9657, Stn. Prov. Govt., Victoria, BC V8W 9P3.

Print

Clear Form

WILLS NOTICE

Processing

The Notice is usually signed by the supervising lawyer, but may also be signed by one of the following:

- notary public; or
- Will-Maker; or
- trust officer (prior authorization must be on file with the Vital Statistics Agency).

Make two photocopies of the Notice: one for the file and one for **central filing**.

We recommend that you keep a copy of each Notice in one central filing location for two reasons:

- to have an easily accessible record of all Wills prepared by the law firm; and
- if ever the law firm moves, Notices may have to be prepared and filed to advise the Vital Statistics Agency of such a move. The information may then be copied from the Notices held in one location rather than hunting through closed files in storage to find copies of the Notices.

Mail the original Notice to the Vital Statistics Agency at the address shown on the form.

In due course, the Agency will mail a “Receipt Acknowledgement” to the law firm. It takes about three weeks to receive it. Upon receipt, check all information contained in the Receipt and file the Receipt with the copy of the *Wills Notice*, either in the client’s file or in the central filing.

Electronic Submission

The *Wills Notice* may also be filed electronically with the Vital Statistics Agency:

- if the law firm has an account with BCOOnline, by logging onto BCOOnline (see **Addresses and Links – Helpful Information**);⁽¹⁾ or
- by logging onto the Vital Statistics Agency’s website and using a credit card (see **Addresses and Links – Helpful Information**).

Note: BCOOnline screens are extremely user friendly and their use is not covered in this *Guide*.

⁽¹⁾ The online BC Wills Registry is now accessible through bcregistry.gov.bc.ca (BC Registries and Online Services). You must have an account to access this service.



Vital Statistics Agency

WILLS NOTICE

Click just above the word Name in the address block to begin.

<p>MAILING ADDRESS: Name and address of Testator or firm submitting this notice. Please PRINT clearly. Include POSTAL CODE</p> <p>JOHN DOE & COMPANY</p> <p>Name</p> <p>Barristers and Solicitors</p> <p>Address</p> <p>1234 Main Street, Vancouver, BC</p> <p>City, Prov./State, Country</p> <p>Postal Code</p> <p>IF COMPANY, ATTENTION: John Doe</p> <p>WORK NUMBER: (604) 661-0909</p> <p>FACSIMILE NUMBER: (604) 661-0808</p>	<p>FOR OFFICE USE ONLY</p>
<p>Wills Notice dated this <u>1st</u> day of <u>November</u>, A.D. <u>2024</u></p> <p>is filed respecting the will of <u>JOHN ALEX</u> <u>BROWN</u> <u>M</u></p> <p style="text-align: center;"><small>(Given names in full) (Surname) (Sex)</small></p> <p><u>14</u></p> <p>IMPORTANT We cannot register this notice without all these particulars</p> <p>born on the <u>31</u> day of <u>October</u>, A.D. <u>1951</u></p> <p>at _____ (City) _____ (Province or Country)</p>	
<p>COMPLETE <u>IN FULL</u> REMIT FEE OF \$17.00</p>	
<p>PLEASE CHOOSE ONE:</p> <p><input checked="" type="checkbox"/> (a) HAVE (HAS) EXECUTED MY (HIS, HER) LAST WILL AND TESTAMENT AND/OR CODICIL</p> <p><input checked="" type="checkbox"/> (b) HAVE (HAS) REVOKED MY (HIS, HER) LAST WILL AND TESTAMENT AND/OR CODICIL</p> <p><input type="checkbox"/> (c) HAVE (HAS) CHANGED THE LOCATION OF MY (HIS, HER) LAST WILL AND TESTAMENT AND/OR CODICIL</p>	
<p>DATE OF WILL AND/OR CODICIL: <u>1st</u> <u>November</u> <u>2013</u></p> <p style="text-align: center;"><small>(Day) (Month in Full) (Year)</small></p>	
<p>PRESENT LOCATION OF WILL AND/ OR CODICIL:</p> <p>JOHN DOE & COMPANY, Barristers and Solicitors</p> <p style="text-align: center;"><small>(Name of place, trust company, bank, law office, etc.)</small></p> <p>1234 Main Street</p> <p style="text-align: center;"><small>(Street Address)</small></p> <p>Vancouver BC V5Y 1T3</p> <p style="text-align: center;"><small>(City or Place) (Province) (Postal Code)</small></p>	
<p>TELEPHONE NO.</p> <p>(604) 661-0909</p>	<div style="display: flex; justify-content: space-around; align-items: center;"> <div style="border: 1px solid black; padding: 5px; text-align: center;">PRINT</div> <div style="border: 1px solid black; padding: 5px; text-align: center;">RESET</div> </div> <p style="text-align: center; color: red; font-size: small;">(WRITTEN SIGNATURE OF TESTATOR OR SOLICITOR, NOTARY PUBLIC OR TRUST OFFICER ONLY)</p>

