

# Free Will Preview

**THIS IS THE LAST WILL AND TESTAMENT** of me, Daniel Smith.

## **1. REVOCATION**

I hereby revoke all Wills and Codicils that I have previously made.

## **2. APPOINTMENT OF EXECUTOR**

I appoint my son, Liam Smith, and my daughter, Alexandra Smith, as my Executors, jointly, under this my Will.

Should any person become appointed under this my Will as my Executor before attaining the age of majority, such person shall be unable to act as my Executor within the meaning of my Will.

Where under this my Will multiple Executors are appointed to act concurrently, the failure of one of such to act or to continue act as my Executor prior to the completion of all of the trusts set out in this my Will shall not diminish any authority of the remaining Executor(s) to complete the administration of my estate or to administer any Trusts created in my Will.

Any reference in my Will to "my Executor" or "my Trustees" shall be interpreted to include such changes in number and/or gender as the context requires. In addition, the term "my Trustees" shall include, where the context permits, the Executor, Executrix, Executors, the Estate Trustee(s) and the Personal Representative(s) for the time being, whether original, additional or substitutional.

## **3. DISPOSITION OF MY ESTATE**

I give all of my real property and all of my personal property, wherever the same may be located, including any property over which I may have a power of appointment, to my Trustees upon the following trusts.

### **i. Debts, Funeral Expenses and Taxes**

I direct my Trustees to pay, out of the residue of my estate, my just debts, funeral and testamentary expenses, income taxes and all other levies (such as estate taxes, inheritance taxes and succession duties) payable in connection with any property passing or deemed to pass upon my death and on any gift or benefit conferred by me under this my Will as well as the expenses of administering my estate.

### **ii. Gifts and Legacies**

a) \$20,000.00

I direct my Trustees to deliver the sum of \$20,000.00 CAD to the Hospital for Sick Children, if they survive me.

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## b) 1952 Vincent Black Shadow Motorcycle

I direct my Trustees to deliver my 1952 Vincent Black Shadow motorcycle to my brother, Allan Smith, if he survives me.

## c) Land And Ranching Property At 1654 Wilderness Trail, Clearwater, Ontario

I direct my Trustees to deliver my land and ranching property at 1654 Wilderness Trail, Clearwater, Ontario to my son, Liam Smith, if he survives me.

If my son, Liam Smith, is not alive at the time of my death but has left issue surviving and then alive, I direct my Trustees to divide the interest as to my gift of my land and ranching property at 1654 Wilderness Trail, Clearwater, Ontario to which my said son would have been entitled had he survived me among his issue then alive in equal shares per stirpes.

### **iii. Residue**

I direct my Trustees to divide the residue of my estate into a requisite amount of equal shares and deliver 1 equal share of the residue of my estate to my son, Liam Smith, if he survives me; and, 2 equal shares of the residue of my estate to my daughter, Alexandra Smith, if she survives me.

If either of my son, Liam Smith, or my daughter, Alexandra Smith, is not alive at the time of my death but has left issue surviving and then alive, I direct my Trustees to divide the interest as to the residue of my estate to which such beneficiary would have been entitled had they survived me among their issue then alive in equal shares per stirpes.

## **4. FUNERARY ARRANGEMENTS**

Upon my death, I request that my Trustees contact Serenity Gardens Funeral Home, with whom I have made funeral arrangements.

It is my wish that, upon my death, my body be cremated.

## **5. INTEREST OF MINORS**

If any person should become entitled to a share of my estate before the attaining the age of majority, my Trustees shall hold such share in trust and invest it for the benefit of such person.

Except as may be otherwise provided in this my Will, I authorize my Trustees to apply such amounts from the income and capital of such share as my Trustees, in their absolute discretion, consider advisable, for the care, maintenance, education, advancement in life or other benefit of such person until he or she attains the age of majority, at which time my Trustees shall pay or transfer such share, or the part thereof remaining, to him or her.

Any net income derived from such share which is not paid to or applied for the benefit of such

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person in any year shall be accumulated and added to the capital of such person's share.

## **6. PAYMENT ON BEHALF OF MINORS**

Any payment or transfer which, pursuant to this my Will, may be made to or on behalf of a beneficiary under the age of majority, may be effected by payment or transfer to such beneficiary or to his or her parent, to his or her guardian, to such other person standing in loco parentis to such beneficiary.

## **7. JURIDICAL PERSONS**

Where in my Will the condition, "survive me", or "survives me", is used in respect of a non-natural person, such as, without limitation, a corporation, trust, or charity, such condition shall be taken to mean, "is/are in existence at the time of my death, even if known by another name".

With respect to any payment or transfer which, pursuant to this my Will, may be made to a beneficiary which is a charity, such gift is general in nature and may be used for whatever purpose that such charitable beneficiary wishes.

*DRAFT*

This is the end of our Free Preview!

This is a partial draft Will intended for preview purposes only. A signing page has not been included.