

Explanation of Will Sections

An actual Will, in full legal language, might not be easy to read through.

We have therefore answered some common questions in order to help you understand it.

Because each person's Will is unique based on their choices, not all of these points might apply to you.

1. "Where are my property instructions listed?"

Your wishes as to your property are located in the section titled "3. Disposition of my Estate".

In there, the legal term "residue" is what refers to the general remainder of your property.

2. "What is the meaning of 'issue' and of 'per stirpes'?"

Depending on your choices, you might see these legal terms in your property instructions.

The phrase, "to John's issue then alive in equal shares per stirpes" simply means, "equally to John's surviving children, if any".

And, if applicable, it will further mean, "where a child has not survived but has children of their own alive, then such child's share equally to their children instead, and so on, down all branches of descent".

3. "Where can I find my Executors?"

Your Executor appointments are located in the section titled "2. Appointment of Executor".

4. "Explain the section 'Payment on Behalf of Minors'"

Under Canadian property law, there are certain restrictions on the ability of minor children to hold property.

Where a beneficiary under your Will is a minor child, this section allows it so that their entitlement can be paid to the child's parent, in order to avoid the restrictions and not have to pay the entitlement into Court.

5. "Explain the section 'Members of a Relationship Class'"

If, in your Will, a reference to a non-specific, generalized class of relatives has been made (i.e. 'issue'), then this will restrict that reference to recognized persons within it.

6. "Explain the section 'Exclusion from Community of Property'"

This is to protect a beneficiary's entitlement from being taken by their spouse in a separation/divorce.

7. "Where do I sign?"

The last page of the Will is the signing page.

You must follow our manual, "Instructions for Signing", which you receive upon payment.

(In preview versions of Wills, this last page is omitted.)