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How You Can Help Your Own Executor

Unless your executor has the gifts of former Prime Minister Mackenzie King or Sir Arthur Conan Doyle, your executor will be unable to converse with you by séance after you depart this world. While your will will inform your executor and all of your beneficiaries how you intended your estate to be distributed, it will contain very little information about your estate or the information that your executor requires to probate your will. To avoid your executor having to engage their inner Sherlock Holmes to sleuth out the details of your estate and the information required to probate your will, you could greatly assist your executor by doing one or more of the following:

1. **Copy of the Will.** Either provide a copy of your will to your executor or, if you wish to keep the terms of the will confidential until your death, advise your executor where you are storing the original will (especially if you have not filed a Wills Notice in Victoria). Most wills include the appointment of alternate executors to address the situation where the person who was appointed your executor in first instance predeceases you, dies at the same time or the person is unable or unwilling to act as your executor when called upon. In such circumstances, it would be helpful if the alternate executor had a copy of your will or knew where the original was located.
2. **Burial Instructions.** Your executor is the person who has the legal right to your remains (your body) and an obligation to dispose of your remains in a dignified manner. If your executor is your spouse, they likely know of your wishes in this regard. However, if the executor is one of several children, one of several siblings or a close family friend, they will greatly appreciate if you have given some instructions, preferably in writing, as to the arrangements you would prefer. Decisions must be made in a relatively short period of time and if there is disagreement among family members as to what were your wishes, this can become a very difficult and stressful subject for the executor and other family members and close friends.

The subject can extend beyond whether you wish to be cremated or buried. For example, where the deceased has had more than one spouse and/or children with different partners, there can be very personal and strongly held views as to the location of the memorial service, the location where you should be buried (beside spouse #1 or #2?) or who receives your cremated remains. Your executor will have a much easier time dealing with grieving and emotional relatives and close friends if it is clear to all that the executor is merely following your wishes.

If you have pre-paid any costs with respect to your funeral arrangements, this should be included in the materials you assemble for your executor. While this may be well known by your spouse, it is often something that is not widely discussed with family and friends and may not be known by non-spouse executors.

3. **Personal Information.** Prepare a package of documents for your executor that includes originals or copies of the following documents: (a) your birth certificate; (b) your marriage certificate; (c) your spouse's death certificate (if applicable); (d) certificate of divorce (if applicable); (e) any other important documents about your legal status. Also include a photocopy of your Social Insurance Card.
4. **Details of Life Insurance Information.** Prepare a list of all life insurance policies you have in place and include the contact details of the insurance advisor/agent for each policy. Ideally, copies of each insurance policy or certificate of insurance would be included in the materials you assemble.
5. **List of Key Advisors and Contacts.** Prepare a list of the key advisors that your executor will need to contact, such as: (a) your main contact at any financial institution where you have accounts; (b) your accountant (the person who files your tax returns); (c) your financial advisor (the person who manages your RRSP, RRIF, shares, etc.); and (d) the lawyer who prepared your will.
6. **Bank Accounts.** In order to probate your estate, your executor will need to obtain the bank balances for all of your accounts. Some people are meticulous record keepers and their bank account information will be easy to obtain from their home records. For other people keeping records is just not their strong suit. If you are in the latter category it would be very helpful if you listed each financial institution where you have an account. As financial institutions move away from paper statements towards electronic statements, it would also be helpful if you included your bank card number and online password in the materials.
7. **Safety Deposit Box/Off-Site Storage Services.** If you have a safety deposit box, set this out in the materials you assemble for your executor, including the location of both the safety deposit box and the key for the safety deposit box. The same should be done with respect to any off-site storage facilities where you maintain personal property.
8. **Personal Items of Significant Value.** If your executor (or the alternate executor) is not familiar with your personal possessions and you own any valuable jewelry, art work, coins or rare antiques, make a note of those items for the executor and the approximate value of each item. Otherwise, your executor and your beneficiaries may not appreciate the value of such items and mistakenly agree that the items be donated to charity or sold off in a garage sale for next to nothing.

If you owe any significant private debts or anyone owes you a significant sum, you should describe the debt in the materials you assemble for your executor. If the debt is documented, include copies of the loan documents in the materials.

Sometimes there is uncertainty among family members if financial assistance you provided to a child or relative to help purchase a home or vacation property, pay for someone's schooling or for assistance with financial difficulties is a gift or a loan. Ideally, you would address such subjects in your will. However, life is unpredictable and fast moving and often people do not update their wills for several years. To assist your executor in mediating between two children, one who thinks your financial assistance was a gift and another who thinks it was a loan, your written instructions on the subject should help the executor and your beneficiaries resolve such potential issues.

9. **Real Property Holdings.** While your executor will likely know where you live, they may not know of other properties you own, such as a rental property, a vacation home or interest in a time-share. A list of the civic and legal description of each property you own will assist your executor when preparing the materials required to probate your will.

For each property you own, you should also provide a copy of the applicable property insurance policy and the contact details for your insurance advisor/agent. Most property insurance policies in Canada have a provision that if the home is vacant for more than thirty (30) days, then coverage lapses even if the insurance premium payments continue to be made by the executor or were prepaid when the insurance was obtained.

10. **The Modern World.** Most people have a number of passwords to various computer sites and electronic devices. Accordingly, consider preparing a list of passwords for your executor with respect to the following, as applicable: (a) home security system; (b) home safe; (c) home computer and internet connection; (d) e-mail accounts; (e) smart phones and iPads; (f) voicemail; (g) accounts of regular service providers (such as hydro, natural gas, internet provider, etc.) and (h) social media sites. For some of these sites, it will be helpful for the executor to obtain information about your assets and liabilities. For others, it is a question of managing or ending, depending on your wishes, your digital presence after you have passed away.

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