**Laws Studies 12 – Sample of a Will**

This is an example of a will  which names  either one or two alternate Executors in case the intended Executor is unwilling or unable to do the job of carrying out the will.  This sample will leaves everything to one beneficiary, but allows for two alternate beneficiaries should the original intended beneficiary predecease the person writing the will.  It also provides instructions in case the alternate beneficiaries also predecease the writer of the will.  The person making the will is called the TESTATOR.

***Tip:  Laws vary by province, and it is always advisable to have your will reviewed by a notary or lawyer to ensure it conforms with current legislation.***

In the sample will below, all underlined and bracketed items should be replaced with the appropriate information.

THIS IS THE LAST WILL AND TESTAMENT of me, [NAME], [OCCUPATION], of [STREET ADDRESS], in the City of \_\_\_\_\_\_\_\_\_\_\_\_\_, in the Province of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

I HEREBY REVOKE all former Wills and other Testamentary dispositions by me at any time heretofore made and DECLARE this to be and contain my Last Will and Testament.

I NOMINATE, CONSTITUTE AND APPOINT my [RELATIONSHIP TO EXECUTOR – HUSBAND/WIFE/COMMON-LAW SPOUSE, FRIEND, ETC.], [EXECUTOR NAME], of [STREET ADDRESS], in the City of [CITY, PROVINCE], to be the sole Executor and Trustee of this my Last Will and Testament, and I herein after refer to [him/her] as my 'Trustee'. IN THE EVENT that [EXECUTOR NAME] shall be unable or unwilling for any reason whatsoever to act or continue acting as my Executor and Trustee, I then appoint my [RELATIONSHIP TO EXECUTOR – SON/DAUGHTER, FRIEND, ETC.], [EXECUTOR NAME], of [STREET ADDRESS], in the City of [CITY, PROVINCE], and/or my [RELATIONSHIP TO EXECUTOR – SON/DAUGHTER, FRIEND, ETC.], [EXECUTOR NAME], of [STREET ADDRESS], in the City of [CITY, PROVINCE], Executor and Trustee of this my Last Will and Testament (hereinafter referred to as 'my Trustee’).

I GIVE, DEVISE AND BEQUEATH all my estate, both real and personal, of every nature and kind and wheresoever situate, including any property over which I may have a general power of appointment, to my [RELATIONSHIP – HUSBAND/WIFE, ETC.], [BENEFICIARY NAME], if he survives me for a period of [thirty (30) days], for [his/her] own use absolutely.

IF MY SAID [RELATIONSHIP – HUSBAND/WIFE, ETC.] should predecease me, or die within a period of [thirty (30) days] following my death, I GIVE, DEVISE AND BEQUEATH all my estate, both real and personal, of every nature and kind and wheresoever situate, including any property over which I may have a general power of appointment, to my Trustees to hold upon the following trusts:

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| --- |
| a) To use their discretion in the realization of my estate, with power to my Trustee to sell, call in and convert into money any part of my estate not consisting of money at such time or times, in such manner and upon such terms, and either for cash or credit or for part cash and part credit, as my said Trustee in their uncontrolled discretion may decide upon, or 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 HEREBY DECLARE that my said Trustee may retain any portion of my estate in the form in which it may be at my death (notwithstanding that it may not be in the form of an investment in which Trustee are authorized to invest funds and whether or not there is a liability attached to any such portion of my estate) for such length of time as my said Trustee may in their discretion deem advisable, and my Trustee 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 the capital of my general estate my just debts, funeral and testamentary expenses and 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 an insurance on my life or any gift or benefit given by me either in my lifetime or by survivorship or by this my Will or any Codicil thereto. |
| c) To divide the rest and residue of my estate into equal shares, to be transferred and distributed equally among the following persons: |
|      1.       [ALTERNATE BENEFICIARY #1 NAME, RELATIONSHIP |
|      2.       [ALTERNATE BENEFICIARY #2 NAME, RELATIONSHIP] |

 IF one of my above-named beneficiaries shall predecease me, then the equal share set apart for that deceased beneficiary shall instead be distributed to his or her descendants, equally share and share alike. If one of my above-named beneficiaries shall predecease me leaving no descendants surviving, then the equal share set apart for that deceased beneficiary shall be distributed to my other beneficiary, or if my other beneficiary has predeceased me, then to his or her descendants, equally share and share alike.

 IN WITNESS WHEREOF I have hereunto set my hand to this and the preceding page at [CITY NAME], in the Province of [PROVINCE NAME], this [DATE – 1st day of MONTH , AD YEAR].

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[PRINT YOUR NAME HERE, SIGN ABOVE]

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| --- |
| SIGNED, PUBLISHED AND DECLARED |
| by the above named Testator, [YOUR NAME], |
| as and for [his/her] last will and Testament, |
| in our presence, who at [his/her] request and in [his/her] |
| presence, have hereunto subscribed our names as |
| witnesses: |

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| SIGNATURE | SIGNATURE |
| Witness # 1 name | Witness #2 name |
| Address  | Address |
| City, Province | City, Province |
| Phone #  | Phone # |

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