



Heritage Law*

Heritage Law Basic Estate Planning Package

Fees:

Single: \$1,500

Couple: \$1,800

Documents:

Power of Attorney, Representation Agreement, simple Will, Nomination of Committee, Living Will and Important Personal Info Summary

Basic Estate Planning:

There are three documents everyone should have:

1. A Power of Attorney
2. A Representation Agreement
3. A Simple Will

A **Power of Attorney** is a legal document where you can appoint someone (the attorney) to manage your financial and legal affairs in the event you were unable to do so yourself, for example due to illness, injury or travel. An **Enduring Power of Attorney** remains valid even if the person giving it loses mental capacity. It must be signed before the person loses capacity.

A **Representation Agreement** (which is a combined advance health care directive, personal directive and living will) allows you to designate someone you trust to make health and personal care decisions for you should you not be able to make such decisions yourself. If you have any particular health care wishes, you can include them in a Representation Agreement.

A **Will** sets out who you would like to administer your estate, to receive your assets and to be the guardians of your minor children in the event you died. This allows the writer of the will to make these decisions themselves rather than default to the legislative provisions that apply when a person dies without a will.

Additional Documents:

A **Nomination of Committee** designates the person that you would want to be your "legal guardian" in the situation where you are no longer mentally capable of making decisions for yourself. According to the *Patients Property Act*, if you have nominated someone to be your committee, the Court must appoint that person to be your "guardian," unless good reason can be shown to the Court why that person should not be appointed. This is a back up document to a Power of Attorney and a Representation Agreement.

A **Living Will** or Health Care Directive generally covers instructions related to refusing life support. Although Living Wills have limited legal effect in BC, there is a requirement for health care providers to follow your pre-expressed wishes in emergency situations. Your Representative (appointed in your Representation Agreement) can confirm that you have not changed your mind and can help ensure the circumstances at hand are the ones you anticipated. A Living Will is a back up document to a Representation Agreement.

An **Important Personal Information Summary** is a central document organizing key personal and property information.

- * Additional planning options may be appropriate, including trusts for minors, provisions for disabled beneficiaries, tax-reducing trusts, beneficiary designations and joint tenancies. After the initial interview, the lawyer will advise if additional strategies are recommended and additional fees may apply.