

LAST WILL & TESTAMENT OF

Johanna Doe

DATE SIGNED _____

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LAST WILL & TESTAMENT OF JOANNA DOE

I, Joanna Doe, a resident of Ottawa, Ontario, declare that this is my Will. I hereby revoke all my previous wills and codicils.

ARTICLE 1. EXECUTOR

1.1 Appointment of Executor(s)

I appoint Joseph Doe as the Executor of my Will and Trustee of my Estate.

If Joseph Doe is unable (by reason of death, incapacity, or any other reason) or unwilling to serve as executor and trustee, Catherine Johnson shall serve as successor Executor and Trustee in their place.

1.2 Definition

The term "Trustee" or "Trustees" shall include, where the context permits, the Executor or Executors and Trustee or Trustees and for the time being, whether original, additional or substitutional. Any reference in my Will to "Trustees" shall be interpreted to include such changes in numbers and/or gender as the context requires.

1.3 Waiver of Bond

My Trustees shall not be required to post a bond as security, even if my Trustees are not residing in Ontario when called upon to act on behalf of my estate and notwithstanding that my executor may not be resident or located within any state, province, or country in which I may own assets at the time of my death.

ARTICLE 2. DISPOSAL OF REMAINS

2.1 Burial or Cremation

It is my wish, and I so direct, that my body not be cremated, but be buried. I further desire that a memorial service be conducted as a life celebration ceremony.

ARTICLE 3. DISPOSITION OF MY ESTATE

I give all of my property of every nature and kind and wherever situate, including any property over which I may have a general power of appointment, to my Trustees, upon the following trusts, namely:

3.1 Debts, Funeral and Testamentary Expenses

I direct my Trustee to pay my just debts, funeral and testamentary expenses, and taxes, including but not limited to income taxes, and all estate, legacy, succession, or inheritance duties and taxes whether imposed pursuant to the law of Ontario or any other jurisdiction that may be payable in connection with any property passing on my death (or deemed so to pass) and on any gift or benefit conferred by me under this my Will as well as the expenses of administering my estate.

3.2 Monetary Gifts

None

3.3 Specific Gifts

None

3.4 Gift of Real Estate Property

None

3.5 Personal Effects

All my personal effects shall form part of the residue of my estate and be dealt with as part thereof.

3.6 Disposition of Residue

My Trustees shall pay and transfer the residue of my estate to my spouse, Joseph Doe, if they survives me.

If my spouse fails to survive me, then my Trustees shall divide the residue of my estate among my children in equal shares. In the event any child of mine does not survive me or dies before becoming entitled to receive all or part of their share of my estate, I direct that such deceased child's share shall be transferred equally to such deceased child's children (my "grandchild" or "grandchildren").

3.7 Testamentary Trust

Provided however that if any issue of mine should become entitled to a share of my estate before attaining the age of eighteen (18), I direct my Trustees to hold such share in trust in accordance with the following provisions:

(a) My Trustees shall set aside such share and keep it invested until such beneficiary attains age eighteen (18). Until such beneficiary attains the age of eighteen (18), my Trustees shall pay to him or her, or apply for his or her education, support, maintenance and benefit, so much of the income and capital of such share as my Trustees in their absolute discretion consider advisable from time to time. Any surplus income shall be accumulated and added to the share.

(b) When such beneficiary attains the age of eighteen (18), my Trustees shall transfer the balance of that share to such beneficiary for his or her own use absolutely.

(c) If, as a result of the death of one or more of my issue, a share of my estate passes to a surviving issue of mine in accordance with the terms of my Will, such share shall be held in trust for that surviving issue subject to the provisions of this paragraph, and if such share passes to that surviving issue of mine for whom a part of my estate is already being held in trust under my Will, that interest shall be added to the trust for that surviving issue of mine and shall be administered as part thereof.

(d) Notwithstanding any of the foregoing provisions of this paragraph of my Will, on the twentieth (20th) anniversary of the death of the last survivor of me, my spouse, and all of my issue alive at my death, any share or portion held by my Trustees in trust shall vest absolutely in possession in the individual for whose benefit the share is held, for his or her own use absolutely.

ARTICLE 4. ADMINISTRATIVE POWERS

In addition to all other powers vested in Trustees by law or otherwise, and without restricting the general powers, discretions, and authorities given to my Trustees in my Will, my Trustees have the power, discretion, and authority to deal with my estate, including any particular trust established under my Will, without the interference of any person entitled under the provisions of my Will, as follows:

4.1 Power over Digital Assets

Subject to any relevant terms herein and the relevant law, my Trustees shall have full power and authority to manage, administer, sell, transact, delete, gift, and otherwise give directions for, any and all digital assets (the "Digital Assets") that belong to me at the time of my death, or over which I had access privileges or which contain information about me, including but not limited to such digital assets as passcodes, account information, social media webpages or websites which contain my personal information, internet domain name registrations, electronic accounts, emails and any other digital property or information that may be stored on servers that do not belong to me but that related to me whether directly or indirectly.

For the purposes of this Will, the term "Digital Assets" includes, but is not limited to, the following:

- a) files stored on my digital devices, including, but not limited to, desktops, laptops, tablets, peripherals, storage devices, mobile telephones, smartphones, and any other digital devices which currently exist or may exist as technology develops; and
- b) emails received, email accounts, digital music, digital photographs, digital videos, software licenses, social network or social media accounts, file sharing accounts, financial accounts, banking accounts, domain registrations, DNS service accounts, web hosting accounts, tax preparation service accounts, online stores, affiliate programs, other online accounts, and other digital items which currently exist or may exist as technology develops, regardless of the ownership of the physical device upon which the particular digital item is stored.

4.2 Power to Invest

My Trustees when making investments for my estate shall not be limited to investments authorized by law for Trustees but may make any investments which in their absolute discretion they consider advisable, including exercising any outstanding stock options which may be beneficial to my estate, and my Trustees shall not be liable for any loss that may happen to my estate in connection with any investment hereby authorized and made by them in good faith.

4.3 **Division or Distribution in Cash or in Kind**

In order to satisfy a pecuniary gift or to distribute or divide estate assets into shares or partial shares, the Trustees may distribute or divide those assets in kind, or divide undivided interests in those assets, or sell all or any part of those assets and distribute or divide the property in cash, in kind, or partly in cash and partly in-kind. Property distributed to satisfy a pecuniary gift under this Will shall be valued at its fair market value at the time of distribution.

4.4 **Sale and Retention of Assets**

My Trustees shall have the power to sell, lease, option or otherwise dispose of, or deal with, the whole or any part of my real or personal property, in such manner and upon any terms, at such time, as my Trustees in their absolute discretion may consider advisable. I authorize my Trustees to postpone the sale, calling in or conversion of any part of my estate or to retain any part of my estate in the form of which it may be at my death for such length of time as they in their absolute discretion consider advisable.

I authorize my Trustees to sell, partition, mortgage, lease, or otherwise deal with any real or leasehold property comprising part of my estate upon such terms as my Trustees, in their absolute discretion, see fit, and to make such alterations, repairs and improvements and generally manage such property as they consider necessary.

4.5 **Power to Purchase Estate Property**

Any of my Trustees may purchase in their personal capacity any assets from my estate for fair market value. My Trustees shall not be required to obtain the approval of any court for such a purchase, even if there are minor beneficiaries entitled to a share in the residue of my estate.

4.6 **Elections**

My Trustee may make all such allocations, elections, determinations, designations and distributions as my Trustees in their uncontrolled discretion shall consider to be in the best interests of my estate as a whole, and specifically any allocations and elections as may be necessary under the Income Tax Act, R.S.C. 1985 (5th Supp.), c.1, or any similar legislation of any province or other jurisdiction in force from time to time. Where any specific funds, shares or residue are created under this my Will, my Trustees shall have the absolute power of determination as to the specific assets which shall form such fund, share or residue as the case may be. Any such allocations and elections once made are not to be subject to review by anyone.

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