

Last Will and Testament Form

LAST WILL AND TESTAMENT

THIS IS THE LAST WILL AND TESTAMENT of me,
_____.

1. I HEREBY REVOKE all wills and testamentary dispositions of every nature and kind whatsoever by me heretobefore made.

2. I NOMINATE, CONSTITUTE, AND APPOINT, my husband,
_____, to be the sole Executor and Trustee of this my Will. If he is unable or unwilling to act, I THEN NOMINATE, CONSTITUTE AND APPOINT _____ to be the sole Executor and Trustee of this my Will.

3. I GIVE, DEVISE, AND BEQUEST all my property of every nature and kind and wheresoever situate, including any property over which I may have a general power of appointment to my said Trustee upon the following trusts, namely:

a) To use his or her 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 his or her absolute discretion may decide upon, or to postpone such conversion of my estate or any part or parts thereof for such length of time as he or she may think best, and I hereby declare that my trustee shall have a separate and substantive power to retain any of my investments or assets in the form existing at the date of my death at his or her absolute discretion without responsibility for loss to the intent that investments or assets so retained shall be deemed to be authorized investments for all purposes of this my Will.

b) To use his or her discretion in making elections with power to make all such elections as he or she shall deem in his or her absolute discretion to be in the best interests of my estate as a whole, and specifically, and elections as may be necessary under The Income Tax Act and the provisions thereof from time to time in force.

c) To make any division of my estate or set aside or pay any share or interest therein, either wholly or in part, in the assets forming my estate at the time of my death or at the time of such division, setting aside or payment, and I declare that my trustees shall, in their absolute discretion, fix the value of my estate or any part thereof for the purpose of making any such division. setting aside or payment, and their decision shall be final and binding upon all persons concerned. In fixing the value of the assets of my estate, I direct my Trustee to keep an even hand and I direct them to take into account not only fair market value of capital property but also its adjusted cost base.

d) To make a distribution of assets according to the items of this my Will if, in their opinion, there is no further liability for any taxes even though they have not obtained a clearance. My Trustees may, if they consider it advisable, make any such distribution, and as a condition for so doing shall have the right to ask for and receive signed indemnification from the beneficiaries to whom any such distributions are made.

e) To pay my just debts, funeral, and testamentary expenses, and all estate, legacy, succession and inheritance taxes and duties (if any), whether imposed by or pursuant to the law of any domestic or foreign jurisdiction whatsoever, that may be payable in connection with the property passing (or deemed to pass by any governing law) on my death or in connection with any insurance on my life or in connection with any gift or benefit given or provided by me either in my lifetime or by the survivorship or by this my Will or any Codicil thereto, and whether such taxes and duties payable in respect of estates or interests which fall into possession at my death or any subsequent time; and I hereby authorize my Trustees to commute or repay any such taxes or duties.

f) To pay or transfer the residue of my estate to my beloved husband, for his own use absolutely. g) provided that if my husband should die before myself, to give my husband's share, in equal portions, to my children, alive at the time of my death, for their own use absolutely.

h) provided that if my husband and all my children should die before myself, to give that share in equal portions to the children of my children, for their own use absolutely.

i) provided that if my husband and all my children and all my children's children should die before myself, to give that share in equal portions to my sisters and brothers alive at the time of my death, for their own use absolutely.

4. I DECLARE that in this my will the term 'trustee' or 'trustees' and all references thereto shall (where the context so permits) mean and include the Executor, the Executrix, the Executors, the Trustee, the Trustees for the time being hereof, whether original, additional, or substitutional, and shall be construed accordingly.

5. If any of my children should become entitled to any share in this my Estate before attaining the age of 18 years, the share of such person shall be held and kept invested by my Trustee and the income and capital or so much thereof as my trustee in his or her absolute (but reasonable) discretion shall deem advisable, shall be used for the benefit and education of such children until he or she reaches the age of majority, when the remaining balance of his or her portion remaining shall be paid to that person for his or her own use absolutely.

6. If any person, other than my own children, shall become entitled to any share in this my Estate before attaining the age of majority, the share of such person shall be paid to the parents, or parents, or trustee, or guardian (as the case may be) of that person, in trust for that minor; and the receipt signed by that parent, or parent(s), or trustee, or guardian (as the case may be) shall be sufficient to discharge my trustee of his or her obligations under this my will.

7. It is my wish and instructions that my husband be the guardian of my children; however, if my husband should die before me, I hereby nominate, constitute, and appoint as the guardian of my children,

_____.

IN TESTIMONY WHEREOF I have to this my Last Will and Testament written upon

this and the preceding pages of paper,
subscribed my name this _____
day of _____, A.D. 20____.

SIGNED, PUBLISHED, AND DECLARED by the said
Testator as and for the Testator's Last Will &
Testament, in the presence of us, both present
at the same time, who, at the Testator's
request, in the Testator's presence and in the
presence of each other, have hereunto
subscribed our names as witnesses.

witness

witness