For Members of the

BRITISH COLUMBIA GOVERNMENT RETIRED EMPLOYEES' ASSOCIATION

Upper Canada WILLS

ESTATE PLANNING GUIDE

Professional.
Affordable.
Trusted.

**Protect your wishes.
Care for your loved ones.
Plan with confidence.**

A MESSAGE TO BCGREA MEMBERS

Throughout your careers in public service, you have made a lasting impact on our province and the lives of British Columbians.

Estate planning is an important way to protect your legacy and ensure your loved ones are cared for according to your wishes.

Through our partnership with Upper Canada WILLS & Estates Ltd., BCGREA members and their families have access to lawyer-prepared Wills and Powers of Attorney at preferred member rates.

Because your legacy deserves the same care and commitment you gave in your career.

PROTECT YOUR WISHES

Ensure your assets and personal wishes are respected.

CARE FOR YOUR FAMILY

Provide for the people you love and reduce stress and uncertainty.

PEACE OF MIND TODAY

Plan ahead with confidence knowing your future is in good hands.

GET STARTED TODAY

Visit your dedicated member page to learn more and begin the process.

www.ucwe.ca/bcgrea.html
Convenient. Confidential.
Here for you.

SCAN TO VISIT

YOUR MEMBER BENEFIT

Who We Are & What We Do

A guided estate-planning experience designed for members of the British Columbia Government Retired Employees' Association.

About Upper Canada WILLS & Estates Ltd.

Upper Canada WILLS & Estates Ltd. is a national estate-planning coordination service. For BCGREA members, we connect you with licensed British Columbia lawyers who prepare professionally drafted Wills, Enduring Powers of Attorney and Representation Agreements where appropriate.

We are not a law firm.

- Coordinate your file and explain the process
- Connect you with a qualified British Columbia lawyer
- Help provide a smooth, efficient and convenient experience
- Provide preferred member pricing through the BCGREA program

Why members choose Upper Canada WILLS

PROFESSIONAL LEGAL PREPARATION
Legal documents are prepared by licensed British Columbia lawyers.

AFFORDABLE PRICING
Preferred fixed rates negotiated for BCGREA members.

CONVENIENCE
Complete the process from home.

TRUSTED NETWORK
A growing network serving clients and partner organizations across Canada.

SIMPLE. GUIDED. PROFESSIONAL.

Your Services & How the Process Works

Our Services

LAST WILL AND TESTAMENT

A legal document setting out how your estate is to be administered and distributed after death.

BRITISH COLUMBIA INCAPACITY DOCUMENTS

Enduring Power of Attorney - financial and legal affairs.

Representation Agreement - personal care and health care decisions, and in some cases specified routine financial matters.

Six straightforward steps

1. **Access Your Member Page**
   Visit www.ucwe.ca/bcgrea.html.
2. **Complete the Contact Form**
   Provide basic information about your situation and needs.
3. **Lawyer Contact**
   A licensed British Columbia lawyer in the network contacts you.
4. **Consultation**
   Discuss your wishes, ask questions and receive legal guidance.
5. **Document Preparation**
   Your Will and incapacity-planning documents are professionally drafted.
6. **Review & Signing**
   Finalize and execute your documents in accordance with British Columbia law.

PREFERRED BCGREA MEMBER RATES

What Makes Our Approach Different

- British Columbia legal compliance
- Streamlined and guided process
- Transparent fixed pricing
- Designed specifically for BCGREA members and spouses

Preferred Member Pricing

Individual Package	**$450.00 + tax**
Couple Package	**$695.00 + tax**

Includes a $95.00 administrative and operational fee payable to Upper Canada WILLS & Estates Ltd. as part of the total. From that fee, UCWE pays a $20.00 royalty to BCGREA for each completed transaction. The balance of the total fee is payable to the assigned law firm for legal services rendered.

Ready to start?

www.ucwe.ca/bcgrea.html

FREQUENTLY ASKED QUESTIONS

Understanding Your Will

Why use a lawyer to prepare my Will?

A lawyer can help ensure that your Will reflects your wishes, satisfies British Columbia execution requirements, coordinates with jointly held assets and beneficiary designations, and addresses family, tax and estate-administration issues. Clear drafting can reduce uncertainty and the risk of later disputes.

What is a Will?

A Will is a legal document that directs how your estate is to be administered after death. It can appoint an executor, identify beneficiaries, create trusts, address gifts and express wishes about guardianship. In British Columbia, a person who is 16 years of age or older and mentally capable may make a Will.

Why do I need a Will?

Without a valid Will, British Columbia's Wills, Estates and Succession Act (WESA) determines who inherits property that forms part of your estate. You also lose the opportunity to choose your executor and create tailored gifts or trusts.

- You do not control the statutory order of inheritance
- Someone must apply to administer the estate
- Your preferred beneficiaries or charities may receive nothing
- Administration can be more complicated for your family

PREPARING THOUGHTFULLY

What to Consider When Preparing Your Will

A properly drafted Will can create a trust for a minor or young beneficiary and postpone or stage distributions beyond the age of majority. Without tailored trust terms, statutory rules may apply to property held for a minor.

- Who should act as your executor and alternate
- Who should receive your estate and in what shares
- Your assets, liabilities and beneficiary designations
- Whether specific assets should be transferred rather than sold
- Your wishes concerning guardianship of minor children
- Whether trusts are appropriate for children, grandchildren, disabled beneficiaries or others
- Your funeral or memorial wishes and where those wishes should be kept

A practical note about funeral wishes

Funeral arrangements are often made before the Will is reviewed. Consider communicating wishes directly to your executor or family and keeping them in a separate accessible document.

Can I dispose of my property any way I wish?

British Columbia law gives broad testamentary freedom, but it is not absolute. WESA permits a spouse or child to ask the Supreme Court of British Columbia to vary a Will that does not make adequate provision for proper maintenance and support. Debts, taxes, family-law rights, contractual obligations and other legal rules can also affect an estate.

CHOOSING THE RIGHT PERSON

Executors & Changes to Your Will

Can I change my Will?

Yes. Do not simply hand-edit the signed original. Changes should be made in a legally valid way, commonly through a properly executed codicil or a new Will. British Columbia courts also have statutory powers to cure certain deficiencies, but relying on court relief is not a substitute for proper execution.

What is the role of an executor?

The executor is the person named in your Will to administer your estate. British Columbia legislation also uses the broader term personal representative. The executor gathers and protects assets, pays valid debts and taxes, obtains a representation grant when required, keeps records and distributes the estate according to the Will and law.

- Locate the Will and important records
- Identify, safeguard and value estate assets
- Notify relevant institutions and beneficiaries
- Apply to the Supreme Court of British Columbia for probate if required
- Pay debts, taxes and estate expenses
- Transfer or sell assets and complete registrations
- Account to beneficiaries and distribute the estate

Who can be my executor?

You may choose a trusted adult, including a beneficiary, or in suitable cases a trust company or professional. Consider reliability, location, age, financial competence, family dynamics and the complexity of the estate. Naming an alternate is prudent.

PLANNING AHEAD

Executor Considerations & Probate

What should I consider when choosing an executor?

Choose someone capable of dealing with financial institutions, tax filings, beneficiaries and legal obligations. Co-executors can be appointed, but they may need to act together. Consider at least one alternate in case your first choice cannot act.

When is probate required in British Columbia?

Probate is the process by which the Supreme Court of British Columbia issues a grant confirming the Will and the executor's authority. Not every estate requires a grant. Whether probate is needed depends on the assets, how they are owned and whether banks, the Land Title Office or other third parties require formal proof of authority.

What is best for spouses: joint or separate Wills?

Most couples use separate Wills, often containing reciprocal or similar provisions. Joint or contractual Wills can create complex obligations and should be used only with specific legal advice.

What can an estate plan include?

A complete British Columbia estate plan may coordinate your Will, Enduring Power of Attorney, Representation Agreement, beneficiary designations, jointly held property, trusts, business interests and property outside British Columbia.

PROTECTING THE PEOPLE WHO MATTER

Beneficiaries, Witnesses & Intestacy

Who are beneficiaries?

Beneficiaries are the people or organizations who receive gifts or interests under your Will. A Will can provide outright gifts, percentages, specific assets or trusts with staged distributions.

Who can witness my Will?

A formal British Columbia Will is generally signed or acknowledged by the will-maker in the presence of two witnesses present at the same time, and signed by two witnesses in the will-maker's presence. A gift to a witness or the witness's spouse is generally void unless the court orders otherwise, so independent witnesses are safest. British Columbia law also recognizes electronic Wills and remote-witnessing processes that satisfy statutory requirements.

What happens if I die without a Will?

If you die without a valid Will, you die intestate. WESA determines who inherits estate property. The result depends on whether you leave a spouse, descendants and other relatives. For WESA, a spouse can include a married spouse or a person who lived with the deceased in a marriage-like relationship for at least two years, subject to the Act's separation rules.

- You do not choose the administrator of your estate
- Your estate follows the statutory distribution scheme
- People or charities you intended to benefit may receive nothing
- The process may be more complicated for your family

A COMMON ESTATE QUESTION

Understanding Probate in British Columbia

What is probate?

Probate is the court process for obtaining a grant of probate from the Supreme Court of British Columbia. The grant provides formal evidence that the Will has been accepted for estate-administration purposes and that the executor has authority to act.

Does every estate require probate?

No. The need for a grant depends on the nature and ownership of the assets and on the requirements of third parties. Some institutions may release modest assets without a grant, while transfers of certain land or significant financial assets may require one.

Why might an institution require a grant?

A bank, investment dealer, land registry or other third party may require formal evidence that the person dealing with an asset is legally authorized to act for the estate. A grant provides that court confirmation.

What terminology should I expect?

British Columbia uses terms such as executor, administrator, personal representative, grant of probate and grant of administration. Your lawyer will identify the grant, if any, that is appropriate for the estate.

KEEPING YOUR PLAN CURRENT

Probate Fees, Joint Assets & Life Changes

How much are probate fees in British Columbia?

For property in British Columbia passing to the personal representative, no probate fee is payable if the estate does not exceed $25,000. For larger estates, the probate fee is $6 for each $1,000 or part of $1,000 between $25,000 and $50,000, plus $14 for each $1,000 or part of $1,000 over $50,000. A separate court filing fee may also apply. These amounts do not include legal, accounting or other estate-administration costs.

Do joint assets always avoid probate?

No. Some assets held in true joint tenancy may pass by survivorship, but the legal result depends on title, the relationship between the owners and beneficial ownership. Joint ownership should not be adopted solely to avoid probate without legal and tax advice.

What if my original Will is lost or destroyed?

A lost original can create significant evidentiary and court issues. Keep the signed original secure and make sure your executor knows where it is. WESA sets out the ways a Will may be revoked and gives the court powers in certain cases involving defective or incomplete testamentary records.

Does marriage or separation affect my Will?

Marriage does not automatically revoke a British Columbia Will under current WESA. If spouses cease to be spouses under WESA after the Will is made, gifts and certain appointments in favour of the former spouse are generally revoked unless the Will shows a contrary intention. Review your Will and beneficiary designations whenever your relationship status changes.

FAMILY & INCAPACITY CONSIDERATIONS

Separation, Planning Documents & Special Issues

When does a person cease to be a spouse under WESA?

For married spouses, WESA ties the end of spousal status to separation circumstances that cause an interest in family property to arise under the Family Law Act. For marriage-like relationships, one or both persons may terminate the relationship. Because the statutory rules are technical, obtain legal advice promptly after separation rather than assuming an old Will has the intended effect.

What documents plan for incapacity in British Columbia?

An Enduring Power of Attorney is primarily used for financial and legal affairs and can continue or take effect during incapacity. A Representation Agreement can authorize a representative to assist with or make personal-care and health-care decisions; depending on the type of agreement, it can also cover specified routine financial matters. Your lawyer can recommend the appropriate combination.

Can I appoint a guardian for my children in my Will?

A Will can record important wishes and appointments concerning minor children, but guardianship is governed by British Columbia family legislation and the child's best interests. Your lawyer can explain how testamentary guardianship planning applies to your family.

Can I use multiple Wills?

Multiple-Will planning is not a routine British Columbia equivalent of Ontario's probate-planning strategy. Coordinated Wills may be appropriate for property in different jurisdictions or specialized business circumstances, but the documents must be carefully drafted so they do not revoke or conflict with one another.

IMPORTANT - BRITISH COLUMBIA GUIDE

This guide provides general information about British Columbia estate planning and is not legal advice. Your assigned British Columbia lawyer will advise you on the rules that apply to your circumstances.

YOUR NEXT STEP

We're Here to Help

BCGREA members and spouses can begin with a complimentary consultation and preferred member pricing.

Professional. Affordable. Trusted.

START YOUR ESTATE PLANNING

Visit the dedicated BCGREA member page to complete the contact form. A licensed British Columbia lawyer in the Upper Canada WILLS network will then contact you to begin the process.

www.ucwe.ca/bcgrea.html

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