



BC Notaries encourage all adults to learn more about the planning tools available to them now, to avoid having to make difficult decisions while under physical or emotional stress in the future.

- One of the most important and caring things you can do for yourself and your loved ones is to prepare in advance for a time when you may not be able to express your own needs and wishes.

Expressing and legally documenting your preferences and instructions can protect you and your family members from financial abuse and exploitation.

Designating health-care decision-makers and documenting instructions can

- create peace-of-mind,
- minimize dissension and anguish among family and friends, and
- ensure compliance on critical decisions.

Advance planning can be a very comforting and satisfying process, especially when it's managed by an experienced and trusted legal professional.

BC Notaries understand the sensitivities and complexities of these planning decisions, and will ensure that your intentions are properly documented—so you can rest assured about the future.

If you have close family and friends, expressing your preferences clearly—and encouraging them to do the same—are two of the greatest gifts you can give them. You want them to be aware of your wishes, to save potential confusion or conflict later on.

Concise, legally documented instructions can save costly and time-consuming legal intervention in the future.

If you would like to learn more and discuss which tools might be a fit for you, please call or email our office to arrange a free consultation appointment.

### Consider These Useful Tools.

- Power of Attorney
- Will
- Deed of Gift
- Advance Directive
- Representation Agreement

### Power of Attorney

A Power of Attorney allows a capable adult to appoint a person or persons to handle his or her **financial and legal matters** in the event the adult is unable to do so in future or needs assistance.

The document also specifies whether these individuals are allowed to act separately or if they are required to act together. Because of the financial authority conveyed, it is critical that the adult

- fully understands what powers he or she is granting with this document, and
- has complete trust in the person he or she is appointing.

It also allows the adult to compensate the designated attorney for performing actions on his or her behalf.

### © Who Should Have a Power of Attorney?

This document has great value for anyone who

- wants to ensure a trusted person will take care of bill-paying, correspondence, and financial management in the event of incapacity or absence;
- may need assistance with daily finances, now or in the future;
- wants to avoid the very lengthy and expensive process of a court-appointed committee, should he or she suddenly become incapable;
- wants to avoid having the Public Guardian and Trustee take over his or her affairs.

## The Will

Wills are a critical tool for outlining wishes for the distribution of assets, guardianship of minor children, and the designation of an executor who takes care of administering the estate.

A November 2010 survey found that only 51% of adults in BC have a Will. Without a Will, the Court determines who the executor will be, and the law decides who is entitled to the estate.

### ☉ Who Should Have a Will?

Adults in BC who

- own property, including real estate, vehicles, or other assets;
- have a dependent spouse or children; and
- wish to have someone they know and trust take care of their estate after their death.

## The Deed of Gift

This Deed of Gift documents a significant gift to another person during the adult's lifetime. When prepared and notarized by a BC Notary, the document proves the donor's intention regarding the gift; that proof may be required to counter "undue influence" or arguments after the donor's death.

It can also be useful in circumstances where a person near death wants to transfer his or her assets or home into joint tenancy or wants to give a significant sum of money or gift to another person prior to death.

### ☉ Who Should Consider a Deed of Gift?

Anyone who wants to transfer an asset as a gift before his or her death.

## The Advance Directive

Advance Directives document instructions for doctors, nurses, and other health-care providers about an adult's future health care. That ensures the adult's wishes will be carried out if he or she is unable to express them in the future.

### ☉ Who Should Have an Advance Directive?

People who want to ensure their wishes are followed, even if

- their family's wishes differ from their own;
- they have no family who could be appointed as their representative;
- they have concerns that differing opinions among their family might cause conflict if a decision must be made about where they should live or their end-of-life situation.

## The Representation Agreement

This document appoints a representative or multiple representatives to make decisions regarding the adult's health and personal care in the event that he or she is unable to communicate.

Depending on how the Representation Agreement is prepared, the authority of a designated representative can include

- routine finances;
- decisions regarding health care, personal care, and limited legal affairs;
- refusal or consent to life-support treatment and care;
- consent to less common medical procedures and/or treatment;
- consent to treatment the adult approved while capable but has refused since losing capacity;
- decisions for living arrangements for the adult, including choosing a care facility.

In preparing the document, a BC Notary can help determine the appropriate scope for the specific representative(s).

### ☉ Who Should Have a Representation Agreement?

Adults who want to ensure that a specific person or persons are appointed to make decisions for them, especially if they have no spouse or no children, or if their children are in conflict with one another or would not be good decision-makers.