

## Will Checklist

### 1. — Validity

- confirm document is the most recent will codicil  
Yes                      No
- confirm that will is the original document and not an executed carbon copy or photocopy  
Yes                      No
- is the will holograph?  
Yes                      No  
if "yes", name two people who can verify signature and handwriting of deceased  
Name  
Address  
Name  
Address
- confirm testamentary capacity of testator  
Yes                      No
- confirm that no undue influence was exercised  
Yes                      No
- confirm whether testator was an adult  
Yes                      No
- confirm whether testator was an active member of the armed forces, etc.  
Yes                      No
- confirm whether testator was married subsequent to signing will  
Yes                      No
- confirm whether testator was divorced subsequent to signing will  
Yes                      No
- review particulars of execution for compliance  
Yes                      No
- are there any alterations to original will?  
Yes                      No
- are any of the witnesses named beneficiaries, spouses or adult interdependent partners of named beneficiaries?  
Yes                      No
- is there a possibility the will may be contested? if "yes", by whom?  
Yes                      No

### 2. — Estate Trustees

- does the will name Estate Trustees?  
Yes                      No
- are all Estate Trustees living and able, willing and competent to act?  
Yes                      No
- if any Estate Trustee has died, obtain date of death

- if all Estate Trustees have died, review chain of transmission
- are there Estate Trustees in foreign jurisdictions requiring performance bonds or does the document relieve the estate trustee of that responsibility?  
Yes                      No
- Is a renunciation advisable?  
Yes                      No
- Is a power reserved to any Estate Trustees?  
Yes                      No
- is there any demarcation of functions, i.e. literary, artistic or estate trustees of foreign assets?  
Yes                      No

3. — Beneficiaries

- determine if all are living  
Yes                      No
- determine share each beneficiary receives  
Name                      Share
- if share has vested and beneficiary is deceased, obtain details of deceased's personal representative
- if any beneficiary has predeceased testator, do antilapse provisions apply? if so, obtain details on next of kin  
Yes                      No
- does a divorce after date of execution delete any beneficiaries?  
Yes                      No
- are organizations or charities properly named or in existence?  
Yes                      No
- if not, does doctrine of cy-pres apply?  
Yes                      No
- is a beneficiary or adult interdependent partner, spouse of a beneficiary a witness to the will?  
Yes                      No
- are all beneficiaries competent to receive share or does will contemplate this, infants or mental incompetents?  
Yes                      No
- make reasonable inquiry whether there are any children born outside of marriage
- are any beneficiaries adopted? [Special Instruction 21], conceived but unborn?; or foster children? or step-children  
Yes                      No

4. — Special Problems

- will the spouse be making a claim under the Matrimonial Property Act  
Yes                      No
- will there be claims under the dependant's relief provisions of the Dependents Relief Act

- Yes                      No
- are there any interlineations, alterations, erasures, etc.?  
  - Yes                      No
- has the testator tried to revive or republish the will?  
  - Yes
  - No
- has the testator tried to revoke the will?  
  - Yes                      No
- is a witness living, competent and able to complete Affidavit of Witness to a Will? if not, who can verify handwriting of deceased?  
  - Yes                      No
- are there difficulties in construction?  
  - Yes                      No
- are dispositive clauses complete and effective?  
  - Yes                      No
- is there a power of appointment?  
  - Yes                      No
  - general
  - specific
- are there any memoranda referred to in the will and are they valid; where are they?  
  - Yes                      No
- are there any unusual clauses requiring immediate attention?  
  - Yes                      No
- is the will in French?  
  - Yes                      No
- is the will an international will?  
  - Yes                      No
- has the original will been lost or destroyed?  
  - Yes                      No
- is there an intestacy as to any share?  
  - Yes                      No

5. — Relevant Dates With Respect to Wills

- if dated before September 1, 1971 the age of majority is 21
- if dated after September 1, 1971 the age of majority is 18
- if executed or republished after March 31, 1978 the *Succession Law Reform Act* is applicable