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ESTATE PLANNING PRECEDENT'S A SOLICITORS MANUAL

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“Estate Planning Precedents: A Solicitor’s Manual” includes a wide variety of precedents covering all aspects of wills and estates. Also included are domestic contracts, trust deed documents, powers of attorney, appendices containing estate planning forms, checklists, and signing instructions, plus relevant legislation and IT Bulletins, Information Circulars and Advance Tax Rulings. This product is designed as a useful tool for everyday use by the busy estates practitioner.

What's New in this Release:

This release features updates to Appendix C:21 – Recent Case Digests and Appendix WPJ – Words and Phrases.

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Highlights

- **Appendix C:21 – Recent Case Digests** — In *Gordon Estate (Re)*, 2024 ABCA 169, 2024 CarswellAlta 1286 (Alta. C.A.), the Deceased was father of two children, daughter and son. The granddaughter AG was the personal representative of deceased’s estate and was deceased’s caregiver for final months of his life. Approximately one month before his death, deceased made preparations for medical assistance in dying and understood that he would be required to have will, be competent, and fully understand procedure. Special chambers judge granted summary judgment on son’s application and declared that daughter’s application for formal proof of deceased’s will was without merit and was dismissed. Daughter appealed. Appeal dismissed. There was no evidence in medical records that deceased lacked mental competence or testamentary capacity after signing will, and in particular no evidence he lacked testamentary capacity on date of signing will. Special chambers judge held that medical evidence and evidence of estate lawyer and AG all supported finding of testamentary capacity at time will was made. There was no palpable and overriding error in special chambers judge’s evaluation of evidence or his finding of capacity arising from that evidence. Special chambers judge made no error in finding no undue influence, coercion or pressure.
- **Appendix C:21 – Recent Case Digests** — In *Walker Estate (Re)*, 2024 BCSC 792, 2024 CarswellBC 1307 (B.C. S.C.), Petitioner was executor of estate of late mother (deceased). The Deceased had two children, petitioner and one son B. The Respondent was wife of B, who died in 2015. Petitioner said that following B’s death, deceased executed new will (2015 Will). The 2015 Will left residue of estate to petitioner and B’s two children. In February 2016, deceased signed codicil (Codicil) to 2015 Will which provided for payment of \$50,000 to each of petitioner and respondent, with residue left to petitioner and B’s issue. Petitioner said that sometime in 2016, deceased provided her with note (Note), which was put with other papers petitioner was holding for deceased. Note purported to revoke any changes to 2015 Will. The Petitioner brought application for determination of whether Note operated to revoke Codicil. Application granted. Note was authentic and was written by deceased. Note purported to revoke any changes to 2015 Will; only changes to 2015 Will were contained in Codicil. Note was fully effective as revocation of Codicil. Note was also effective to revive terms of 2015 Will.

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