

**THIS IS THE LAST WILL AND TESTAMENT** of me, **John Doe**, of the City of Toronto, in the Province of Ontario.

**1. I HEREBY REVOKE** all Wills, Codicils and other testamentary dispositions (which, for greater certainty does not include designations made pursuant to Part III of the *Succession Law Reform Act* or the *Insurance Act*) previously made by me.

**2. I NOMINATE, CONSTITUTE AND APPOINT** my wife, **Jane Doe**, to be the Executrix and Trustee of this my Will but if she is unable or unwilling to act, **I NOMINATE, CONSTITUTE AND APPOINT** my son, **Bob Doe**, to be the Executor and Trustee of this my Will. I hereinafter refer to my Executor and Trustee for the time being as my "Trustee".

**3. I GIVE, DEVISE AND BEQUEATH** 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/ her discretion in the realization of my estate, with power and discretion 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, either for cash or credit or for part cash and part credit as my said Trustee may in his/her discretion decide upon, or to postpone such conversion of my estate or any part or parts thereof for such length of time as he/she may think best, and I hereby declare that my Trustee may retain any portion of my estate in the form in which it may be at my death, (notwithstanding that it may not be in the form of an investment in which trustees are authorized to invest trust funds, and whether or not there is a liability attached to any such portion of my estate) for such length of time as my said Trustee may in his/her discretion deem advisable and my Trustee shall not be held responsible for any loss that may happen to my estate by reason of so doing;

- b. To invest and reinvest any monies at any time and from time to time forming part of my estate in such investments as my Trustee deems advisable notwithstanding that the same may not be legal investments for trust monies under the laws of the Province of Ontario or of any other jurisdiction;
- c. To pay my just debts, funeral and testamentary expenses and all succession duties and estate taxes, inheritance and death taxes whether imposed by or pursuant to the laws of this or any province, state, country or jurisdiction whatsoever that may be payable in connection with any property passing (or deemed to pass by any governing law); and
- d. To pay or transfer the residue of my estate as follows:
  - i. To transfer and deliver to my wife, Jane Doe , for her own use absolutely, all my articles of personal, domestic, and household use or ornament, including and without limiting the generality of the foregoing, any automobile, vehicle or boat owned or possessed by me; however, should my said wife predecease me, or die within thirty (30) days of my death, I direct my Trustee to distribute all such articles in accordance with any letter of wishes I may leave, without any trust or legal obligation on him/her, or should such a letter of wishes not be found, my Trustee shall divide all such articles among my children who shall survive me, in approximately equal shares as they may agree or if they shall not agree, in approximately equal shares as my Trustee may decide, and should only one of my children survive me, my Trustee shall transfer and deliver all such articles to such child for his or her own use absolutely, and if all of my children predecease me, all such articles shall fall into and form a part of the residue of my estate as hereinafter to be

defined, to devolve therewith as if originally a part thereof;

- ii. To transfer to my children , Bob Doe, Sandy Doe and Lisa Doe , all of my R.R.S.P.s, R.R.I.F.s and T.F.S.A.s which I may have at the date of my death, for his/her own use absolutely;
- iii. To transfer the residue of my estate to my children, for their own use absolutely; however, should any of my said children predecease me, leaving issue, the share that he or she would have taken if living shall be paid or transferred to his or her issue in equal shares per stirpes. Provided further that if any of my said children shall predecease me leaving no issue, the share that he or she would have taken shall be paid or transferred to my surviving children or their issue, in equal shares per stirpes;
- iv. To pay or transfer the residue of my estate to my wife, Jane Doe, for her own use absolutely; however, should my said husband/wife predecease me, or die within thirty (30) days of my death, I direct my Trustee to divide the residue of my estate among my children in equal shares per stirpes. Provided, however, that if any of my children should predecease me, leaving no issue, the share that he or she would have taken if living shall be divided equally between my surviving children and their issue.

**4. IN THE CASE** of the death of my wife, **I HEREBY CONSTITUTE AND APPOINT** my friend, **Tim Tucker**, to be the guardian of the persons and estates of my children during their respective minorities.

**5. I HEREBY AUTHORIZE AND EMPOWER** my Trustee if at any time and for so long as any real or leasehold property shall form part of my estate to let or lease such property

from month to month, year to year or for any term of months or years and subject to such covenants and conditions as he/she shall think fit, to accept surrenders of leases and tenancies, to expend money in repairs and improvements and generally to manage the property, and to give any options with respect to such property or properties as he/she may consider advisable. I further authorize and empower my Trustee to renew and keep renewed any mortgage or mortgages upon any real estate forming part of my estate and to borrow money on any real estate forming part of my estate upon any mortgage or mortgages to pay off any mortgage or mortgages which may be in existence at the time of my death or any renewal thereof.

**6.** **ANY BENEFIT**, whether as to income or capital or both, or income from capital to which any person shall become entitled in accordance with the provisions of this my Will or any Codicil thereto, shall not fall into any community of property which may exist between any such person and his or her spouse and shall not form part of his or her net family property for any purpose or purposes of the *Family Law Act* in the Province of Ontario and any amendments thereto or any successor legislation thereto, but shall only be paid by my Trustee to such person on the condition that the same shall remain the separate property of such person, free from the control of his or her spouse. The separate receipt of such person shall be a discharge to my Trustee in respect of any such payment.

**7.** **ANY REFERENCE** in this Will or in any Codicil hereto, to a person in terms of a relationship to another person by blood or by marriage, shall not include a person born outside marriage, nor a person who comes within the description by tracing through another person who was born outside marriage, PROVIDED THAT any person who has been legally adopted shall be regarded as having been born in lawful wedlock to his or her adopting parents, and any person who is born outside marriage but whose natural parents subsequently marry, shall be regarded as having been born in lawful wedlock.

**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. 2022.

**SIGNED, PUBLISHED AND DECLARED** )  
**by the said Testator/rix,** )  
, )  
**as and for her/his Last Will and Testament,** )  
**in the presence of us, both present at the** )  
**same time, who at her/his request, in her/his** )  
**presence, and in the presence of each other,** )  
**have hereunto subscribed our names as** )  
**witnesses.** )

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