

**Estate Planning Seminar**  
Tim Bayly, KMSC Law LLP<sup>1</sup>  
November 30, 2020

Summary of Topics

**1. Powers of Attorney**

- a. Does everyone (anyone) need one?
  
- b. POA vs. Enduring POA
  
- c. Immediate vs. Springing
  - i. What is required for Springing to take effect?
  
- d. Do you need a lawyer?
  
- e. What problems tend to occur after they take effect?
  
- f. Bank/investment brokerage/insurance brokerage policies.
  
- g. Public Registries (Land Titles/Motor Vehicles) policies;

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<sup>1</sup> (Standard, cheesy notice/caveat: this is not real legal advice. Mr. Bayly is not your lawyer (unless he is, but not right now, not on this evening, not about estate planning or prenuptial agreements (unless of course you are currently his client with an open estate planning matter or prenuptial agreement matter, in which case: why are you at this course? You're paying for his expert services elsewhere!), and so you're giving up any rights you might have had (but you didn't have any anyway) to sue him or KMSC Law LLP for you thinking that this was legal advice for your specific situation and you relying on it and you suffering a loss.) If you need legal advice you should hire a lawyer and get some legal advice.) If you need advice about which lawyer to hire, Mr. Bayly can help you with that, but you can't sue him if you hire that lawyer and later don't like the lawyer you hired or the advice she gave you.



h. Appointed attorney's liability.

**2. Personal Directives**

a. Does everyone (anyone) need one?

b. What do they cover?

c. When do they take effect?

d. What problems tend to occur after they take effect?

**3. Wills/Estate Plan**

a. Executor

i. What is an Executor? What do they do?

ii. Characteristics of a Good Executor?

iii. How many to appoint?

iv. Family vs Friend?

v. Same or different person than Guardian?

vi. Location? Alberta or elsewhere?

vii. Corporate Executor/Trustee or Individual?



b. Creditor Proofing.

c. Involving the Accountant.

**4. Prenuptial/Cohabitation Agreements**

a. What is Considered Family (Matrimonial) Property?

b. What is Spousal Support?

c. What are we usually trying to accomplish with these agreements?

d. **MUST** be signed with a lawyer signing a *Family Property Act* Acknowledgment and Certificate of Independent Legal Advice, or they are not enforceable.

