



# Clipboard

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## Knowledge is Power!

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Do you know the answers to the following questions?

- If we live together, will I be responsible for my common law partner's debts?
- How can I recognize fraud?
- What are a funeral home's legal obligations when planning a funeral?
- Do grandparents automatically have the right to see their grandchild?
- Can a guardian for an adult be appointed against a person's wishes?
- Who consents for my health care treatment?
- If I have given someone my power of attorney, can I still act on my own behalf?
- What is the public trustee?
- What happens if I die without a will?
- Does a senior have to agree to an assessment by Adult Protection Services?
- Is my power of attorney valid outside Nova Scotia?

The answers to these and many more questions can be found in the 2010 legal information booklet *It's in Your Hands*, by Legal Information Society of Nova Scotia. See the enclosed card to find out how to get your copy.

## Personal Directives Act

In Nova Scotia on April 1, 2010 the Personal Directives Act became effective. This Act allows you to

- name a person (delegate) to make personal care decisions for you when you are not capable of making these decisions
- set out instructions or other information about what or how decisions are to be made for you when you are not capable of making these decisions.

Personal care decisions have to do with such issues as health care, nutrition, hydration, hygiene, clothing, shelter, residence, comfort, recreation, social activities and support services. They do not include issues about your money or property.

More information and instructions for completing a Personal Directive Form (together with a blank form) are available at Access Nova Scotia, [www.gov.ns.ca/just/pda](http://www.gov.ns.ca/just/pda), or by calling 1-800-670-4357.

Family members are not mind readers, so please help them by making your wishes known.



# Probate Taxes

(Effective November 1<sup>st</sup>, 2009)

For estates

Not exceeding \$10,000.	\$ 77.00
\$10,001. – \$25,000.	\$193.61
\$25,001. – \$50,000.	\$322.31
\$50,001. – \$100,000.	\$902.03
Exceeding \$100,000.	\$902.03+\$15.23

for every \$1,000 or fraction thereof

Example:

\$250,000.	\$3,186.53
\$300,000.	\$3,948.03
\$500,000.	\$6,994.03

There may also be sundry administration fees. Go to the “What to do when someone dies” link on my website to obtain a checklist of requirements and timelines for dealing with an estate.



## Are you aware that...

... assets or investment plans with named beneficiaries are not included when determining the value of an estate for probate tax?

... beneficiaries can be named in trusts, life insurance policies, Registered Retirement Savings Plans, Registered Education Savings Plans, Registered Disability Savings Plans, Tax Free Savings Accounts, and non-registered investment products offered by life insurance companies?



# Information helpful to a lawyer when preparing a will

When preparing your will your lawyer will want to be generally familiar with your family situation so as to ensure that your will reflects your intentions. Some common questions you may be asked are the following:

- What is your marital status?
- Do you own your home?
- Whose name is on the deed?
- Do you have life insurance?
- Who is the beneficiary?
- Do you have any significant liabilities?
- Do you have children?
- How old are they?
- What are their circumstances?
- Who is your executor?
- Who should be guardian for your children?
- Do you want to make provision for grandchildren?
- Do you want to make provision for friends or other relatives?
- Do you want to make any special provision for any charity?
- Do you want to leave any specific items (family heirlooms, personal items such as jewelry or coin collections) to your children or others?
- Do you have any significant investment assets (such as RRSP or cottage) that may require special consideration from an income or capital gain tax perspective?

A will is your assurance that your wishes will be carried out following your death. Review your will on a regular basis and revise when needed.



For more information on these or other topics, visit my web site at

[www.checkwithjoan.com](http://www.checkwithjoan.com)