

The Butler Bulletin

Butler Wills and Estates

3/1/2016

Edition 1, Volume 6

What exactly is an Enduring Power of Attorney?

An Enduring Power of Attorney is a legal document that gives the person of your choice the legal authority to act on your behalf in regards to property and finances. They don't have any say in decisions about your medical care. When you make a Power of Attorney, you can choose to give your attorney a broad range of power, or a more limited range depending on your needs. Since you are making the document, you can place restrictions on what your attorney can do.

However, it is important to remember that if you lose capacity, an attorney with restricted power will impede their ability to act on your behalf.

The most common powers for an attorney include:

1. Access bank accounts for deposit/withdrawal
2. Buy/ sell/ lease your property
3. Complete your tax returns, collect your income tax records, pay any taxes owing

What if I change my mind?

If you decide you no longer want your attorney running things, you can revoke your Power of Attorney in writing. For this to be legal you must be mentally competent. Sometimes people revoke their Power of Attorney because they feel the person they chose is abusing the power. In this situation you should revoke the document as soon as possible. Cancelling your Power of Attorney is done by given written notice to the person acting as your attorney. This must be signed and dated by you. You also need to notify (in writing) any financial institutions, businesses, and people who have dealt with the attorney that the Power of Attorney has been revoked.

Upcoming Seminars

Executor Boot Camp - March 3 @ 6:00 PM

What's required for being an executor? What do you need to do and keep track of? What happens if you make a mistake, and how do you fix it? Executor Boot Camp answers all of these questions, and more. This two-hour seminar will provide you with the information you need to act as an efficient, accountable, and effective executor. The topics covered include whether or not you need to get probate, tips and traps, how to stay out of trouble (including personal liability), where to start, and common errors executors make.

2 hours, \$50.00 per person

Estate Planning for Blended Families – March 10 @ 7:00 PM

In this seminar we will cover the issues that are unique to second families and subsequent marriages, including family dynamics, balancing competing obligations, and child support. We will also talk about choosing an Executor and Power of Attorney, as well as how to use trusts in your estate planning.

75 minutes, \$25.00 per person

The Basics of Being a Beneficiary – March 24 @ 7:00 PM

Being a beneficiary sounds simple enough - when someone passes, you receive part of their estate. This seminar covers the more in-depth definition of being a beneficiary - the different types of beneficiaries, the rights you have as a beneficiary, signing a Release, what happens if you are named as a beneficiary as well as the executor, and more.

60 minutes, \$20.00 per person

NL Probate Kit

One of the topics most frequently brought up by clients is probate. There are a lot of questions about what probate is, how to do it properly, and in some cases, if probate is even needed. There are a lot of forms to fill out in order to apply to probate, and they must be completed accurately and thoroughly in order for the court to accept the application. Making a mistake results in having the application denied, and having to fix the problem and return to the court another day.

While the forms are easily found online, it is much more difficult to find instructions for filling them in correctly. When an application for probate is denied, it is highly unlikely that the court will tell you how to fix it.

We've put together the Newfoundland Probate Kit, a comprehensive guide to applying for probate in Newfoundland and Labrador. This kit is based on one of Lynne's bestselling books, *The Alberta Probate Kit*. The NL probate kit comes with all the forms you'll need, as well as step-by-step instructions on how to properly complete them. The instructions come in printed hard copy so you can make notes, and the forms are on a USB flash drive so you can easily update and print the ones you need.

This kit is available for \$40.00 on our website on the SHOP page, or by calling us at 709 221 5511.

Did you know...?

One of the things an executor needs to do is advertise for creditors. This is usually done by putting a notice in the newspaper. A less-known alternative is publishing a notice online using a resource such as noticeconnect.com. Publishing online is less expensive, and reaches a wider range of people.

Lawyer Cartoon #5907

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"Oh, me? I have the power of attorney."

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