

ADVANTAGES AND DISADVANTAGES

Of having a holographic will

A Holographic Will is the **fastest, easiest** and **least** costly type of will you could sign. All you need is a piece of paper and a pen. Follow the instructions on page 2. Make sure to sign and date the document. That's it !

However, please note that a holographic will is the **least secure** kind of Last Will you could have in Quebec. After death, your heirs will have to apply for a court probate of the will. This is a legal procedure that is lengthy (3+ months) and costly (+\$2,500). Also, your will is not registered. It could be lost and never found. It could be destroyed accidentally or by those who disagree with its contents. Your handwriting will be analyzed and your capacity questioned. Your holographic will is contestable by law.

VALIDITY

A Holographic Will is only valid if

- ◆ Handwritten by testator
- ◆ Signed and Date by the Testator

BEWARE

Problems with Holographic Wills

- ◆ Requires Will Probate at Court after death
- ◆ Examination and attestation of handwriting after death
- ◆ Contestable
- ◆ Unregistered



NEED HELP ?

If you purchased this Holographic Will Kit and you :

- ◆ Need legal advice ? Contact us for a consultation or an appointment book online.
- ◆ Prefer to do a Notary Will ? Contact us for an appointment or book online. Provide us with your receipt for the purchase of this kit and we will credit your payment after signing your Notary Will at our office.



FREQUENT QUESTIONS

CAN MY HOLOGRAPHIC WILL BE NOTARIZED BY A NOTARY ?

No. A Holographic Will cannot become a Notary Will by notarization at any time. A Notary Will must be written by a notary in a particular form, printed on a particular paper, registered and entered into a notarial vault by a notary. Unlike a Notary Will, your Holographic Will must undergo the legal process of court probate after death to become official. Without court verification, your will cannot be used to liquidate your estate.

WHAT HAPPENS IF I AM ILL OR INCAPACITATED BUT NOT DEAD ?

A Last Will is only opened in the event of death. If you become incapable of taking care of your property or your health due to an accident, age, or illness, then another document is required : A Mandate of Protection. This is commonly known as a "living will".

WHAT IF I HAVE MINOR CHILDREN ?

Please note that there are special rules that apply to minor children. It will be important to consider what they are inheriting and how much. Also, it will be important to determine how and who will administer their inheritance before they come adults. As well as who will have custody and be the tutor with parental authority. If you have minor children, it is advisable to get a notary consultation. It is also recommended to proceed with a Notary Will in order to avoid complex legal problems for your family after death.

CAN ME AND MY SPOUSE SIGN THE SAME HOLOGRAPHIC WILL ?

No. A Last Will is a unilateral document. The law does not recognize a "couple's will". Any will signed by two or more testators is automatically null and void. It will be as if you died without a will.

IS IT POSSIBLE TO REGISTER MY HOLOGRAPHIC WILL AT THE CHAMBER OF NOTARIES WILL REGISTRY ?

Yes. If you purchased our holographic will kit and wish to have your Holographic Will preserved in our notary vault and registered at the Chamber of Notaries of Quebec, then please contact us for this additional service and include your receipt information. Kindly note that despite registering your Holographic Will, your last will must still undergo the legal process of probate at court after death. It does not become a Notary Will.

HOW DO I CHANGE MY WILL ?

Seek legal advice from a notary regarding making amendments to your will. You can also simply make a new Last Will that revokes all previous wills.

INSTRUCTIONS

What you need

- ◆ Blank Paper
- ◆ Ink Pen

What to do

On a blank piece of paper write by hand :

- ◆ The date (DD, Month, Year)
- ◆ Your full name and address
- ◆ Follow the template on page 3 to indicate who will inherit your property
- ◆ Designate a substitute heir
- ◆ Nominate a liquidator (a.k.a. executor) of your estate
- ◆ Nominate a substitute liquidator
- ◆ Describe your preferred funeral arrangements if any
- ◆ Sign the document and write your name below in capital letters

Check-list

- The will is handwritten in ink (cannot be typed)
- The date is indicated
- Your name and address are indicated
- You expressed your last wishes
- You apposed your signature

Where to store your Holographic Will

- ◆ A safe place where it can be found by your heirs or liquidator
- ◆ It is not recommended to store any last will in a bank deposit box
- ◆ In our Notary vault after registration at the Chamber of Notaries Will Registry. (See Frequent Questions and Contact us for more information about this service)

A decorative graphic consisting of several overlapping blue shapes, including a large L-shaped block and several triangles, positioned in the upper left quadrant of the page.

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On the [day], [month], [year]

I, the undersigned, [Full Name], domiciled at [address] born on [Date of birth], SIN [Social insurance number], write my Last Will and Testament as follows :

Civil Status

I am [•...married, single, widowed, in a common-law relationship, etc.].

Revocation:

I hereby revoke all previous wills, codicils and legacies predating the present Will.

Funeral Arrangements

- [Describe your funeral arrangements. (ex. I wish to be buried)]

Legacy

I bequeath all my property, movable and immovable, that I possess at the time of my death to [• full name], that I designated as my universal legatee.

Should [• full name], predecease me or renounce to my legacy, I bequeath all my property, movable and immovable to [• full name].

Liquidator

I designate [• full name] as the liquidator of my estate. I give my liquidator full power to act. Should [• full name] predecease me, be incapacitated, or renounce to the charge of liquidator by notarial deed, I nominate [• full name] as my liquidator, with the same powers.

Signature