Estate Planning Worksheet

Alberta Edition

For Cooperative Memorial Society Members

This worksheet guides you through the essential questions and considerations for estate planning in Alberta, ensuring your wishes are respected and your loved ones are protected. Alberta law has specific requirements that differ from other provinces — this guide reflects those requirements.

What is Estate Planning?

Estate planning arranges for the management and distribution of your assets upon death. In Alberta, it is governed primarily by the Wills and Succession Act (RSA 2010, c W-12.2). A complete estate plan includes:

- **A Will** naming your Personal Representative and distributing your assets
- **An Enduring Power of Attorney (EPA)** for financial decisions if you lose capacity
- **A Personal Directive** for health care and personal care decisions if you lose capacity
- **Tax planning, life insurance, beneficiary designations, and funeral arrangements**
- **Planning for business succession or charitable giving, where applicable**

Will vs. Estate Plan

A will specifies how to distribute your estate and appoints an executor, legally called your Personal Representative in Alberta. An estate plan goes further — it encompasses the will plus inheritance planning, tax strategies, trust structures, beneficiary designations, and end-of-life care documents.

Alberta's Three Core Estate Documents

Every Alberta adult should have all three of these documents:

Document	Purpose & Requirements
Will	Distributes your estate and names your Personal Representative. Requires your signature plus 2 adult witnesses (neither of whom benefits from the will or is the spouse/AIP of a beneficiary), unless it is a holographic will.
Enduring Power of Attorney (EPA)	Authorizes someone (your "Attorney") to manage your finances and property if you lose mental capacity. Requires 1 adult witness. Governed by the Powers of Attorney Act (RSA 2000, c P-20).
Personal Directive	Authorizes someone (your "Agent") to make personal care and health decisions on your behalf. Requires 1 adult witness who is not your Agent or their spouse/AIP. Governed by the Personal Directives Act (RSA 2000,cP-6).

Holograph and Kit-based Wills in Alberta

Holograph wills (entirely handwritten and signed) are valid in Alberta under the Wills and Succession Act, as are kit-based wills — but both carry risks: easier to challenge, prone to missing provisions, and potentially ambiguous. Professional guidance is recommended.

Witness Requirements at a Glance

Document	Witness Requirements
Formal Will	2 adult witnesses, both present at the same time. Must not be beneficiaries or spouses/AIPs of beneficiaries.
Holograph Will	No witnesses required. Must be entirely handwritten and signed by the testator.
Enduring Power of Attorney (EPA)	1 adult witness. Must not be your Attorney or their spouse/AIP.
Personal Directive	1 adult witness. Must not be your Agent or their spouse/AIP.

Remote signing: Alberta permanently permits remote witnessing of wills, EPAs, and Personal Directives by video conference, provided a Law Society of Alberta member lawyer acts as witness and prepared the documents. Wet-ink signatures are still required on original documents.

Adult Interdependent Partners (AIPs)

Alberta uses the term "Adult Interdependent Partner" (AIP) for couples in a committed relationship who are not married — similar to common-law partners in other provinces. An AIP may have rights to your estate under the Wills and Succession Act. If you have an AIP relationship, ensure your estate plan specifically addresses this — a cohabitation agreement can be an effective tool for protecting your personal assets and limiting an AIP's estate claims.

Probate in Alberta

Probate (formally a Grant of Probate or Grant of Administration) is the court process confirming your will is valid and authorizing your Personal Representative to administer your estate. Alberta has some of the lowest probate fees in Canada, calculated on the net value of the estate:

Net Estate Value	Court Filing Fee (2025)
$10,000 or less	$35
$10,001 – $25,000	$135
$25,001 – $125,000	$275
$125,001 – $250,000	$400
Over $250,000	$525 (maximum — regardless of estate size)

These court filing fees are separate from lawyer fees for estate administration. Probate is not always required — many assets pass outside the estate through beneficiary designations and joint ownership.

Strategies to reduce or avoid probate: name beneficiaries on registered accounts (RRSPs, TFSAs, RRIFs, life insurance), hold assets as joint tenants with right of survivorship, or use trusts. Consult a lawyer before acting on any of these strategies.

Applying for Probate: Alberta's Surrogate Digital Service

Alberta launched the Surrogate Digital Service (SDS) to modernize the probate application process. Key facts for members:

- **Online applications:** Personal Representatives can complete and submit a Grant of Probate or Grant of Administration application entirely online at surrogate.alberta.ca — no paper forms required.
- **Lawyers must use SDS:** Members of the Law Society of Alberta are required to use the SDS for all applications the service can process, if the Will is uncontentious.
- **Faster processing:** SDS applications are typically returned within one to three weeks of submission (compared to months under the paper process), assuming no complications.
- **Digital grants:** Once issued, the Grant is provided in a secure digital format that can be shared directly with financial institutions and Alberta Land Titles.
- **Built-in error checking:** The system validates entries as you go, reducing the risk of rejection due to incomplete or inconsistent information.
- **Save and return:** Applications can be saved and completed over multiple sessions.

Tip for members: When working with a lawyer to probate a will in Alberta, ask whether your will qualifies for the Surrogate Digital Service (SDS). Qualifying wills benefit from a faster process and reduced paperwork for your Personal Representative, saving your estate time and money.

Taxes and Your Alberta Estate

Alberta has no provincial estate tax or inheritance tax. However, your estate may face federal income tax implications:

- **Deemed disposition:** On death, the CRA treats most assets as sold at fair market value. Capital gains tax may apply on accrued gains (e.g., investment portfolios, real estate other than your principal residence).
- **Registered accounts (RRSPs/RRIFs):** The full value is included as income on your final tax return unless rolled over to a surviving spouse, AIP, or qualifying dependent child/grandchild.
- **Final tax return:** Your Personal Representative must file a final T1 return for the year of death. Optional returns may reduce taxes payable.
- **Estate tax return:** In addition to the final T1, a separate T3 Trust Income Tax Return must be filed for the estate itself if it earns income after the date of death. Your Personal Representative is responsible for both returns.
- **Spousal/AIP rollover:** Assets transferred to a surviving spouse or AIP generally defer capital gains until the survivor's death.

Minimizing taxes: Strategies include spousal rollovers, naming beneficiaries on registered accounts, early gifting, trusts, charitable giving, and an estate freeze for business owners. Work with a tax professional.

Trusts in Alberta

A trust holds assets for beneficiaries under a trustee's management, governed by the Trustee Act (RSA 2000, c T-8). Common types used in Alberta estate planning:

- **Testamentary Trust:** Created by your will; activated on death. Useful for minor beneficiaries or those who need managed distributions.
- **Spousal or AIP Trust:** Allows deferral of capital gains until the surviving spouse/AIP passes away.
- **Family Trust:** Holds assets for family members; can be used for income splitting and tax planning.
- **Henson Trust (Disability Trust):** Protects assets for beneficiaries with disabilities without affecting government benefit eligibility.
- **Living Trust:** Created during your lifetime; can be revocable or irrevocable.

Will or Trust: A trust avoids probate for assets held within it, but a will is still needed to cover assets outside the trust. Most plans include both.

What Happens Without an Estate Plan in Alberta?

If you die without a valid will (intestate), the Wills and Succession Act determines who inherits your estate — which may not reflect your wishes:

- Your spouse and/or AIP receive a preferential share; the remainder is divided according to a legislative formula.
- If you have no spouse/AIP and no children, your estate passes to parents, then siblings, then more distant relatives.
- The court appoints an administrator (not of your choosing) to manage your estate.
- Guardianship of minor children is determined by the court, without your guidance.
- Your estate may pay more in taxes than necessary.

Storing Your Estate Documents

Keep originals secure but accessible. Recommendations for Alberta:

- Store originals in a fire proof home safe or locked cabinet—not a bank safety deposit box (your Personal Representative may not be able to access it promptly after death).
- Tell your Personal Representative and a trusted family member exactly where your documents are kept.
- Provide copies to key individuals; keep originals yourself.
- Consider registering your Personal Directive with Alberta Health (optional but recommended for medical emergencies).
- Review and update documents after major life events: marriage, divorce, new children or grandchildren, death of a beneficiary or Personal Representative, significant asset changes, or legislative updates.

Do You Need a Lawyer?

Estate lawyers provide expert guidance essential for complex estates, blended families, business interests, or cross-border situations. They ensure your documents meet Alberta's formal execution requirements.

Can you DIY? Holograph wills, self-drafted wills, and will kits are legal in Alberta but carry risk. For most members, professional estate planning is recommended — especially to minimize taxes, reduce probate complexity, and avoid future family disputes.

Finding a lawyer: Ask for referrals from trusted friends, family, financial advisors, or your Cooperative Memorial Society (CMS). The Law Society of Alberta also maintains a lawyer directory at www.lawsociety.ab.ca that you can filter by practice area to find an estate lawyer near you.

Cost: Costs depend on the complexity of your estate. Proper planning may significantly reduce long-term costs and taxes.

The Cooperative Memorial Society offers members a discount with **Paramount Law LLP** in Calgary, led by Managing Partner Donna Gee. With a background as a registered nurse, she specializes in Elder Law, Wills, Estates Planning, and more. Donna provides compassionate guidance on complex legal and personal issues related to aging and family planning, representing clients successfully in Alberta courts.

Estate Planning Checklist for Alberta Members

1. **Identify key people:**
   - Personal Representative (executor) and an alternate
   - Attorney under your Enduring Power of Attorney and an alternate
   - Agent under your Personal Directive and an alternate
   - Guardian for minor children (if applicable)
   - Trustee (if establishing a trust)
   - Lawyer, accountant, financial planner, and insurance advisor
2. **Create or update your documents:**
   - Will — formally witnessed by two independent witnesses; if necessary use a holograph or kit-based will (carries greater risk)
   - Enduring Power of Attorney
   - Personal Directive
   - Funeral and burial instructions (see below)
3. **Review beneficiary designations on:**
   - RRSPs, RRIFs, TFSAs
   - Life insurance policies
   - Employer pension plans and group benefits
4. **Explore tax and estate strategies:**
   - Spousal/AIP rollover and registered account beneficiaries Trusts (testamentary, spousal, family, Henson)
   - Charitable giving and donations
   - Early gifting and estate freeze(for business owners)
5. **Arrange your funeral and final wishes:**
   - Make your wishes known by completing the CMS online guidance form, downloadable paper version, or the Ducks in a Row workbook*, all available from the Cooperative Memorial Society

- Pre-arrange with a Cooperative Memorial Society member funeral home (optional)
- Share CMS membership details and funeral preferences with family and personal representatives
- Store your funeral plan document with estate documents and ensure easy access

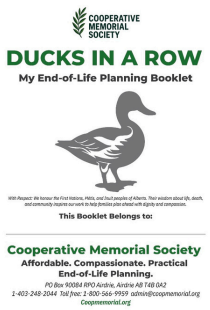
CMS resource:
*The Ducks in a Row planning workbook helps you and your family document funeral preferences, estate details, and key contacts in one organized place. Available at coopmemorial.org/dir. More details below.

6. **Compile and share a key documents list including:**
   - Location of will, EPA, Personal Directive, and funeral plan
   - Financial institutions, account numbers, and insurance policies
   - Digital asset access (passwords, online accounts)
   - Business interests, real estate titles, and vehicle ownership
7. **Review your plan regularly — at minimum every 3–5 years and after any major life change.**

Key Insight

Estate planning in Alberta extends well beyond a will. A complete plan — Will, Enduring Power of Attorney, and Personal Directive — protects you during your lifetime as well as after death. Proper planning reduces taxes, simplifies estate administration, and spares your loved ones unnecessary stress. Revisit your plan regularly, especially after major life changes or legislative updates.

Get Your Ducks in a Row



CMS's practical Alberta-based end-of-life planning workbook brings together funeral preferences, estate details, important contacts, and personal wishes in one organized place — a gift of love and peace of mind for your family.

Available as a downloadable PDF ($26.25) or printed and mailed ($38.00) at coopmemorial.org/dir. A binder insert edition ($31.50) is available at presentations, information fairs, and workshops. All proceeds support CMS.

About the Cooperative Memorial Society

The Cooperative Memorial Society is a non-profit organization dedicated to providing members with access to funeral planning resources and discounted funeral plans through locally owned funeral homes across Alberta. For a one-time membership fee of $42 (GST included), members receive a lifetime of resources and significant savings on funeral arrangements.

www.coopmemorial.org

This worksheet is for informational purposes only and does not constitute legal advice. Consult a qualified Alberta estate lawyer for your specific situation.