

PERSPECTIVES

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Financial and estate planning

Do you have someone to act on your behalf?

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Every day we make decisions in our lives about a variety of different things. Sometimes we make simple decisions and sometimes more important ones, like buying or selling a house or what medical treatment to consider. Unfortunately, at some point, we may not be able to make these decisions for ourselves.

But we can think about and plan for this possibility.

Should you become incapable and unable to express your wishes, perhaps due to an accident or mental incapacity, without written authorization for someone to act on your behalf, someone would have to apply to the court to appoint a committee to manage your financial affairs. This could take weeks or even months. While a family member or friend can apply to be your committee, the court will ultimately decide who fulfills this role and how your finances must be managed. You can, however, formally document who you would like to manage your financial affairs. You can do this by creating what's called an enduring power of attorney.

In addition to financial decisions, you can also formally appoint someone to make health and personal care decisions for you by creating a representation agreement.

A representation agreement may govern such matters as medical treatment, health care, nutrition, shelter, clothing, hygiene and safety. It can also convey to your family, friends and doctors, your personal philosophy regarding life-prolonging treatments in the face of terminal illness.

Consider carefully who to appoint as your attorney or representative and what powers you wish to give them. You should trust that person's honesty and judgment. If you have no family members or friends that you want to appoint, you can appoint a professional such as a lawyer or an accountant. It is important to note that new laws came into effect for BC powers of attorney and representation agreements on September 1, 2011.

With powers of attorney, for example, one new rule is that your attorney cannot be paid for their duties, unless your power of attorney sets out the rate or amount of compensation to be paid to them. Other rules are aimed at permitting attorneys to better manage your assets and to protect you.

We recommend that you speak to your lawyer or notary about your needs and wishes regarding a representation agreement and an enduring power of attorney, in addition to your Will.



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To learn more about CIBC Wood Gundy, The Stan Clark Financial Team and the many ways we can help manage your wealth, please contact us by phone or by email as listed below.



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