

## SAMPLE WILL CLAUSES

The following draft clauses are provided for information purposes only. They do not reflect the individual language of every Will. They are only intended as illustrations of the types of clauses which may be appropriate to insert into a person's Will. The sample clauses must be adapted as necessary to reflect each person's planning objectives, financial circumstances, and tax exposure. The South Saskatchewan Community Foundation strongly advises that any person considering the inclusion of clauses of this type in their Will discuss the matter with their own legal and financial advisors. The South Saskatchewan Community Foundation shall not be responsible for any reliance on the following sample clauses by any person. Prospective donors or their advisors are encouraged to contact the South Saskatchewan Community Foundation to discuss the types of gifts that may be appropriate.

### 1. **A Gift for the Establishment of a Personal or Family Fund**

A gift in a will to the South Saskatchewan Community Foundation can be used to create a permanent Fund named after the donor or the donor's family. The capital of the Fund will be held permanently by the South Saskatchewan Community Foundation and the income will be used annually in the manner stipulated in the Will. The three basic types of Funds are Unrestricted Funds, Field of Interest Funds, and Designated Funds.

#### (a) **An Unrestricted Fund**

A Fund can be established which permits the South Saskatchewan Community Foundation to use the income of the Fund for the charitable purposes that it considers appropriate. This type of Fund allows the South Saskatchewan Community Foundation to shift resources as the social needs of the community change. An Unrestricted Fund can be created in a Will by gifting a specified amount, a share of the residue of the donor's estate, or the entire residue of the donor's estate.

#### **Sample 1**

To pay to the South Saskatchewan Community Foundation Registered Charity No. 89027 1448 RR0001 the sum of \$\_\_\_\_ to be held by the South Saskatchewan Community Foundation in a Fund to be known as the \_\_\_\_\_ Fund. I direct that the income therefrom be paid out at least annually to be used in conformity with the objectives of the South Saskatchewan Community Foundation in such manner as the Directors of the South Saskatchewan Community Foundation in their discretion shall from time to time determine.

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**Sample 2**

To divide the residue of my estate into \_\_\_\_\_ equal shares and to pay or transfer one (or more) of such equal shares to the South Saskatchewan Community Foundation Registered Charity No. 89027 1448 RR0001 to be held by the South Saskatchewan Community Foundation in a fund to be known as the \_\_\_\_\_ Fund. I direct that the income therefrom be paid out at least annually in conformity with the objectives of the South Saskatchewan Community Foundation in such manner as the Directors of the South Saskatchewan Community Foundation in their discretion shall from time to time determine.

**Sample 3**

To pay or transfer the residue of my estate to the South Saskatchewan Community Foundation Registered Charity No. 89027 1448 RR0001 to be held by the South Saskatchewan Community Foundation in a fund to be known as the \_\_\_\_\_ Fund. I direct that the income therefrom be paid out at least annually in conformity with the objectives of the South Saskatchewan Community Foundation in such manner as the Directors of the South Saskatchewan Community Foundation in their discretion shall from time to time determine.

**(b) A Field of Interest Fund**

A Fund can be established which permits the South Saskatchewan Community Foundation to use the income of the Fund for the charitable purposes that it considers appropriate having regard to the donor's particular field of interest. This type of Fund provides flexibility in the use of income but indicates the general purposes for which the donor intends the income to be used. A Field of Interest Fund can be created in a Will by gifting a specified amount, a share of the residue of the donor's estate, or the entire residue of the donor's estate.

**Sample 1**

To pay to the South Saskatchewan Community Foundation Registered Charity No. 89027 1448 RR0001 the sum of \$\_\_\_\_ to be held by the South Saskatchewan Community Foundation in a fund to be known as the \_\_\_\_\_ Fund. I direct that the income therefrom be paid out at least annually to be used in conformity with the objectives of the South Saskatchewan Community Foundation in such manner as the Directors of the South Saskatchewan Community Foundation in their discretion shall from time to time determine having regard to my interest in (examples of the field of interest may include any one or more of the following: child welfare, arts and culture, education, youth, health and welfare, medical research, and conservation of nature, etc.).

**Sample 2**

To divide the residue of my estate into \_\_\_\_\_ equal shares and to pay or transfer one (or more) of such equal shares to the South Saskatchewan Community Foundation Registered Charity No. 89027 1448 to be held by the South Saskatchewan Community Foundation in a fund to be known as the \_\_\_\_\_ Fund. I direct that the income therefrom be paid out at least annually to be used in conformity with the objectives of the South Saskatchewan Community Foundation in such manner as the Directors of the South Saskatchewan Community Foundation in their discretion shall from time to time determine having regard to my interest in \_\_\_\_\_ (examples of the field of interest may include any one or more of the following: child welfare, arts and culture, education, youth, health and welfare, medical research, and conservation of nature, etc.).

**Sample 3**

To pay or transfer the residue of my estate to the South Saskatchewan Community Foundation Registered Charity No. 89027 1448 RR0001 to be held by the South Saskatchewan Community Foundation in a fund to be known as the \_\_\_\_\_ Fund. I direct that the income therefrom be paid out at least annually to be used in conformity with the objectives of the South Saskatchewan Community Foundation in such manner as the Directors of the South Saskatchewan Community Foundation in their discretion shall from time to time determine having regard to my interest in \_\_\_\_\_ (examples of the field of interest may include any one or more of the following: child welfare, arts and culture, education, youth, health and welfare, medical research, and conservation of nature, etc.).

**(c) A Designated Fund**

A Fund can be established which designates which charitable institutions or purposes are to receive the income of the Fund. This type of fund permits the donor to determine specifically the manner in which the income of the Fund is to be used. A Designated Fund can be created in a Will by gifting a specified amount, a share in the residue of the donor's estate, or the entire residue of the donor's estate. Donors considering this option should contact the South Saskatchewan Community Foundation to discuss the specific terms of the Fund.

**Sample 1**

To pay to the South Saskatchewan Community Foundation Registered Charity No. 89027 1448 RR0001 the sum of \$\_\_\_\_ to be held by the South Saskatchewan Community Foundation in a fund to be known as the \_\_\_\_\_ Fund. I direct that the income therefrom shall be paid out

as follows:

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**Sample 2**

To divide the residue of my estate into \_\_\_\_\_equal shares and to pay or transfer one (or more) of such equal shares to the South Saskatchewan Community Foundation Registered Charity No. 89027 1448 RR0001 to be held by the South Saskatchewan Community Foundation in a fund to be known as the \_\_\_\_\_ Fund. I direct that the income therefrom shall be paid out as follows:

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**Sample 3**

To pay or transfer the residue of my estate to the South Saskatchewan Community Foundation Registered Charity No. 89027 1448 RR0001 to be held by the South Saskatchewan Community Foundation in a fund to be known as the \_\_\_\_\_ Fund. I direct that the income therefrom shall be paid out as follows:

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**2. A Gift to an Existing Fund**

A gift in a Will to the South Saskatchewan Community Foundation can be added to an existing Fund. The gift can be a specified amount, a share of the residue of the donor's estate, or the entire residue of the donor's estate. There is no minimum amount required to make a gift to an existing Fund.

**Sample 1**

To pay to the South Saskatchewan Community Foundation Registered Charity No. 89027 1448 RR0001 the sum of \$\_\_\_\_\_ to be added to the \_\_\_\_\_ Fund.

**Sample 2**

To divide the residue of my estate into \_\_\_\_\_ equal shares and to pay or transfer one (or more) of such equal shares to the South Saskatchewan Community Foundation Registered Charity No. 89027 1448 RR0001 to be added to the \_\_\_\_\_ Fund.

**Sample 3**

To pay or transfer the residue of my estate to the South Saskatchewan Community Foundation Registered Charity No. 89027 1448 RR0001 to be added to the \_\_\_\_\_ Fund.

**3. A Gift to Take Effect Following the Death of a Lifetime Beneficiary**

A donor may wish to defer making a gift to the South Saskatchewan Community Foundation until after the donor's estate has been used to provide for a spouse or other loved one during their lifetime. In order to do so, the donor's Will must create a trust for the benefit of the spouse or loved one and upon the death of the spouse or loved one the Will must direct that the gift be made to the South Saskatchewan Community Foundation. The gift can be a specified amount, a share of the residue of the donor's estate then remaining, or the entire residue of the donor's estate then remaining. The following samples relate to the establishment of a new Unrestricted Fund, but a gift can also be made to establish a Field of Interest Fund or a Designated Fund. Donors should be aware that because the gift to the South Saskatchewan Community Foundation will not occur until the death of the spouse or loved one, the charitable donation receipt for this gift will not be issued until after the death of the spouse or loved one when the funds have been paid to the Foundation.

**Sample 1**

I direct my Trustees to hold the sum of \$\_\_\_\_\_ upon trust and to pay the net income derived therefrom to \_\_\_\_\_ during their lifetime.

Upon the death of \_\_\_\_\_ my Trustees shall pay to the South Saskatchewan Community Foundation Registered Charity No. 89027 1448 RR0001 the sum of \$\_\_\_\_\_ to be held by the South Saskatchewan Community Foundation in a fund to be known as the \_\_\_\_\_ Fund. I direct that the income therefrom be paid out at least annually to be used in conformity with the objectives of the South Saskatchewan Community Foundation in such manner as the Directors of the South Saskatchewan Community Foundation in their discretion shall from time to time

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determine.

**Sample 2**

I direct my Trustees to hold the sum of \$ \_\_\_\_\_ upon trust and to pay the net income derived therefrom to \_\_\_\_\_ during their lifetime.

Upon the death of \_\_\_\_\_ my Trustees shall divide the trust fund then remaining into equal shares and to pay or transfer one (or more) of such equal shares to the South Saskatchewan Community Foundation Registered Charity No. 89027 1448 RR0001 to be held by the South Saskatchewan Community Foundation in a fund to be known as the \_\_\_\_\_ Fund. I direct that the income therefrom be paid out at least annually to be used in conformity with the objectives of the South Saskatchewan Community Foundation in such manner as the Directors of the South Saskatchewan Community Foundation in their discretion shall from time to time determine.

**Sample 3**

I direct my Trustees to hold the sum of \$ \_\_\_\_\_ upon trust and to pay the net income derived therefrom to \_\_\_\_\_ during their lifetime.

Upon the death of \_\_\_\_\_ my Trustees shall pay or transfer the trust fund then remaining to the South Saskatchewan Community Foundation Registered Charity No. 89027 1448 RR0001 to be held by the South Saskatchewan Community Foundation in a fund to be known as the \_\_\_\_\_ Fund. I direct that the income therefrom be paid out at least annually to be used in conformity with the objectives of the South Saskatchewan Community Foundation in such manner as the Directors of the South Saskatchewan Community Foundation in their discretion shall from time to time determine.

**4. A Gift of A Lapsed Bequest**

A Donor may wish to make a gift to the South Saskatchewan Community Foundation if any person to whom the donor intends to make a bequest dies before the bequest takes effect. In those circumstances, the lapsed portion of the donor's estate can be gifted to an existing fund or it can be used to create a new Fund.

**Sample 1**

I give to X the sum of \$ \_\_\_\_\_; provided that if X shall predecease me such amount shall be paid to the South Saskatchewan Community Foundation Registered Charity No. 89027 1448 RR0001 to be added to the \_\_\_\_\_ Fund of the South Saskatchewan Community Foundation.

**Sample 2**

In the event that any bequest contained in this my Will shall by reason of the death of any named beneficiary or for any other reason fail to take effect, the property so bequeathed shall be paid or transferred to the South Saskatchewan Community Foundation Registered Charity No. 89027 1448 RR0001 to be added to the \_\_\_\_ Fund of the South Saskatchewan Community Foundation.

**Sample 3**

In the event that any bequest contained in this my Will shall by reason of the death of any beneficiary or for any other reason fail to take effect, the property so bequeathed shall be paid or transferred to the South Saskatchewan Community Foundation Registered Charity No. 89027 1448 RR0001 to be held by the South Saskatchewan Community Foundation in a fund to be known as the \_\_\_\_ Fund. I direct that the income therefrom be paid out at least annually to be used in conformity with the objectives of the South Saskatchewan Community Foundation in such manner as the Directors of the South Saskatchewan Community Foundation in their discretion shall from time to time determine.

**5. Receipt of Offer**

In order to relieve the donor's personal representative from the obligation of supervising how funds are used by the South Saskatchewan Community Foundation, the donor's Will may provide that the personal representative's responsibilities cease upon transferring the gift to the South Saskatchewan Community Foundation.

**Sample**

The receipt of a person purporting to be an officer of the South Saskatchewan Community Foundation for the value of my gift shall be a sufficient discharge to my Trustees. My Trustees shall not be required to enquire into the authority of such person to give a valid receipt nor to see to the application of my gift.

The foregoing sample Will clauses are provided by the South Saskatchewan Community Foundation as illustrations of the types of clauses which may be appropriate to insert into a person's Will. Anyone who is considering making a gift by Will to the South Saskatchewan Community Foundation is invited to contact the South Saskatchewan Community Foundation to discuss the donor's options.