



Sample Will Clauses

1. **Specific Bequest:**

A. Donation of Specific Sum:

"I give to St. Joseph's Healthcare Foundation, Hamilton, the sum of (amount) to be used for. (describe the purpose, wish and intention of the bequest)"

B. Donation of Specific Property:

Examples of specific property are securities (stock, bonds, registered plans such as RRSPs and RRIFs) jewellery, works of art and other assets. Usually the property is converted to cash by sale when received by the Foundation. The proceeds (net of any sales and appraisal costs) will be used per the donor's bequest.

"I give to St. Joseph's Healthcare Foundation, Hamilton, (description of property) to be used for (describe the purpose, wish and intention of the bequest)"

C. Rest and Residue

"I give to St. Joseph's Healthcare Foundation, Hamilton, all (or state percentage) of the rest, residue and remainder of my estate."

2. **Blended Gifts**

"During my lifetime, I have entered into a pledge or gift agreement with St. Joseph's Health Care Foundation in the amount of \$_____. In the event that this pledge or any balance remaining has not been paid by me during my lifetime, I direct my executor to pay to St. Joseph's Health Care Foundation any such outstanding pledge balance from the residue of my estate. It is my ultimate wish that any gift agreement or pledge that I have entered into with St. Joseph's Health Care Foundation during my lifetime be honoured by my executor and be paid in full at the time of my death should I have failed to complete such pledge while living."

3. **Registered Funds Bequest (RRSP/RRIF):**

The Federal Budget of 2000 enabled donors of RRSPs/RRIFs proceeds to name a charitable beneficiary directly on the retirement fund form rather than having to list this in the Will. A donation tax receipt will be issued to the Estate for the full value of the proceeds when they are received by the charity. Should a donor wish to make the designation in their Will rather than within the RRSP/RRIF form the proceeds will be subject to probate.

"I direct my Estate Trustee to transfer to St. Joseph's Healthcare Foundation, Hamilton, the sum of \$_____ which are registered either as a RRSP or RRIF, to be used for_____."

4. **To Establish an Endowment Fund:**

“This gift shall be entered in the St. Joseph’s Healthcare Foundation, Hamilton books and records as the (insert name) ENDOWED FUND. The income from the endowment shall be used to (name program to support). This type of gift must be held by St. Joseph’s Healthcare Foundation, Hamilton for a period of ten years or more.

5. **Power to Vary Provision:**

It is recommended that the following clause be used if the bequest is either restricted or used to establish an endowment for a specific purpose. This would only be used in the event the original intent of the bequest could no longer be fulfilled, for example if the fund was used to establish to conduct research in long term care and subsequently further studies were no longer needed. In this case it would be important to use the fund for research in other areas affecting the facility.

“If, in the opinion of the Board of Directors of the St. Joseph’s Healthcare Foundation, Hamilton it should become impossible, inadvisable, or impractical to use this gift for the specified purpose(s), then the Board may use the gift to the best advantage of St. Joseph’s Healthcare Foundation, Hamilton, keeping in mind the original wishes of the donor.

6. **Cy Pres Doctrine:**

It is encouraged that this clause be included in all situations for the benefit of Estate Trustees. This clause enables the administration of the estate to proceed should the original name or objects of the charitable organization have changed since the execution of the Will. Additional information can be found in Canada Revenue Agency’s Registered Charities Newsletter No.22. Here is an extract from that newsletter.

Cy-près – Where property is given in trust for a particular charitable purpose and it is or becomes impossible, impractical, or illegal to carry out the particular purpose, the trust will not necessarily fail if the intention of the trust is to devote the property to charitable purposes. The court can apply the *cy-près* doctrine and direct the property to some charitable purpose that falls within the general charitable intention of the trust.

Sample Clause:

IF, AT THE time of distribution, any of the organizations named in this my Will has amalgamated with another organization or organizations, or has changed its name or location of its work, this bequest or share of residue provided for it shall not fail but my Trustees shall in their sole discretion pay the same to the organization they deem to be the successor organization.

If in the sole discretion of my Trustees, any of the organizations named in this my Will has ceased to operate or has never operated or been in existence (as distinct from having amalgamated, changed its name or location of its work) then my Trustees shall in their sole discretion pay the bequest or share of my estate to the organization which, in my Trustees' sole discretion, most clearly resembles the organization I intended to benefit, upon the same terms and conditions provided for in this my Will.

The receipt of the Treasurer or other officer of any named (or substituted) organization which receives a bequest or share of residue under this my Will, shall be a sufficient discharge to my Trustees with respect to such bequest and my Trustees shall have no further responsibility for such bequest or the administration thereof.