

Legacy Planner

This manual will assist you in putting your personal affairs in order, including possible legacy stewardship, in thanks to God for the gifts and blessings given to you.

NOTE: *The information in this document does not constitute legal or financial advice and should not be relied upon for professional advice. The examples given are general and reflect conditions at the time of writing and are subject to change. Donors are encouraged to seek professional legal, estate planning, and financial advice before deciding on a course of action.*

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INTRODUCTION

Jesus said: "Therefore keep watch, because you do not know the day or the hour." (Matthew 25:13)

Preparation, true spiritual preparation, encompasses every aspect of our lives: our spiritual lives, our business lives, our community lives, our family lives, and our personal lives. Each of us is expected to keep his or her house in order and to plan for the future. These are the subjects of this booklet. We hope you will find it useful.

At the time of a person's sudden illness or death, family members or friends are often faced with the need for specific information. It is extremely helpful for them to have access to a record of insurance papers, marriage and birth certificates, bank account numbers, investments, etc. For married couples, each spouse should compile separate information and prepare separate documents, although many of the materials will be the same.

This booklet can help you make decisions about what is to happen to your assets and your corporal self at the time of incapacitation or death. It also provides a place to make and keep a record of the information others would need. Review the information periodically, preferably with the person(s) who must use the information. We suggest that you make one or more copies of the

information sheets after completing them. *For your convenience these sections are in the centre of the booklet for easy removal.* Keep one copy with important papers and put others in sealed envelopes and give them to trusted persons. Some people keep one copy in a plastic bag in the refrigerator for easy access. These instructions are not legally binding, but show the intent of the person signing the form as of the date signed.

Copies of the *Legacy Planner* Manual can also be found at the website for the Diocese of Niagara: www.niagara.anglican.ca

DOCUMENTS NEEDED TO ORDER YOUR AFFAIRS

Will

Making a Will is an essential step to help reduce the confusion and uncertainty death brings. It provides reassurance and direction to your family. A Will is the foundation of a well-constructed estate plan.

A Will addresses many issues. A Will:

- Allows the person you name as your executor to act immediately – to make funeral arrangements and take charge of your estate.
- Protects your assets and possessions and ensures that they will be dealt with as you have directed.

- Affords the opportunity to make suitable arrangements for minor children, other dependants and pets.
- Clarifies for family and friends what your wishes are and who has the authority to carry them out.
- Minimizes estate administration costs including probate costs for your estate and may afford opportunities to reduce Income Tax.
- Makes your estate easier to administer.

After considering the goals of your estate plan, contact your lawyer to provide your lawyer with the necessary instructions for your Will. The process may be relatively straightforward and need not be costly. Even in the case of a complicated estate plan, the cost involved is well worth the expense given the peace of mind achieved, the benefits to your family and other beneficiaries and the possible tax and cost savings.

Self-help Will kits are available in stores and on-line, but mistakes in drafting and signing a Will can easily be made. The risk then arises that the Will prepared without the assistance of a professional will be invalid or not effectively carry out your wishes. Professional advice is well worth the cost.

In Ontario, a Will must be witnessed by two people who must be present at the time the Will is signed and sign at that time as witnesses. A witness should not be a beneficiary

or the spouse of a beneficiary. A Will totally in the handwriting of the person making the Will need not be witnessed to be valid in Ontario, but the potential for problems with this type of Will, called a holographic will, is magnified even more than a Will prepared from a kit.

If you die without a Will in Ontario, your estate will be distributed to your family in accordance with a formula set out in provincial legislation. This distribution may not fit with your wishes and certainly will not allow for bequests to friends, your church or other charity. It also will not delay distributions to children or grandchildren beyond age eighteen when, for example, you might wish to restrict access to capital until they are older.

You can be certain that your wishes will be carried out as you intend if you make a Will and review it periodically to ascertain whether or not it needs to be updated. Every time your situation changes significantly, the will should be reviewed. For example, this should occur as children mature, when family members or other beneficiaries die, when your marital status changes, or your executor dies or is no longer suitable. Except in very restricted circumstances a marriage will revoke a will.

The choice of an executor is very important. Most people choose a spouse, one or more adult children, or a trusted friend. Alternates should be considered to provide for situations in which the executor

cannot act. Sometimes a professional executor such as a lawyer is named or a trust company is appropriate.

Once you have made a Will, be sure that there are clear instructions for your executor to enable your executor to locate your Will and other important documents. Your executor will need to access your Will and other documents as quickly as possible on your death. This booklet provides a place to record a significant amount of information including the location of your Will.

Remember, making a will is your opportunity to express, in legal terms, your priorities and concerns for the people and institutions in your life. The rubric for the Book of Common Prayer reminds Anglicans "... to liberally give alms to the poor." P714, 1959) This offers you a threefold opportunity: (1) to support your church; (2) to continue to give life to the areas of the church community you care about; and (3) to make a witness to your family and friends of what was important and valuable in your life.

Christian Preamble: Witnessing your faith while doing estate planning

The preparation of a Will or estate plan should begin with prayerful consideration. A Christian Preamble to your Will allows you to share your faith with family and friends. Through this personal statement of faith, you can deliver an important message to those you love the most.

The Christian Preamble might read:

In thanksgiving to God for the gifts of life, and for the many blessings which God has given me. I therefore ... (then the particulars of the Will would follow.)

Some people also use language such as the following as they make gifts to support various ministries:

This gift is an expression of my thanksgiving and stewardship, with the hope that it will help strengthen and extend the ministries of Jesus Christ in the life of the Church.

You may wish to communicate much the same message in your own words. You may also wish to insert something about your own history with your church or other organization(s) you support through a bequest in you Will. Working with your lawyer, please use whatever seems appropriate to you.

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"Mr. Frosty, it's March.
Time to talk estate planning."

Incapacity Before Death

A Will has no effect until death. It has no power to deal with circumstances of incapacity. The possibility of incompetence is relevant to everyone, no matter what age. An accident or illness can incapacitate anyone and the risks of incapacity caused by ill health increase with age.

Under legislation in Ontario, called the *Substitute Decisions Act, 1992*, two types of Powers of Attorney can be prepared to deal with problems of incapacity.

The first of these is a **Continuing Power of Attorney for Property**. Subject to any restrictions or limitations in the power of attorney, it will allow the person or persons to whom it is granted to manage the property and assets of a person who is incapacitated. Obviously, this is a very powerful document and should only appoint persons who are trusted completely.

In the absence of a Continuing Power of Attorney, a provincial official called the Public Guardian and Trustee will assume authority over the assets of an incompetent person.

The second type of power of attorney is a **Power of Attorney for Personal Care**. This power of attorney provides that when a

person is incapable of making decisions with respect to personal care, including medical care, the person or persons appointed in the Power of Attorney for Personal Care make those decisions. The Power of Attorney for Personal Care may also include any specific directions that are to be followed with respect to personal care.

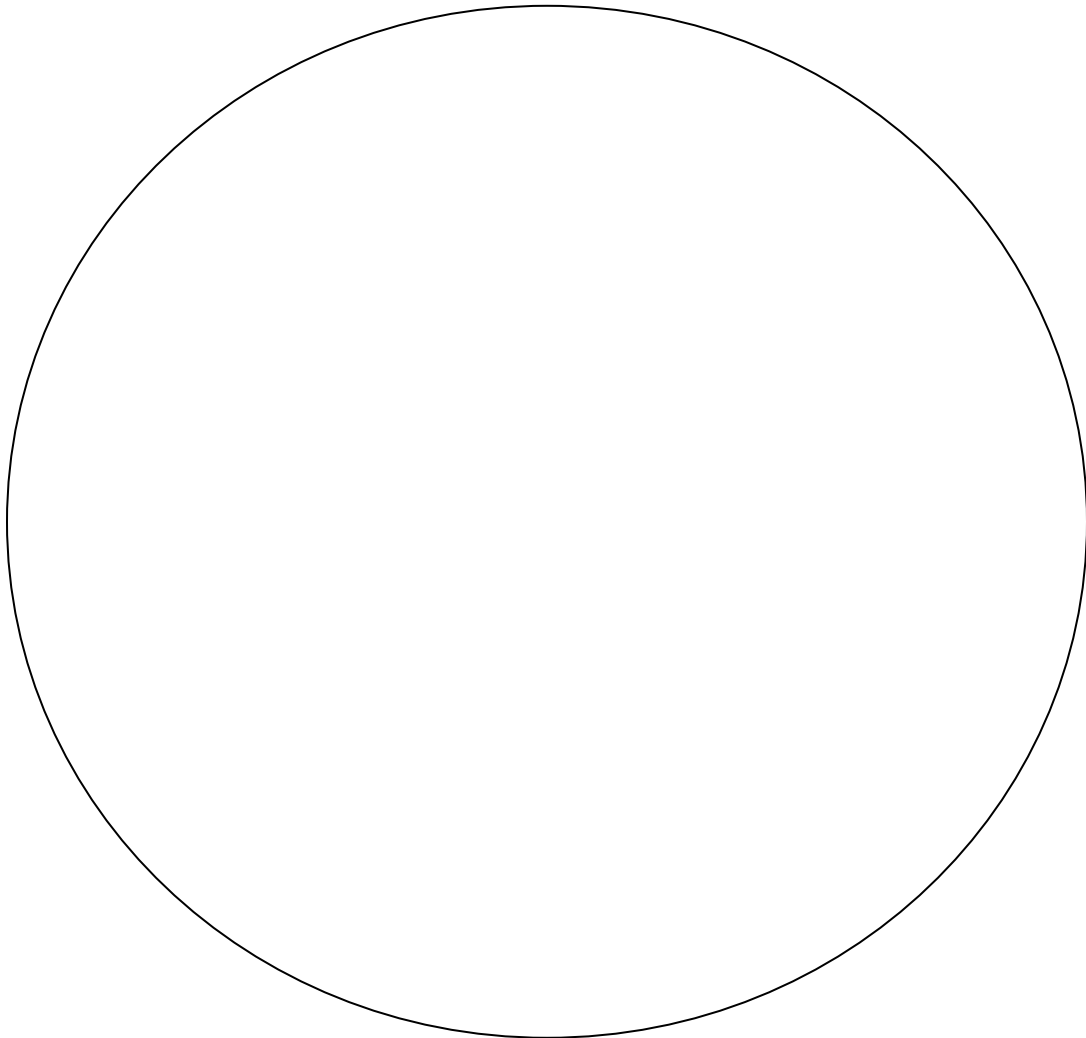
Organ or Body Donation

Please consider filling out the organ donor card that comes with your driver's license. We believe it is theologically sound to participate in Ontario's organ donor program and you can give a wonderful gift of renewed life to another.

A Last Communication

A Will is a legal document that lets you direct the distribution of your material assets. Often it is the last communication from you to those you love. You may wish to leave a warmer last communication through a letter (or audio tape, video tape, CD) to say the loving things you would like to say to your family and friends. Though not part of the will, these can be sealed in an envelope and kept with the will for distribution to loved ones.

EXERCISE: *Giving it all Away*



WHO DO YOU WANT TO RECEIVE YOUR ASSETS WHEN YOU DIE?

We are never more generous than when we die. At that moment all of our possessions are given away. What's best about this is that, if you have a Will, you get to choose who gets it! Take a few minutes and think about what is most important to you and then fill in the pie chart above according to how you would like your assets and wealth to be distributed.

You have four basic choices: family (spouse, children, etc.), church, charity or friends. Don't worry about what you actually have in the way of assets....your allocation just needs to add up to 100 per cent. When you are done, ask yourself whether the picture you have made reflects your current estate plan. Do you need to make changes?

These next 12 pages (7 – 18) contain confidential information and may be printed separately from the rest the manual. They should be kept in a secure place.

FINAL ARRANGEMENTS

A Letter Regarding My Final Arrangements

To: (Whoever Takes the Responsibility for My Final Arrangements)

I have given thought to my personal wishes regarding my final arrangements in the hope that it will minimize the emotional strain on my survivors. While I feel that my loved ones would find it more difficult to make the decisions with no indication of my specific wishes, I do not wish to impose anything on them. Therefore, unless I have made special mention, I encourage them to ensure my funeral and other arrangements are done in a way that is meaningful to them.

Though these wishes may not be legally binding, I trust that they will help my survivors avoid confusion, extra expense, or at the least any self-reproach that might arise because of doubts, omissions, or commissions.

I have also pulled together much of the financial and other information that will be needed at the time of my death. I hope this will lighten the task at this emotional and difficult time.

Thank you to all on whom the burden of making these arrangements has fallen.

Signature

Date

Your name: _____

Your address: _____

Your city/province/postal code: _____

suggestions, see *The Book of Alternative Services*, pages 604-605.

I would especially like the following hymns:

1. _____
2. _____
3. _____
4. _____

Suggested pallbearers:

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____

Memorials

Instead of sending flowers, many prefer to make a more lasting memorial. Most parishes have both a general memorial fund and a building fund, as do many other charities. Memorial gifts may also be made to the Diocese of Niagara or to the endowment funds of the Anglican Church Ministries (ACM) Foundation of the Diocese of Niagara. *(If you so desire, please indicate below where you would like to have such contributions made:)*

In lieu of flowers I would prefer donations be made to:

1. _____
2. _____
3. _____

Burial Information

I prefer to be:

- Buried
- Cremated (Before the funeral , after the funeral)

Disposal of Ashes: *(name a favourite place where you may wish your ashes*

spread. The location may or may not be permissible under Ontario law but it is always helpful for your executors to know your wishes)

Location of cemetery lot deed, crypt deed, columbarium contract:

I have made arrangements to have certain parts or all of my body donated to:

Repatriation: If I die outside Canada, repatriate my remains: YES; NO

Preferred Funeral Home: _____

CASKET: Least expensive; Mid-range; Elaborate; Rental

URN specifications: _____

VIEWING:

I wish/ do not wish to have visitation at the Funeral Home/Church prior to my funeral service.

I wish/ do not wish to have my casket open at the Funeral Home/Church.

open for family members only.

My jewellery should be: left on; removed.

Burial Dress: _____

Monument: Stone; Plaque

Inscription: _____

Other information for my survivors:

Signature

Date

Information For My Family and Friends



Final Directions and instructions upon the death of:

_____ Date _____
Name _____
(File this information where it will be found easily upon your death. It is suggested that you also file this with your local church or your lawyer, and notify your heirs that the form has been completed for their information.)

Name (Full) _____

Address: _____

Birth Date: _____ Place of Birth: _____

Baptism Date: _____

Spouse/Partner's Name : _____

Spouse/Partner's Address: _____

Spouse/Partner's Birth Date: _____

Spouse/Partner's Place of Birth: _____

Spouse's Date of death (if applicable): _____

My Church Affiliation: _____

Name and Address of Home Church: _____

Father's Full Name: _____

Birth Date/Place: _____ Living? Yes; No

Mother's Full Name: _____

Birth Date/Place: _____ Living? Yes; No

Names, addresses, and phone numbers of living brothers and sisters:

1. _____

2. _____

3. _____

4. _____

Names, addresses, and phone numbers of living children:

1. _____

2. _____

3. _____

4. _____

5. _____

(We also recommend keeping an up-to-date address and telephone book. This can be a big help in notifying others in times of emergency.)

Location of Book _____

Names, addresses, and phone numbers of other persons to notify upon my death:

1. _____
2. _____
3. _____
4. _____
5. _____

The following nearby person (s) has agreed to care for my:

Family temporarily: Phone: _____

Pets temporarily: Phone: _____

My Occupation: _____

Employer (Name & Address): _____

Social Insurance Number: _____

Ontario Health Card Number: _____

Canadian Forces Service: YES; NO

Entitled to Veteran's Benefits: YES; NO

Service Branch Contact: Phone: _____

Lawyer's name and address:

1. _____
2. _____

Last Will Executed on: _____ Will is located at _____

Executor(s) (Name(s) and address):

1. _____
2. _____
3. _____

Powers of Attorney for Property & for Personal Care (Name/address):

1. _____
2. _____

Bank Accounts/Savings Institution Accounts/Other Income-Producing Accounts:

	<i>Name of Institution</i>	<i>Type</i>	<i>Account Number</i>
1.	_____		
2.	_____		
3.	_____		

Joint Accounts:

	<i>Name of Institution</i>	<i>Type</i>	<i>Account Number</i>
1.	_____		
2.	_____		
3.	_____		

Safe Deposit Box Number & Location: _____

Location of Safe Deposit Box Key: _____

Other Key Holders: _____

Key Advisors (Names/Address or Phone)

Clergy: _____

Accountant: _____

Investment Counsellor: _____

Estate/Financial Planner: _____

Trust Company/Officer: _____

Insurance Agent: _____

	<i>Life Insurance Co.</i>	<i>Amount</i>	<i>Certificate #</i>	<i>Beneficiary</i>
1.	_____			
2.	_____			
3.	_____			
4.	_____			

RSPs, RRIFs, Pensions:

	<i>Company</i>	<i>Account Number</i>	<i>Beneficiary</i>
1.	_____		
2.	_____		
3.	_____		
4.	_____		

Credit and charge accounts:

<i>Company</i>	<i>Account Number</i>

Since your survivors will be faced with many problems, the following additional documents may be necessary in establishing rights to insurance, pensions, Social Security, ownership, relationship, etc. Indicate location for each item listed.

(H) Home (D) Safe Deposit Box (O) Office (L) Lawyer

_____ Marriage License	_____ Legal proof of age/birth certificate
_____ Citizenship papers /passport	_____ Survivor's Pension Information
_____ Bill of Sale for car/title, reg.	_____ Stocks
_____ Bank books /Interac Card(s)	_____ Will
_____ Deeds to property	_____ Insurance Policies
_____ Income tax returns,	_____ Representation Agreement
_____ Receipts/cancelled cheques	_____ Power of Attorney
_____ Military Discharge Papers	_____ Automobile Information
_____ Other	

Sample Obituary

Some Christians wish to write their own obituary as a statement about what and who has been meaningful to them in life. At the very least, leaving a short biographical outline is most helpful to those who will compose your obituary.

Here is a sample obituary you may find helpful in composing your own if you so choose. On the next page we have given you the option of writing your obituary or leaving some biographical notes.

Smith, Jane Elizabeth (nee Jones)

Quietly on Monday, March 17, 2005 at age 87. Predeceased by her husband Sidney G. Smith. Devoted mother of Patricia Green and Linda Brown. Lovingly remembered by her sons-in-law George and Timothy; and her grandchildren, Geoffrey and Stephen Green, and Colin, Josie, Nathaniel and Michael Brown. A Memorial Service will be held at St. John's Anglican Church, 59 Main Street, Burlington on Saturday, March 26, 2005 at 2 p.m. with reception following. Spring interment in Pinedale Cemetery near Milton, Ontario.

Jane taught public school for 40 years at Timson Elementary and probably touched the lives of over 10,000 students with her wisdom and joy of living. She believed every child was a wonderful gift to the world and helped her students to see this awesome truth.

In lieu of flowers, a remembrance may be made to the organ fund at St. John's or the charity of your choice.

Jane will be sorely missed by the many people whose lives she touched with her kind ways, her compassionate heart, and that, ever present, cheerful smile.

PLANNED GIVING

Planned giving refers to gifts made from assets accumulated during one's life rather than writing a cheque from current income. Usually these gifts are part of an overall estate plan.



We know God puts it in our hearts to want to give. Certainly we want to know that our family members will be taken care of but we also may want to do more. Throughout our lives as members of the church we are regular supporters of its ministry and display consistent generosity over time. Almost always it is from our cash flow or family operational budgets. The Planned Gift is almost always a gift from accumulated assets.

In many ways Planned Giving is like the ancient Israel practice of Jubilee. Every 50 years the people of Israel were commanded by the law to return the land and other property to its original owners, to redistribute

wealth that the poor might have a share in the bounty of the Lord.

This concept of Jubilee unfolds for us a world in which God has a plan to provide equitably for all. The world, it is recognized, will continue to veer off into imbalance. However, there are actions devoted Christians can take to acknowledge that all the world and all that is in it is from God and that we are entrusted with its care, as God's stewards, during our lifetimes.

In many ways the Planned Gift can be seen from a theological perspective as a form of individually declared Jubilee: A returning to God for redistribution to those in need. Thus, through our Planned Gift we become agents of Jubilee – true stewards of the gifts of God.

All of this becomes possible as we move forward in our spiritual journeys from scarcity to abundance, to the life Jesus calls us each to and the inner peace and freedom it brings.

PLANNED GIVING TOOLS:

A Will

Providing for family, the church and other loved ones through a bequest in one's Last Will and Testament. For more information speak to your parish planned giving representative or ask for our helpful *Charitable Bequests* Brochure.

Gift Plus Annuity

The Gift Plus Annuity allows a donor to make a charitable donation, increase income for life, lower income taxes, and may avoid future investment concerns through a lifetime annuity. In exchange for your gift, The Anglican Church of Canada buys you a lifetime annuity from a licensed insurance company. The amount of your annuity payment depends on your age and the size of your contribution, but the rate will usually be quite a bit higher than what you now get from your investments, and it is fully guaranteed. It will continue as long as you live, no matter what happens to the economy or to interest rates. For more information speak to your parish planned giving representative or ask for our helpful *Gift Plus Annuity* Brochure.

Life Insurance

Gifts of life insurance truly make an impact on ministry, often for a very small payment. Donors who want to really make a difference to the lives of people in their faith community choose the gift of life insurance to create that impact because they are able to give significantly larger gifts than they might otherwise be able to make. You can write new insurance or use paid up policies that are an idle asset to create a win/win situation for your financial and estate tax planning and for the Anglican Church. For more information, speak to your parish planned giving representative or ask for our helpful *Gifts of Life Insurance* Brochure.

Charitable Remainder Trust

Unlike a future bequest in your will, for which you get no tax benefit now, a charitable remainder trust provides you with a large donation receipt in the year you make your gift and you'll also continue to receive the trust income for life. On your death, the trust asset goes to the church. You can use cash, securities or real estate to fund a trust gift to the Church.

Appreciated Securities

Thanks to the Federal Budget of May 2, 2006, when you donate appreciated securities to the Church, you get a tax receipt for the full market value of the gift. It is the most tax effective way to make a donation. For more information speak to your parish planned giving representative or phone the Synod office at 905-527-1316 and ask for the Planned Giving Officer

Retirement Plan Gifts

It is now possible to leave your RRSP or RRIF to the church — tax-free. Money from these plans can pass from spouse to spouse tax free. However at death, if not passed to a spouse, plan proceeds are taxed as income — often at the highest marginal tax rate. By designating your parish or the diocese as beneficiary, you will be creating a significant gift and eliminating the tax payable on death. Probate fees

and will challenges are also avoided by choosing this option. Contact the planned giving office for assistance with retirement plan gifts.

Anglican Church Ministries Foundation

Your thoughtful plans and stewardship mean a great deal to the Anglican Church here in Niagara.

The Anglican Church Ministries Foundation was established in Niagara to invest, manage, and deploy financial resources for future ministry in the Diocese of Niagara. The ACM Foundation has created several endowment funds to meet the needs of ministry in the Diocese. These include:

- Youth Ministry Fund
- Outreach in the Name of Christ Fund
- Education and Training Fund
- Evangelism Fund
- Divinity Students' Fund
- Clergy in Transition Fund
- Bishop's Company Fund

For more information on the ministry supported by these funds please contact the Synod office at 905-527-1316.

Suggested Bequest Wordings

The Diocese of Niagara and its parishes and related groups are pleased to provide the following suggested bequest wordings for your

lawyer to use in drafting your Will. Your lawyer will assist you determine the most appropriate bequest terms.

Regardless of the specific wording used, it is important that the proper legal name of the entity be used. You or your lawyer may obtain the proper name of your parish from its office or from the Diocese if a bequest is to be made directly to the parish. To leave a bequest to the Diocese the name the "Synod of the Diocese of Niagara" should be used. (This may also be used if you wish the Diocese to receive and/or manage funds for the benefit of a parish.). You may also wish to consider The Anglican Church of Canada, The Primate's World Relief & Development Fund, Canterbury Hills Conference Centre and The Anglican Church Ministries Foundation when preparing your Will. If you wish to make a bequest to benefit a specific program affiliated with the Diocese (e.g. Camp Canterbury Hills, Mission to Seafarer's, St. Matthew's House, or the ACM Foundation) please contact the Diocesan Planned Giving Office or the Treasurer for the proper legal name.

You may wish to make a bequest in a variety of ways. Here are some examples, with appropriate wording:

A **general bequest** is the most common type of charitable bequest. The bequest usually simply directs that a sum of money be given: e.g., I give to the parish of St. John's Anglican Church, Niagara Falls the sum of \$_____ to be used for the

general purposes of the parish ministry.

It is critical that you phone your parish and get the name right. You would want to say St. Paul's Anglican Church in Hamilton as there may also be a St. Paul's, Presbyterian in that city and this could create confusion or delay in your gift becoming a reality.

A **specific bequest** relates to a specific item or asset: e.g. I give 500 shares of XYZ Inc. to the parish of Grace Anglican, Milton.

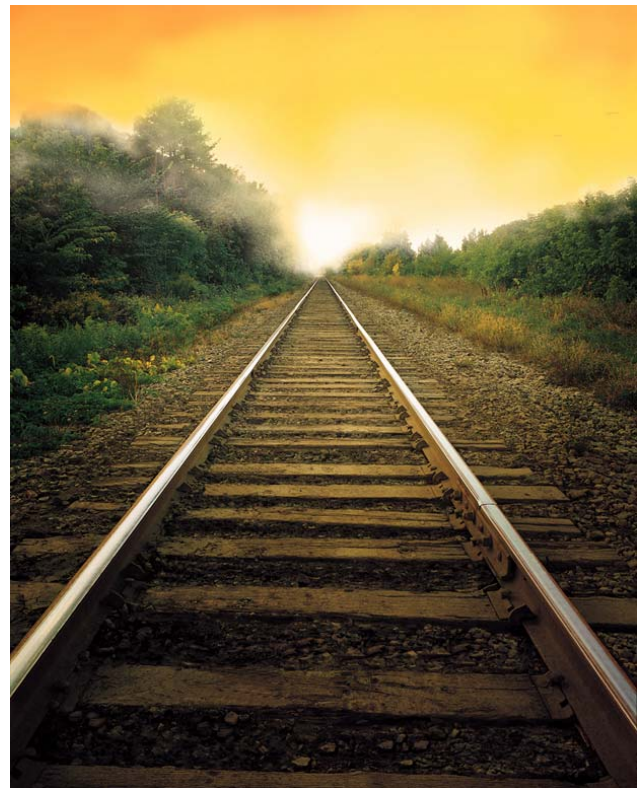
A **residual bequest** deals with a portion of the remainder of the estate after all debts, taxes, expenses and other bequests have been paid: e.g. I give 50 per cent of the residue of my estate to the parish of St. James' Anglican, Port Colborne.

A **contingent bequest** only takes effect under certain conditions: e.g. In the event that my spouse _____ does not survive me, I give the sum of \$_____ to the parish of St. Matthew's Anglican Church, Burlington.

Subject to church policies, you may specify that the principal of your bequest be held as an endowment from which only the income is spent,

or you may establish a fund in your name, or the name of a family member, friend or colleague, as a thanksgiving offering or as a memorial.

A Power to Vary clause should be considered. This will allow the Church to use your gift for another purpose in the event that the original purpose is no longer possible, practicable or necessary.



LITURGICAL RESOURCES

PRAYERS FROM THE BOOK OF ALTERNATIVE SERVICES

Prayers at Death..... 601, 602
A Prayer for Peace..... 130
A Prayer for Strength.....130
A Prayer for Grace and Faith..... 131
A Prayer for Guidance 131
A Prayer for Protection and Rest.....132
For the Aged..... 682
A Prayer of Christian Life..... 682

Planned Giving Resources

You Can't Take it With you: The Common Sense Guide to Estate Planning for Canadians by Sandra E. Foster, 4th Edition, John Wiley & Sons, 2002, ISBN: 0-470-83156-1

Estate Planning Workbook, A Companion to "You Can't Take it With You" by Sandra E. Foster, John Wiley & Sons, 2002, ISBN: 0-470-83177-4

The Canadian Guide to Will & Estate Planning, 2nd Edition by Douglas Gray & John Budd, McGraw-Hill Ryerson, 2002, ISBN: 0-07-0894396

Diocese of Niagara/Anglican Church of Canada Planned Giving Brochures & Publications

- Charitable Bequests Brochure*
- Gifts of Life Insurance brochure*
- Charitable Gift Annuities*
- Gifts of Residual Interest Brochure*
- Anglican Church Ministries Foundation Brochure*
- Legacy Planner*

Planned Giving Office

Director of Stewardship and Planned Giving
Anglican Diocese of Niagara
252 James Street North
Hamilton, Ont. L8R 2L3
Phone: (905)527-1316
Email: plannedgiving@niagara.anglican.ca

Parish Planned Giving Representative _____ (name) _____ (phone)

REQUEST FOR INFORMATION:

Please send me more information on:

- Wills
- Helping the Church through Life Insurance
- Gifts to the Church that pay me income, i.e. Charitable Gift Annuities,
- Charitable Remainder Trusts
- Gifts of Appreciated Securities, Real Estate

I would like:

- to meet with my Rector.
- a representative of the Church familiar with estate planning to contact me about exploring the best ways for me to give.

Name: _____

Address: _____

City: _____ Province: _____ Postal: _____

Phone (work): _____ (home): _____

Email address: _____

Parish: _____

Photocopy this form and give it to the Planned Giving Representative for your parish, your Rector or return it to:

Stewardship and Planned Giving Office
Anglican Diocese of Niagara
252 James Street North
Hamilton, Ont. L8R 2L3
Telephone: (905) 527-1316
Facsimile: (905) 527-1281
Email: plannedgiving@niagara.anglican.ca
Website: www.niagara.anglican.ca