**ACKNOWLEDGMENT, WAIVER, RELEASE, DISCHARGE**

**AND INDEMNITY TO ESTATE TRUSTEE**

TO: [name of trustee] (the “Estate Trustee”)

FROM: [name of beneficiary]

RE: The Estate of [name of deceased]

THIS INSTRUMENT is effective as of the date signed below.

WHEREAS I, [name of beneficiary] hereby acknowledge:

1. [name of deceased] (the “Deceased”) died on or about [date] leaving a Will dated April 6, 20XX (the “Will”).
2. A Certificate of Appointment of Estate Trustee with a Will was issued to the Estate Trustee.
3. Pursuant to the provisions of the Will, the residue of the Estate is to be distributed as follows:

7. (a) To pay or transfer one of such equal shares of my residuary estate to each child of mine who shall then be living at the date of my death.

Children living at the date of death:

* One Equal Share to [name];
* One Equal Share to [name of beneficiary].

1. The Deceased, at the time of his death, was seized and possessed of the land described as follows (the “Property”):

[address and legal description of property]

1. The Deceased, at the time of his death, was the sole shareholder of \*\*\* Ontario Inc. (the “Business”).
2. The Deceased, at the time of his death, was owed money from [name of beneficiary].

NOW THEREFORE in consideration of forgiveness of the debt owing by me to the deceased and his Estate, I hereby acknowledge and agree on my own behalf and on behalf of my heirs, executors, administrators and assigns, as follows:

* 1. I hereby consent that the Estate Trustee transfer the property known as [address of property] to [name of transferee], for its own use, together with the units situated on such Property, including all chattels and fixtures within and affixed to the units and the Property.
  2. I hereby consent that the Estate Trustee transfer the shares of the business known as \*\*\* Ontario Inc. to [name of shareholder], as sole shareholder.
  3. I hereby relinquish, transfer and quit claim all of my right, title and interest in and to the Property, the Business and all other assets of the Estate of [name of deceased] and hereby release, remise, quitclaim and forever discharge the Estate of [name of deceased] and [name of trustee], Estate Trustee, including their respective heirs, successors, executors, administrators and assigns of and from all actions, suits, payments, accounts, reckonings, claims and demands whatsoever in law or equity, which I may now have with respect to the Estate of [name of deceased] and with respect to the Business described above.
  4. My spousal status is as follows (place your initials beside one statement only):

\_\_\_\_\_\_\_\_ I am not a spouse.

\_\_\_\_\_\_\_\_ I am a spouse and not separated from my spouse. The Property which is a subject of this Acknowledgment, Waiver, Release, Discharge and Indemnity to Estate Trustee is not ordinarily occupied by me and my spouse, who is not separated from me, as our family residence.

\_\_\_\_\_\_\_\_ I am a spouse but am separated from my spouse. The Property which is a subject of this Acknowledgment, Waiver, Release, Discharge and Indemnity to Estate Trustee was not ordinarily occupied by my spouse and I at the time of our separation as our family residence.

\_\_\_\_\_\_\_\_ I am a spouse but am separated from my spouse. My spouse has released all of his/her rights under Part II of the Family Law Act, 1990 to the Property which is a subject of this Acknowledgment, Waiver, Release, Discharge and Indemnity to Estate Trustee by a separation agreement.

* 1. I covenant and agree that this Acknowledgment, Waiver, Release, Discharge and Indemnity to Estate Trustee shall be binding on my heirs, executors, administrators and assigns.
  2. I hereby further acknowledge that I have been advised to obtain independent legal advice with respect to this Acknowledgment, Waiver, Release, Discharge and Indemnity to Estate Trustee and:

***(Select one of the following)***

( ) I have chosen not to obtain such advice and a Waiver Regarding Independent Legal Advice is attached hereto.

***OR***

( ) I have chosen to obtain such advice and the Certificate of Independent Legal Advice is attached hereto.

* 1. I understand my rights and obligations and the nature and consequences of this Acknowledgment, Waiver, Release, Discharge and Indemnity to Estate Trustee and I am signing this document voluntarily without undue influence or coercion by any person whomsoever, or by fraud or misrepresentation.
  2. This Acknowledgment, Waiver, Release, Discharge and Indemnity to Estate Trustee, to the extent signed and delivered by means of electronic transmission (including without limitation, facsimile and internet transmissions), shall be treated in all manner and respects as an original and should be considered to have the same binding legal effect as it if were the original signed version thereof delivered in person.

IN WITNESS WHEREOF I, have hereunto set my hand and seal in the presence of the witness

below, this day of , 20XX.

Witness Signature [name of beneficiary]

Print Witness Name:

Print Witness Address:

Print Witness Telephone No.:

**WAIVER REGARDING INDEPENDENT LEGAL ADVICE**

I, [name of beneficiary], DECLARE AS FOLLOWS:

1. I have been advised by [Name of lawyer], Barrister and Solicitor, who is acting on behalf of [name of trustee], Estate Trustee of the Estate of [name of deceased], that I should obtain independent legal advice in connection with the execution of an Acknowledgment, Waiver, Release, Discharge and Indemnity to Estate Trustee (the “Release”) with respect to my entitlement to the property situated at [address of property], Ontario and the business registered as \*\*\* Ontario Inc.
2. I understand that [Name of lawyer] cannot represent and advise me on my rights pursuant to the Release, since it would place her in a position of conflict of interest.
3. I am satisfied that I do not require independent legal advice.
4. I acknowledge that:
   1. I have been advised to obtain independent legal advice with respect to the execution of the Release and I have declined to do so.
   2. I understand my rights and obligations and the nature and consequences of the Release.
   3. I am signing the Release voluntarily without undue influence or coercion by any person whomsoever, including the Estate Trustee, or by fraud or misrepresentation; and
   4. I have read the Release in its entirety and with full knowledge of the contents sign the document voluntarily.
5. I affirm my belief that the provisions of the Release are adequate and will not result in circumstances which are unconscionable or which are unfair to me.

DATED the day of , 20XX.

SIGNED, SEALED AND DELIVERED )

In the presence of )

) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ ) [name of beneficiary]

Witness Signature

Print Witness Name:

**CERTIFICATE OF INDEPENDENT LEGAL ADVICE**

**IN THE MATTER OF THE ESTATE OF [name of deceased]**

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, of the City of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,

Barrister and Solicitor, certify that I was consulted by [name of beneficiary], a residual beneficiary under the Estate of [name of deceased], in respect of the attached Acknowledgment, Waiver, Release, Discharge and Indemnity to Estate Trustee (the “Release”) in regard to her entitlement and obligations under the Release.

I acted only for [name of beneficiary] and fully explained to her the nature and effect of the Release. The said beneficiary acknowledged that she completely understood the nature and effect of the Release. The said beneficiary executed the Release in front of me and confirmed that she was executing the Release of her own volition without any fear, threats, compulsion or influence by [name of trustee], the Estate Trustee of the Estate of [name of deceased] as appointed under a Certificate of Appointment of Estate Trustee with a Will or any other person.

Dated at , this day of , 20XX.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name of Solicitor:

Address:

*Affix Seal*