**ACKNOWLEDGMENT, WAIVER, RELEASE, DISCHARGE**

**AND INDEMNITY TO ESTATE TRUSTEE**

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

FROM: [name of charity]

RE: The Estate of [name of deceased]

THIS INSTRUMENT is effective as of the date signed below.

WHEREAS I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (Title) of [name of charity] hereby acknowledge:

1. [name of deceased] died on or about [date of death] leaving a Will dated [date of Will] (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, [name of charity] is to receive the amount of $[amount] from the Estate and it is being proposed that the Estate make a transfer of securities in kind as payment of the legacy;
4. [Name of lawyer] advises to obtain independent legal advice with respect to this Acknowledgment, Waiver, Release, Discharge and Indemnity to Estate Trustee and:

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

( ) [name of charity] has chosen not to obtain such advice and a Waiver Regarding Independent Legal Advice is attached hereto.

***OR***

( ) [name of charity] has chosen to obtain such advice and the Certificate of Independent Legal Advice is attached hereto.

1. [name of charity] understands its rights and obligations and the nature and consequences of this Acknowledgment, Waiver, Release, Discharge and Indemnity to Estate Trustee and this document is being signed voluntarily without undue influence or coercion by any person whomsoever, or by fraud or misrepresentation.

NOW THEREFORE in consideration of the transfer in kind of securities, namely [number of shares] shares of [name of investment] (the “Securities”) to [name of charity], [name of charity] hereby acknowledges and agrees on its behalf and on behalf of its successors and assigns, that:

* 1. [name of charity] does hereby remise, release and forever discharge the Estate Trustee, in her capacity as Estate Trustee of the Estate and in her personal capacity, and her respective heirs, executors, administrators and assigns, of and from all manner of actions, causes of action, suits, debts, dues, accounts, bonds, covenants, contracts, claims and demands whatsoever which against the Estate Trustee that [name of charity] now has, ever had or may have, or which its successors and assigns or any of them, hereafter can, shall or may have for or by reason of any cause, matter or thing whatsoever existing up to the present time.
  2. [name of charity] on its own behalf and on behalf of its successors and assigns, does hereby waive the passing of accounts of the Estate by a Judge in the Ontario Superior Court, or any other judicial body.
  3. [name of charity] hereby authorizes and directs the Estate Trustee to transfer the Securities of the Estate as per the attached letter of direction, which shall be [name of charity]’s sole and sufficient direction for so doing.
  4. Upon receipt of the Securities, the [name of charity] undertakes to forthwith provide to the Estate of [name of deceased] a donation receipt for income tax purposes.
  5. [name of charity] further covenants and agrees that the provisions of this Instrument shall be binding on its successors and assigns.
  6. This Instrument, 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 , 20 .

Witness Signature [name of charity]

Print Witness Name: Title:

Print Witness Telephone No.: I have the authority to bind the Corporation.

Print Witness Address:

**WAIVER REGARDING INDEPENDENT LEGAL ADVICE**

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (Title) of [name of charity] hereby DECLARE AS FOLLOWS:

1. [name of charity] has 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 [name of charity] should obtain independent legal advice in connection with the execution of an Acknowledgment, Waiver, Release, Discharge and Indemnity to Estate Trustee (the “Release”).
2. I understand that [Name of lawyer] cannot represent and advise [name of charity] on its rights pursuant to the Release, since it would place her in a position of conflict of interest.
3. [name of charity] is satisfied that it does not require independent legal advice.
4. I acknowledge that:
   1. [name of charity] has been advised to obtain independent legal advice with respect to the execution of the Release and [name of charity] has declined to do so.
   2. [name of charity] understands its rights and obligations and the nature and consequences of the Release.
   3. [name of charity] is signing the Release voluntarily without undue influence or coercion by any person whomsoever, including the Estate Trustee, or by fraud or misrepresentation; and
   4. [name of charity] has read the Release in its entirety and with full knowledge of the contents signs the document voluntarily.

DATED the day of , 20 .

SIGNED, SEALED AND DELIVERED )

In the presence of )

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

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ ) [name of charity]

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 charity], a beneficiary of 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 its entitlement and obligations under the Release.

I acted only for [name of charity] and fully explained to such beneficiary the nature and effect of the Release. The said beneficiary acknowledged that it understood the nature and effect of the Release. The said beneficiary executed the Release in front of me and confirmed that the Release was being signed of its 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 , 20 .

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

Name of Solicitor:

Address:

*Affix Seal*