



Unifor Legal Services Plan

ESTATES - PLAN COVERAGE

A. ESTATE ADMINISTRATION

When a person dies many matters must be attended to and many laws govern the way in which the deceased's estate is administered. The following will help you to understand what is involved and the coverage provided by your Legal Services Plan:

1. Estate Trustee's Work

The "estate trustee" (also called the "executor" or "administrator" or "personal representative") is responsible for all matters relating to the estate.

The estate trustee's work includes making funeral arrangements, obtaining the death certificate, advising others of the death, applying for benefits payable on death, locating the will, locating and notifying beneficiaries, locating and valuing assets and debts, investing estate funds, ensuring the safekeeping of estate assets, settling debts, maintaining estate accounts for approval by beneficiaries or examination by the court, reporting to beneficiaries, paying beneficiaries, filing tax returns and paying taxes.

All of the above duties are the responsibility of the estate trustee; they are not legal services.

However, many estate trustees delegate these functions to a lawyer, an accountant, a trust company and/or other providers, who will charge separately for these administrative services.

Plan Coverage For Estate Trustee's Work Delegated To A Lawyer

- (a) **If the deceased was a Plan member on the date of death and the deceased's surviving spouse or dependent child is a beneficiary, or if the estate trustee is a Plan member and a beneficiary,** if you (as estate trustee) so choose and if available, the Plan will refer you to a Staff Lawyer or a Co-operating Lawyer, either of whom will charge you in accordance with the current Plan rate, which is \$125.00 per hour (\$62.50 per hour for non-lawyer staff).
- (b) **For situations other than described above (i.e., no beneficiaries are surviving spouses or dependent children; deceased was not a Plan member and estate trustee Plan member is not a beneficiary),** if you (as estate trustee) so choose and if available, the Plan will refer you to a Staff Lawyer or a Co-operating Lawyer, either of whom will charge you in accordance with the current Plan rate, which is \$250.00 per hour (\$125.00 per hour for non-lawyer staff).
- (c) **If you use any lawyer who has not contracted with the Plan to provide services ("non-co-operating lawyer") you will pay whatever rate you have negotiated with that lawyer.**
- (d) **In all cases, disbursements, court filing fees and taxes are your responsibility.**

2. Lawyer's Work

The lawyer provides advice and legal services to the estate trustee (also called the "executor" or "administrator" or "personal representative"). The lawyer's work includes explaining the duties of an estate trustee; interpreting the will; advising about, and if necessary, preparing an advertisement for creditors; advising about, and if necessary, applying for and receiving a court's Certificate of Appointment of Estate Trustee (or "letters probate" or "letters of administration"); preparing documents for asset transfers; preparing notarial copies of documents; applying to court, if necessary, for the examination of and "passing" of estate accounts; preparing and receiving releases; reporting to the estate trustee.

Plan Coverage For Lawyer's Work

Note: *There is no prepaid coverage for the transfer/sale of estate realty.*

- (a) If the estate trustee or the deceased (at the date of death) is (or was) an eligible Plan Participant, **the Plan pays for the first two hours of lawyer time** if a Staff Lawyer or Co-operating Lawyer is used. If you use a lawyer who has not contracted with the Plan to provide services (i.e., "non-co-operating lawyer") you will pay whatever rate you have negotiated with that lawyer. The Plan will reimburse you up to \$125.00 per hour for up to two hours.
- (b) Fees for **subsequent legal services are paid by you** directly to your lawyer, as follows:
- (i) **If the deceased was a Plan member on the date of death and the deceased's surviving spouse or dependent child is a beneficiary, or if the estate trustee is a Plan member and a beneficiary**, if you (as estate trustee) so choose and if available, the Plan will refer you to a Staff Lawyer or a Co-operating Lawyer, either of whom will charge you in accordance with the current Plan rate, which is **\$125.00 per hour**.
- (ii) **For situations other than described above (i.e., no beneficiaries are surviving spouses or dependent children; deceased was not a Plan member and estate trustee Plan member is not a beneficiary)**, if you (as estate trustee) so choose and if available, the Plan will refer you to a Staff Lawyer or a Co-operating Lawyer, either of whom will charge you in accordance with the current Plan rate, which is **\$250.00 per hour**.
- (iii) If you use a lawyer who has not contracted with the Plan to provide services (i.e., "non-co-operating lawyer") you will pay whatever rate you have negotiated with that lawyer.

B. ESTATE LITIGATION

If you are a beneficiary, a potential beneficiary or an estate trustee, the Plan provides a benefit for estate litigation (e.g. contesting the validity of a will).

- The Plan pays for the first four hours of lawyer time (up to ten hours if the claim is greater than \$10,000)** if a Staff Lawyer or Co-operating Lawyer is used. If you use a lawyer who has not contracted with the Plan to provide services (i.e., "non-co-operating lawyer") you will pay whatever rate you have negotiated with that lawyer. The Plan will reimburse you up to \$125.00 per hour for up to four hours. (up to ten hours if the claim is greater than \$10,000)
- Fees for **subsequent legal services are paid by you** directly to your lawyer are in accordance with the rules set out above on this page, in "Plan Coverage for Lawyer's Work - see subsections A. 2. (b) (i - iii).

In all cases, disbursements, court filing fees and taxes are your responsibility.