



RESEARCH GUIDE

wills, estates & trusts

This research guide on wills, estates and trusts covers executors and administrators, trusts, and drafting and administration of wills. The subject area is covered by many provincial statutes and case law is important. English texts provide context and background.

legislation

Alberta

Administration of Estates Act, R.S.A. 2000, c. A-2.

http://www.qp.alberta.ca/574.cfm?page=A02.cfm&leg_type=Acts&isbncln=9780779734900

Trustee Act, R.S.A. 2000, c. T-8.

http://www.qp.alberta.ca/574.cfm?page=T08.cfm&leg_type=Acts&isbncln=9780779723829

Wills Act, R.S.A. 2000, c. W-12.

http://www.qp.alberta.ca/574.cfm?page=W12.cfm&leg_type=Acts&isbncln=0779726898

De Villars, Anne S. ed. *Alberta wills & estates legislation*. Queen's Printer of Alberta and the Legal Education Society of Alberta, 2003-

KF 755 A2 A43 2003

This is a portable, updated collection of legislation for Alberta in this subject area including relevant statutes not listed above.

case law

Canadian abridgment. 3rd ed. Carswell, 2003-
"Estates and Trusts"

Digests of Canadian cases are organised under this classification in vol. 32 to vol. 35 in print and available electronically through LawSource.

CanLII (Canadian Legal Information Institute)

<http://www.canlii.org/>

CanLII provides searchable full-text access to Canadian case law. The scope of coverage varies by jurisdiction and court. Boolean operators, proximity connectors, phrases and date restrictions can be incorporated into your query. Using the [Advanced Search] feature, you can select one or more jurisdictions to be searched, limit your search to appellate decisions, and restrict your search by type of tribunal. You can also use CanLII to retrieve cases by citation or name.

Estates and trusts reports. Carswell, 1978-

LawSource, LexisNexis *Quicklaw* and Maritime Law Book provide electronic subject search access to legislation, case law and topical material. LexisNexis *Quicklaw* groups topical information under the source [Wills, Estates & Trusts Law Cases - Topical]. Maritime Law Book classifies case law under the topical headings "Devolution of estates", "Executors and administrators", "Trusts" and "Wills".

For further assistance, call 403.297.6148 (Calgary) or 780.422.2342 (Edmonton) or contact your local ALSL branch.

encyclopedia

Canadian encyclopedic digest (Western). 3rd ed. Carswell, 1979-

Title 48 : "Devolution of estates"

Title 60 : "Executors and administrators"

Title 110 : "Perpetuities and accumulations"

Title 144 : "Trusts"

Title 151 : "Wills"

Discussion of these areas of law with annotations to legislation and cases are located in vol. 11A (Title 48), vol. 13 (Title 60), vol. 27 (Title 110), vol. 33 (Title 144) and vol. 35 (Title 151) in print and are available electronically through LawSource.

MacKenzie, James. *Wills and estates. (Halsbury's laws of Canada)*. Butterworths, 2007.

texts

General

Armstrong, Anne E. P. *Estate administration : a solicitor's reference manual*. Carswell, 1984-
KF 765 A6 A75 1984

Canadian estate administration guide. CCH Canadian, 1994-
KF 748 C372 1994

Canadian estate planning guide. CCH Canadian, 1995-
KF 748 C37 1995

Cullity, Maurice C. et al. *Taxation and estate planning*. 4th ed. Carswell, 1996-
KF 6584 C963 1996

Fazakas, Derek. *Wills and estates*. 2nd ed. Emond Montgomery, 2004.
KF 753 F39 2004

Frostiak, Larry H. and Poyser, John. *Practitioner's guide to trusts, estates and trust returns*. Carswell, 2004-
KF 6499 ZA2 F76

Gillese, Eileen E. and Milczynski, Martha. *The law of trusts*. 2nd ed. Irwin Law, 2005.
KF 730 G55 2005

Greenan, Jennifer A. *The executor's handbook*. 3rd ed. CCH Canadian, 2007.
KF 778 G73 2007

Harvey, Cameron and Vincent, Linda. *The law of dependants' relief in Canada*. 2nd ed. Carswell, 2006.
KF 760 F2 H37 2006

Hayton, David J. *Underhill and Hayton law relating to trusts and trustees*. 17th ed. Butterworths (U.K.), 2007.
KF 730 U55 2007

Hull, Ian M. *Advising families on succession planning : the high price of not talking*. Butterworths, 2005.
KF 750 H84 2005

Hull, Ian M. *Challenging the validity of wills*. Carswell, 1996.
KF 755 H85 1996

Hull, Rodney et al. *Macdonell, Sheard and Hull on probate practice*. 4th ed. Carswell, 1996.
KF 765 M33 1996

For further assistance, call 403.297.6148 (Calgary) or 780.422.2342 (Edmonton) or contact your local ALSL branch.

- Jenkins, Jennifer J. and Scott, H. Mark. *Compensation and duties of estate trustees, guardians and attorneys*. Canada Law Book, 2006-
KF 779 F4 J35 2006
- MacKenzie, James A. *Feeney's Canadian law of wills*. 4th ed. Butterworths, 2000-
KF 755 F432 2000
- Oosterhoff, A. H. *Oosterhoff on trusts : text, commentary and materials*. 6th ed. Carswell, 2004.
KF 729 O59 2004
- Oosterhoff, A. H. *Oosterhoff on wills and succession : text, commentary and cases*. 6th ed. Thomson Carswell, 2007.
KF 755 A7 O67 2007
- Pettit, Philip Henry. *Equity and the law of trusts*. 10th ed. Oxford University Press, 2006.
KF 730 P47 2006
- Riddall, J. G. *The law of trusts*. 6th ed. Butterworths (U.K.), 2002.
KF 730 R54 2002
- Ross Martyn, John and Caddick, Nicholas. *Williams, Mortimer and Sunnucks on executors, administrators and probate*. 19th ed. Sweet & Maxwell, 2008.
KF 778 W52 2008
- Ross Martyn, John G. et al. *Theobald on wills*. 16th ed. Sweet and Maxwell, 2001.
KF 755 T45 2001
- Schnurr, Brian A. *Estate litigation*. 2nd ed. Carswell, 1994-
KF 778 S36 1994
- Sherrin, C. H. et al eds. *Williams on wills*. 9th ed. Butterworths (U.K.), 2008.
KF 755 W54 2008
- Sokol, Stanley J. *Mistakes in wills in Canada*. Carswell, 1995.
KF 755 S65 1995
- Therault, Carmen S. ed. *Widdifield on executors and trustees*. 6th ed. Carswell, 2002-
KF 779 A3 W63 2002
- Waters, D. W. M. ed. *Waters' law of trusts in Canada*. 3rd ed. Carswell, 2005.
KF 730 W28 2005
- Winegarten, Ji ed. et al. *Tristram and Coote's probate practice*. 30th ed. Butterworths (U.K.), 2006.
KF 765 C7 2006
- Forms and Precedents**
- Histrop, Lindsay, Ann and Cappon, Donna C. *Estate planning precedents : a solicitor's manual*. Carswell, 1995-
KF 755 H57 1995
- Honsberger, John D. ed. *O'Brien's encyclopedia of forms*. 11th ed. Canada Law Book, 1987-
KF 170 O37 1987
Division V. Wills and Trusts is the relevant volume.
- Kessler, James and Hunter, Fiona. *Drafting trusts and will trusts in Canada*. 2nd ed. LexisNexis Butterworths, 2007.
KF 730 K38 2007
- Legal Education Society of Alberta and Alberta Law Reform Institute. *Alberta surrogate forms*. The Society, 1995-
KF 776.1 A42 1995

For further assistance, call 403.297.6148 (Calgary) or 780.422.2342 (Edmonton) or contact your local ALSL branch.

MacGregor, Mary L. *Preparation of wills and powers of attorney : first interview to final report*. 3rd ed. Canada Law Book, 2004.

KF 755 M32 2004

Rintoul, Margaret E. *Wills & estates. (Canadian forms & precedents)*. 2nd ed. Butterworths, 2007-

KF 170 C382 2007

Scott Butler, Alison and Scott-Harston, J.C. *Tax planned will precedents*. 4th ed. Carswell, 2007-

KF 6581.5 S35 2007

journals

Search the *Index to Canadian legal literature* in print or electronically on LawSource under the headings "Wills", "Trusts and trustees" and "Estates (law)" to identify applicable articles.

The relevant journal in ALSL is *Estates, trusts & pensions journal*. Canada Law Book, vol. 1, 1973-. The former titles are *Estates and trusts journal* and *Estates and trusts quarterly*.

Additional full-text articles are available electronically through

- HeinOnline, a database providing full-text access to Canadian and international law reviews and legal journals which may be searched at no charge in ALSL branches;
- LawSource, which contains a collection of Canadian journals and law reviews, as well as all articles and case comments appearing in Carswell law reports; and
- LexisNexis *Quicklaw's* [Wills, Estates & Trusts Law Commentary - Topical], a collection of journal articles, research papers and newsletters.

seminars

Legal Education Society of Alberta (LESA) seminar materials and papers from bar association meetings are searchable by [Keyword] through the ALSL catalogue, www.lawlibrary.ab.ca. Detailed information on the Table of Contents is found under the [Table of Contents] display option.

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