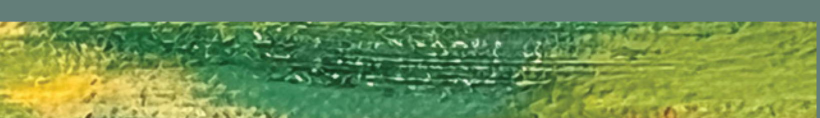
O’SULLIVAN
ESTATE LAWYERS

Passing Wealth Well

Exceptional solutions.

Your trust and estate needs are as unique as you.



Making Difficult Conversations Easier

For more than 25 years, we've been distilling big-firm expertise and recreating it in a discreet, boutique firm setting for Canadian and international clients.

O'Sullivan Estate Lawyers LLP provides a comfortable atmosphere where the intricacies of your finances and family relationships may be discussed frankly and with discretion.

Your trust and estate needs are unique. We believe the key to achieving your individual estate planning goals is understanding your personal objectives and values.

The solutions we provide—whether simple or sophisticated—are presented in a straightforward manner and carried out cost-effectively.

We provide a level of personal service not achievable in large institutional or transaction-oriented law firms.

Primary Services

- Estate Planning
- Will and Trust Planning
- Cross-Border and Multijurisdictional Estate Matters
- Incapacity Planning including Powers of Attorney
- Trust and Estate Administration
- Estate and Trust Dispute Resolution and Court Applications
- Advice to Executors, Trustees & Beneficiaries
- Legal Opinion Work

Estate Planning for High Net Worth Individuals and Families

> **"If you fail to plan, you plan to fail."**

From complex will and trust planning to incapacity planning and domestic contracts, our lawyers effect solutions for the estate planning needs of high net worth individuals and families.

We will help you understand your options and develop an estate plan that meets your objectives and the needs of your family into the future, including if you have challenging issues, such as family members with special needs or a blended family.

No matter what the size or complexity of your situation or estate, we can provide in-depth advice on such areas as:

- Establishing trusts
- Providing for beneficiaries with special needs
- Using life insurance policies in an estate plan
- Minimizing tax and probate fees
- Charitable planning
- Incapacity planning for personal care and financial matters
- Cottage property succession

We want you to walk away with a solid, streamlined estate plan. Our goal is to simplify the complexity and to let you and your family move forward with confidence as you take ownership of your estate plan. With our skilled legal advice backing you, you can be secure in the knowledge that your wishes have been carried out in an effective, pragmatic and cost-efficient way.

> **"The O'Sullivan team took the time to understand my family's dynamics,** provided superb options and gave me time to consider the best solution. During a 3-year litigation, they helped me remain calm with their knowledgeable, professional and thoughtful manner.
>
> They are attentive, responsive and simply good people. For these reasons, they are now my family's estate planners."
>
> **— Client**

Navigating Cross-Border and Multijurisdictional Estate Matters with Confidence

If your trust and estate matter involves assets, beneficiaries or representatives in another jurisdiction or international locale, we can step in and provide solid legal direction.

We are well known in the trust and estate profession for complex high net worth planning and administration with a multijurisdictional and cross-border focus.

Many of our mandates involve advising clients with legally significant ties to or assets in more than one jurisdiction, including the U.S., the U.K., many European Union countries and elsewhere.

Our role is to ensure a smooth estate planning or estate administration process aimed at:

- Finding solutions and opportunities amidst conflicting international succession laws in planning your estate and for incapacity, including the use of separate situs wills and powers of attorney or their equivalent where appropriate
- Navigating each jurisdiction's legal processes including obtaining probate, or equivalent, where required
- Minimizing probate, tax implications and unnecessary costs and expenses
- Transferring property efficiently and cost-effectively

Representative Mandates

Below is a sample of the client matters we deal with:

- Creating estate plans for many high net worth and ultra high net worth clients for tax minimization and general wealth protection using sophisticated testamentary trusts, multiple wills and other techniques.
- Estate planning for clients with connections to the U.S. and U.S. Estate Tax exposure.
- Estate planning for clients with connections to and inheritance tax exposure in the U.K. and several E.U. and other countries.
- Advice on numerous high-value and complex estate administrations, including several with cross-border and multijurisdictional issues.

Incapacity Planning Including Powers of Attorney

At some point, you or a loved one such as a spouse or other family member may become temporarily or permanently incapable of making decisions. **Planning for incapacity is an essential part of estate planning**.

At O'Sullivan Estate Lawyers LLP, we have helped many clients ensure their persons and property are legally protected in the event of incapacity. We provide cost-effective and tailored solutions to assist clients in planning for incapacity, including for the mobile client who may have multijurisdictional connections and require incapacity planning in other places.

In Ontario, incapacity planning generally includes the use of two types of powers of attorney:

- **A continuing power of attorney for property**: Under a continuing power of attorney for property, you can give others the legal authority to make decisions regarding your property, including your finances.
- **A power of attorney for personal care**: By preparing a power of attorney for personal care, you can give others the authority to make decisions about your personal care, including medical and health care, nutrition, shelter, clothing, hygiene and safety, should you become incapable.

A health care directive is a document that provides your direction and wishes with regard to specific issues regarding your personal care, including medical issues and whether or not you would want medical treatment involving "heroic" measures to artificially prolong your life if you are at the end of life.

In addition, there are other options for planning for incapacity. Use of a trust, including an "alter ego" or "joint partner trust" for persons age 65 or older, can provide a sophisticated and comprehensive means to plan for incapacity as well as carry out other estate planning objectives.

Effective and Efficient Trust and Estate Administration

Helping Trust Officers

O’Sullivan Estate Lawyers is one of the few boutique law firms in Ontario that has a robust trust and estate administration practice and extensive experience to enable us to serve the needs of trust officers as well as families.

Among the services we provide to trust companies:

- Probate and other court applications and court work
- Estate Information Return (EIR) preparation and filing
- Legal advice and opinions

With these offerings, we provide a valuable service to trust officers and corporate trustees.

Trusted Advisors to Executors, Trustees, Guardians and Attorneys

The administration of an estate or trust can be confusing and overwhelming. We can assist you to administer an estate following the loss of a relative or other loved one, from guiding you through the initial steps, to distribution of assets to beneficiaries, final windup and establishment and administration of any continuing trusts.

We can also assist you as an executor, trustee, guardian or attorney in obtaining approval of your administration, including preparing accounts for court approval where advisable. Steps we can help with include:

- Assisting the estate representative with conducting a thorough search for all estate assets and creating a detailed inventory
- Providing guidance regarding identifying and valuing assets, while working with tax and financial professionals in the administration of the estate where appropriate
- Creating a plan for administering the estate in the most efficient manner possible
- Working collaboratively with the estate representative to administer the estate
- Allocating responsibility for various action items as agreed and documented
- Paying liabilities through to the distribution of assets to the beneficiaries
- Preparing and submitting an Ontario Estate Information Return

Estate and Trust Dispute Resolution, including Court Applications

When matters become contentious, we can assist you in finding common ground and in negotiating and resolving estate and trust disputes. Court applications can be necessary in trust and estate matters, whether to vary a trust, apply to court for advice and directions, or seek guardianship for a family member where we can provide our expertise and experience.

We have experience appearing in court for matters such as:

- Passing of accounts — preparing and submitting to court and responding to objections and other challenges
- Application for directions to court to seek guidance on matters arising in an administration, such as the interpretation of a will
- Trust variations — to vary the terms of a trust
- Guardianship matters — obtaining court approval for the appointment of a guardian and creation of a management plan for an incapable person

Our Awards and Accolades

O'Sullivan Estate Lawyers LLP is widely recognized as one of Canada's premier trust and estate boutique law firms.

We are ranked by the prestigious *Chambers High Net Worth Guide, Legal Week's Private Client Global Elite, Who's Who Legal: Private Client, Lexpert, and Best Lawyers*.

The firm is recognized as one of Canada's "Top Ten" Wills, Trusts, and Estate boutiques by *Canadian Lawyer Magazine*.

O'Sullivan Estate Lawyers LLP also received the prized Boutique Firm of the Year Award by the Society of Trust and Estate Practitioners (STEP) in London, U.K. in 2019.

Our Thought Leadership

Our thought leadership is well demonstrated by our blog, which has more than **2,700 subscribers** and has been consistently **published bimonthly for more than 11 years**—a proud milestone.

Our Advisory Letters number more than 20 – we have created over the years Advisory Letters on a broad range of estate planning and estate and trust administration subjects, with a high net worth domestic, cross-border, and multijurisdictional focus.

We are frequent speakers at international and Canadian conferences, as well as webinars we have hosted. The latest events are always on our website.

All of our lawyers are regular columnists in *LAW360*, the online publication of worldwide legal publisher LexisNexis in Canada.

International Estate Planning and Administration Guides **–** O'Sullivan lawyers author the "Canada Chapter" Lexology In-Depth: Private Wealth and Private Client and Private Client Comparative Guide (Mondaq). These guides are complimentary on our website. As well, O'Sullivan lawyers author the "Canada Chapter" for International Succession Laws (Bloomsbury).

We are regularly quoted by the media - O'Sullivan lawyers are regularly sought out by reporters, editors, as well as TV and radio producers for their thought leadership, opinions and analysis of important and topical trust and estate issues which impact families in wealth succession and planning. Articles quoting us are always on our website.

“Trust and Estate Essentials”—Our Landmark Book

O’Sullivan Estate Lawyers LLP has published “Trust and Estate Essentials: Achieving Success in Family Succession.” Available in paperback.

Get your complimentary PDF copy by [joining our Blog](#).

This helpful book is full of practical and timely information and analysis of key wealth planning and family succession issues.

Highlights:

- Family Meetings: An Underutilized Tool
- At What Age Should Children Inherit?
- Globalization, Wealth Planning and the Mobile Client
- Considerations in Planning Your Will
- Multijurisdictional Succession Checklist
- Will and Estate Planning Considerations for Canadians with U.S. Connections
- Using a Trust in Your Estate Plan
- Planning to Minimize Estate Taxes
- Planning for Succession of Your Cottage or Vacation Home
- Dealing with Mental Health Issues in Estate Planning
- Planning for Incapacity Using a Power of Attorney
- Estate Administration Basics
- Estate and Trust Taxation: Important Considerations
- And more

Excellence.
Customized Solutions.
High-Touch Service.

"**The O'Sullivan team has deep domestic, international and cross-border expertise**, and their depth of trust and estate planning knowledge is close to unparalleled.

I feel comfortable referring my clients because the nature of their advice is top-drawer. They are true experts."

— Toronto lawyer

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