

Glossary



The process of settling an estate involves several legal and financial concepts that may seem complex. To help you navigate it more easily, here is a list of brief term definitions you are most likely to encounter.

Term referring to persons	Definition
Administrator	Person who manages the estate of a person who died intestate or without a will.
Annuitant	In terms of an RRSP or RRIF, the person for whom the plan or fund provides a retirement income.
Beneficiary	Person who inherits money or property from a deceased individual, either in whole or in part. They may be designated directly on certain assets or named in the will.
Designated beneficiary	Person named as the beneficiary of a registered product that is excluded from the estate.
Grantor	Person or entity that transfers to another person or entity the interest or ownership rights to an asset.
Heir or successor	<p>An heir, also called a “successor” or “legatee”, is someone who accepts their portion of the estate.</p> <p>Estate with a will: person who receives a universal legacy or a share of the estate as specified in the will.</p> <p>Estate without a will: person who is entitled, according to the rules of intestate succession, to all or part of the estate.</p> <p>If no liquidator is designated, the heir becomes the liquidator.</p>
Legatee	<p>Person who receives property under the terms of a will.</p> <p>Example of a specific bequest: “I bequeath my vehicle to Jean Héríte.”</p>
Liquidator (in Quebec), executor or authorized representative	Person appointed to carry out the wishes of the deceased, safeguard and distribute the assets, file income tax returns, and pay expenses and debts.
Mandatary	Person who receives the mandate and acts on behalf of and for the account of the principal, within the limits set out in the mandate.
Next of kin	Member of the deceased’s immediate family, related either by birth (parent, sibling, child) or by marriage or common-law partnership (spouse or common-law partner).
Notary	<p>Legal professional and member of the Chambre des notaires du Québec whose role is to provide guidance, according to the law.</p> <p>A notary is authorized to certify documents as true copies of the original, serve as an official witness for the execution of contracts, agreements, and other legal documents, and who holds all the powers of a commissioner for taking affidavits, including verifying signatures and marks.</p>
Principal	Person or entity that gives a mandate and grants someone else (the mandatary) the authority to act in order to carry out a task or represent their interests.
Settlor	A person who creates a trust by transferring their property (money, real estate, etc.) to a trustee (manager).

Term referring to persons	Definition
Subscriber	Person who opens a financial product an RESP on behalf of the beneficiary.
Testator	Person who creates and signs a will.
Trustee	Person named in a trust document who will manage property owned by the trust and distribute the trust income or property according to the terms of the document.
Universal legatee	<p>Person entitled to receive a portion or all the assets or rights of the estate. This may include bequests expressed as a percentage or fraction, the entirety of real property, or the entirety of personal property.</p> <p>Example of a universal bequest of assets: “I bequeath one-third to Jean Hérite, one-third to Marie Hérite, and one-third to Junior Hérite.”</p>
Term referring to documents	Definition
Certificate of Appointment of Estate Trustee With or Without a Will	Document issued by the court confirming that a person has the legal authority to administer the estate and, if a will exists, that the will is valid. It may serve as probate if the court judgment is accompanied by the will.
Codicil	Testamentary document that modifies an existing will. Its form may differ from that of the original will.
Declaration of heirship	<p>List of individuals claiming a hereditary link to the deceased.</p> <p>The declaration of heirship must be signed by the majority of the heirs. This document may be notarized or sworn under oath. It is mandatory in cases of legal succession, meaning when no will exists.</p>
Declaration of transmission	<p>Document through which the estate liquidator makes statements regarding the disposition of the deceased’s assets.</p> <p>It identifies the documents granting the liquidator the right to act on behalf of the estate.</p> <p>It must be signed by the liquidator and either sworn before a commissioner for oaths or notarized.</p>
Holographic will	<p>Document entirely handwritten by the testator, through which they dispose of all or part of the property they will leave upon death.</p> <p>This document must be dated and signed by the testator.</p> <p>It may be subject to a verification judgment or a notarized verification report that serves as a verification judgment.</p>
Letters of Administration	Documentation granted by a Court to appoint appropriate people to deal with a deceased person’s estate where property will pass under Intestacy Rules or where there are no executors living (or willing or able to act).
Letters of Instruction	Provided by the estate liquidator or authorized representative as directives regarding the disbursement of estate funds.
Marriage or Civil Union Contract with Testamentary Clause (a gift in contemplation of death clause)	Document containing a clause for a gift in contemplation of death. It may allow for the transfer of assets to the surviving spouse.
Notarized copy	Copy of a document certified by a notary as a true copy of the original.

Term referring to documents	Definition
Notarial will	<p>Document prepared by a notary, assisted by one witness—or in some cases, two witnesses—through which the testator (the deceased) disposes of all or part of their property upon death. This document must include the date and place where it was executed. It does not require a verification judgment unless the testator has handwritten a codicil on the notarial will. In that case, it becomes subject to the rules governing holographic and witnessed wills and must undergo a verification judgment.</p>
Protection mandate or power of attorney before death	<p>Contract by which a principal grants a mandatary the authority to represent them in carrying out an act. The protection mandate or power of attorney ends upon the death of either party or following a termination or a renunciation.</p>
Power of attorney after death	<p>The estate liquidator may be represented by another person (the agent) through a power of attorney (mandate) to carry out a specific act.</p> <p>This mandate must be explicit (e.g., signing a declaration of transmission, paying a bill, withdrawing a specific amount).</p> <p>The Bank does not accept general powers of attorney.</p> <p>The Bank must require and retain proof of the specific written power of attorney, signed by the liquidator and sworn before a commissioner for oaths. This document must clearly identify:</p> <ul style="list-style-type: none"> • the person authorized to act on behalf of the liquidator; • the specific act the agent is permitted to carry out; • the full scope of actions to be taken.
Proof of death	<p>Document that certifies an individual's death and is admissible as evidence of death, such as a death certificate or act issued by the <i>Directeur de l'état civil</i>.</p>
Testamentary trust	<p>Trust created due to the death of a person. The terms of the trust are established by the will or by court order in relation to the deceased's estate under provincial or territorial law.</p>
Trust	<p>Document providing that property held by one (the trustee) for the benefit of another (the beneficiary). A trust may be created during the grantor's lifetime or after death.</p>
Will or last will	<p>A document that specifies a person's intentions regarding the individuals named as executors, the terms for distributing assets, and the arrangements made for the care of minor children.</p>
Will made in the presence of witnesses	<p>Document written by the testator, a third party, or using a technical means, through which the testator disposes of all or part of the property they will leave upon death.</p> <ul style="list-style-type: none"> • Written by the testator: The document must be signed by the testator and two witnesses. All parties must be present at the time of signing. • Written by a third party or by technical means: Each page that does not require a signature must bear the initials (or signatures) of the testator and two witnesses. <p>It may be subject to a verification judgment or a notarized verification report that serves as a verification judgment.</p>

Other terms	Definition
Assets	Everything owned by an individual.
Bequest	Gift of personal or household items to a person named in a will.
Inheritance	Gift to beneficiaries named in a will.
Intestate	Situation where someone died without a will.
Legacy	Gift of cash to beneficiaries named in a will.
Legal succession (without a will)	Transfer of the deceased's assets and obligations according to the rules set by law, when no valid will exists.
Liability	Debt or amount owed to creditors of the deceased.
Probate	<p>Process whereby a court reviews a will to ensure it is authentic, allows others to make legal challenges to the will. Once the will has been probated the court will issue a Certificate of Appointment of Estate Trustee confirming the executor has the authority to administer a deceased person's estate under a will.</p> <p>Sometimes referred to as:</p> <ul style="list-style-type: none"> • Grant of probate • Letters probate
Probate tax or fee	Tax imposed at a person's death on transfers of some types of property from the estate to heirs and beneficiaries.
Property	All assets and liabilities of an individual at the time of their death.
Residue	Portion of an estate remaining after all debts, taxes and expenses have been paid and all specific gifts of cash and personal and real property have been made.
Right of survivorship	Right of the surviving joint tenant(s) or holder(s) of property to legal ownership of that property after one of them dies. This does not apply in Quebec.
Tenants in common	Joint ownership of property where the deceased joint owner's share is transferred to his/her estate instead of directly to the surviving joint owners.
Testamentary search	<p>Search conducted at the request of the estate liquidator through the <i>Chambre des notaires du Québec</i> and the <i>Barreau du Québec</i>. It ensures that the will in the liquidator's possession is the most recently registered one. The will search only covers registered wills, so it is possible for the search result to be negative even though a will exists.</p>
Testamentary succession	Transfer through testamentary means (such as a will, marriage contract, or civil union contract) of the deceased's assets and obligations to individuals or legal entities.
Transfer of property	<p>The transfer of the deceased's assets to their heirs.</p> <p>This transfer may occur through:</p> <ul style="list-style-type: none"> • a marriage or civil union contract containing a gift in contemplation of death clause; • a will; • in the absence of a will, according to the rules set out by law.