**Sample Wording for Clauses Used in Wills**

There are many ways to word a charitable gift in a will. Below is some suggested language that you can discuss with your lawyer that may help you describe your testamentary gift to the Community Foundation for Kingston & Area.

The phrases may need to be adapted to reflect your specific interests and circumstances. Wills are often more complex than they appear, and the drafting of a will (or codicil to an existing will) should be entrusted to experienced accounting and legal counsel, ideally those with estate planning expertise.

The specific wording will depend on if the gift is to be made to an already established fund, or if the fund will only be established when the bequest is realized. It is an important difference, as according to trust law, the fund does not exist until it actually has assets in it.

**Sample wording if the gift is to be added to an existing Fund:**

“I give **[ $\_\_\_\_ / \_\_\_\_ % / all of the residue]** of my estate to the Community Foundation for Kingston & Area , (“the Foundation”), charitable registration number 891432395RR0001, to be added to the **Jane Doe Fund** (“the Fund”), and to be held according to the terms of the Fund as I have established it with the Foundation.”

**Sample wording if your gift will be used to establish a Fund after your lifetime:**

“I give **[ $\_\_\_\_ / \_\_\_\_ % / all of the residue]** of my estate to the Community Foundation for Kingston & Area (“the Foundation”), charitable registration number 891432395RR0001, to be used for the purpose of establishing a fund in my name, to be known as “**Jane Doe Fund”** (“the Fund”), the Fund to used for the following charitable purposes:

**<<list the purposes for which the Fund is to be used , noting that these should be purposes, not institutions)>>**

and for the general purposes of the Foundation.  If in the opinion of the Board of Directors of the Foundation (“the Board”), it should at any time become impossible, inadvisable or impracticable to use the Fund for the purposes set out above, or if the Board is of the opinion that the whole or part of the Fund is not required for such purposes, the Board is hereby authorized to make changes in its use in keeping as far as possible with the spirit and general intent of the gift.”

**In either case, it is advisable to have the following provisions if making a charitable gift through your Will:**

“For the purposes of this Will:

The receipt(s) of any person purporting to be a proper officer of an institutional beneficiary named as a beneficiary shall be a full and sufficient discharge to my Trustees.

My Trustees may make any payments to a charitable institution under the Income Tax Act in cash or the equivalent value in marketable securities or both cash and marketable securities in such proportions as my Trustees in their absolute discretion determine.

If, at the time of distribution, any institutional beneficiary never existed or has ceased to exist or has amalgamated with another institutional beneficiary or has changed its name or objects, then any provision for it in this will shall not fail and I declare that, notwithstanding the particular form of the bequest, my paramount intention is to benefit a general charitable purpose and my Trustees may in their absolute discretion pay the bequest to the institutional beneficiary that my Trustees consider most closely fulfills the objects I intend to benefit.”

**Legal Name:** Community Foundation for Kingston & Area
**Address:** 275 Ontario Street, Suite #100, Kingston, ON K7K 2X5
**Charitable Registration Number:** 891432395RR0001

To read more about leaving a donation in your will please see our website at [www.cfka.org/create-a-legacy/](http://www.cfka.org/create-a-legacy/)