POWERS OF ATTORNEY AND ADVANCED HEALTH CARE DIRECTIVES:
ENDLESS POSSIBILITIES

These materials were prepared by Holly Ann Knott, QC, of Knott den Hollander Degenstien Law Firm, Saskatoon, Saskatchewan for the Saskatchewan Legal Education Society Inc. seminar, Support Staff Essentials, April 2005.
POWERS OF ATTORNEY & HEALTH CARE DIRECTIVES
ENDLESS POSSIBILITIES

by Holly Ann Knott, QC

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I. POWERS OF ATTORNEY

A. FAQ'S (FREQUENTLY ASKED QUESTIONS):

What is a Power of Attorney? A document in which an adult (the grantor) names (or appoints) a person (or corporate entity) to act for him/her. Another word for "attorney" is "agent". The authority under a power of attorney can be general (your agent can do anything you could do, in your name) or specific. In a specific power of attorney the authority may be limited to signing certain documents, selling certain items, et cetera, or it may be limited by time.

Why does one grant a Power of Attorney? Possible circumstances include: Not being physically in the place where documents need to be signed on your behalf. This might be because you are travelling, for example. Or, more frequently, a person wishes to have a relative or friend handle banking and bill-paying, particularly, if the person has a physical disability or anticipates losing the mental capacity to be able to continue doing these things. Most of my clients are anticipating some disability in future years and want to avoid the need for a court application naming a property or personal guardian or a person or persons to act as both.

How long does the authority last? The authority can be revoked at any time by the grantor (so long as the grantor still has legal capacity). A specific power of attorney granted to do a specific act expires when the act has been accomplished. A general power of attorney can be specifically time limited, or it can last indefinitely. IN ANY CASE, THE AUTHORITY CEASES WHEN THE GRANTOR DIES. It also ceases when the grantor loses legal (i.e. mental) capacity, unless it is an enduring power of attorney. The power of attorney also ceases on the death, bankruptcy or incapacity of the attorney, or if the attorney resigns in writing. The authority ceases if the attorney and the grantor were "spouses" (i.e. legally married or living together in a spousal relationship and they cease to cohabit as spouses as a result of an intention to end their spousal relationship. The Court of Queen’s Bench can also order termination such as when a persona or property guardian is appointed.
**What** is an Enduring Power of Attorney? The grantor can stipulate that the power of attorney shall not terminate if the grantor loses capacity. This makes it an enduring power of attorney.

**What is "capacity"?** The grantor must have the ability to understand the document when signing it. So the grantor must understand the nature and effect of an enduring power of attorney. If the grantor is revoking an enduring power of attorney the grantor must understand the effect of terminating an enduring power of attorney.

**When** is the power of attorney effective? Immediately upon being signed (unless it is a contingent or conditional power of attorney). A power of attorney can also take effect on a specified date.

**What** if I only want to have the authority used when I am incapable of acting for myself? You can grant a contingent or "springing" power which comes into force upon the occurrence of a specified contingency. The contingency can be the grantor's lack of capacity. The grantor can name one or more adults (not related to the attorney) to declare in writing that the contingency described has occurred. If no one is named, and the contingency is the grantor's lack of capacity, then 2 professionals may make the declaration. The Regulations provide the list of approved professional groups: a duly qualified medical practitioner; a practising member as defined in *The Psychologists Act, 1997*; a registered psychiatric nurse; a registered nurse; an occupational therapist; a social worker; and a speech-language pathologist. Each of these has a professional Act governing its members.

**What** is the difference between a personal and a property attorney? A property attorney is most like our former, traditional powers of attorney. A property attorney can act and make decisions about the grantor's property and finances. A personal attorney can act and make decisions about the grantor's personal affairs, for example, housing, education and training, social activities, etc. Some decisions, such as housing, involve expenditures of money, so the grantor can stipulate that
the personal or the property attorney has the final say. If the grantor does not so stipulate, then
the property attorney (holding the purse strings) has the final decision-making authority.

Who can grant a Power of Attorney? Any adult (over 18, in Saskatchewan) who can understand
the implications of granting a power of attorney

What formalities are required? The enduring power of attorney document must be in writing,
dated, signed by the grantor and witnessed. (If necessary, a nominee of the grantor may sign in
the presence of the grantor and a witness.) Normally, the witness will be the lawyer who will
also complete the legal advice and witness certificate in the form prescribed in the Regulations
(Form D). If a lawyer is not the witness, then the signing must be witnessed by 2 legally
competent adults who are not the attorney or a family member of either the grantor or the
attorney. The 2 non-lawyer witnesses must complete Form E.

B. THE NEED TO UPDATE OUR PRECEDE NTS

It should be apparent from the above questions and answers that our old precedents need a
serious overhaul. Some of us will have done one overhaul 2 years ago when The Power of
Attorney Act, 1996 was repealed and replaced, effective April 1, 2003. Further amendments to
the Act and new Regulations came into effect January 1, 2005.

The Regulations provide optional forms for the appointment of a personal attorney, a property
attorney, or both a personal and property attorney. (Forms A, B, and C) These forms are optional
rather than mandatory, but I suggest that you use the components of the forms as the basis for
your new precedents. I have modified Form C and I attach that for your review. I haven't used it
yet, but I expect that I may want to have all 3 forms loaded as precedents and use the applicable
one in each circumstance.

Any new enduring powers of attorney granted after January 1, 2005, are effectively appointments
of the attorney with authority as both personal and property attorney, unless the document says otherwise.

Any earlier powers of attorney granted before January 1, 2005, continue to be effective as property attorney appointments, but not personal attorneys.

My conclusion and advice is that we probably should check with our clients to determine if the existing documents still express their wishes, or if the new "flavours" of powers of attorney could give them more of what they need. Many powers of attorney done in lawyers' office will already have made provision for being enduring, but the capability of adding or appointing "personal" attorney(s) may be attractive and useful.

It is important to point out that personal attorney still does not have the authority to make health care decisions. For that authority, the grantor must sign the appropriate document pursuant to The Health Care Directives and Substitute Health Care Decision Makers Act.

Also, take note that an attorney cannot make a will for the grantor.

The forms provided for witnessing are not optional, but mandatory. (Forms D and E) As you work in a law office, I do not expect that there will be many; if any, occasions when you would use the Non-Lawyer Witness Certificate.

As a further note, if a lawyer were being appointed under an Enduring Power of Attorney, I would strongly urge the use of Form D, the Legal Advice and Witness Certificate with a lawyer from a different law firm as the lawyer witness.

The optional precedents also provide a place for the attorney to sign and acknowledge acceptance of the appointment. Included in that acceptance is the statement by the attorney that: "I will exercise my authority honestly, in good faith and in the best interests of the grantor."
I like the reinforcement of the fiduciary role and responsibility that the attorney is undertaking, as well as the knowledge that the person appointed then has about being appointed. If the attorney is not willing to take on the responsibility, or has questions about what is expected, this is a good opportunity to determine the person’s willingness and to educate the attorney about the roles and responsibilities of an attorney.

The obligations of the attorney are:

- to act honestly
- to act in good faith
- to act in the best interest of the grantor
- to act in accordance with a standard to be expected of others with similar background and knowledge.

Although the attorney is to act on behalf of the grantor, the property attorney may also provide for the grantor's family in accordance with the new provision in the 2002 Act. Section 16 provides:

16(1) Unless the enduring power of attorney that appoints the property attorney states otherwise:

(a) a property attorney may provide for the maintenance, education or benefit of the grantor's spouse and dependent children, including the property attorney if the property attorney is the grantor's spouse.

In considering the suitability of a potential appointee I will point out the provisions in subsection 6(1) of the Act that an undischarged bankrupt may not act as a property attorney. Neither can a person who "has been convicted within the last 10 years of a criminal offence relating to assault, sexual assault or other acts of violence, intimidation, criminal harassment, uttering threats, theft, fraud or breach of trust", unless the person has been pardoned, or if the individual has disclosed the fact of the conviction to the grantor, who has acknowledged the conviction in writing and has consented in writing to that individual's acting. (Subsection 6(2)) Form B includes wording for this possibility. (One could anticipate that a grantor may wish to appoint a family member who
is a reformed convict, so that these provisions might be used.)

A person who provides personal care or health care services to the grantor for pay is also disqualified from being appointed as the attorney.

While it has been possible to appoint more than one person as an attorney, the Act codifies the options of joint, several and successive attorneys. The optional forms also outline the options and provide further options for decision-making when more than one attorney is appointed. Unless the document specifies otherwise, when more than one attorney is appointed, the decisions must be made by unanimous agreement.

Subsection 8(1) of The Act provides that a grantor may appoint a corporate attorney. If a corporate attorney will be charging fees, that must be disclosed in writing to the grantor before the enduring power of attorney is signed. (Subsection 8(2))

Previously, grantors gave little thought to whether or not an attorney might charge fees or be compensated for their time. Now the Act specifically provides in section 17 that an attorney may charge a reasonable fee for services rendered and that this fee may be paid periodically from the grantor's assets. If an attorney (whether a personal or property attorney or both) does charge a fee, the attorney shall provide an annual accounting. The Regulations provide Forms H and I to be used as guides which the attorney can modify to fit the situation.

To whom does the attorney account? The grantor can demand an accounting from the attorney. A grantor can name someone else in the power of attorney document, and that person can request an accounting if the grantor does not have capacity. Otherwise, any adult family member can request an accounting, or the personal attorney can request an accounting of the property attorney, and vice versa. Any interested person may request the Public Guardian and Trustee to direct an accounting. The Public Guardian and Trustee has some discretion to decide if it is
appropriate to act on such a request, or the PG & T may direct an accounting if it considers it to be necessary and in the public interest. Ultimately, the court may direct an accounting be provided to the court or to the PG & T on the application of the grantor or any of the above, including the PG & T. (Section 18)

The new Regulations provide an optional form for use when revoking a power of attorney. I prefer to use a separate form such as this as it can be provided to anyone whom you anticipate needs to be so informed. As well, Information Services Corporation (ISC - the new Land Titles operators) has advised that it files revocations in one place and powers of attorney in another, so it is more efficient to give them a separate document, rather than incorporating the revocation in the new power of attorney.

If revoking a power of attorney, be careful to check whether the grantor has signed powers of attorney at the bank or credit union. If the grantor wishes that power of attorney to continue, make sure you do not inadvertently revoke all previous Powers of Attorney. On the other hand, if the grantor wishes to change property attorneys, then it is important that the financial institution be notified about that change.

C. PRACTICE NOTES FOR PREPARING POWERS OF ATTORNEY

1. Review your precedents.
   b. Modify those from 2003 and later to incorporate personal and property guardian provisions (optional), legal advice and witness certificate (mandatory), acceptance by attorney, OR
   c. Adopt and adapt the 3 optional precedents provided in the Regulations (Forms A, B, and C

2. Give each client seeking to prepare a power of attorney the Notes for the Assistance of the Grantor of an Enduring Power of Attorney at your initial contact. If you send out a preliminary questionnaire, include these Notes from the Appendix to the Regulations.
3. Develop a questionnaire

4. Prepare to charge more because you are doing much more work and giving the client much more value.

5. When discussing wills with your clients, make sure they consider doing new Powers of Attorney appointing personal and/or property attorneys and Health Care Directives.

6. When closing other files, such as real estate and family matters, send a questionnaire about basic estate planning, including wills, powers of attorney and health care directives.

II HEALTH CARE DIRECTIVES (LIVING WILLS)

Often clients will come asking me to prepare a "living will" for them. Since September 1, 1997, my response has been that I can prepare an advance health care directive pursuant to The Health Care Directives and Substitute Health Care Decision Makers Act.

A health care directive is actually a document in which the donor can:

1. Name a proxy, a person to make health care decisions on his behalf when he is no longer able to do so personally, or

2. Give the donor’s directions to be followed by health care professionals regarding the treatment preferences of the donor; or

3. Both of the above.

While the term "living will" is not a legally defined term, it usually refers to directions a person would like to have followed when the person is at the point of death. If a living will purported to direct others to hasten one’s death, it would contravene the Criminal Code.
Anyone who is 16 years old and has the capacity to understand the decision being made and the consequences of it may make a health care directive. (Compare this to the requirement that the grantor of a power of attorney must be an adult, i.e. 18 years of age in Saskatchewan.)

The person appointed to act on the grantor's directive is called a "proxy". The proxy must be an adult who must also have capacity to make health care decisions. The proxy may be under the age of 18 if the proxy is married to the grantor.

One may name more than a single proxy and have the proxies act together or successively. If more than one person is named, but there is no indication whether they are to act jointly or successively, they are deemed to act successively in the order in which they are named. Therefore, it is important to pay attention to the order of naming proxies. One need not name family members to be proxies.

If one's health care directive does not clearly anticipate and give directions for a specific set of circumstances, and if there is no proxy named, then one's nearest relative may make health care decisions when a person lacks capacity to do so. Section 15 outlines the order of determining who is the nearest relative starting with one's spouse or a "person with whom the person requiring treatment cohabits and has cohabited as a spouse in a relationship of some permanence". If there is no person willing, available and having capacity to make a health care decision, then an adult child is the next choice.

There is no required, or even suggested, form to be used in preparing a health care directive. I am attaching the basic form I have used using language similar to a Living Will. I use the wording in the direction as a starting point for my clients to then edit or pick and choose which parts they like and don't like. Because this document is always custom-made, there is scope for each client's personal preferences.

When I have a client attend at my office who has been diagnosed with a terminal disease, we often get more specific about particular treatments and treatment options. Saskatoon District Health has
a four page form which it supplies to those who ask and there are components of this that you might wish to incorporate at your clients' request. I would have prepared their form somewhat differently and at point 5 on the second page I would suggest that one simply strike out options that one does not want.

A directive must be in writing, dated, and signed by the donor. If the donor cannot sign (someone with Parkinsons or arthritis, for example), another person may sign under the instructions of the donor. The person signing on behalf of the donor shall not be the proxy who is appointed in the directive, nor the proxy's spouse. When the donor is not signing personally, there needs to be another witness to the affixing of the signature on behalf of the donor and that witness must sign as well.

While a witness is not required if the donor signs personally, when the Health Care Directive is prepared in a law office, we would prepare an affidavit of witness as a matter of course.

It bears repeating that the health care directive only takes effect when the donor can no longer make decisions or communicate decisions about health care. The directive is no longer in effect when the donor recovers capacity to make health care decisions.

A health care directive terminates when it is revoked. Divorce terminates the appointment of a spouse as proxy. The donor may revoke the directive in one of four ways:

(a) orally;
(b) in writing;
(c) by destroying the directive; or
(d) by making a new directive.

Of course, the written revocation is a safer way to go than an oral revocation.

The proxy named cannot delegate authority to anyone else.

It should go without saying that the role of the proxy is to carry out the expressed wishes of the
donor, if the proxy knows the donor's wishes. Certainly the proxy is to follow the directions if the directions have clearly anticipated the situation which the donor finds him or herself in. If an "interested person" (as defined by the court) applied to the Court of Queen's Bench, the court may suspend or terminate the appointment of the proxy or the authority of the nearest relative if the court is satisfied that that person is not acting in good faith. The court may also substitute its decision, if there is no alternate proxy named. If the nearest relative is making health care decisions, the court may appoint another person from the list of nearest relatives in the Act.

Where a person has both a personal guardian and a proxy, then both are bound by the health care decisions in the health care directive. If there is a conflict between the personal guardian and the proxy because the health care directive is not specific enough, then the proxy's decision takes precedence. If there is an inconsistency between the two, the proxy and the personal guardian, then either may apply to the Court of Queen's Bench for direction.

The only regulations which have been passed pursuant to the Act define the ecclesiastical authorities who have authority to act on behalf of those who have taken religious orders, nuns, priests, etc.
RESOURCES FOR HEALTH CARE DIRECTIVES

1. PLEA Public Legal Education Association of Saskatchewan [www.plea.org](http://www.plea.org). (As the printed leaflet titled "Health Care Directives" is currently out of print, you can download the two pages from the internet.)


RESOURCES FOR POWERS OF ATTORNEY

1. The Powers of Attorney Regulations:
   Form A "Enduring Power of Attorney Appointing a Personal Attorney"
   Form B "Enduring Power of Attorney Appointing a Property Attorney"
   Form C "Enduring Power of Attorney Appointing a Personal and Property Attorney"
   Form D "Legal Advice and Witness Certificate", Form E "Non Lawyer Witness Certificate"
   Form F "Acknowledgment and Consent (to be signed by the Grantor if required for the purposes of subsection 6(2) of the Act)"
   Form G "Declaration of Occurrence of Contingency"
   Form H "Accounting by a Property Attorney"
   Form I "Accounting by a Personal Attorney"
   Form J "Revocation of Enduring Power of Attorney".

2. SKLESI: Wills and Estates Update, October 2004 - Seale, Andrea "Recent Changes to Powers of Attorney Legislation in Saskatchewan".


6. Saskatchewan Travel Lawyers Association: Legal Conundrums and Practical Solutions, May 7, 1999, Brent, Audrey S. "Handling the Affairs of Those Who Wish Help or Are Unable To Handle Their Own".

7. Saskatchewan Trial Lawyers Association, 1999: Saskatchewan Advocate V.1 #1 (June 1999), Vanstone, Gwen "Intergenerational Warfare: A Growth Industry".
NOTES FOR THE ASSISTANCE OF THE GRANTOR OF AN ENDURING POWER OF ATTORNEY

IMPORTANT: These notes are not part of your Enduring Power of Attorney. They are a guide to help you prepare and understand the effect of your Enduring Power of Attorney.

1. Your Enduring Power of Attorney continues during your lifetime and the authority granted under it is not terminated by your lack of mental capacity in the future, unless you have revoked it while you have had the capacity to understand the nature and effect of your Enduring Power of Attorney and the effect of terminating your Enduring Power of Attorney.

2. Unless you have specified that your Enduring Power of Attorney is to come into effect on a certain date or on the occurrence of a specified contingency, it will come into effect as soon as it is signed and witnessed. If you have specified that your Enduring Power of Attorney is to come into effect on the occurrence of a specified contingency, you may name one or more adults to declare that the contingency has occurred. If the contingency you have specified is your lack of capacity and you have not named anyone to make this declaration, two health care professionals may be asked to make the declaration.

3. In your Enduring Power of Attorney you are called the "grantor", as you are giving decision-making authority to another person under the Enduring Power of Attorney.

4. You must be 18 years of age or older to make an Enduring Power of Attorney.

5. You may use an Enduring Power of Attorney to appoint a personal attorney, a property attorney, or both a personal and a property attorney. You may appoint the same person as personal and property attorney.

6. The effect of your Enduring Power of Attorney is to authorize the person you have named, your "attorney", to act on your behalf with respect to your personal affairs or property and financial affairs or both.

7. Unless you state otherwise in your Enduring Power of Attorney appointing a personal attorney, he or she will have the authority to make decisions respecting such matters as where you will live, any training or education you will receive and any social activities in which you will take part.

8. Your personal attorney may not make health care decisions on your behalf. The Health Care Directives and Substitute Health Care Decision Makers Act allows you to set out your health care decisions in a health care directive or to appoint a proxy to make health care decisions on your behalf.

9. Unless you state otherwise in your Enduring Power of Attorney appointing a property
attorney, he or she will have the authority to make decisions respecting any lands, houses, bank accounts, stocks, bonds, mutual fund investments, vehicles and anything else that you may own. This authority will also extend to matters relating to all securities, contracts of insurance, pensions, non-testamentary trusts, retirement savings plans and registered retirement income funds, annuities and other like deposits and investments. Your property attorney will also be able to use your property to provide support for your spouse and dependent children.

10. Housing decisions requiring the expenditure of money may be seen as both personal and financial decisions. If you appoint different people to act as your personal and property attorneys, you should be clear in your Enduring Power of Attorney which attorney is being given this authority.

11. Your attorney should be someone you know and trust completely and who is very capable of handling your affairs. You should consider very carefully whether you wish to impose any restrictions on the powers of your attorney, especially your property attorney. Your property attorney could seriously deplete or eliminate your financial assets.

12. There are certain conditions that the person you name as your attorney must meet at the time he or she begins acting as your attorney. He or she must be 18 years of age or older and have capacity. He or she must not be in the business of providing personal or health care services, such as home care or nursing home services, to you. In the case of your property attorney, he or she must not be an undischarged bankrupt.

13. Another important condition that your attorney must meet at the time he or she begins acting as your attorney is that he or she must not have been convicted within the last 10 years of a criminal offence relating to an act of violence, theft or fraud. However, your attorney may act if he or she has been pardoned for the offence or if, while you had capacity, he or she disclosed the fact of the conviction to you and you consented in writing to the person acting as your attorney.

14. It is desirable that your attorney is informed about his or her appointment and accepts the responsibility given to him or her.

15. Your Enduring Power of Attorney must be witnessed by a lawyer or by two adult witnesses. These two adults may not include the attorney, a member of his or her family or a member of your family.

16. You may revoke your Enduring Power of Attorney in writing at any time, as long as you have the capacity to understand the nature and effect of your Enduring Power of Attorney and the effect of terminating your Enduring Power of Attorney.

17. Your attorney’s authority will come to an end on your death, on the death, lack of capacity
or written resignation of your attorney, on the court appointing a property guardian for you or on your attorney ceasing to meet the requirements noted above in items 12 and 13. It will also come to an end on a date specified in your Enduring Power of Attorney or on your written revocation while you have capacity. If your attorney is your spouse, his or her authority will come to an end if your spousal relationship ends. A court may terminate the authority of an attorney who abuses his or her authority.

18. You may name a person who may request an accounting from your attorney. That person will then be able to ensure that your attorney is properly handling your affairs. If you do not name such a person, one of your adult family members may request such an accounting.

For further information, please see *The Powers of Attorney Act, 2002* and *The Powers of Attorney Regulations*. 
ENDURING POWER OF ATTORNEY
APPOINTING A PERSONAL AND PROPERTY ATTORNEY

This Enduring Power of Attorney is given on MDI, 2005, by GG1 ("grantor"), of Saskatoon, Saskatchewan.

1. Appointment

(a) I appoint PE1, of Saskatoon, Saskatchewan, to act as my personal and property attorney in accordance with The Powers of Attorney Act, 2002

OR

(b) I appoint PE1, of Saskatoon, Saskatchewan, and PE2, of Saskatoon, Saskatchewan, to act as my personal and property attorneys in accordance with The Powers of Attorney Act, 2002 jointly (OR severally OR successively)

(If it is or becomes necessary for the purposes of subsection 6(2) of the Act., include the following: I acknowledge that PE1 or PE2 has been convicted of a criminal offence relating to assault, sexual assault or other acts of violence, intimidation, criminal harassment, uttering threats, theft, fraud or breach of trust; and I consent to this person acting as my personal and property attorney.)

2. Authority

I give my personal and property attorney general authority respecting all of my personal affairs and all of my property and financial affairs.

OR

I give my personal and property attorney specific authority as follows:

3. Decision-making

If personal and property attorneys are appointed to act jointly:

The decision of my joint personal and property attorneys must be unanimous.

OR

Decisions by my joint personal and property attorneys must be made as follows:

If personal and property attorneys are appointed to act jointly or successively:

If one or more of my personal and property attorneys dies, is unwilling or unavailable to act or is found by a court to lack capacity, the other may act either solely, jointly or successively, as the case may be.

OR

**

4. Enduring Power of Attorney

My personal and property attorney's authority under this Enduring Power of Attorney shall not be terminated by my lack of capacity that occurs after my Enduring Power of Attorney has been executed.
5. Contingent Enduring Power of Attorney

My Enduring Power of Attorney shall come into effect on the following date or on the occurrence of the following contingency: **

The following adult(s) may declare in writing that the contingency that I have specified has occurred:
**

6. Accounting

If I lack capacity, an accounting of my personal and property attorney's management of my personal affairs and my property and financial affairs may be requested by CH9.

If a fee is charged for services rendered by my personal and property attorney, my personal and property attorney must provide an annual accounting of my personal and property attorney's management of my personal affairs and my property and financial affairs to CH9.

7. Revocation

I revoke the Enduring Power of Attorney previously given by me on ** appointing FR3 as my personal and property attorney.

8. Signatures of grantor and witnesses

Signed at Saskatoon, Saskatchewan on MDt, 2005.

HOLLY ANN KNOTT, QC
Lawyer

(Signature of grantor)

9. Acceptance of Appointment (optional)

I accept the appointment as personal and property attorney and I will exercise my authority honestly, in good faith and in the best interests of the grantor.

(Signature of personal and property attorney) 2005
LEGAL ADVICE AND WITNESS CERTIFICATE

I, HOLLY ANN KNOTT QC, of KNOTT den HOLLANDER DEGENSTIEN LAW FIRM of Saskatoon, Saskatchewan, certify:

1. that I am a practising member in good standing of the Law Society of Saskatchewan;

2. that I was consulted by GG I, of STI, Saskatoon, Saskatchewan, (herein referred to as the "Grantor") regarding the making of his or her Enduring Power of Attorney dated MD 1, 2005;

3. that I explained the nature and effect of an Enduring Power of Attorney and reviewed the provisions of the above-mentioned Enduring Power of Attorney with the Grantor;

4. that I witnessed the signing of the above-mentioned Enduring Power of Attorney by the Grantor;

5. that in my opinion the Grantor was an adult who had the capacity to understand the nature and effect of an Enduring Power of Attorney at the time that he or she signed the above-mentioned Enduring Power of Attorney.

DATED at Saskatoon, Saskatchewan, this MDI, 2005.

______________________________
HOLLY ANN KNOTT QC
Barrister & Solicitor
APPOINTMENT OF PROXY FOR HEALTH CARE

KNOW ALL PERSONS BY THESE PRESENTS that I, 1AA, of Saskatoon, Saskatchewan, do hereby appoint 2BB, of Saskatoon, Saskatchewan, my proxy to make health care decisions on my behalf when I do not have the capacity to do so.

I FURTHER DIRECT THAT IF there is no reasonable expectation of my recovery from extreme physical or mental disability or incapacity, if circumstances exist that render me incapable of rational existence, if I am afflicted with irreversible injury, disease, illness or condition, and the condition cannot be reversed by treatment with any expectation that I could reasonably enjoy a normal life both physically and mentally thereafter, I direct my proxy to instruct the physicians attending me not to prolong my life aggressively, including the use of drugs, antibiotics or other means, or attempt to resuscitate me if my heart or lungs fail, but to confine their treatment to alleviate or relieve as much as possible any pain or suffering I might have.

Signed at Saskatoon, Saskatchewan, this DDI day of MM1, 2005,
in the presence of:

HOLLY ANN KNOTT, QC 1AA
I, HOLLY ANN KNOTT, QC, of Saskatoon, Saskatchewan, Solicitor, MAKE OATH
AND SAY AS FOLLOWS:
I. That I was personally present and did see IAA, named in the within instrument, who is personally known to me to be the person named therein duly sign and execute the same for the purposes named therein.
2. That the same was executed at Saskatoon, Saskatchewan, on the DDI day of MMI, A.D. 2005, and that I am the subscribing witness thereto.
3. That I know the said IAA and she is in my belief of the full age of eighteen years or more.

SWORN BEFORE ME at the City of Saskatoon, in the Province of Saskatchewan this DDI day of MMI, 2005

HOLLY ANN KNOTT, QC

A Commissioner for Oaths in and for the Province of Saskatchewan.
BEING A SOLICITOR.
My Commission expires:
ADVANCE HEALTH CARE DIRECTIVE
(LIVING WILL)

WRITTEN BY:

Name ____________________________________________

Address ____________________________________________

City ____________________________________________ Province or Territory __________ Postal Code __________

INSTRUCTIONS TO PERSONS COMPLETING THIS DIRECTIVE

• You may wish to discuss this directive with your doctor before completing it.

• Be sure the directive clearly expresses your personal wishes, i.e., if there is any section you do NOT wish to include, cross it out and initial the cross-out. There are special instructions in part 5 for expressing personal wishes.

• The directive should not be signed until you are in the presence of your witness.

• Your witness is asserting that you are of sound mind and making this directive of your own free will.

• Keep this original document in a safe but accessible place known to your family, caregiver, and doctor.

  Name of physician ____________________________________
  Phone number _______ _______ _______ _______ _______ _______

• Give copies of your directive to all whom it may concern.
(Optional Clauses)

A. **Proxy;**
The following person is named to act as my proxy for health care. As my proxy, this person is authorized to consent to my health care when I am unable to communicate AND to consent to withdrawal of treatment on my behalf when the circumstances as described in part 1, page 2 of this directive come into effect.

B. I consent to the use after my death of any needed organs or parts of my body for transplantation.

C. If I am pregnant, and there is any prospect that the child can survive, this directive shall have no force during the course of my pregnancy.

**SIGNED AND DECLARED**

By the said ____________

This. ______ day of _______ , A.D. 20 ______

Witness _____________________________________________________________________________

Address _____________________________________________________________________________