

# DECLARATION OF INTENTION

## CREATION OF RESULTING TRUST

**Whereas**, the undersigned, (“the Parent”) holds assets jointly with an adult child with right of survivorship;

**And Whereas**, absent this Declaration, there could be ambiguity with respect to the Parent’s intention regarding the true beneficial ownership of the said assets on the death of the Parent;

**And Whereas**, the Parent hereby desires to state the Parent’s intention deliberately, specifically and to avoid a dispute with respect to the true beneficial ownership of the said assets on the death of the Parent;

**NOW THEREFORE**, the Parent hereby **DECLARES**, of the Parent’s own volition and free from any undue influence or coercion, as follows:

1. I, the Parent, hold jointly, the following asset(s) (hereinafter collectively referred to as “the Joint Asset(s)“):

a) **Real Property**

The property, municipally described as  
**[insert address and legal description]**  
which was registered jointly with:

**JOHN DOE**

(hereinafter referred to as “the Joint Holder(s)“)

the said legal transfer occurring on \_\_\_\_\_  
 (“the Date of Transfer“)

2. I HEREBY DECLARE THAT on the Date of Transfer, the Joint Asset(s) were registered in joint names with the Joint Holder(s).

3. I HEREBY DECLARE THAT the intention in so registering, transferring, purchasing or establishing the Joint Asset(s) jointly with the Joint Holder(s) on the Date of Transfer was as follows:

A. ONLY legal title in the Joint Asset(s) was transferred to the Joint Holder(s). I maintain all beneficial and equitable interest in the Joint Asset(s). I DID NOT intend the transfer of the Joint Asset(s) to the Joint Holder(s) as a gift of the Joint Asset(s) during my lifetime or of the equitable right of survivorship at my death. Rather, I transferred legal title for convenience purposes only such as:

- (a) allowing the Joint Holder(s) to manage the Joint Asset(s) during my lifetime with a minimum of inconvenience; or
- (b) minimizing taxes or probate fees, to the extent permitted by law.

B. During my lifetime, I shall continue to receive the entire benefit of the Joint Asset(s). The Joint Holder(s) shall act as my agent only and shall take my instructions, or those of my substitute decision makers or personal representative(s), with respect to the Joint Asset(s).

C. Notwithstanding any documents or agreements with financial institutions or other parties which established the title to the Joint Asset(s) such as a Transfer or Deed, on my death I intend the Joint Holder(s) to hold the Joint Asset(s) in trust for the benefit of my Estate and my Personal Representatives. The Joint Asset(s) shall be distributed in accordance with my last Will or the law of intestacy, as the case may be.

D. I indemnify the Joint Holder(s) in respect of any costs, charges, taxes or other expenses relating to the Joint Asset(s).

Dated at \_\_\_\_ on \_\_\_\_.

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JANE DOE  
(The Parent)

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Witness



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Acknowledged as correct and  
binding by: JOHN DOE  
(The Joint Owner)