



## DESIGNATION OF BENEFICIARY OF BRAND

O-5 Version 2009-11-15

### INFORMATION AND INSTRUCTIONS

This form is for the brand owner to designate a beneficiary or beneficiary of his or her brand in the event of his or her death and applies to a brand owned solely by the brand owner or a brand that is co-owned. This form cannot be used if the brand owner is under 18 years of age or owns the brand jointly with one or more other owners.

#### IMPORTANT NOTICE

- Completing this form will effect what happens to your brand when you die. A brand listed on this form does not pass through your estate. The effect of this form is similar to a Will and it must be completed carefully.
- By completing and submitting this *Designation of Beneficiary of Brand* to the Brand Registrar, only the ownership of the brand will be changed on your death. This form will not transfer title to livestock bearing the brand on your death.
- Any future designations of beneficiary, including a designation in a Will, may invalidate this designation of beneficiary.
- A designation of beneficiary is revocable at any time (see Rules for Designation of Beneficiary below)
- It is recommended that you retain a copy of the *Designation of Beneficiary of Brand* and keep a copy of this form with your Last Will and Testament.
- To avoid revoking the designation of beneficiary filed with the Brand Registrar, you should make your legal counsel aware that you have filed a *Designation of Beneficiary of Brand* with the Brand Registrar.

#### BRAND OWNER

The purpose of a designation of beneficiary of brand is to:

- simplify the transfer of your brand on your death, and
- allow you to register a brand in your name knowing that, on your death, the brand will be transferred as you wish.

On your death, your brand will be transferred to your designated beneficiary or beneficiaries on a *Statutory Declaration of Transmission to Designated Beneficiary* form being completed by your beneficiary and submitted to the Brand Registrar.

#### Power of Attorney and the Designation of Beneficiary of Brand

You may use a Power of Attorney to authorize another person to act on your behalf. The individual named as your Attorney who completes the *Designation of Beneficiary of Brand* on your behalf, will be

able to nominate him/herself or someone else as beneficiary of your brand only if the Power of Attorney specifically states that the individual granted the Power of Attorney can do so. A certified true copy of the Power of Attorney is required to accompany the *Designation of Beneficiary of Brand* form signed by a person holding a power of attorney.

### **Trusteeship Order and the Designation of Beneficiary of Brand**

In the event you are incapable of managing your own affairs, a trusteeship order can be granted by the court under the *Dependant Adult's Act*. The individual named as your trustee who completes the *Designation of Beneficiary of Brand* on your behalf, will be able to nominate him/herself or someone else as beneficiary of your brand. A certified true copy of the Trusteeship Order is required to accompany the *Designation of Beneficiary of Brand* form signed by your trustee.

## **DESIGNATED BENEFICIARIES**

### **Naming your beneficiary or beneficiaries**

You can name one or more beneficiaries of your brand. Your beneficiary can be an individual, company, institution, trust, charity or your own estate. Care should be taken in naming your beneficiary particularly if you intend to name more than one beneficiary of your brand.

In order for this form to be valid, you must provide the following information for each beneficiary named in the form:

- Full legal name
- Full address with postal code
- Phone number
- Date of birth
- Relationship to yourself

### **One or multiple beneficiaries**

If you name only one beneficiary, that person will receive full ownership of your brand. If you name more than one beneficiary, the brand will be owned equally by the named beneficiaries.

### **Primary Beneficiaries**

Primary beneficiaries are those who you wish to receive your brand in the event of your death. In the event your primary beneficiaries predecease you and you have not named a contingent beneficiary, your brand will be transferred to your estate and pass to the persons named as your beneficiaries in your Will. If you do not have a Will, your brand will be transferred to the person entitled to your estate under the *Intestate Succession Act*.

### **Contingent Beneficiaries**

On your death, the contingent beneficiaries will receive the brand only if all of the primary beneficiaries have predeceased you.

**Note:** If no primary or contingent beneficiaries survive you, then the brand will be transferred to your estate.

## Minor Beneficiaries

When a person designated as a beneficiary is under the age of 18 years at the time of your death, the parent or guardian of the child is required to sign a Guardian's Acknowledgment of Responsibility under the *Minors' Property Act*. If the minor beneficiary is 14 to 17 years of age, the minor beneficiary will be required to consent to the guardian receiving the brand certificate on the minor's behalf.

### Rules for Designation of Beneficiaries

Please review the following rules carefully to ensure that the brand will be transferred in accordance with your wishes on your death:

- You may designate any person as your primary or contingent beneficiary or beneficiaries.
- If more than one person is named as a primary beneficiary, the following shall apply:
  - the brand will be transferred to all beneficiaries who will each have an equal share of the brand, and
  - if one of the named beneficiaries should die before you, that person's interest in the brand will go to the surviving named beneficiary.
- If all of your primary beneficiaries should predecease you, the brand will be transferred to your contingent beneficiary or beneficiaries.
- If more than one person is named as your contingent beneficiary, the above rules shall apply.
- When naming a beneficiary be certain that the person's proper legal name is used.
- You may change your beneficiary designation at any time by filing a new *Designation of Beneficiary of Brand* form.
- If no beneficiary designation is in effect at the time of your death or the designation section is incomplete or blank, the brand will be transferred to your estate.
- A *Designation of Beneficiary of Brand* will be revoked only by:
  - the marriage of the brand owner
  - the brand owner entering into an adult interdependent partner agreement
  - another designation of beneficiary form being completed
  - a writing declaring the intention to revoke this designation made in the same manner as the designation and filed with the Brand Registrar
  - a specific bequest of the brand to another beneficiary in a valid Will dated after the date the *Designation of Beneficiary of Brand* was signed.

### Signing of the Designation of Beneficiary of Brand form

The *Designation of Beneficiary of Brand* is not valid unless:

- it is signed by you as the owner of the brand,

- You are 18 years of age or older at the time the form is signed,
- You make or acknowledge your signature in the presence of two attesting witnesses at the same time,
- the two attesting witnesses sign the *Designation of Beneficiary of Brand* in the presence of yourself and each other, and
- The Certificate of Verification of Identity of brand owner is completed.

A designated beneficiary of the brand cannot be one of the attesting witnesses. If a designated beneficiary is one of the attesting witnesses, the designation of that individual as a beneficiary is void both as it concerns the person witnessing the designation and for any person claiming under that witness.

### Verification of identity of brand owner

The final step in completing the *Designation of Beneficiary of Brand* is for you to appear before

- a Commissioner for Oaths - if the Designation is signed in Alberta, or
- a Notary Public - if the Designation is signed outside Alberta

to have the Commissioner for Oaths or the Notary Public complete the *Certificate of Verification of Identity*.

Instructions with respect to the Certificate of Verification of Identity are included at the end of the *Designation of Beneficiary of Brand Form*. If you do not have one of the listed identity documents, please contact LIS and an alternate form will be provided.

### Collection of Information

This information is being collected for the purposes of brand registry records in accordance with the *Livestock Identification and Commence Act* and the *Freedom of Information and Protection of Privacy Act*. Questions about the collection of this information can be directed to the Privacy Coordinator for the brand registry at LIS at 109, 264 Midpark Way SE Calgary Alberta, T2X 1J6. Phone (403) 509-2088 or (866) 509-2088

### Brand Registrar Contact Information

In you have any questions please contact the Brand Registrar at:

Livestock Identification Services Ltd.  
#109, 264 Midpark Way SE  
Calgary, AB T2X 1J6  
www.lis-alberta.com

Phone: 403-740-4105  
Toll Free: 866-740-4105  
Fax: 403-740-4124  
E-mail: [brands@lis-alberta.com](mailto:brands@lis-alberta.com)

Client No.

For Office Use Only

File No:

For Office Use Only



LIVESTOCK  
IDENTIFICATION  
SERVICES LTD.

Livestock Identification and Commerce Act

### DESIGNATION OF BENEFICIARY OF BRAND

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Please read attached instruction sheet before completing this Transfer.

Status of Brand Owner (check the appropriate box)

Individual Owner

Co-Owner

Partner

Name and contact information of Brand Owner

Full Name \_\_\_\_\_

Mailing Address \_\_\_\_\_

Town/City, Prov \_\_\_\_\_ Postal \_\_\_\_\_

Home Phone \_\_\_\_\_ Cell Phone \_\_\_\_\_

Fax \_\_\_\_\_ E-mail \_\_\_\_\_

Designation Beneficiary of Brand

I hereby revoke any and every previous beneficiary designation with respect to the following brand:

Brand Design	Location	Type
		<input type="checkbox"/> Cattle <input type="checkbox"/> Horse

and designate the following person(s) as my **primary beneficiary(ies)** of the above brand:

Full Name \_\_\_\_\_

Mailing Address \_\_\_\_\_

Town/City, Prov \_\_\_\_\_ Postal \_\_\_\_\_

Relationship to the Brand Owner \_\_\_\_\_

Full Name \_\_\_\_\_

Mailing Address \_\_\_\_\_

Town/City, Prov \_\_\_\_\_ Postal \_\_\_\_\_

Relationship to the Brand Owner \_\_\_\_\_

In the event both of the above named primary beneficiaries are not living at my death, I hereby designate the following persons as my **contingent beneficiary(ies)**:

Full Name \_\_\_\_\_  
 Mailing Address \_\_\_\_\_  
 Town/City, Prov \_\_\_\_\_ Postal \_\_\_\_\_  
 Date of Birth \_\_\_\_\_ Telephone \_\_\_\_\_  
 Relationship to the Brand Owner \_\_\_\_\_

Full Name \_\_\_\_\_  
 Mailing Address \_\_\_\_\_  
 Town/City, Prov \_\_\_\_\_ Postal \_\_\_\_\_  
 Date of Birth \_\_\_\_\_ Telephone \_\_\_\_\_  
 Relationship to the Brand Owner \_\_\_\_\_

<b>Signature of Brand Owner</b>
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**DATED** at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_  
Town/City Province Day Month Year

SIGNED BY THE BRAND OWNER in the presence of and attested by the following witnesses in the presence of the brand owner and each other

\_\_\_\_\_  
 Signature of Brand Owner

\_\_\_\_\_  
**Signature of Witness 1**

\_\_\_\_\_  
**Signature of Witness 2**

\_\_\_\_\_  
 Printed name of Witness

\_\_\_\_\_  
 Printed name of Witness

\_\_\_\_\_  
 Address of Witness

\_\_\_\_\_  
 Address of Witness

\_\_\_\_\_  
 City/Town/Postal

\_\_\_\_\_  
 City/Town/Postal

\_\_\_\_\_  
 Phone Number

\_\_\_\_\_  
 Phone Number

\_\_\_\_\_  
 Occupation

\_\_\_\_\_  
 Occupation

## INFORMATION AND INSTRUCTIONS FOR COMPLETING THE CERTIFICATE OF VERIFICATION OF IDENTITY

### Information

The person registered with the Brand Registry as the owner of the brand has the exclusive right to use the brand for the purposes of denoting ownership of the livestock or a livestock security interest in the livestock, as the case may be, until the registration of the brand is cancelled or transferred.

Identification is required to ensure that documentation affecting the rights of a registered brand owner is completed by the proper person to protect the registered brand owner.

Livestock Identification Services Ltd. (LIS) is subject to the *Freedom of Information and Protection of Privacy Act* and the collection, use, disclosure, retention and destruction of personal information by LIS are done in compliance with this Act.

### **Acceptable identity documents**

Acceptable personal identification documents must

- include a photograph
- be government issued
- be original, not a copy of the document
- indicate a unique identifier
- be valid (current) – not expired.

Acceptable forms of personal identification documents include

- a driver's license
- an identification card
- passport
- citizenship card
- Permanent Resident card
- Certificate of Indian Status card

Note: If a brand owner does not have one of the listed identity documents please contact LIS and an alternate form will be provided.

### **Instructions to Witness completing the Certificate of Identity**

To complete the Certificate of Verification of Identity do the following:

- Print your full name, town or city and province or state in the initial paragraph.
- Print the name of person in paragraph 1 and the date the person appeared before you to complete this form.
- Request the original identity document from the person and compare the information on the identity document to the information on the form and to the person appearing before you.
- If the information and photograph match the information on the form and the person appearing before you, complete paragraph 2 by printing the name of the government entity that issued the identity document, the date the identity document was issued, the number of the identity document, the date it expires and the name of the person appearing before you.
- Print the day, month and year the Certificate is signed.
- Sign your name on the line provided.
- Print your name on the line provided
- Print your phone number and full address on the lines provided.