



WHALEY

ESTATE LITIGATION

OUR FOCUS

WHALEY ESTATE LITIGATION offers professionalism and expertise in the estate litigation process. Our goal is to ease the stress of litigation for our clients by pursuing prompt and effective solutions.

OUR APPROACH

At WHALEY ESTATE LITIGATION we assist our clients in navigating emotionally difficult waters by providing sound legal advice from our estate litigation professionals. In this way, our goal is to save our clients time, expense and to help protect their valued relationships.

OUR AREAS OF PRACTICE

- Will and Estate Challenges
- Will and Trust Interpretations
- Trust Variations
- Dependant Support Applications
- Guardianship Applications
- Capacity Proceedings
- Passing of Fiduciary Accounts
- Trust Disputes
- Power of Attorney Litigation
- Fiduciary Litigation
- Probate Applications
- Solicitor's Negligence
- Elder Law
- Mediation
- Agency Retainers
- Section 3 Counsel
- Consent and Capacity Board Hearings and Appeals



WHO WE ARE

Kimberly A. Whaley, C.S., LL.B., LL. M., STEP., is the principal of WHALEY ESTATE LITIGATION, located at 10 Alcorn Avenue, in the heart of the Summerhill/Rosedale district. Kimberly has been designated as a Certified Specialist in Estates and Trusts Law by the Law Society of Upper Canada. Kimberly is a registered member of the Society of Trusts, Estate Practitioners (Worldwide) (STEP) and is a member of the STEP (Toronto) Executive, as well as the Estate Planning Council of Toronto (EPC). Kimberly was selected by her peers to be included in the Best Lawyers in Canada 2009 and 2010, and LawDay Leading Lawyers. Kimberly specializes in the areas of Estate, Trust, Capacity, Fiduciary, Power of Attorney, Guardianship and Elder Law Litigation. Kimberly practiced in London, having become a Solicitor of the Supreme Court of England and Wales in 1995. Kimberly has been a lecturer for the Ontario Bar Admissions Course, Osgoode Hall in Trusts, Estate Planning

and Administration for the Law Society of Upper Canada. Kimberly is actively involved in the Ontario Bar Association and is Past Chair of the Trusts and Estates Executive. Kimberly is a frequent lecturer for the Law Society of Upper Canada, the Canadian and Ontario Bar Associations, and STEP in their Professional Development initiatives for lawyers and other professionals.



Kimberly is also actively involved in lecturing for in-house institutions and organizations. Kimberly is a sessional adjunct lecturer at Queen's University, Faculty of Law, in Appellate Advocacy, since 2002. Kimberly was awarded the 2003/2004 Queen's University Law School teaching award. Kimberly has taught on Wills and Estates for the University of Toronto, in the academic years 2005 and 2006. Kimberly is an accomplished author of publications in her practice area. Kimberly mediates estate and trust related matters with Brian J. Wilson at estatemediators.ca



Aameena Sultan obtained her law degree from McGill University after completing an Honours Bachelor of Arts degree from the University of Toronto. She was called to the Bar in Ontario in 2002. From 2005 to 2009 Aameena practiced estate litigation, mental health law, and civil litigation. Aameena sits on the Board of Directors of Sojourn House and is a founding director of the Arab Canadian Lawyers Association. Aameena speaks Arabic, French and Spanish fluently. Aameena writes articles in this practice area.



Amy Cull was called to the Ontario Bar in 2009 after obtaining her Juris Doctor from the University of Toronto. Prior to joining Whaley Estate Litigation, Amy articulated at a prominent Toronto law firm where she gained valuable experience in estates and trusts litigation. Amy also writes articles with a focus in her practice area.

OUR CLIENTS

WHALEY ESTATE LITIGATION regularly represents and provides advice to individuals, beneficiaries, estate trustees or administrators in estate litigation matters. We provide advice to Attorneys and Guardians for both Personal Care and Property. In addition, we represent Trust Companies and other Professionals in their fiduciary capacity as Attorney, Guardian, Trustee, Estate Trustee, or as Estate Trustee During Litigation. We also represent Charities and Foundations with respect to protecting charitable gifts and bequests made in a Will under



challenge. We act as agent Counsel to the Children's Lawyer for Ontario. We act on contested court passings of fiduciary accounts. We act as Counsel in Consent and Capacity Board proceedings and appeals, and Elder Law matters.

We advise Estate Trustees on their Fiduciary Obligations in the context of the Governing Legislation and Case Law.

We advise beneficiaries and family members on Estate and Trust related issues and disputes.

We advise clients in protecting and in advocating their rights and interests in Estate and Trust Administrations.



WHAT WE DO

We advise on matters concerning claims by common-law spouses, minors, persons under disability and on behalf of dependants of a deceased person. We advise clients in Power of Attorney disputes. We represent clients in the appointment and removal of guardians, and on guardianship applications. We are experienced in issues concerning undue influence, testamentary capacity, depletion of assets, fraud, forgery, and suspicious circumstances in testamentary instruments. We advise clients on matters involving the Offices of the Public

Guardian and Trustee, and the Children's Lawyer. We advise on the prevention and resolution of litigation arising out of estate and testamentary planning, including facilitated mediation. We also act for clients in Consent and Capacity Board hearings, and in appeals of decisions of the Consent and Capacity Board, including appointments as *amicus curiae* in the Ontario Superior Court of Justice.



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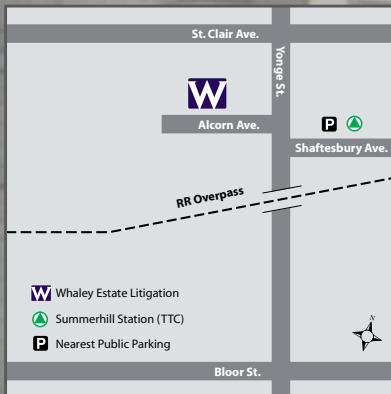
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