


Reflections

Message from the Editor

Thinking of separating from your spouse, or perhaps you are already separated. Claude Filion has some very important estate management advice for you. 

The baby boom seems to have jumped on the dieting bandwagon with a vengeance! Check out Sarah Bercier's article on diets and dieting on page 2.

RPI is launching a new 2-day condensed seminar for EX's. See page 3 for details.

*Nancy Conroy
Editor*

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The Experts Speak..... Separation and Some Legal Implications

If you are separated, you need to put your property beyond the reach of your estranged spouse. By "property", I mean everything that belongs to you, including your house, car, furniture, bank accounts, registered savings plans and, of course, your pension plan. By "spouse", I mean married spouse. A common law spouse or same sex partner does not have the same right to his or her spouse's property. How do you put your property beyond your spouse's reach?

Enter into a separation agreement, if you and your spouse can agree on how to divide your property. You will each need a lawyer. This agreement should identify the property that you get to keep and the property that your spouse gets to keep.

The separation agreement should also specify the way in which your pension will be divided with your spouse. The legislation governing your pension plan provides many possibilities, including transferring cash or property of equal value to your spouse, imposing a trust

requiring you or the plan administrator to pay a portion of your pension to your spouse when your pension starts, and transferring the value of your pension entitlement to your spouse's registered retirement savings plan.

The separation agreement should also contain a paragraph in which you and your spouse release each other from any claim to the other's **property**.

But wait. There's more. You must consider the possibility of your spouse making a claim to your **estate** after you die. Your spouse must do more than release you from any claim to your property. He or she must also release you from any claim to your estate. When you die, what was your property becomes your estate. If, in the separation agreement, your spouse only releases you from any claim to your property, your spouse may still have a claim to your estate after you die. In the court case of *Re Saylor*, a husband and wife separated and signed a separation agreement in which each released the other from any claim to the other's property. The

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Question Corner: Diets and Dieting

It's a new year and you've made yet another resolution to lose weight, eat better and exercise more! But where do you start? Which diet and exercise routines do you choose? The options are certainly abundant. The Atkins Diet has received a lot of attention lately, and the Mediterranean Diet is receiving great reviews. You could always join Jared and eat at Subway every day! Yet further alternatives include Weight Watchers, Dr. Bernstein, South Beach, Slim Fast and so many others? And what about simply following Canada's Food Guide to Healthy Eating?

GOALS: First you need to decide what your goals are, both short and long term. Then you will need to examine what is involved in any diet that you are considering. How many special foods will you need? Will you have to eat different food than your family at mealtime? What have the results been for others who have followed this diet, both good and bad? Is this really a plan that fits with your lifestyle? Is the plan one that you can continue on a long-term basis so as to achieve both your short and long term goals?

ATKINS: The Atkins Diet is currently a popular choice. Begun in 1972, Atkins is now in its third wave of popularity and likely its most profitable. Atkins sets few restrictions on the amounts of food you can eat but rather on the types of food. The Atkins website <http://atkins.com/canada/index.html> indicates that carbohydrates are drastically reduced, particularly in the first two weeks, which then causes the body to burn stored body fat. Forbidden foods include such items as refined sugar, milk, white rice, white potatoes and white flour. Fruits, vegetables and whole grain products are forbidden for the first two weeks but are reintroduced slowly after that. Instead, rich foods are encouraged such as meats, eggs, and cheeses. The diet consists almost entirely of protein and fat. Experts seem to agree that this

diet will, indeed, result in weight loss but there is significant controversy amongst experts regarding long-term effects and benefits.

MEDITERRANEAN: A currently popular diet providing a very balanced and healthy approach is the Mediterranean Diet which has been studied since the 1960s. Key elements include an emphasis on foods from plant sources such as whole grains, breads, and pastas as well as fruits, vegetables, beans, nuts and seeds. Olive oil, the main source of fat, has a high monounsaturated fat content, which increases HDL (good) cholesterol and reduces LDL (bad) cholesterol. Low to moderate consumption of dairy products and even less consumption of meats (particularly red meats) is also key. Physical activity is the foundation of the diet as indicated in its pyramid structure. Research points to numerous positive results from this style of eating especially related to heart disease, diabetes, obesity, cancer, among others. For further information one great site is http://www.oldwayspt.org/pyramids/med/p_med.html.

WEIGHT WATCHERS: One last diet that can't go without mention is, of course, Weight Watchers <http://www.weightwatchers.com>. This plan is one that has continually reinvented itself to adapt to the changing lifestyles of its clientele. The current POINTS method allows individuals to choose any food they like. No food is off limits but everything must be counted via a simple system of points. Sarah, Duchess of York says "Weight Watchers is absolutely brilliant for bringing flexibility to the notoriously rigid world of dieting." Busy lifestyles make it difficult to follow the rules of many other options available today.

BALANCE: These and other diets each have their own method of assisting people in losing and maintaining weight or in developing a healthier lifestyle. While fad diets can sometimes be helpful in kick-starting your motivation and excitement, health experts indicate that they generally will not provide the long-term benefits that simple healthy eating and regular exercise will. Marilyn Booth, a

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release, however, did not extend to the spouse's estate. Before the spouses obtained a divorce, one of them died without a will. The judge decided that the surviving spouse was entitled to receive the deceased spouse's estate, despite the mutual releases in the separation agreement. If you have a separation agreement, check to make sure that your spouse has released you from any claim to your estate, not just your property.

Can you do more to protect your estate from your spouse? Yes. Remember that, in *Re Saylor*, the deceased spouse died without a will. Had the deceased spouse left a will, the estate might have passed to the beneficiaries in the will, instead of to the other spouse. So, if you and your spouse separate, prepare a new will in which you leave your estate to new beneficiaries.

One last point. Obtain a divorce. Your spouse is still your spouse after the separation. But when you get a divorce, your spouse is no longer considered your spouse. Even if you don't have a valid will when you die, your former spouse does not inherit your estate.

This article was written by Claude Filion, a member of the RPI Team. He can be reached by email at cfilion@ecc.ca or by phone at 247-0813.



Resources Reviewed

www.hrdc-drhc.gc.ca/isp/cpp/soc/soc_e.shtml

This web site provides the reader with the highlights of the Canada Pension Plan and Old Age Security. The best feature is that it has been organized by age groups. Human Resources Development Canada identifies the issues that are important for young workers, mid-life adults and for individuals getting closer to retirement. You can also order a copy of your Statement of Contributions from here.

***How to Retire Happy, Wild and Free.* 2004. Ernie Zelinski.**

Here is the one of the latest retirement books on the market. It is written by the author of the book *The Joy of Not Working*. Zelinski addresses the psychological and social issues that should drive an individual's retirement planning. This book will get you thinking and will provide you with lots of great ideas to help you define your retirement priorities more clearly.

RPI Seminars

Getting closer to retirement?
It may be time for another seminar.
Check out our web site
www.rpi-ipr.com
for the 2004-05 seminar schedule.



RPI is proud to launch its New Retirement Seminar for EX's

RPI has developed a two-day condensed seminar that has been designed with the busy public service executive in mind. The seminar covers all the lifestyle and financial issues of importance. The excellent team of presenters will take into account the issues of particular importance to members of the executive category. Interested? Check out the details at www.rpi-ipr.com.

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registered dietician and exercise consultant in the Ottawa area, indicates that it really comes down to balance - our intake needs to match our output. The more energy you expend, the more you can eat or the more you eat, the more energy you need to expend.

Ottawa dietician, Judith Proulx, also notes that as one ages, one's metabolic rate changes. After the age of 35, every decade sees a 10% reduction in metabolic rate and, therefore, we either need to be eating less or exercising more if we want to maintain our current weight. When we are eating less, it becomes even more important to choose foods that are higher in nutrients and lower in saturated fats and simple sugars. These same changes can also help in preventing heart disease, cancer, diabetes, and more.

SUGGESTIONS: Even if you make a few good choices to begin with, that is a terrific start! Try these suggestions to help get you started:

- Review Canada's Food Guide to Healthy Eating http://www.hc-sc.gc.ca/hpfb-dgpsa/onpp-bppn/food_guide_rainbow_e.html
 - Drink lots of water
 - Make half your meal vegetables
 - Watch your portion sizes
- Eat flavorful foods – anticipation of the enjoyment of your food can encourage you to wait for appropriate meal times
 - Add OMEGA 3 fatty acids to your diet (ground flax, cold water fish, small amounts of walnuts) – these help to break down your bad cholesterol.
 - Increase fibre, vitamins A and C, calcium and iron content
 - Reduce calories, saturated fat, carbohydrates, cholesterol, and sodium content in your diet
 - Check food labels - in January 2003, Health Canada introduced new and improved mandatory nutrition information on food labels. All labels must have the proper labeling by 2007 and will make healthy food choices easier. Check http://www.healthyeatingisinstore.ca/pdf/Fact_ENG.pdf for great information on new food labeling.
 - Exercise on a regular basis – begin by simply walking at a pace that allows you to comfortably carry on a conversation and increase your pace as you are able. For additional suggestions, consult Canada's Physical Activity Guide for Healthy Living <http://www.hc-sc.gc.ca/hppb/paguide/>.

Whatever you do, if you need to take action, there is no better time than the present to get started. Investing in your health now will reap fantastic benefits when you hit your retirement years!



Reflections is published by the Retirement Planning Institute.
Past issues are available on our web site.

20 - 5310 Canotek Road
Ottawa, ON K1J 9N5
Phone: (613) 834-1617
Fax: (613) 824-7403
E-Mail: info@rpi-ipr.com
Website: www.rpi-ipr.com

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