

Executor Guide[©]

To be retained by Executor(s)

Executor Name(s):

For the Estate of:

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Compliments of:

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Introduction

Being named in a Will as the executor or estate trustee reflects the high standing you have held with another person and is, perhaps, one of life's highest compliments.

When someone entrusts you with the responsibility for administration and disbursement of their hard-earned and valuable personal assets to their family, friends and charities, it comes with a high level of responsibility and accountability and is not a task to be taken lightly.

ERAssure® has prepared this Executor Guide to assist you in the execution of your duties as executor or estate trustee (depending on your province). This package is not exhaustive and we recommend that an executor always obtains competent legal, tax accounting and other required professional advice in accordance with the specific details of the will and assets of the estate.

How to use this Executor Guide

This guide is broken into three general areas that are intended to help you in your role as Executor.

The **first part** assesses Estate Risk issues and provides you with tools to help mitigate your risk. It's difficult or impossible to predict when a beneficiary, creditor, or even a charity with some expectation of entitlement becomes frustrated with the speed of the process, amount of money available, decisions, or even the communication style of the executor and decides to take action.

The **second part** identifies basic but crucial information you should secure from the individual who has named you as executor. These basic insights will be invaluable at the start of the estate administration process.

The **final part** provides you with a list of key items and activities related to the executor role. Not all are relevant to every estate, but the framework will provide you some guidance in your administration role.

You may find that managing the relationships and personalities of the beneficiaries (and the other people that influence them) is arguably the most significant challenge of the estate administration process.

Communication with beneficiaries is a key factor in successful estate administration, and you may wish to share the contents of this workbook with them.

Estate Risk Profile

Overview: The "Estate Risk Profile" section simply provides a quick overview of the common variables that most often are responsible for triggering an estate claim. Circle the number corresponding to your answer to each question, and total your score at the bottom of the page.

Family Dynamics

	YES	MAYBE	NO
Are there any unique family dynamics such as a second marriage, blended family, a history of acrimony between family members OR spouses; any financial issues with any of the beneficiaries or their children, or health or drug related concerns?	2	1	0
Has there been any unique handling of family members by such as unequal cash or property distributions or access to heirlooms; any potential 'black sheep' in the family OR extended family; have any beneficiaries held a disproportionate care-giving role that might be looking to be recognized for their efforts?	2	1	0

Executor Specific

Are there multiple Executors involved; do they share the same relationship to you; are they all in agreement in how best to involve the use of professionals for legal, tax, accounting, investments and real estate; are any of the Executors or service providers to the estate seen as potentially having personal conflict; is the Executor(s) also your Power of Attorney?	2	1	0
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Investments

Are there any significant financial assets of the estate that might be complex in nature; are there debts of the estate, or did you secure any unpaid loans on behalf of anyone including family members, beneficiaries or others and are they clearly documented; are there any charitable groups listed as beneficiary?	2	1	0
---	---	---	---

Directives of the Will

Is there a legal Will, or is it handwritten or done by do-it yourself methods; are the instructions within the Will clear, logical and likely to avoid contest by any of the beneficiary group; do all the beneficiary group know the contents of the Will; has anyone been left out, or is there disproportionate allotment of the estate assets?	2	1	0
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Real Estate

Is there a cottage or family assets/antiques or heirlooms that might have significant emotional value to one or all family members; has any one of the beneficiary group or extended family been living in your principal residence or have primary use of the cottage; any foreign or rental properties?	2	1	0
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Non-Real Estate Assets

Is there a family business or other business assets that require management or sale; is there a clear succession plan in place; is it in harmony with the Will directions and expectations of the beneficiaries?	2	1	0
--	---	---	---

TOTAL ESTATE RISK PROFILE SCORE:

Score: **0** = low risk; **1-3** = moderate risk; **4 or over** = significant risk of exposure to liability.

Enter at the top of page 3

TOTAL ESTATE RISK PROFILE SCORE (from page 2):

An action brought against the estate is always difficult, if not impossible, to predict and Executor Insurance is always advisable.

If the Estate Risk Profile Score is "moderate" or "significant", you should complete and submit this application to get the protection you, the estate, and the beneficiaries need.

Executor and Estate Liability Insurance Application

When you begin acting as the Executor, complete and sign this application and return it to your broker/advisor OR send it to ERAssure for handling at:

Estate Risk Protection Plan Inc. - ERAssure
30 Duke Street West, Suite 902
Kitchener, ON N2H 3W5

Fax: 1-866-897-8901

Email: application@erassure.com

If you have any questions about Executor and Estate Liability protection, please do not hesitate to call 1-855-636-3777 and speak with a dedicated specialist.

Executor and Estate Liability Insurance Application – Part A

(including Estate Trustees, Executors and Estate Administrators)

Decedent Details

Last Name:		Given Name:		Initial:	
Primary Residence Address:		City:	Province:	Postal Code:	
Date of Birth:			Date of Death:		

Details of the Will

Is there a will? <input type="radio"/> Yes <input type="radio"/> No If No, proceed to the next section
Status of Probate (select one of the following): <input type="radio"/> Probate has been granted <input type="radio"/> Probate will be obtained within 12 months. *IMPORTANT: The coverage period and liability limits are restricted prior to the Will being probated.
Is there a secondary Will? <input type="radio"/> Yes <input type="radio"/> No If yes, are the Estate Trustees and Beneficiaries the same on each will? <input type="radio"/> Yes <input type="radio"/> No
Are there any Beneficiaries outside of Canada? <input type="radio"/> Yes <input type="radio"/> No If yes, location(s) of foreign Beneficiaries: <input type="radio"/> US <input type="radio"/> Other: _____

Estate Assets

Estimated total value of estate assets: (Note: Estates over \$3 million will require additional underwriting information)
Are there any Foreign Assets? <input type="radio"/> Yes <input type="radio"/> No If yes, approximate value of foreign assets (if known):
Are there any business assets? <input type="radio"/> Yes <input type="radio"/> No If yes, approximate value of business assets (if known):
Is there current and up-to-date physical damage insurance and third party liability insurance on the estate assets? <input type="radio"/> Yes <input type="radio"/> No

Lawyer Details

Insurance Broker Details (if applicable)

Law Firm Name:	Brokerage Name:
Address:	Address:
Lawyer Name:	Broker Name:
Phone:	Phone:
Email:	Email:

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Executor and Estate Liability Insurance Application – Part B

Estate Trustee Information (all questions in this section are relative to the Estate Trustee named below)

Is there more than one Estate Trustee? Yes No
 If yes, please complete a copy of this page for each Estate Trustee

First Name:	Middle Initial:	Last Name:		
Date of Birth: (dd/mm/yyyy)		Email Address:		
Home Address (Street):		City:	Province:	Postal Code:
Home Phone:		Cell Phone:		
Occupation of Estate Trustee:				
Is the Estate Trustee providing professional services to the estate as a Mortgage Broker, Investment Advisor, Real Estate Broker, Insurance Agent or Insurance Broker, Public Accountant or Solicitor? <input type="radio"/> Yes <input type="radio"/> No If yes, please provide the following: <ul style="list-style-type: none"> Company Name: _____ Address: _____ <small style="margin-left: 40px;">Street</small> <li style="margin-left: 20px;">_____ <small style="margin-left: 20px;">City</small> <small style="margin-left: 100px;">Province/State</small> <small style="margin-left: 100px;">Postal Code</small> Phone Number: _____ 				
Education Level of the Estate Trustee: <input type="radio"/> Some High School <input type="radio"/> High School <input type="radio"/> Some College/University <input type="radio"/> Unknown <input type="radio"/> College/University <input type="radio"/> Graduate School <input type="radio"/> Other:				
Estate Trustee's Relationship to Decedent: <input type="radio"/> Spouse <input type="radio"/> Child <input type="radio"/> Sibling <input type="radio"/> Parent <input type="radio"/> Other:				
Was the Estate Trustee appointed in the will? <input type="radio"/> Yes <input type="radio"/> No If no: <ul style="list-style-type: none"> • Was the Estate Trustee selected by: <input type="radio"/> Beneficiaries/Family Members <input type="radio"/> Courts/Other • Date of Appointment (if known): _____ 				
Is the Estate Trustee also a beneficiary of the estate: <input type="radio"/> Yes <input type="radio"/> No				
Is there an ongoing Trust other than the Estate: <input type="radio"/> Yes <input type="radio"/> No If yes, is the Estate Trustee also a Trustee of this Trust? <input type="radio"/> Yes <input type="radio"/> No (Note: Trusts will require additional underwriting information)				
Were there any previously named Estate Trustees? <input type="radio"/> Yes <input type="radio"/> No If yes, please provide details on the circumstances that led to a new Estate Trustee being appointed:				
Have any claims for damages been made, either verbally or in writing, against the estate or any of the estate trustees (past or present)? <input type="radio"/> Yes <input type="radio"/> No If yes, please provide additional details:				

Important Estate Information

Estate Information:

Name	SIN
Address	Passport Number
Date of Birth	Employer

The Will is stored at:	
The funeral arrangements are with:	
The bank is:	Branch Location:
The safety deposit box is located:	

Key Contacts:

Lawyer

Name	Firm	Phone Number
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Accountant

Name	Firm	Phone Number
------	------	--------------

Financial Advisor

Name	Firm	Phone Number
------	------	--------------

Insurance Broker

Name	Firm	Phone Number
------	------	--------------

Key Business Contact

Name	Firm	Phone Number
------	------	--------------

Key Family Member

Name	Relationship	Phone Number
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Executor Liability Insurance - ERAAssure:

Name	Customer Service Representative	1-855-636-3777
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Power of Attorney Information

Name	Address	Phone Number	Care Property
Name	Address	Phone Number	Care Property

Financial Institution Information

Name	Account Type	Account Holder(s)	Account Number
Name	Account Type	Account Holder(s)	Account Number
Name	Account Type	Account Holder(s)	Account Number

Insurance Information (Life)

Insurance Company	Agent	Policy Number	Beneficiary	Face Amount
Insurance Company	Agent	Policy Number	Beneficiary	Face Amount
Insurance Company	Agent	Policy Number	Beneficiary	Face Amount

Insurance Information (General)

Insurance Company	Broker	Policy Number
Insurance Company	Broker	Policy Number

Investment Information

Company	Broker	Account Number
Company	Broker	Account Number

Pension/Annuity Information

Company	Date of Deposit:	Amount of Deposit:
Company	Date of Deposit:	Amount of Deposit:

Properties

Address/Location	Property Manager	Key Location	Mortgage Holder
Address/Location	Property Manager	Key Location	Mortgage Holder
Address/Location	Property Manager	Key Location	Mortgage Holder

Other Asset Information

Type	Address	Contact Person
Instructions		
Type	Address	Contact Person
Instructions		
Type	Address	Contact Person
Instructions		

Passwords

Banking	UserName	Password
Telephone	UserName	Password
Utilities	UserName	Password
Facebook	UserName	Password
Twitter	UserName	Password
LinkedIn	UserName	Password
Other (specify)	UserName	Password

Framework of Executor's Tasks

This list is one of general information for Estates with a valid Will in common law jurisdictions, and may not be exhaustive. See a lawyer for more details.

Initial Information

Name of Executor:	Co-Executor:
Name of Deceased:	Date of Death:
Deceased's Spouse:	Deceased's SIN:
Deceased's Address:	

Initial Work

- Make the funeral/burial arrangements (were any details pre-planned or pre-arranged?)
- Make special arrangements, such as organ donation
- Arrange for care of dependents or pets
- Identify immediate cash requirements for family
- Obtain the original death certificate (including several copies)
- Consider publishing an obituary

Locate the Will and Meet with the Legal Counsel

- Locate and review the Will
- Ensure that you understand your duties and personal liability as the Executor
- Identify any potential conflicts
- Obtain a proposal for ERAssure Executor Liability Insurance coverage to protect you, as the Executor, and the estate assets – call 1-855-636-3777
- Maintain a detailed record of all the decisions you make, steps taken and financial transactions

Contact the Beneficiaries of the Estate

- Construct a genealogical family history (family tree)
- Set up a meeting with family members
- Discuss the Will and any pertinent information you require from them
- Gather preliminary information from the family
- Document the meeting and note the information gathered

Meet with the Beneficiaries (review the details provided by the beneficiaries with your Lawyer)

- Have the beneficiaries provide you with pertinent papers and information
- Give an overview of the Estate Administration process to the beneficiaries. e.g. tax issues, litigation, etc.
- Provide the beneficiaries with an expected timeline
- Determine the Estate's contractual obligations and the family's needs
- Document the meeting and note the information gathered

Set up an Estate Bank Account

- Notify all the financial institutions of the death. Note all the particulars about banking and accounts and open a new bank account for the Estate
- Determine if any bank accounts are jointly held. Joint accounts are dealt with based on the right of survivorship and providing the financial institution with the death certificate should allow the transfer of the account to the surviving joint tenant
- If the bank accounts are not jointly held, discuss the options with the financial institution
- If there is a safety deposit box, document its contents in the presence of a third-party
- Determine if funds are available to pay funeral expenses

Locate and Review the Important Documents

- Obtain and review any title documents for real property and mortgages
- Locate any share certificates, bonds, debentures and/or guaranteed certificates

Notify the Legatees and Residuary Beneficiaries

- Identify any charitable organizations named in the will. Do they still exist? Is their name noted correctly in the Will?
- Notify the charities (and regulators if necessary) of bequests made under the Will
- Notify the legatees/devisees of provisions under the Will
- Notify the residual beneficiaries of provisions under the Will and provide them with a copy

Set up a Diary of Time Limitations

- Consult with a lawyer to determine if there are any obligations or duties of administration that have a time sensitivity which can impact the Estate.
- Diarize these activities for attention

Prepare/Confirm Tax Information

- Notify Canada Revenue Agency of the death and cancel benefit payments in the name of the deceased
- Locate and collect tax information, medical receipts, charitable receipts, etc.
- Confirm the completion of tax returns for the last six years
- Prepare and file any unfiled tax returns for the previous years within six months of the date of death

Potential Immediate Activities

- 1) Business interest and business investments - Contact the lawyer/accountant used for business purposes
 - Where the deceased was the sole or controlling shareholder of a business, ensure control of operations and continuation of the business.
 - Arrange for a review of the investment portfolio with decedent's financial advisor
 - Make reasonable decisions regarding the business investments
- 2) Real Estate
 - Obtain the keys to all real estate holdings and consider changing the locks to restrict access to the property
 - Acquire and review any real estate deeds and mortgage documents
 - Review the property insurance coverage and make provision for vacancy, if necessary
 - If the decedent was the sole occupant of a rental premises, terminate the lease or arrange a sublet
 - For vacant real estate, arrange for maintenance, protection and care of the property.
- 3) Chattels
 - Confirm auto insurance is in effect to cover physical damage and liability for operation of the vehicle(s)
 - Determine if any assets require special insurance coverage while they are still in the home or if they are being stored elsewhere
- 4) Inventory

Collect, secure, protect and maintain an inventory listing of:

 - Securities
 - Jewelry and other valuables
 - Cash on hand
 - Other documents or items of potential value
- 5) Mortgages – receivable
 - Notify the payer to redirect the mortgage payment. Cheques should now be payable and deposited to the Estate account
 - Collect on outstanding mortgage
- 6) Rental Properties
 - Advise tenants to redirect the payment of rent for rental properties. Cheques should now be payable and deposited to the Estate account
- 7) Investment Accounts
 - Advise the decedent's financial advisor of their death
 - Arrange for a review of the investment portfolio and document a plan on managing the portfolio with the financial advisor
 - Cancel any open or pending orders
 - Change the mailing address for the account statements
 - Obtain list of securities held with their original cost information
 - Document meeting details

Contact Third Parties

- Notify their service providers to reduce or cancel services and request rebates where available. These include: utility, television, home phone, cell phone and internet providers; magazine and newspaper subscriptions; club and/or fitness memberships and request rebates where available
- Call Service Canada to notify of the death and to obtain information regarding Canada Pension Plan or Quebec Pension Plan, Old Age Security and related benefits. 1-800-277-9914
- If the deceased received pension benefits or extended health and dental benefits, contact the plan administrator to advise of the death and to determine eligibility for continued benefit coverage for dependents;
- Contact Passport Canada to cancel deceased's passport, 1-800-567-6868
- If the deceased was receiving veteran's benefits, call Veterans Affairs Canada. 1-866-522-2122
- Cancel their Social Insurance card. 1-800-206-7218
- Cancel the deceased's driver's license
- Request Canada Post to redirect the mail
- Confirm outstanding balances and cancel the credit cards – determine if insurance exists to cover balances
- Contact Executors of any other Estates where the deceased may have entitlement
- Where deceased receives a pension from a foreign jurisdiction, notify the foreign jurisdiction, cancel the entitlement and make a claim for death benefits, if applicable

Collect Information on Assets and Liabilities

- Collect and review the liability information for the Estate
- If not already done, contact the banks to get the account balances, investment details, loan details, etc.
- Locate any personal property held outside the home, in storage or under repair
- Determine the need and pursue any outstanding litigation on behalf of the Estate
- Determine all liabilities outstanding at death, and interest accruing on the outstanding debt after the date of death
- Establish which liabilities should be paid to save interest
- Ascertain personal guarantees made by the deceased on loans

Inventory and Valuation of Personal Assets

- Create a complete inventory listing of the personal assets
- Obtain professional valuations of personal property, vehicles, real estate and securities
- Determine if any assets are missing

Foreign Assets (if applicable)

- Determine if a valid Will exists in the foreign jurisdiction for the foreign assets
- Hire an agent/solicitor, if appropriate, to deal with matters in the foreign jurisdiction
- If there is no Will, then determine the applicable legislation that applies

Valuation and Inventory of Financial Assets

- Review the finances of the Estate with an investment advisor and/or financial planner
- Create an inventory of the financial assets and liabilities
- List the assets by their class and value and include their full particulars
- Include their maturity dates and note the interest rate(s) applicable
- Calculate and record the accrued interest, where applicable
- List the payment amount(s) received and their frequency.
- Redirect any payments to the Estate bank account
- List the liabilities of the Estate including full particulars

Life Insurance

- Locate all the life insurance policies
- Confirm the benefit amount payable under any life insurance policies
- Determine if the insurance is payable directly to the Estate or to a designated beneficiary
- Ascertain if there are any outstanding liabilities against the policy
- Produce the necessary documents and arrange for the payment of the proceeds

RRIF/RRSP

- Request a confirmation of the benefits payable and the plan balances
- Determine if plans are payable directly to the Estate or to a designated beneficiary
- Produce the necessary documents and arrange for the payment of the proceeds

Designated Beneficiaries

When life insurance and RRSP/RRIF plans are payable to a designated beneficiary, please review the following:

- Confirm when and where the last beneficiary designation was made
- Confirm that the institution recognizes the last designation
- File all the documents necessary to make claims for or on behalf of beneficiaries

Application to the Court for Appointment as Executor (Probate)

- Meet with Estate lawyer to complete the application for the certificate of appointment
- Review the documents and the parties to be served. Request originals and notarial copies of final orders
- Arrange payment for any fees that may be applicable

Notice to Creditors/Debts of Estate

- Place a *Notice to Creditors* advertisement in local newspapers, etc.
- Determine the expiry date for the *Notice to Creditors*, once probate is granted. Expiry Date: _____
- Provide beneficiaries with an update of ongoing activities
- Obtain releases, where applicable, to avoid a delay of distribution of assets

Distribution of Assets/Administration

Review with legal counsel for provincial legislation in the case of intestacy

- 1) Preliminary Matters
 - Once probate is granted, obtain notarial copies to transfer assets
 - The *Notice to Creditors* must expire prior to commencing distribution of assets
 - If necessary, have the Estate lawyer register the certificate of appointment or grant of probate on title for real estate
- 2) Time Limitations
 - Determine whether there are any time periods that remain outstanding which restrict distribution
 - Review the dates on items such as dependent relief claims
- 3) Review the Will
 - Review the order, division, and specifics for the distribution of assets under the Will
 - Consult the beneficiaries regarding the distribution of assets in their current form (distribution in kind)
- 4) Realize Assets
 - Close bank accounts and transfer remaining funds to the Estate account
 - Invest any cash surplus based on terms of the Will
 - Transfer or sell all real estate pursuant to the Will
- 5) Stocks and Bonds
 - Complete and submit declarations documentation required to transfer the securities
 - Liquidate the stocks or bonds as necessary to meet the cash flow requirements of the Estate.
 - Liquidate the stocks and bonds for distribution or transfer to beneficiaries in accordance with the Will.
 - Deliver the securities to the beneficiary and obtain receipts
- 6) Personal Effects
 - Distribute personal effects as indicated in the Will and obtain receipts if the distribution is "in kind"
 - If the Will stipulates that personal effects are to be sold, the cash becomes residuary for distribution
- 7) Prepare Payments
 - Prepare cheque(s) for payment of outstanding debts
 - Prepare cheque(s) for payment of legacies
 - Prepare cheque(s) for payment of distribution
- 8) Trusts
 - If required, set up testamentary trusts
 - Arrange for an ongoing review of the investments
 - Arrange for ongoing compliance within the rest of the terms of the trust
 - Arrange for payment(s) of income, if necessary
- 9) Legatees
 - Make payment(s)
 - Obtain receipts for distribution

10) Tax Considerations

- Take into account unused expenses from current or previous years
- Estimate the current year and closing capital gains and exemptions
- Take into account any spousal trusts
- Take income splitting opportunities into account
- Note the filing deadlines and ensure that taxes are submitted on time to avoid penalty charges
- Take separate returns into account
- Consider transferring any unused RRSP/RRIF contributions to a surviving spouse
- Allow for charitable gifts; include in T1

11) Tax Returns

Obtain advice from professional accountant or tax preparer to review:

- Prepare and file the Terminal T1 Return with Canada Revenue Agency
- Prepare and file any other Canadian returns as necessary
- Request clearance certificate from Canada Revenue Agency and Revenue Quebec (if applicable)
- File foreign tax returns, if required
- Obtain Goods and Service Tax clearances, if applicable
- Final distributions should only be made once you have received the clearance certificate

12) Distribution

- Be sure to retain sufficient funds to cover income tax and any outstanding accounts, including legal fees
- If Will provides for outright distribution, obtain releases from the beneficiaries
- Distribute assets or funds to beneficiaries

13) Cancel Insurance

- Cancel the property insurance on any real estate once it has been transferred or sold
- Cancel the insurance on any vehicle(s) once they have been transferred or sold
- Cancel all other insurance policies in place once the assets have been transferred or sold

14) Fees

- Request a final accounting from Legal Counsel and other professionals
- Determine the Executor's compensation
- Retain a reserve of funds for any additional fees or expenses to be paid
- Communicate the status to the beneficiaries

15) Prepare Accounts

- Prepare a final *Statement of Accounts* for approval by the beneficiaries

16) Beneficiary Approval

- When Accounts are approved, confirm and send the release to the beneficiaries

17) If approval not provided by beneficiaries

- If the Accounts are not approved, they must be submitted to the courts
- Ask your Estate lawyer to assist you in passing of accounts before the court
- Complete the passing of accounts

Final Matters

- Distribute any remaining funds, deliver any remaining assets and obtain receipts for the distribution
- Pay the Executor's fees
- Pay all remaining professional fees
- Do not issue the final cheques until tax clearances are received. Maintain a reserve if necessary
- Communicate the final report on all aspects of the administration to the beneficiaries
- Confirm that all payments and cheques have cleared through the Estate account
- Close the Estate's bank account
- File all records and communications in a secure and safe place

Important note:

As you carry out your duties as Executor, make sure you keep complete and accurate records of all your decisions and actions. If you are asked for an accounting of your activities, thorough records are necessary.

This list is not complete, and requirements will vary by Estate and jurisdiction, but it does provide an overview that may help you understand your main duties and stay organized. Your lawyer is the best source of information and guidance about the role of Executor, and can also connect you with the protection – and peace of mind – of ERAssure[®] Executor Liability Insurance.

If you would like to be kept up-to-date on current issues regarding estate administration and Executor liability through our newsletter, please go to www.erasure.com or call 1-855-636-3777.



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902-30 Duke Street West
Kitchener, ON, N2H 3W5
1-855-636-3777
info@ERAssure.com
www.ERAssure.com

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