



Aren't All Wills Valid?

By Dorothy Hagel

There are some things estate lawyers hear all too often. The misconceptions and false information surrounding wills certainly top this list. Many people believe that "at least something in writing" is enough to prevent any future disagreements between family members.

Unfortunately, this is not the case. Wills are subject to certain requirements prescribed by law and unless these requirements are met, the document is not a valid will. Members of general public are often unfamiliar with these requirements and thus homemade "wills" are often invalid.

Below is a short quiz to test your knowledge of some of these requirements. There is only one correct answer for each question.

1. A valid will is
 - (a) In writing, on paper and witnessed by two witnesses
 - (b) A tape or video recording confirmed by a lawyer
 - (c) In writing, by email and filed in Estate Court
2. A will needs to be signed by the testator
 - (a) Anywhere on the will
 - (b) At the foot of the will
 - (c) On each page of the will
3. You need to have a will
 - (a) If you have minor children
 - (b) If you do not have power of attorney
 - (c) If you no longer have a spouse
4. If you live common-law
 - (a) Your common law spouse inherits all your money
 - (b) Your common law spouse does not inherit from you
 - (c) Your common law spouse should not be in the will



5. Who can act as a witness?

- (a) Anyone who is 18 years or older AND is named in the will.
- (b) Anyone who is 18 years or older AND is not related to the testator
- (c) Anyone who is 18 years or older AND knows the testator personally.

Answer key:

1 - a / 2 - b / 3 - a / 4 - b / 5 - c

How many did you answer correctly? Were some of the answers surprising to you? Estate lawyers drafting your will are not compensated for simply typing a document. You are paying these qualified, legal professionals for their relevant and up-to-date familiarity of the legal requirements of wills, the developments in case law (court decisions), and, most importantly, for advising you appropriately concerning your particular situation.

Something as important as estate planning should never be left up to chance. Proper estate planning is the best way to ensure that your wishes are followed, your legacy is protected, and your family members are left with as few difficulties as possible. You need to take steps to assess your individual situation, evaluate you with options, and get professional advice on the best course of action.



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905.990.3440

268 Lakeshore Rd E., Suite 400
Mississauga ON L5G 1H1

@HagelLawfirm
• info@dhestatelaw.com
• www.dhestatelaw.com