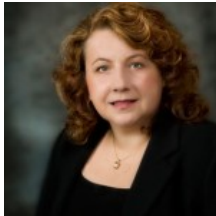




Why do I need a Will? Part 1

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By Dorothy Hagel

It's quite common to hear someone say "I don't really need a will." People believe that their estates are "small" or "simple" and that "everyone gets along." Often, people are convinced that letting their wishes be known to loved ones is "good enough."



But ask yourself how important it is that:

1. Your wishes are followed
2. Your children receive equal shares of my estate
3. Your relatives remain on friendly terms

If *any* of these three issues are important to you, then you need a will. Without a will, your estate trustees, who may not even be the people whom you would want as your estate trustees, will have the power to make

decisions that may go against your wishes. What would happen if one of your loved ones didn't follow the wishes you had instructed?

Ask yourself, who is going to ensure that your wishes are followed – are all of your children going to be able to agree? What happens if one child doesn't want to follow your wishes – what can the other two children do? Short of hiring an estate lawyer and commencing a long and expensive legal battle – not much. All of your children have equal power to make decisions regarding *your* estate and be appointed as your estate trustees.

Do you know who will receive your money if you die without a will giving instructions on how to distribute it? Dying intestate – without a will – demands that the rules of intestacy apply. These rules stipulate that a spouse is entitled to the entire estate if the estate is worth less than \$200,000.00. For larger estates, a spouse is entitled to share the estate with the children of the deceased.

How important is it to you that each child receives an equal share of your estate? Imagine you had a joint bank account with one of your three children for the purpose of that child paying your bills with *your* money when you are unable to do so. Upon your death, do you want the money in this account to be split between all three of your children or kept by that one child whose name is on the account? Without clear instructions to your estate trustee to distribute the contents of that bank account to all three of your children, the child who holds it jointly with you may be claiming all of its contents.

How well are your children going to “get along” when one of them takes all of the money from the bank account and doesn't share with his or her siblings? Having a valid will drafted by a lawyer can avoid these problems, ensure that your wishes are followed, and that your assets are given to those you've chosen.

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