



Where is my Grandma's will?

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By Dorothy Hagel

Managing someone else's affairs is a significant responsibility and not an easy job. This job becomes even more difficult when locating documents and information becomes an issue. It is therefore very important to ensure that the people who are chosen for the task are actually able to locate necessary information and documents when the time comes for them to step in. Even the best financial plan will not work if the estate trustee (executor) is unable to find the will.

Unfortunately it not uncommon that a will inadvertently gets missing. So what should one do when facing such a predicament? How should you look for Grandma's missing will?

The first idea would be to look through Grandma's papers, in her residence or office. The search needs to be very thorough. Documents could be found in unexpected places, especially if Grandma suffered from dementia or another mental illness. Hiding last will in-between the pages of a book is not that unusual. The most "creative" place for a will that I have heard of was actually a dog food container. Needless to say, if Grandma was not the most organized person, anything is really possible.

The will can also be kept for safekeeping at the office of the lawyer, who prepared it. If the will is not found among Grandma's possessions, the next logical step is to search with the lawyers who handled any of the Grandma's affairs. Quite often lawyers would handle different matters for the same client. For example, it is possible that the lawyer, who handled a real estate matter, also prepared Grandma's will. If Grandma's papers do not point to a particular lawyer, it is a good idea to call around the law offices in the neighbourhood.

The Law Society of Upper Canada should be contacted for the information about the successor lawyer, who took over the practice or a trustee responsible for winding up the practice if the lawyer, whose office prepared Grandma's will has already retired or died.

It is also possible that the will was deposited with the Superior Court of Justice (“SCJ”). If that happens, the Estate Registrar for Ontario will release the will to the estate trustee named in it upon receiving proof of death. Wills deposited with the SCJ remain sealed when the testator is alive. Once the testator dies, anyone can examine the will and make a copy. After 125 years the wills get deposited with the Archivist of Ontario.

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