

Update Your Will and Power of Attorney

Make a Will and Review it Regularly

A Will is an essential part of any financial plan. What happens if you do not have a Will when you die? Your wishes may not be followed, even if known. Instead, your estate will be distributed in accordance with provincial law.

If you die without a Will, the following could result:

- ▶ distribution of assets may be slower and more expensive;
- ▶ taxes may be greater, reducing your estate's value;
- ▶ your spouse may receive less than you planned;
- ▶ all minors will obtain their share upon reaching the age of majority, regardless of their ability to handle the responsibility;
- ▶ family heirlooms may be sold, rather than passed on to succeeding generations; and,
- ▶ the court will appoint someone to administer your estate.

This person may not be as sensitive to the needs of your family as an Executor chosen by you. Careful phrasing and compliance with certain formalities are essential in order to have a proper and valid will. If you do not consult a qualified legal advisor, you may be leaving your heirs with legal headaches.

If the court does not agree with the way you have prepared your Will, or parts are unclear, it may decide to change the Will or even declare it invalid. Each province has its own statutory provisions and your legal advisor will ensure that your will meets these requirements.

A legal Will outlines how you would like your assets to be distributed when you die. It also designates who you want to be the Executor of your estate and can outline such important considerations as burial requests and who you would like to be the guardian of your children. If you do not have a valid Will, provincial law or family law will determine how your assets will be distributed. Once you have a Will, review it every two to three years to make sure it reflects your current wishes.

Power of Attorney

A Power of Attorney is a legal document that outlines how you would like your financial assets handled if you become mentally or physically incapacitated. Keep your Power of Attorney with your will and review it periodically.

There are two types of Power of Attorney: financial/property and medical.