

## Questions to ask your lawyer

*How much will it cost to help me to write a will?*

*What might change the cost?*

*How long will it take to prepare my will?*

*Where should I keep my will?*

*What does this mean? Wills include many words that we do not use every day. The words have specific legal meanings that*

*have been defined in court cases. You should ask your lawyer to explain any words that you don't understand.*



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This pamphlet has been prepared by:



LAW SOCIETY OF  
BRITISH COLUMBIA  
8th floor  
845 Cambie Street  
Vancouver, B.C.  
V6B 4Z9  
(604) 669-2533

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CANADIAN BAR  
ASSOCIATION,  
B.C. BRANCH  
10th floor  
845 Cambie Street  
Vancouver, B.C.  
V6B 5T3  
(604) 687-3404

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LAWYERS & CLIENTS

*When you see a lawyer about making a will*



# Your lawyer protects your interests.

## YOU NEED TO DECIDE WHAT YOU WANT TO HAVE HAPPEN TO YOUR PROPERTY AFTER YOU DIE.

When you die without a will, the law says exactly how the things you own (your estate) will be divided between your spouse and your children or among your parents, brothers, and sisters.

When you make a will, you can say who will get everything that you leave behind. You can name someone – an executor – to follow the instructions in your will and settle your estate. And you can name someone – a guardian – to look after your children if both you and your spouse die while they are young.

When you have a will, you are leaving instructions about your wishes, and your family will not have to worry about what to do.

Your lawyer's job is to write your will so that your wishes are clear and can be followed after you die.

### A client's view:

*Once I made up my mind to do it, it wasn't so bad. It made me feel very uncomfortable to think about making a will. Superstitious, I guess. Then a friend was in a traffic accident, and I decided I'd better not put it off any longer.*

*I called a lawyer. We met and discussed what I wanted. A few weeks later, I went back to sign my will. Two meetings and it was done. Now I wonder why I waited so long.*

Your lawyer will tell you about various laws that may affect what you put in your will. For example, the Wills Variation Act says that your spouse and your children have a right to apply to vary the terms of your will after you die. Your will cannot take away this right.

Your lawyer can also give you information about the taxes that will have to be paid after you die.

When you see a lawyer who writes wills and probates estates, you can take advantage of that knowledge and experience to make sure that the value of your property isn't reduced by family quarrels or taxes that could have been avoided.

## YOU NEED TO CHOOSE AN EXECUTOR.

When you make a will, you need to choose an executor. An executor takes care of your property after you die and follows the instructions in your will. Your property includes everything you own and any money you have. An executor's duties include making a list of all your property, using your property to pay your debts and taxes and distributing the rest of your property to the people named in your will.

When you choose an executor, you should pick someone who is reliable and has some business sense. Your executor may have to work with a lawyer, a real estate agent and government officials to settle your estate. Your executor needs to be able to get information from professionals and make good decisions.

## BE PREPARED FOR YOUR FIRST MEETING WITH YOUR LAWYER.

Your lawyer needs to know what you want to say in your will. Before you meet your lawyer, think about your answers to these questions.

- Who do I want to get my possessions after I die?
- Who do I want to name as executor?
- If I have children under 19, who do I want to name as a guardian for my children?
- What will happen if the people I want to leave my property to, or my executor, or my guardian die before I do?

Your lawyer also needs to know exactly what you own. Prepare a list, include your house, Registered Retirement Savings Plan, life insurance policy, and business interests. Do you own any of these things with someone else? If you do, bring copies of the ownership documents to this meeting. Do your insurance policies or retirement savings plans name a beneficiary, the person who will receive the money when you die? Include the name of the beneficiary on your list.



### A lawyer's view:

*The worst messes I've seen are when people have written wills themselves. They don't sign them properly, or they don't make their intentions absolutely clear. Families get into terrible arguments when they are emotionally upset by a death and disagree about what should happen to the property. I believe that everyone should have a will. And the best way to be sure it's done right is to ask a lawyer to help.*