

WHY IS IT SO IMPORTANT TO HAVE A WILL AND POWER OF ATTORNEY?

You don't create a will and power of attorney for yourself; you do it for your children and those you love. In fact, it's one of the most unselfish things you can do in this life. Let me illustrate.

The grandmother of a friend of mine died a few years ago. She was a strong, dynamic woman, someone hardly sick a day in her life. When she was killed in a multi-car pile-up on the Trans-Canada, the whole family was devastated. To make matters much worse, this lady, who was too full of life to consider planning for her death, passed away without a will.

Almost immediately, her house, her possessions and what few assets she had left became the subject of a first come, first served free-for-all among the surviving children. As you might imagine, things did not go well. Some of her children felt others had pilfered the estate of sentimental items, while others believed her very modest estate assets were unequally shared. The resulting rift tore the family apart and to this day, the children still don't speak to each other.

My friend tells me that if her grandmother were alive, she'd be mortified at the thought that she'd inadvertently caused the destruction of her own family.

Top 3 reasons to have a will:

1. **Responsibility.** It's yours! It is your responsibility as a person to make your inevitable passing as painless as possible for those around you. A will creates a plan and a guide for those left behind to follow. Sorting out someone's affairs after they've passed is difficult enough, but remember; **YOUR LOVED ONES ARE GRIEVING!** Having a clear, legal plan for them to follow will make an excruciating task tolerable.

2. **Choice.** It allows you to choose how your assets are used. You may divide your assets however you see fit and pass along your most prized possessions to those who would truly appreciate them. If you die without a will, it may be a judge who decides who controls your assets. So if you want to take the chance that all of your affairs and life's legacy could be handled by Chip, your witless one-step-from-homeless nephew, then by all means, put it off for another year.

3. **Efficiency.** It creates an efficient way to wrap up the confusing part of your passing and allows others to move through the other side of grief. What's on the other side for them? Closure, and the breathing room to remember the good things that were you. Without a will, your loved ones could be dealing with your residual red tape for years!

"What do I need a will for? I'm far from wealthy!"

Do you have a car? Do you have debts? Do you have anything you'd rather not see sold in a garage sale to a stranger? Then, My Friend, you need a will. And is there a chance—even a remote one—that you might end up incapacitated and unable to make personal decisions? Then you need a power of attorney.

"Ok, ok, Debbie! I give up! I'll do it."



"So, what now?"

Step 1

MAKE a list of all your assets and a list of all your liabilities. When you pass on, someone has to pay off your liabilities and account for your assets. *If you die without a will, your assets are frozen* and are then administered by a public trustee who will charge a fee for service. That's money that could-or should-be going to your loved ones.

Step 2

CONSIDER the distribution of assets. How do you want your assets divided? Who gets your enviable display of collectable spoons and who gets your lifetime golf membership? Do you want the cottage left in the family, or sold and the assets divided? You can always edit this list at any time in the future if your situation (or heart) changes.

Step 3

CHOOSE your executor(s) and power of attorney. Who do you want to manage your affairs? Remember, your loved ones will be grieving, so the best choice might not be those closest to

you. Also, someone from out of town or out of province may find it more difficult and time consuming to manage your affairs compared to someone local.

The person you choose as power of attorney (POA) will make decisions for you in the event you are not able. Stroke, dementia, coma, head trauma; any one of these can render you incapable of making your own decisions. Choose someone you trust will act on your behalf and in your best interest. I also recommend you choose one POA over your finances and a separate POA over your health. It will lessen the burden on your chosen power of attorney and allow you the flexibility to choose someone right for each job.

Step 4

CREATE a master list of your documents. Include names and reference numbers for all life insurance policies, your deed, mortgage info and insurance, vehicles, vacation properties, RRSP details, pensions, bank accounts, safety deposit boxes, clubs and associations. Include any large debts as well. When you're done, put this document in a safe place and let your executor know where to find it. In the event of your demise, timely or not, your loved ones can refer to this list and check off what they need to do and verify what you left behind. Taking the guess work out will help to eliminate unnecessary infighting.

Step 5

WRITE your will. There are two ways to do that.

- a) Download a basic will from one of several online sites or go to a Staples store for a hardcopy and fill in the sections as you see fit. NOTE: Your will is not considered legal unless it is signed by you and **witnessed by two people** who are not your family members. An unwitnessed will is just a piece of paper.

Once signed, give a copy to your executor(s) and keep one with your important papers.

- b) Pay a lawyer to draw up your will and power of attorney. This is a better option if your assets and liabilities are extensive or complicated. Now, legal services are never cheap, but you'd be paying for peace-of-mind in knowing that these important documents are not only done, but done right.

One final note is an important one. If you have a corporation, then you will need a separate power of attorney over the corporation.

Whew! That wasn't so bad, was it? Now relax and enjoy the rest of a long life knowing that when you finally move on to bigger and (hopefully) better things, your worldly affairs are in order.