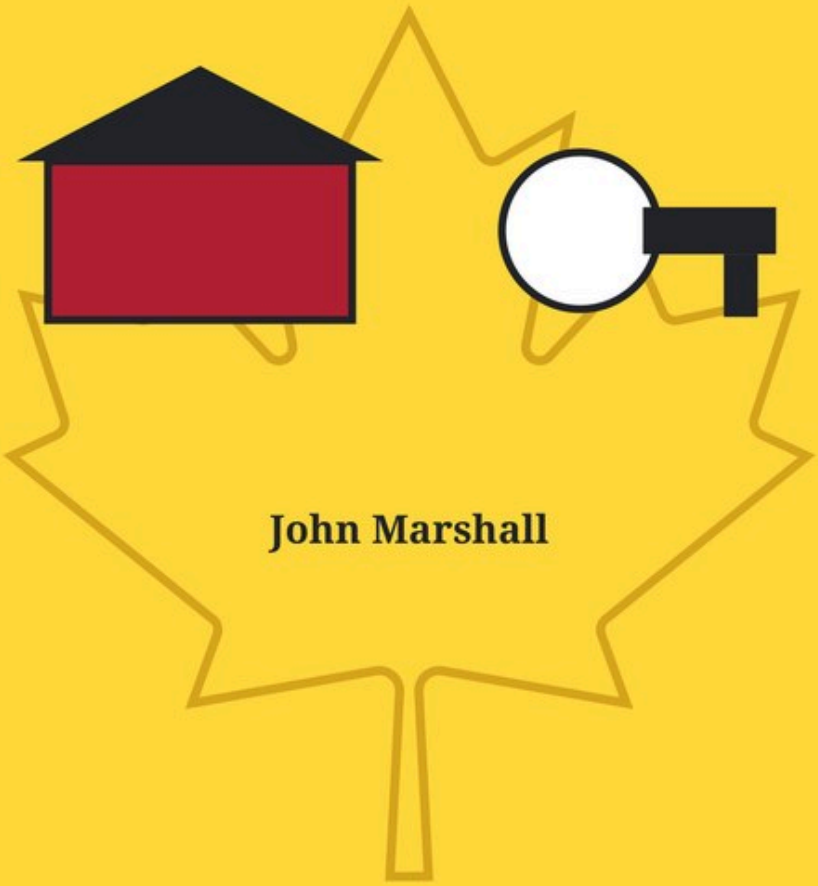
THE PROOF SERIES

A SIMPLE GUIDE TO WILLS AND ESTATES

Estate Proof

Wills, powers of attorney, and papers in order — in plain language, with calm, simple steps.



John Marshall

PROUDLY CANADIAN



PROUDLY CANADIAN

FREE SAMPLE CHAPTER

By John Marshall

www.buyproof.ca

WHY BOTHER

Your Will Is a Love Letter

A will is not about dying. It is about deciding — calmly, clearly, and on your own terms — who gets what, and who is in charge. Without one, the province decides for you, and the province never knew your granddaughter's laugh.

Decide who gets what › Write it down properly › Sign with witnesses › Store it safely

1. Name your people — Think about who matters: spouse, children, grandchildren, a dear friend, a favourite charity. A will lets you include people the law might overlook, like a long-time common-law partner or a stepchild you raised.

2. List the big things — Your home, savings, investments, the cottage, the good china. You do not need precise dollar figures — just a clear picture of what exists so nothing is forgotten.

3. Pick your captain — Choose an executor: the trustworthy person who will carry out your instructions. There is a whole chapter ahead on choosing well — it matters more than most people think.

4. Make it legal — Write it, sign it with proper witnesses, and store the original somewhere findable. A will in a drawer nobody knows about is almost as useless as no will at all.

TALE

E STORY

When Edna, 79, finally signed her will, she grinned and said it felt like mailing Christmas cards — everyone she loved was getting something, and she got to pick the wrapping.

!

In Canada, a will only takes effect after death. You can change it any time while you have mental capacity — nothing is set in stone.

Take care: Verbal promises do not count. "I told everyone the cottage goes to Marie" will not stand up if the will says otherwise — or if there is no will at all.

DYING INTESTATE

No Will? The Province Decides

Die without a will — lawyers call it “dying intestate” — and your province's formula divides your estate. The formula never met your family, never heard your wishes, and does not care about the promise you made.

No will › Court steps in › Formula applies › Family waits

1. The law picks your heirs — Each province has a fixed pecking order: usually spouse first, then children, then parents, then siblings. Stepchildren and dear friends are generally nowhere on the list.

2. Someone must apply to court — Without a named executor, a family member must ask the court to appoint an administrator. That takes time, paperwork, and often a lawyer's bill.

3. It costs more and takes longer — Intestate estates typically cost more to settle and take longer to distribute. The money spent on extra legal process comes straight out of everyone's inheritance.

4. Common-law partners beware — In several provinces, a common-law partner has no automatic right to inherit when there is no will. If that describes you, a will is not optional — it is urgent.

TALE

E STORY

When widower Frank, 82, learned his common-law partner of twenty years might inherit nothing automatically in his province, he booked a lawyer that week.

“Twenty years,” he said, “and the law thought we were strangers.”

!

In Ontario, when someone dies intestate leaving a spouse and children, the spouse gets a preferential share (about $350,000 since 2021) before the rest is split. Every province has its own formula.

Take care: Common-law spouses are treated very differently across provinces. In some, they inherit nothing automatically. Do not assume — check your province's rules or ask a lawyer.

MYTH BUSTING

Five Myths That Keep Wills Unsigned

Most people without wills are not lazy — they are misinformed. Here are the five myths that keep kitchen tables will-less, and the facts that retire them.

Hear the myth › Check the fact › Breathe easier › Sign the will

1. "My family knows what I want" — They may know, but knowing is not legally binding. Without it in writing, the loudest voice — not your voice — often wins the argument.

2. "Wills are only for the rich" — If you own anything and love anyone, you have an estate. A condo, a car, and a cat named Biscuit all count.

3. "The government takes it all anyway" — Canada has no inheritance tax and no estate tax for most families. The government does not swoop in — but probate fees and delays are real, and a will minimizes both.

4. "It's too expensive and complicated" — A simple will from a lawyer often costs $300 to $500 — less than a weekend getaway. Will kits cost under $50. Dying without one costs your family far more.

TALE

E STORY

Doreen, 77, believed wills were "for rich people with yachts." Her estate was a condo, a car, and a cat named Biscuit.

The will took forty minutes and cost less than her last vet bill.

!

Roughly half of Canadian adults have no will at all. Every one of those estates will be settled by formula instead of by wishes.

Take care: The most expensive myth is "I'll do it later." Later is the one appointment nobody can reschedule. This month beats someday.

KEEP IT CURRENT

Life Changed? Update the Will

A will is a snapshot, not a statue. Marriage, divorce, grandchildren, new property, a move — each one can quietly outdate your documents. Review after every big life event.

Big life event › Dust off the will › Update what changed › Re-sign properly

1. Marriage and divorce — Both can rewrite your will's legal effect without you lifting a pen. After either, assume your documents need attention until a lawyer says otherwise.

2. New arrivals — Children, grandchildren, even a beloved new pet's caregiver — new people in your life may deserve a place in your plan. Name them deliberately.

3. New assets — Bought a cottage? Sold the business? Opened new accounts? Your will should reflect what you actually own now, not what you owned a decade ago.

4. People change too — Executors age, move away, or pass on. Beneficiaries drift or reconcile. Update the names so the right people — willing and able — are in the right roles.

TALE

E STORY

After his divorce, Harold, 74, updated everything — except one old life-insurance beneficiary form.

His ex-wife got the payout. "The will was perfect," he sighed. "The paperwork wasn't."

!

In some provinces marriage revokes an old will entirely; divorce usually revokes gifts to an ex-spouse but not the whole will. Rules differ — check yours after either event.

Take care: Updating means re-signing with proper witnesses, not just scribbling in the margins. Margin notes are not legally binding — a codicil or new will is.

MAKE IT COUNT

Three Ways to Make It Legal

Canada recognizes three main paths to a valid will. Each works; each has trade-offs. Pick the one that fits your situation — and get it right, because shortcuts here get expensive later.

Choose your way › Write clearly › Sign it right › Store it safely

1. The handwritten (holograph) will — Written fully by hand and signed, no witnesses needed. Free and valid in most provinces. Risky for anything beyond the very simple — vague wording causes most disputes.

2. The witnessed formal will — Typed or written, signed by you in front of two adult witnesses who also sign. Valid everywhere in Canada. A will kit plus careful witnessing beats a vague holograph.

3. The lawyer or notary will — Drafted by a professional who asks the questions you would not think of. Costs a few hundred dollars. Worth it for blended families, businesses, cottages, or any complexity.

4. Sign it like it matters — Sign at the end, in ink, with both witnesses present and watching. Everyone should use the same pen sitting to avoid “was this signed together?” arguments later.

TALE

E STORY

Mabel, 80, wrote her will by hand at the kitchen table.
Her lawyer friend reviewed it over tea and found one fuzzy sentence that could have sparked a family feud. Tea: $0. Clarity: priceless.

!

A holograph will must be entirely in your handwriting and signed — no typing, no fill-in-the-blank kits. It is not valid in every province (notably not in British Columbia).

Take care: Witnesses generally cannot be beneficiaries — in most provinces, a gift to a witness can be voided. Choose two independent adults.

KNOW THE COST

What a Lawyer Charges (and When It's Worth It)

What does professional help actually cost? Less than you fear, and far less than the mess it prevents. Here is the honest price landscape.

Simple situation? › Kit or lawyer? › Get a quote › Sleep well

1. The simple will — One person, straightforward wishes: typically $300 to $500. Couples often get a package deal for $500 to $800. In Quebec, a notary's fees are similar.

2. The complex estate — Blended families, businesses, trusts for minors, cottages with multiple heirs: $800 to $1,500 or more. Complexity costs — but ambiguity costs more.

3. The budget route — A reputable will kit ($30 to $50) plus two proper witnesses handles simple situations. Have a lawyer review it for an hour's fee if you want a safety net.

4. The ongoing cost — Updates via codicil (a formal amendment) usually run $100 to $250. Many lawyers offer review appointments every few years — put it on the calendar.

TALE

E STORY

Syd, 78, balked at a $400 lawyer fee — then did the math on his $400,000 estate.

"That's a tenth of one percent," he said. "Cheapest insurance I've ever bought."

!

Many lawyers offer a free 15-minute consultation, and community legal clinics sometimes draft simple wills at low cost for seniors. Ask — the worst answer is no.

Take care: Beware of ultra-cheap online will mills with no lawyer review and aggressive upsells. A will is a legal document, not a subscription box.

KNOW THE LIMITS

What Your Will Can't Touch

A will is powerful, but it is not all-powerful. Some assets skip the will entirely and go straight to a named person. Know which are which, or your plan will have holes.

List your assets › Mark joint and designated › Will covers the rest › No surprises



1. Jointly owned property — A house or account owned jointly with right of survivorship passes directly to the surviving owner — the will cannot redirect it. Useful, but use deliberately.

2. Designated beneficiaries — RRSPs, RRIFs, TFSAs, and life insurance with named beneficiaries bypass the will and probate. Fast and private — if the designations are current.

3. Trust assets — Anything already in a formal trust is governed by the trust's terms, not your will. Your will and your trusts must tell the same story.

4. The will gets the rest — Everything not jointly owned, designated, or in trust falls to the will. That is still plenty: personal belongings, sole-owned property, business interests, the good china.

TALE

E STORY

Ruth's will left "everything to my two daughters equally." But her RRSP still named her late husband.
The daughters split the house; the RRSP detoured through probate. Designations, Ruth learned, are not mind-readers.

!

Beneficiary designations override your will. An outdated designation on an RRSP or insurance policy beats a brand-new will's wishes every time.

Take care: Never assume your will "overrides" an old beneficiary form. It does not. Review designations with the same care you give the will itself.

ASSEMBLE THE TEAM

Meet Your Estate Team

You do not build an estate plan alone. A small team — some chosen, some hired — turns your wishes into enforceable reality. Here is the roster.

Executor › Lawyer or notary › Witnesses › Advisors

1. Your executor — The person who carries out the will: pays debts, files taxes, distributes assets. Choose for character and competence, not just closeness. (Full chapter ahead.)

2. Your lawyer or notary — Drafts documents that actually work in your province. In Quebec, notaries handle wills under civil law. Elsewhere, any experienced wills-and-estates lawyer will do.

3. Your witnesses — Two adults who watch you sign and sign themselves. They should be independent — not beneficiaries, not your executor ideally. Neighbours are classic.

4. Your advisors — A financial advisor knows where the money is; an accountant knows the tax traps. Loop them in so the will's math matches reality.

TALE

STORY

When the Hendersons asked their neighbour to witness, he brought his own pen, his reading glasses, and a casserole.

"Witnessing," he declared, "is a sacred duty. Also, I was hungry."

! In most provinces, a witness who is also a beneficiary can void their own gift. Choose two independent adults with nothing to gain.

Take care: Do not ask your executor to also be your only witness if you can avoid it — keep roles clean and independent wherever possible.

THE JOB DESCRIPTION

What an Executor Actually Does

An executor is not an honorary title — it is a real job with legal duties, deadlines, and liability. Understanding the work helps you choose someone who can actually do it.

Gather assets › Pay debts and taxes › Probate the will › Distribute

1. Find everything — Bank accounts, investments, property, insurance, debts, digital accounts. The executor's first job is detective work — easier if you leave a map (see the Red Folder chapter).

2. Pay debts and taxes — Creditors and the CRA get paid before beneficiaries see a dollar. The executor files your final tax return and gets a clearance certificate before distributing.

3. Apply for probate — The court validates the will and confirms the executor's authority. Probate fees vary by province — modest in Alberta, steeper in Ontario and BC.

4. Distribute what's left — Only after debts, taxes, and fees are settled does anyone inherit. A careful executor keeps records of every dollar, because beneficiaries can ask to see them.

TALE

TRUE STORY

Executor duty, Tom, 70, discovered, meant fourteen months of paperwork for his brother's estate.

"I loved my brother," he said. "I did not love his filing system."

!

Settling an average estate takes 12 to 18 months. Anyone promising your executor a quick weekend job has never done it.

Take care: An executor who distributes too early — before taxes are cleared — can be personally liable for the shortfall. Patience is a legal duty.

CHOOSE WISELY

Pick Character Over Convenience

Forget birth order. The right executor is trustworthy, organized, calm under pressure, and willing. Here is how to spot that person in your own circle.

List candidates › Judge character › Check willingness › Name them

1. Trust first — They will handle your money with no supervision. Pick someone whose honesty you would bet the house on — because you are, literally.

2. Organization matters — Estates run on paperwork, deadlines, and follow-up. The family member who files taxes early and never loses keys is gold.

3. Consider age and health — Your executor should likely outlive you and stay capable. Naming someone your own age is fine — just name a younger backup too.

4. Ask, don't assume — Being named executor is work, not an honour to spring on someone at the reading of the will. Ask first, explain the job, and accept a graceful no.

TALE

E STORY

The Chens picked their youngest daughter — a bookkeeper — over the eldest son, a charming chaos enthusiast.

The son agreed: “I'd lose the will in my car.” Honesty saved the family.

!

The best executor is often the most organized person you know, not the oldest child or the closest friend. Geography matters less than reliability.

Take care: Never name someone as executor to “make up” for giving them less inheritance. The roles need different people for different reasons — do not mix the messages.

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