



WILLS

Matter

WHAT HAPPENS IF I DON'T HAVE A WILL?

Your Will is the document that sets out your wishes for who should inherit your property after you die. If you die without a Will, you die “intestate”, and government rules decide who inherits your property, not you. You need a properly drafted Will so that your wishes about who inherits your property are honoured.

However, a Will must be prepared properly before it can protect you against an intestacy.

For example, after you die, if your Will is challenged and found by a Court to be invalid because of a mistake in the Will, then an intestacy may result. A Will can be found to be invalid for a number of different reasons. A Will may be challenged by someone who was left out of your Will, or by someone who feels that you did not leave enough property for them under your Will.

As another example, an intestacy can also affect “part” of your Will. If a mistake is made in part of your Will, one or more of the gifts in your Will could be found by a Court to be invalid. If that happens, then an intestacy may result with respect to the affected gifts, and the gifts will not necessarily go to the persons of your choice.

Properly drafted Wills really do matter. It is important to use the services of an experienced Wills lawyer to make sure that your Will is as resistant to challenge as it can be. An experienced Wills lawyer can help you avoid mistakes so that your property goes to the people that you choose. Otherwise, your hard earned property will be given out according to government rules and not according to your particular wishes.

Contact Fulton & Company's Wills & Estates Team

if you have any questions regarding wills or estate matters.

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