



Fleury, Comery LLP  
Barristers & Solicitors

## YOUR WILL

The purpose of this memorandum is to answer some of the questions most frequently asked by our clients for whom we have prepared a will and to point out some important legal facts of which our clients may or may not be aware.

### PURPOSE OF WILL

Your will provides for the orderly disposition of your assets and liabilities at the time of your death. By drawing a will you clarify for your heirs and beneficiaries what you wish to have done with your estate and this provides great comfort to them at a difficult time. It prevents disputes. If you have minor children, it provides guidance to the family and ultimately to a court in respect of guardianship and the use of trust monies. It is our experience, without exception, that a properly executed Will makes it less expensive to administer your estate.

### SAFEKEEPING

There can only be one original copy of a will and it is, accordingly, a valuable document. We have had clients either lose or inadvertently mutilate their wills and accordingly we offer as part of our service a facility for safekeeping original wills in a fireproof cabinet at our office. Our clients then receive a true copy of the will on which it has been noted that the original is kept at our offices.

### CHANGE IN MARITAL STATUS

Please note that if you become **divorced** after you have made your will, and if you have named your spouse as executor or left any part of your estate to your spouse, those provisions are automatically revoked by law upon your divorce, unless you have said otherwise in your will. On **separation**, the law does not automatically make any changes to your will and you may wish, if you are separated, to change your will. Finally, a will is automatically revoked by **marriage or remarriage** unless your surviving spouse elects to let your old will remain in effect. If any of these circumstances occur we urge you to consult us with a view to making a new will.

### JOINT RETAINER

If we have prepared wills for both spouses, it is important that both of you understand that there is no confidentiality as between the two of you. If in future you were to consult us separately with a view to changes in your will alone, the Law Society of Upper Canada regulations dictate that we would in such circumstances be unable to act for you unless your relationship had permanently ended, or the other of you had consented.

### THE NEED TO REVIEW YOUR WILL

It is advisable to review your will after major changes in your financial or marital position. You would then consider the needs of your children as they mature, whether your executor should be changed, or a different disposition of any assets you have recently acquired.

### PERSONAL DATA SHEET

If you are reading this memo on our internet site, and are considering retaining us to prepare your will, you may wish to prepare for our meeting by considering beforehand the information we shall need and completing our data sheet at [www.fleurcom.on.ca/PDFs/personaldata.pdf](http://www.fleurcom.on.ca/PDFs/personaldata.pdf)

Thank you for consulting us with respect to this matter. Naturally, if you have any questions or if we can be of any further assistance, please do not hesitate to contact us.

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