

# Alberta Doctors' Digest

## Five reasons we all should make a will

According to [a poll](#) conducted earlier this year, approximately 55% of Albertans do not have a will. Every physician should know that failing to take basic health care steps or not having good medical records at your disposal can be disastrous. Not taking basic estate-planning steps or dying without a will can also have significant negative consequences.

Here are five reasons to have a properly constructed and current will.

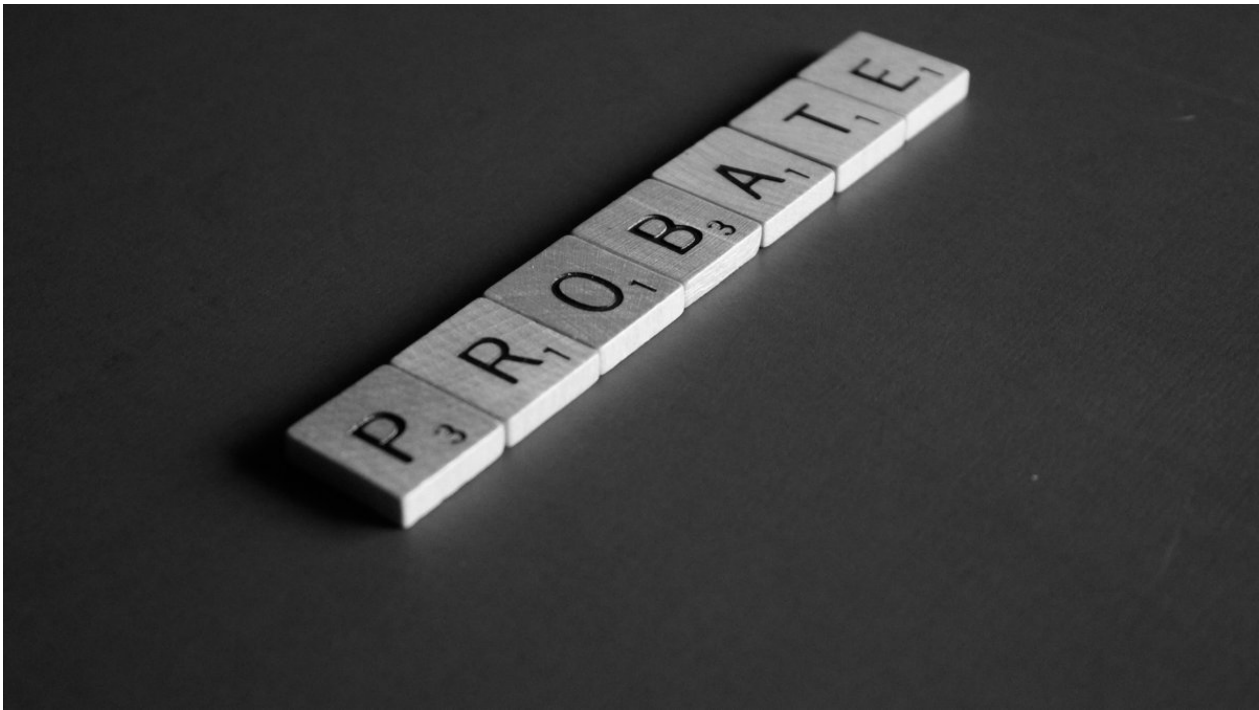
### **1. You decide who gets what, rather than leaving it in the hands of the provincial government**

Your will enables you to control how and when your assets are transferred to your loved ones. If you don't have a valid will (this is known as dying "intestate"), your assets will be distributed according to Alberta's legislative formula. And that formula might be very different from what you would have wanted.

### **2. You decide who handles your affairs**

The personal representative named in your will – also known as the executor – is the person or trust company who manages and administers your estate when you die. Among many tasks, your executor is responsible for making funeral arrangements, running your professional corporation, dealing with patient files or records, locating and protecting your assets, valuing and distributing your assets to your beneficiaries, filing all income tax returns for your estate and obtaining clearance certificates from the Canada Revenue Agency.

If you do not have a will or have not named a personal representative who is prepared to act, it generally will take longer to administer your estate. If no relative or other eligible person steps forward to take on the task, then the court will appoint the Public Trustee to be the administrator.



It can take between six-to-nine months for your executor to obtain probate so that they are able to complete transactions on your personally owned accounts (photo credit: Melinda Gimpel, unsplash.com).

### **3. You can leave specifics about how your family is looked after**

Without a valid will, you have no control over how assets are distributed to your family or how estate money is managed. For example, in your will you can create trusts for your children so that funds are held for their benefit until they are mature enough or experienced enough to decide what to do with the money. Without these trusts in your will, your children will receive all the estate money as soon as they become legal adults – whether they're ready to deal with it or not.

It is also important to consider who should be responsible for the care of any children who are minors. Your will is the ideal place to express who you believe is best for that important task, and a great way to ensure the duties and responsibilities of the guardian (s), personal representative and trustee are all aligned in the best interests of your children.

Grandparents, step-parents, adult siblings, other adult family members, and adults who aren't family members are all eligible to apply as guardian of your children, even if you named someone in your will. It is up to the court to choose a guardian from among the applicants. If you didn't name a guardian in your will, the court has no way of knowing what your wishes were.

### **4. There might be others you want to provide for**

If you have elderly parents you are caring for or family members with special needs, you won't be able to properly provide for them or plan for their care without specific instructions in your will. Also, if there are charitable organizations, friends or other family members to whom you want to leave money, assets or heirlooms, then you need to do this in a valid will.

## 5. You leave more for your beneficiaries

Upon your death, all your personally owned accounts will be frozen by the financial institution, meaning that no one can write cheques or pay bills from such accounts. There may be a couple of exceptions (depending upon the financial institution) such as paying for your funeral and paying your outstanding taxes to the CRA. It can take between six-to-nine months for your executor to obtain probate so that they are able to complete transactions on your personally owned accounts. Having a current will and naming a personal representative in your will avoids unnecessary costs, delays and possible declines in the value of your assets.

Taking the time to prepare a will goes a long way toward ensuring your assets are distributed in the way you wish – and it will certainly minimize the burden on your loved ones after you pass away.

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