

THE IMPORTANCE OF BEING TESTATE

Recently, we have had to deal with a situation that could have been avoided just by our client taking the time to check and update his will.

Our client had been married and had a will. His will left everything to his wife, but if she did not take her share under the will then everything was left equally to his own parents and to his wife's parents.

Unfortunately, after making his will our client got divorced. His wife lost her rights under the will. Then, his mother, father and father-in-law all died. Then he died. He had no children.

The net result was that his mother-in-law received his entire estate!

Needless to say our client's brothers and sisters are not too happy, but they have very little to go on under the law as it stands today.

We are sure that had our client come to see us and reviewed his affairs and made a new will he would not have wanted his mother-in-law and eventually, probably his ex-wife to receive his estate.

This situation has led to an understandable bitterness in the hearts and minds of our client's family and it is a situation that could easily have been avoided.

Your will should be reviewed regularly. At least every 3 years or so and certainly each time a major event occurs in your life.

Marriage, for example, has the effect of revoking a will. Dissolution of marriage revokes any gift made to a spouse in a will but leaves the balance of the will intact. The Property (Relationships) Act also affects the way some wills are interpreted upon the death of a spouse.

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You should also review your will when other major events happen in your life. For example, the birth of children, the death of close relatives or other major changes in circumstances such as buying a new home, or transferring property to a trust etc.

LawWorks is able to assist all of our clients in reviewing and renewing their wills.

For more information, contact LawWorks at the below address.