

DIVIDING MOTHER'S DAY

If you die without a will, and leave a spouse and children surviving you, Ontario law will give your spouse the first \$200,000 and the rest of the estate will be divided between your spouse and your children. If you have only one child, your spouse will get one half of the rest. If you have more than one child, your spouse will get one third and the children will share the other two thirds equally between them.

This story is about a father who died without a will, leaving his wife and two adult sons. This set in motion a series of events which, in the end, tore his family apart.

Jeanne came to speak to us about her husband's estate. Her husband left no will. As we began to talk about his estate, she broke down. She said that her husband's death had "unleashed a tidal wave of sorrow." Not only had she lost her husband, but his death and his failure to do a will tore apart the bond between her two sons, who had always been close right up to when their father passed away. Jeanne then explained what drove her sons apart.

After her husband's funeral, while Jeanne's older son drove to her house in his car, Jeanne was being driven home separately by her younger son. As he was driving her home, with just the two of them in his car, he told her that even though, under inheritance laws, he was entitled to a part of his father's estate, his father would have wanted Jeanne to have a comfortable life. He told Jeanne that she had always been a loving mother, and, therefore, he was turning over his entire share of the estate to her. He expected his brother to do the same because he was sure that his brother felt the same way about her.

The three of them met at Jeanne's house. When they later sat down for dinner, Jeanne's younger son repeated his wish for their mother to receive the entire estate. Surprisingly, his older brother hotly rejected that suggestion, and said that as far as he was concerned, he was entitled to what the law provided to him as a son. He went on to say that he intended to get everything he was entitled to, and, furthermore, he expected to get his share as soon as the law allowed. He also said that he was going into the house to take his share of what he felt Dad had left for him and would take his share of the gold coins and silverware. He also said to his brother that he should mind his own business.

The brothers could not have had more differing attitudes. One son wanted to protect Mom's financial position, and the other son wanted his share of Dad's money and household things. The friction between them could not be resolved by Mom or by any other family member. Before long, they stopped talking to one another. After that, Jeanne's younger son told her that he wanted nothing to do with his greedy, selfish brother. He said that he was so upset with his brother that he would only visit Mom when he knew that his brother wasn't going to be in the house.

Jeanne said that she loved both of her sons and understood the way each of them felt. Her older son felt he was doing what he was entitled to do, and her younger son felt that he was doing what he ought to do. She then told me what she expected to happen on the next Mother's Day. She said that the first part of Mother's Day would be for one son, and the rest would be for the other. She decided to do this because her younger son had already told her that next Mother's Day, she should call him to come over as soon as his brother leaves the house. She sobbed, "I'll never see my two children together again, and the next time my boys will be together will probably be at my funeral."

If you do not have a will and are not sure where to start, I offer a free Will consultation. If you wish to contact me to make a **free Will consultation appointment**, you can call my office 905-881-1500. I am a Wills Lawyer with the law firm of Fish and Associates, 7951 Yonge Street, (Yonge -North of Steeles) Thornhill, Ontario. We are located in a turn of the century home with plenty of free parking. You can also email me at les@leskotzer.com.

I am a regular guest on the Barb Di Giulio show on Newstalk 1010. I have also been a guest on the Marilyn Denis show and on CTV news, CNN and Fox. I was awarded the Queen Elizabeth II Diamond Jubilee medal for my work in wills and for educating the public on this important topic.

If you wish to learn more about Wills, Powers of Attorney and family inheritance battles, you can visit my website leskotzer.com to watch my free online Will planning seminar. In the seminar, I share tips, strategies and stories from inside my world of Wills and Estates.

The Wills Lawyer
Les Kotzer



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