Documents Personal Representatives need to give Lawyer by Douglas A.S. Paterson, Q.C.

When a person dies, especially suddenly, there is often much confusion and uncertainty amongst family and friends. This condition is often reflected in the fact that the deceased's important papers are none existent or poorly organized. Bad feelings amongst relatives often rise where the deceased never had a Will and Power of Attorney or never kept close relatives up to date on where these documents are located. In these situations, distrust and suspicion between family and friends are common.

So – anyone over 18 years should have a valid, reasonably current Will and Power of Attorney. Upon death the Power of Attorney is void and the Will then applies. The executor/executrix named must then act to gather all assets, pay all debts, and then follow the Will to distribute the net assets.

The problem arises, in many cases, where the executor and estate solicitor have to do a lot of scratching for information and detective work to locate important documents. This often takes time and money that, with a little foresight and planning, can be avoided. In other words, people who make Powers of Attorney and Wills should be considerate of their attorneys and executors and fought to take the next step to organize their papers and assets.

Firstly, ensure your Will and Power of Attorney are either in your solicitor's safe, your home safe, or your bank's safety deposit box. Tell your Power of Attorney and executor where they are.

Keep your last two Income Tax Returns easily available for use by your executor, as well as bank passbooks and statements, life insurance policies, shares certificates, pension information and the like.

Safety deposit box keys and Canada Savings Bond information should also be readily available to your personal representatives. House or apartment lease documents should also be handy. House or apartment insurance policies and vehicle insurance and registrations also are needed by your personal representatives should the need arise.

At least once a year a person is wise to write out a list of all assets (of whatever kind) and where they can be located. If the list of beneficiaries of your estate is more than 3 or 4, write a list of the beneficiaries with their full contact information for use by your representatives.

Assume the worst will happen soon, get organized and properly planned. Your Power of Attorney or executor will have a much easier task!

I, along with other local practicing lawyers, have noticed a spike in major estate issues arising when a person dies. Most issues of this nature are caused by the deceased not being organized with his/her affairs. The typical scenario includes not knowing what assets are where. Also, the deceased may have included some but not all children when obtaining a new Will and Power of Attorney or changing their Will and Power of Attorney. This creates suspicion and feuding between the surviving children.

As well, sometimes people write more than one Will and forget about the later one(s) and refer to the earlier one(s). This can create chaos.

Some people, thankfully a small minority, view Wills and legal matters the same way some view needles or airplane trips – they are horrified. People with this fear usually do not have Wills. Pity.