



## What Happens if You Don't Have an Estate Plan?

- 1 Single or Common Law or Legally Divorced.** If you are single at the date of your death, your estate will be transferred to your closest living relative. Your closest living relative in order is your children, parents, siblings, etc. *A common law spouse inherits nothing.* You are not legally divorced until a certificate of divorce is issued.
- 2 Married without Children.** If you are married and have no children at the date of your death, your spouse inherits 100% of your estate.
- 3 Married with Children.** If you are married and have one or more children at the date of your death, your estate is shared between your spouse and children.
- 4 Separated.** If you are separated but not legally divorced at the date of your death, you will be *treated as if you are married* and the distribution outlined in #2 and #3 above will apply.
- 5 Minor Children.** If you have minor children at the time you pass away, the public trustee must become involved and will hold the assets of your estate in trust for your child until they are 19. *You have no input or control over who becomes the guardian of your children.*
- 6 Executor/Administrator.** Probate Act governs who is appointed as administrator. The first priority is given to the Spouse and Children, if resident in the province. The second priority is given to anyone else resident in the province and entitled to share under the Intestate Succession Act. The third priority is given to the Public Trustee. Last priority is given to anyone not resident in the province and entitled to share under the Intestate Succession Act.
- 7 Power of Attorney.** If there is no Power of Attorney executed, someone will have to apply to the supreme court for an order to manage your money and property. It is a costly process and can only be done for incapacitated individuals.
- 8 Personal Care Directive.** If there is no Personal Care Directive executed, there is legislation which sets out who will make the decision. Your closest living relative will be entitled to become the decision maker. There is no flexibility. A common law partner is considered a spouse.

*Our approach to estate planning is to ensure that we understand all of the variables that may affect your estate planning, including assets, liabilities, family structure and family members not included in the estate.*