

Nails, Paint and Wills

I have been a wills lawyer with Fish and Associates since 1989. Before I became a lawyer, I worked in my family hardware store on Eglinton Avenue. I worked there in my teen years and in my early twenties together with my late father Jack and my late brother Joel. I have wonderful memories of people coming into buy items for their cherished family home. We knew most of our customers and their children by name. Our little store was a place where parents would come in with their children, share stories and make sure that the family home was well cared for with fertilizer, grass seed, paint, brass and silver cleaner etc. Looking back, it now seems like something out of a movie, something too perfect to last. When I became a wills lawyer, I saw a different side of life. Families fighting over inheritance, siblings not talking to each other and greed galore. I've heard comments like "next time you speak to my brother, please tell him how much I hate him or don't refer to her as my sister, please call her my mother's other child."

One story brings it all to light. After my brother passed away in 2012, I had to close down my beloved hardware store. It broke my heart that this store, that had been started by my father in 1955 would now be nothing but four walls. As I was cleaning out the store, I noticed a man walking by who I had not seen since I worked there back in the early eighties. I remembered his father and his mother. They had been loyal customers of our store. It seemed that every weekend they were in our store buying something for their family home. I remember how proud they were of their children's accomplishments and how lovingly they talked about their family. My late dad always talked about that family like the Cleavers on Leave It To Beaver. In other words, they were the "perfect family." I ran out of the store to talk to this gentleman who was now in his mid fifties. When I asked him how his dad was, he said that his dad had passed away a few years ago and that his mom had recently passed away. When I said I'm sorry, he thanked me. When I asked how his siblings were doing, he said "I don't know, I hate them. I never see them. I just talk to them through lawyers. They are disgusting!" He said they

were fighting over the house. All of a sudden, I felt a chill. To his parents, it was a cherished family home, but, to him it was just a house, an asset worth money, I think his parents would be shocked to know that the home that they filled with love had become a cold hard asset. I think they would also be devastated to know that their children are fighting each other and will probably never speak to each other again.

In my wills practice, I hear about so many families being destroyed, often, over so little. For years I have appeared as a call in guest on radio and tv shows across North America. You can watch my CNN segment on www.leskotzer.com. Some of the calls I have received over the years are shocking. You would think that the hate I heard over the radio was directed at mortal enemies, but in fact, it was directed at siblings, children, parents and other family members. I often say that I think I've heard it all, until I get the next call.

From my experience as a wills lawyer since 1989 here are some suggestions that may help you and your family:

1. Firstly, it is important to make a will that sets out your wishes. Without a will, the law decides who inherits your assets. Your child who is your caregiver gets no more than the child who hasn't seen you in twenty years. Furthermore, without a will, there is no executor in place to look after your estate immediately upon your death. In future columns, I will discuss what happens to your estate, if you pass away without a will.
2. Make sure you review your will on an on going basis to make sure that it is up to date and not a recipe for a family battle. Your will should be a living, breathing document that reflects your current life situation. In my practice, I do free will reviews, and I am shocked that so many people come in with wills that have not been looked at since the 60's, 70's and 80's. Some of these wills have executors that have long passed, assets named in the will that no longer exist and children that were born after the date of the will that were not named in the will. These are only a few of the problems I have found in the wills that I have reviewed.
3. Don't assume that your children will work it all out when you pass away. If

The Wills Lawyer



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you don't plan properly your children may have to hire their own lawyers or a judge might have to decide the issue. This can be expensive and may lead to your children never talking to each other again.

As well as being a wills lawyer, I am also a professional songwriter. My song Photos In A Drawer can be heard on radio across Canada. I also wrote a song entitled the Family Fight song based on my experience in this area of the law. Here are some lines from the song. If you wish to hear this song or others I have written, you can visit my songwriting wills lawyer website www.touchyourheartsongs.com.

We're dividing all of mother's things
Deciding on her rugs and rings
I can't believe what's
happening tonight
We're in a family fight

Can't split a painting on the
wall or share a table in the hall
I never dreamt that we could fall apart
It would break our mother's heart

Tonight
We're in a family fight
As kids we'd talk away
the night But now
We're in a family fight

I never thought that I would see
these winds destroy our family tree

As mentioned, I would be pleased to review your will for free to make sure it is up to date and not a recipe for a family nightmare.

If you do not have a will and are not sure where to start, our law firm offers a free will consultation. To arrange for a free will review or free will consultation appointment, you can call 905-881-1500 or you can email me leskotzer@familyfight.com or my daughter Michelle Kotzer who is also a wills lawyer with our firm at mkotzer@fishlaw.ca.

To contact Fish & Associates for a free will consultation or free review of your existing will and powers of attorney, call 905-881-1500 or visit thewillslawyers.com or willappointment.com
Contact Les Kotzer at les@leskotzer.com or Michelle Kotzer at mkotzer@fishlaw.ca.