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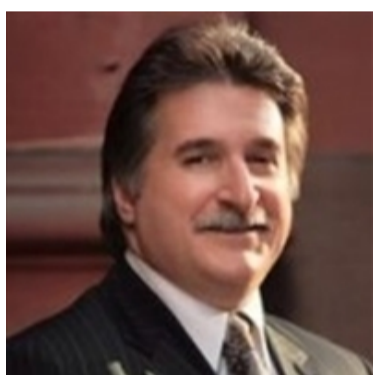
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Estates & Wills & Trusts

# Details are essential when it comes to writing a will

By Tony Poland, AdvocateDaily.com Associate Editor



It's not enough to simply make a will if you fail to provide specifics of your last wishes, says Toronto-area estates litigator and mediator [Charles B. Ticker](#).

Ticker, who practises estates litigation and mediation with [Charles B. Ticker Law Office](#), says those who use vague language in a will — whether they write it themselves or with the assistance of a lawyer — take the chance that it could be misinterpreted, leaving the courts to decide how to distribute your estate.

“If you want to ensure that your wishes are going to be complied with, you have to be specific,” he tells [AdvocateDaily.com](#). “Have a checklist and go through real estate holdings, personal effects, and things such as motor vehicles and boats.”

Even the words you use can be important, he says. He uses the example of a person who left his “home” in his will to his daughters and the “residue” of his estate to his brother.

Problems then arose with the will because the daughters believed their father meant the house, garage, and all the contents associated with them. The brother believed “home” meant just the house.

In the end, it was left to a judge to interpret the meaning, and he ruled the home included all the contents, including the garage, based on the evidence he had at his disposal.

Whether the man's final wishes were actually carried out can only be left to interpretation, Ticker says.

“We don't know, and he's not there to tell us,” he says.

“The judge in this [case](#), whose decision was affirmed on appeal, said the home is everything that goes with the house,” says Ticker. “I guess if there would have been stronger extrinsic evidence it may have ended differently.

“These cases can go both ways, so it underscores the need to be pretty specific.”

Plus, applications to interpret a will cost money that could come out of the estate, he says.

Ticker says it's always better to take the time and be detailed. He says he had one client who had a collection of china teacups. Rather than just advising her executor to distribute the cups to her beneficiaries, she laid out exactly who got which cup.

On the other hand, he says, being vague can lead to confusion.

“For example, someone's will says, ‘I give X the contents of my house, and I leave Y my cash,’ and there's a strongbox found inside the house with cash in it. Is that part of the contents?”

Accounting for all your assets — including the contents of the house and how you want it dispersed — is the only way to ensure your final wishes are met, Ticker advises.

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"The takeaway is to be as specific as possible," he says.

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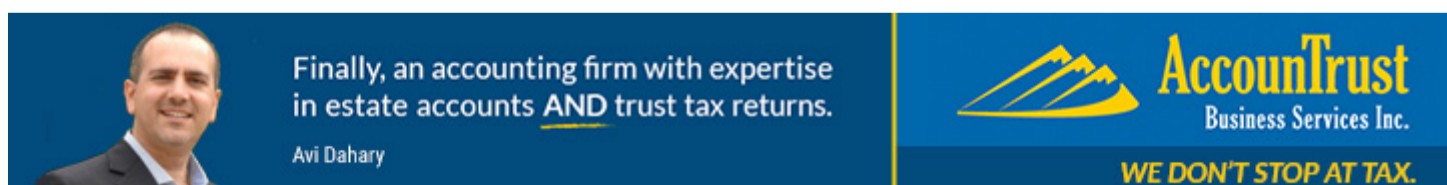
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