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Last Will and Testament (British Columbia)

DISCLAIMER: Please note that the information provided in this DL Guide is NOT legal advice and is provided for educational purposes only. Laws are subject to change quickly and without notice. This DL Guide may be outdated. You are always advised to consult with a lawyer to draft a Will in British Columbia, Canada.

Last Updated: November 2011

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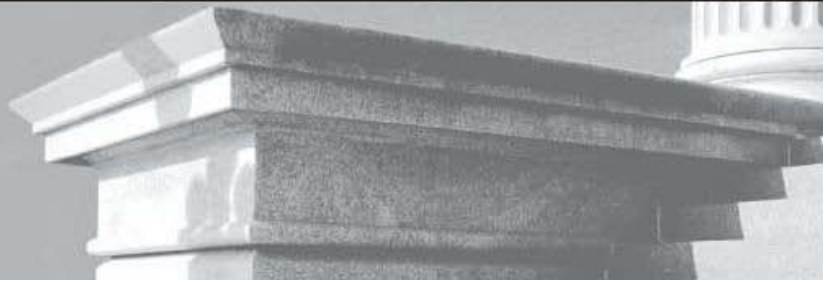


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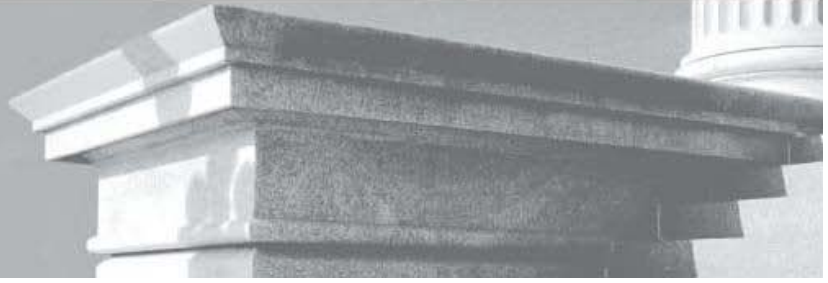
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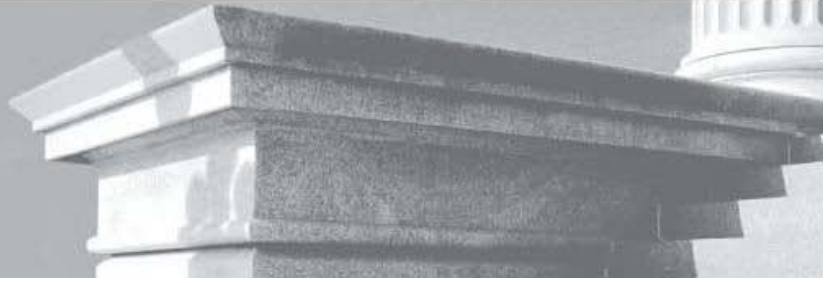
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Introduction

You've heard it many times. You need a Will! But what is a Will and why do you need one? What legal surprises (and headaches) await your loved ones if you don't have one? Is a lawyer required to draft or witness a Will? What about International Wills? What are some of the standard clauses that you'll find in a Will? These and other questions are common, but not always answered. Sometimes, a lack or absence of communication can result in costly mistakes and even litigation. This DL Guide will help shed some valuable insight into these and other questions that may come to mind when you're getting serious about dealing with Wills in British Columbia.

What is a Will?

A "**Will**" (also referred to as a "**Last Will and Testament**") is a legal statement of a person's wishes concerning the disposal of his or her property after death. In the Will, the person who makes it (called a "**Testator**" if they are a man or a "**Testatrix**" if they are a woman) names another person (called an "**Executor**") to be responsible for administering their estate when they die. A Will also allows a Testator / Testatrix to appoint a "**Guardian**" for their minor children (i.e. under 19 years old) and "**Custodian**" of their property: section 50(1) of the *Infants Act*, R.S.B.C. 1996, c. 223.

Note: "**Guardianship**" is best thought of as parenting. It basically deals with the right a person has to play a full and active role in a child's life. This may involve making decisions on behalf of, and being responsible for, the child with respect to things like: food, clothing, shelter, education, health care, and discipline.

Now, according to section 1(1) of the *Wills Act*, R.S.B.C. 1996, c. 489, a Will also includes a "**Codicil**". A "**Codicil**" is a document that cancels certain parts of your Will or adds new parts to it and which must be read together with your Will as one document. It's important to note that, a Will on speaks from death; in other words, it only takes effect once you die. This can have significant implications, for example, if you make a gift of property in your Will but then sell that property before you die!

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