



Where There Is a Will, There Is a Way – Round out your clients’ financial plans.

Advisor Series: Issue III

By Joseph Cseh – October 9, 2018

Opinions expressed in this article are solely that of the interviewer and interviewee.

Advisor Series is a series that involves interviewing various professionals about topics that benefit financial advisors and their clients. In this installment I speak with [John Sullivan](#) about why it is important that you ensure your clients have an up-to-date will.

Tell me a little about yourself.

I graduated from Queen’s University with a law degree in 2007. I went to University of Manitoba for my undergraduate degree in Criminology. I have been called the bar in Manitoba, Saskatchewan, Alberta, and Massachusetts. I currently run my own practice in Winnipeg, Manitoba.

Today I would like to discuss the importance of wills in an estate plan. A full financial plan includes an estate plan that goes beyond simply selling life insurance. What are some of the top reasons that people should have a will?

Let me list them off in no particular order:

1. Choose who inherits your assets. When a person passes away without a will, there are intestate succession laws that come into play. You no longer get to choose how your estate is divided up. Instead the government gets to decide.
2. Name an executor who will be in charge of carrying out your directions in the will and settling your estate.
3. If you have children, you may name guardians and outline the creation of trusts.
4. Mitigate challenges against your estate. Family members that are not really a part of your life may come into the picture and have a right to a part of your estate without a will.
5. It allows you to donate all or a portion of your assets to an organization or charity.

Are there any restrictions or pitfalls that people should know about before setting up a will?

One thing that surprises people when I discuss wills with married couples is that there's inherently a conflict between the spouses, as they are both my clients. All information I receive from each spouse must be shared with each other and I cannot keep secrets. This means that if the couple's wills are signed and one spouse contacts me later on to make changes to their individual will (without the knowledge or consent of the other spouse) I won't be able to make those changes.

How long does it typically take to complete a will? Let's consider a couple with two children and a primary residence. No corporations or assets overseas.

It really depends on the clients. It's my practice to give clients a wills checklist, which outlines the majority of issues that people should consider before providing me with their instructions for their wills. The faster a client can complete the checklist, the faster we can have a focused conversation about their wishes. If there are no complex clauses to draft, the will could be done the next day.

What are the common objections that you hear for people not having a will?

That they're young and don't need to have one until they're "old". They say that they have very few assets. That they have no dependants. They have no children.

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Obviously everyone does not have a will. Have you seen any bad situations where someone did not have a will?

Yes, I have seen one situation where one party accumulated a relatively large real estate portfolio and didn't have a will. The party was married, but most of his properties were owned by him individually and not jointly. The deceased had amassed a fair amount of wealth, but no one knew his wishes. He had a few children which caused infighting, amongst the family members, afterwards. Everyone thought they knew "Dad's wishes"; but because things were not properly planned out, it caused a lot of unnecessary family strife. Additionally, this party had various checking accounts for all of his rentals and no one knew what was going on with all of the properties. No one knew what rents had been collected, what rents had not been collected; and he had a lot of tenants. Anyways, it was a mess - you get the picture.

Completing a will does not take a long time to create but can save a lot of time and frustration. Ensuring your clients have a will and reviewing it annually is a "value add" service that a financial advisor can provide to their clients. While there is no direct compensation for the advisor, it does set you apart from your competition, it allows you to build a stronger relationship with your clients (and their children), and allows you to start a business relationship with a lawyer. Build a better brand and the referrals are sure to follow.

Connect on LinkedIn:

Joseph Cseh



John Sullivan



<http://sullivanlawoffice.ca/>