



# Family Law

CALL US - BEFORE  
YOUR EX DOES!



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LAWYER

## Q

I got divorced last year. While we were married, I and my ex-wife completed wills where each of us appointed each other as the executor of the estate and left pretty much everything to each other. In the will, I have bequeathed my car and my boat to my sister. I haven't changed my will. Will my ex-wife have a claim to my property if I pass away? I want to leave everything to my kids after I pass away.

## A

The short answer is 'No'. The *Succession Law Reform Act* provides that if there is a will and the couple get divorced, any bequests made to the ex-spouse are revoked. The will is read as if the ex-spouse had predeceased the person making the will. In simple terms, anything given to a spouse in a will before divorce gets revoked after the divorce is in effect. The law deals with this by pretending that your ex-spouse predeceased you and eliminates any provisions regarding that ex-spouse from the will. All the rest of the provisions in the will remain valid.

If you pass away without changing your will, your ex-wife will get nothing. However, the gift of the car and boat to your sister will remain valid. Given that you want to leave everything to your children, your best option is to promptly contact a Family Lawyer

and work with them to draft a new will incorporating your new wishes and preferences. If you fail to do this promptly, your children may face contested will proceedings after you pass away, which obviously you do not want. For help creating a new will, please contact:

Your friends at Shank Law.



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