



TIERNEY  
STAUFFER LLP  
LAWYERS

# Family Law

Issues in Law You Need To Know

## The Effects of Marriage, Separation and Divorce on Your Will

*We generally recommended that if you have a Will, you review it periodically to ensure that it remains relevant and continues to reflect your wishes. We also recommend that you consult with a lawyer if there has been a material change in circumstances since your will was executed. It is extremely important to follow this advice if you marry or if you separate or obtain a divorce from your spouse. These “material changes in circumstances” can have a significant impact on your Will and need to be reviewed with a lawyer.*

### **If you Marry, Your Existing Will will be Revoked**

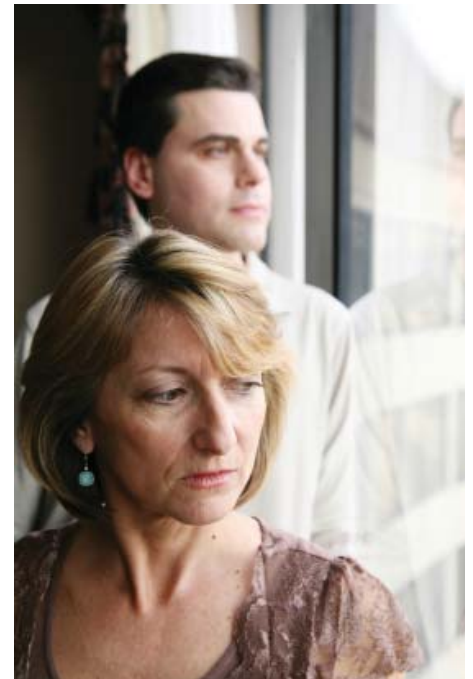
Upon your marriage, any Will that was executed prior to your marriage is automatically revoked pursuant to the Succession Law Reform Act. There are 3 exceptions to this rule, the most important being if there is a declaration in the Will that it was made in contemplation of the marriage.

If your will does not fit into any of the 3 exceptions, you will have to have a new Will executed after your marriage otherwise upon your death, you will be deemed to die intestate and your estate will be distributed in accordance with the intestacy provisions of the Succession Law Reform Act.

### **If you Separate, Your Existing Will will not be Affected**

If you separate from your spouse, your Will will not be affected. It will remain valid and your estate will be distributed in accordance with its terms even if your former spouse is the beneficiary of your estate.

It is our experience that upon separation, most clients do not want to benefit their former spouse. As such, it is important for an individual who has separated to meet with his/her lawyer to review their will and determine if a new Will



needs to be executed.

### **If you are Divorced, the Interpretation of Your Will will be Affected**

If you obtain a divorce from your spouse, your Will remains valid, however, its interpretation will be affected by the terms of the

### Succession Law Reform Act.

Pursuant to the legislation, any gift to your former spouse or an appointment of your former spouse as executor or trustee will be revoked and your will shall be construed as if your former spouse had pre-deceased you.

As such, it is also important for an individual who has obtained a divorce to meet with his/her lawyer to review their Will and determine if a new will needs to be executed.

If you have any questions regarding any of these issues, we

would invite you to contact us in order that we can set up a time to meet and discuss your questions.

David Sinclair  
Senior Associate  
Tierney Stauffer LLP

### Tierney Stauffer LLP - Family Law Practice Group

Our family law lawyers have extensive experience in advising and representing clients in all areas of family law. Our lawyers are dedicated to assisting our clients in a cost-effective and timely manner. We also recognize the emotional impact which these matters may have and thus we pride ourselves in our client-focused approach.

We believe that a negotiated settlement, obtained either through negotiation or mediation, often results in the best and most cost-effective resolution for our clients. However, if such a settlement is not possible, we are strong advocates and we are very capable and willing to represent our clients successfully in court.

We offer a broad range of services including the following:

- Arbitration
- Child Custody and Access
- Child Support
- Collaborative Family Law
- Divorce
- Marriage Contracts and Cohabitation Agreements
- Mediation
- Property Division
- Separation Agreements
- Spousal Support

We invite you to contact our department to discuss any questions that you may have.

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#### PRACTICE SUMMARY:

David joined Tierney Stauffer LLP in 2001 as an Associate in the Family Law Practice Group. In 2007, he was appointed as the Head of the Family Law Practice Group. David practices in the areas of family law, civil litigation, and estate planning and administration. David has also completed the Collaborative Family Law Training and will be practicing in this area of law in the Fall of 2008. He has extensive experience in resolving all of the issues that arise out of a breakdown of a marriage or relationship, including custody, child support, spousal support, property division, as well as drafting and negotiating domestic contracts such as marriage contracts, cohabitation agreements, or separation agreements.