

The Just Word Podcast

Transcript of Episode 32: Wills Are Important!

Guest: Erin Bury

Pat Bolland 00:01

Erin, a real pleasure to meet you,

Erin Bury 00:03

Pat, thanks so much for having me on the podcast

Pat Bolland 00:05

Priorities first. You recently had a child, how's it going?

Erin Bury 00:10

Yes, I have an almost five month old. And it's been going very, very well. I was mentioning to before we hit record that my husband is taking parental leave. So I am happy to be back at work. And yeah, getting some sleep, which is the important part.

Pat Bolland 00:25

Yes, absolutely true. And now you have somebody to line up for your own personal will. So let's start with the basics. How many Canadians actually have a will?

Erin Bury 00:37

While Pat, for everyone listening to this podcast, I would bet two out of every three people do not have a will. The stats say about 57% of Canadian adults don't have a will. And even of those who do. It's treated as a very set-it-and-forget-it thing. So about one in 10 are out of date. And so that equals majority of Canadians who have not taken this important step,

Pat Bolland 00:58

I kind of thought that, I got that sense of things, how important then is it to have a will What if you die without a will? What happens?

Erin Bury 01:07

Great question, I think there's a lot of misconceptions about it, you know that I don't need to get a will until I'm rich, or until I'm old or I don't need one at all, because things would just go to the people that I love. And in actuality, every province has a formula that distributes your assets if you pass away without a will. So you might end up with assets that go to that sibling that you don't talk to or you know, to that random cousin that you don't hang out with often. And if you don't have a will, it also means that the courts are going to have to appoint an executor to wrap up your estate or guardians for any minor children. So really having a will just puts you in the driver's seat and it gives your family a blueprint they can follow. You know, we founded Willful, my husband and I, because his uncle passed away unexpectedly. And he had never discussed things like where he wanted a ceremony to be held, you

know, burial versus cremation, where the important paperwork was stored. And so our family was scrambling at a time when we really should have been grieving and celebrating his life. So that really became our mission to help empower everyone to have these conversations and to have the plans in place that will make it easy for their family when the time comes.

Pat Bolland 02:16

Okay, so then you put together Willful, which is online wills, my guess at the beginning. Why did you go online, number one, number two, when you know, you speak to it yourself, it was a relationship that gotcha into this business. Relationships are complex. Wills can be complex, too. So does online cure that?

Erin Bury 02:39

Great question. So I think when people think of wills, they naturally think of going to an estate lawyer. And that's absolutely a great fit for anybody who wants to get that one on one legal advice, or who does have some complexity to their situation, you know, blended families or they have, you know, property outside of Canada, there's a bunch of different scenarios that might require you to want to work with a lawyer. Online wills, think of them like TurboTax for taxes, if you have a pretty simple tax situation, you don't necessarily need to be spending \$3,000 with an accountant. TurboTax is going to fit your needs, it's going to guide you through a bunch of questions, it's going to file your taxes for you. So you don't have to worry about it. That's very similar to Willful, we guide you through a series of questions. There's no legal jargon, we educate you along the way, provide support from our team. And then we generate a set of documents that you can then print and execute on on your own, because unfortunately, you do have to print a will in 2022. And so the idea is we're just kind of saving you time, saving you money. But we see ourselves as a complement to lawyers, not as a replacement for them.

Pat Bolland 03:46

Okay, so then how legal are they? Can they be contested, because they're not in person, as you point out? And nor I guess, are they witnessed? Anybody can make anything up? Couldn't they?

Erin Bury 04:00

Well, it's a great question. So actually, every will that's created has to be witnessed and executed in person. So if you create a will on Willful in Ontario, let's say, we're going to give you a set of PDF documents that you can then print out, we give you an instructions page that tells you who can be a witness, but you actually have to get together with two people, you can do that virtually now because of COVID, or in person. And those witnesses are going to verify that you are who you say you are, so nobody's going to be able to create that will for you. And they're going to actually witness that, so if there's ever any questions down the line, your witnesses can attest that yes, it was Pat who created the will and I saw him sign it I was in the room with him. So that really does help to mitigate any of those questions. Do you have to go through those steps to make it legal just a PDF document that we provide you is not a legal will until you've taken those steps. And really any will Pat can be contested in court ... anyone can come out of the woodwork and say you know Aunt Jane just passed away, Aunt Jane actually promised me her fortune. But it's up to the person who's making a claim against the will to provide evidence of that. So anyone can come out of the woodwork and say Aunt Jane left me a million dollars and, you know, I should get my money ... I have to prove, you know, that there was a

conversation or evidence that Aunt Jane really did want to leave that to me. So any will, regardless of how it's created can have a claim brought against it in court. And really the will speaks for itself. It is a reflection of your intentions. And if you know you didn't leave anything to the nephew, then there it's up to them to provide evidence otherwise,

Pat Bolland 05:37

Yeah, I think I'd leave it to all my nephews, I love them all. It go to my kids first, I think Erin. Okay, so then does it matter what province, or even state, I might live or invest in. So let's say I live in Quebec, does Willful work? Do all online wills work in Quebec, Ontario, and across the country? Number one, and then I guess, if I have property in Florida, you know, does that make an impact to the online will?

Erin Bury 06:05

Great question. So the short answer is yes. There are different rules in every state and province that govern how wills need to be made and what the documents are even called, especially when it comes to power of attorney documents. So you should be making a will in the province or state where you reside. So if you live in Ontario, you should be creating a will in Ontario. On Willful, we are active in eight provinces across Canada, including a fully bilingual offering in Quebec. So you know, if you're Canadian listening to this, you can probably get your will done on Willful. If you're in the US, we actually have a partnership with a company called Trust and Will which is essentially like the Willful for the US. And they're active in every state. Your question about assets or property ... if you own assets, so not land, not a home, just assets like investments, you can create a will in your province of residence, and it covers assets that are owned outside of your province or country. If you own property in another place like Florida, for example, my dad is a snowbird he's down there in Florida in his house, you can absolutely just use Willful. You can create a secondary will in that location to speed up the probate process after you pass away. I'm not going to get too into the details. But we do have some resources maybe we can link to in the show notes that can provide some further answers on that. But the short answer is, yes. The law differs by by state or province. But yes, you can use an online Well, if you have assets in other provinces or countries.

Pat Bolland 07:34

Okay. You mentioned the power of attorney. Now I'm going to come back to that because I do want to in, you know, when you create a will, I assume because it's online, it's there forever. But can you change it forever?

Erin Bury 07:48

Yeah, it's a great question. I mean, you can and should update your will as your life changes. So you use the example of me, you know, I had a will before having a child. But once I had my daughter, I actually updated my will. I added a guardian who would take care of her in case my husband and I passed away. I added her as a beneficiary because, like you, I want to make sure that I'm leaving my kids something if I pass away. So I went on to Willful and I made those changes. And then what I had to do was reprint and execute the will. So again, you have to take those steps to make it legal. Anytime you create a new will. And this is not just here on Willful, anytime you create a new will, Canadian law says that the previous version is revoked. So I just destroyed those older versions, I made sure that the new one was, you know, put in the file folder. And I also made sure to tell my executor, my family

members where it's located, because that's the big tricky part is how do they actually find that physical copy after you pass away?

Pat Bolland 08:45

Oh, they have to actually have a physical copy. Your online copy doesn't work in the courts.

Erin Bury 08:51

No, unfortunately, BC British Columbia is the only province where digital wills are legal. So if you create a will with Willful in BC, you can sign it digitally. You can store it online. But in every other province, you have to have a physical will with physical wet signatures on it. So I'm hoping that the laws change to catch up with technology because we can do so many other things online but a will is still one of those holdouts where it has to be on paper.

Pat Bolland 09:18

Wow, that's a shame. You mentioned power of attorney. And I do want to talk about that because people don't think of power of attorneys for all kinds of different reasons. Even less than I think wills there may not be aware of him. Let's explain what a power of attorney is. Number one, that's the easy part and then how you do that online.

Erin Bury 09:38

Absolutely. So it's pretty simple a will comes into effect when you pass away. Power of Attorney comes into effect when you're still alive but you're incapacitated due to illness or injury. So it's not a fun one to think about. This is the ... if I were in a coma, if I were severely injured if I got dementia, you know who would be able to take care of my financial affairs and my health care ... and they're pretty simple documents, they essentially just say, I want so and so to be in charge of my finances or my health care decisions if I were to become incapacitated. So there are plans on Willful, that include these documents. And it's, it's actually takes way less time than the will because it's just that one question, Who do you want to take care of things in that event? And so with Willful, you can actually get all three documents ... two powers of attorney, one will for about \$149.

Pat Bolland 10:31

Okay, so power of attorney isn't necessarily a living will

Erin Bury 10:37

No, so you ... a power of ... well a power of attorney in Canada, it's not called a Living Will. In other countries like the US, you may hear terms like living will, essentially a power of attorney is saying .. If I'm still alive but can't make decisions, who's going to make these decisions? And what are those decisions? We just don't call it a living will in Canada?

Pat Bolland 10:57

Oh, okay.

Pat Bolland 10:58

Okay. So then this creating a will, online or otherwise, is all part of, in my mind at least, financial planning, tax planning and estate planning? How do you incorporate that? I mean, is Willful going to start doing that?

Erin Bury 10:58

Fun fact Pat...

Erin Bury 11:17

Well, it's a great point. And I really do see estate planning and wills as a key part of a financial plan, because we spend our entire lives trying to accumulate all of this wealth and these assets. But then we don't always spend a lot of time thinking about how we can pass those things on efficiently to our heirs. And so there are tax planning things you can do like donating to charity in your will or joint ownership of assets that can really minimize your tax bill upon death. So I think, you know, we should absolutely be thinking about things like creating asset lists for our executors or families to be able to know what assets we hold, we pass away. Things like discussing funeral and burial wishes, things like potentially setting up trusts, so Willful is absolutely getting into some of those things. We just launched an asset list feature which allows you to list out your investments for example, with Justwealth, your mortgages, your digital assets, like your Bitcoin so that your executor could know where those are located. And then we'll be looking to help with more fulsome funeral burial planning wishes as well in the in the near future.

Pat Bolland 12:20

Okay, so I want to finish on a little bit of a tip Aaron, if you had a will or a financial planner or a power of attorney, where would you hide it in your house? I'm kidding ...

Erin Bury 12:31

Well, listen, the funny thing is a lot of people put them in their freezer because the freezer is the most fireproof place where it wouldn't get damaged if there was a house fire but Pat it actually says to me, we really need to make digital wills a thing across the country because the most secure place in my mind is storing it in a dropbox folder or emailing it to my executor so that I never have to worry about that physical copy getting destroyed.

Pat Bolland 12:56

Totally agree and great to chat. Thank you so much.

Erin Bury 12:59

Thanks so much for having me Pat

Pat Bolland 13:01

Erin Bury, CEO of Willful