

BE PREPARED

If there is one lesson to be learned from the recent earthquakes it is that everyone should have a valid and up to date will, so that when the Grim Reaper calls all should be in order for those left behind. Death is no respecter of age or state of health in a disaster. We only need to look at who perished in the Tangiwai Rail disaster, Pike River, Strongman Mine and the Christchurch earthquake, all of which have happened in our own country in relatively recent times. Disasters happen on a reasonably regular basis.

Making a will must be a priority and a will should always be reviewed if circumstances change. Marriage revokes any will made by the bride or groom unless it was expressed to be effective whether the marriage took place or not. Conversely a dissolution of marriage does not automatically revoke the wills of the parties to the proceedings so anybody whose marriage is dissolved should review the provisions of their wills and make a new will. If someone has no will and no apparent relatives, their estate will ultimately be forfeited to the Crown.

For those who have Sky TV there is an English programme called “Heir Hunters”. Each week in England a list of persons who have died without leaving a will, is published with an approximate amount of the estate. There are a number of firms, the heir hunters, who spend time tracking down relatives of deceased people who have an estate worth administering. They enquire about the deceased’s relatives and piece together family trees very often producing a windfall for relatives who were unaware of the deceased or that they would inherit from the estate. The heir hunters claim a share of the estate as their fee for their investigations. We do not have a similar occupation in New Zealand as most people know someone who knew a deceased and who they were related to. In England the population is so large, it is easy to live anonymously and have little to do with relatives.

What is similar in New Zealand to the English system is that if someone dies without leaving a will and has no relatives to claim the estate, it will eventually go the Crown. This is hardly ideal and if someone doesn’t want to leave their estate to their relatives, charities would be only too glad to benefit.

This article has been prepared by Bessie Paterson, a Partner with Ronald Angland & Son Solicitors, who may be contacted on Tel: 03 349-4708 or e-mail bessie@anglands.co.nz.

Odocs/BessieArtMar11BePrepared