

The Butler Bulletin

Butler Wills and Estates

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There's a new tort in town

Just about everyone has gone on a rant about another person. We get upset, lose our temper, and the blabbering begins. It turns out that this is no longer just an annoying habit.

The Superior Court in Ontario has ruled that a new tort is now in effect, referred to as “public disclosure of private facts”. This sort of tort – or civil wrongdoing – has been around for ages in regards to business. Many companies and government agencies require that their employees sign non-disclosure agreements.

However, this kind of breach has never before applied to personal situations.

It isn't as simple as suing someone in civil court because they said something rude about you on Twitter. There are a few requirements that need to be met before a person can pursue a case.

For one, the information can't already be in the public domain. So if you post pictures of yourself on Facebook doing

a keg stand, you've put it out there yourself and it isn't a tort for your frenemy to share it. Also, it needs to be of a private nature.

Secondly, the info must have been shared with the intention that it would be kept secret. When someone says “keep this to yourself”, they mean it.

Lastly, there must be some sort of harm done to the person if the info about them were to be shared with the public, whether that harm is emotional or financial. Telling all of Instagram that your co-worker is an alcoholic, that your neighbor is having an affair, or sharing naked pictures of an ex all cause harm.

So before you share secrets that you've been told (or overheard) consider the consequences.

Question from A Reader

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In July's newsletter, we included an article about the most common mistakes people make when writing their own will. A reader emailed us asking a question about this. The question is if the executor can also be a beneficiary.

The answer is yes. Your executor, along with his/her family, can be beneficiaries under your will. The vast majority of people leave gifts to their families, and it is very common for people to choose family members to be their executors.

If you want the executor to be a beneficiary, he or she cannot sign as a witness. This will invalidate your gift.

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Is there something you saw in the newsletter you'd like to follow up on?

Send an email to chelsea@butlerwillsandestates.com

HOW DO I FIND OUT WHAT HAS HAPPENED WITH A PROBATE APPLICATION?

This is a question we're asked almost every week, by both executors and beneficiaries. When an estate requires probate or letters of administration, either the executor or a lawyer hired by the executor file a package of documents with the Supreme Court. But how do you find out what is happening with those documents?

We're also asked this question by family members who want to know what happened in estates that are already completed. Here is a step-by-step guide to finding your answers online.

Each application that is filed with the probate court is received, given a file number, and kept on record. These records are available to the public, and can now be viewed online at <http://www.court.nl.ca/supreme/>

Estates that are completed contain much more information than those that are in progress. To receive the information about completed estates, there is a \$20 charge. The information about cases that are in progress is free.

Estates that are in progress:

- I. Visit the Supreme Court website at <http://www.court.nl.ca/supreme/>
- II. Click the "General Division" tab on the top bar
- III. On the right you will see "Wills and Estates Searches and e-Filing". Click this link.
- IV. There is a menu on the left. Select "search registries".
- V. On this page there is a bar across the top. Choose "Search Notices and Caveats".
- VI. Enter the first and last name of the person you are looking for.
- VII. On the search results, select the one you are looking for to view the details. There are no fees to view the case number or info about the application.

Estates that are completed:

- I. Visit the Supreme Court website at <http://www.court.nl.ca/supreme/>
- II. Click the "General Division" tab on the top bar
- III. On the right you will see "Wills and Estates Searches and e-Filing". Click this link.
- IV. There is a menu on the left. Select "search registries".
- V. On this page there is a bar across the top. Choose "Search Estate Cases".
- VI. You do not need to login or create an account to continue.
- VII. For the delivery method, enter your own information. The quickest option is email.
- VIII. On the next page you can begin your search. Required information includes first and last name, and an approximate date of death. The search engine automatically searches within 5 years of the date entered.
- IX. View the search results. If the person you are looking for is not there, you can return to the previous page and search again with different criteria.
- X. Once you have found the person you are looking for, you are required to enter a credit card to have the information sent to you. There are several options for how much info you would like. You can choose to have all of the information sent to you for the same price as one piece of info. The charge will remain \$20.00.

LISTEN FOR US ON VOCM, WEEKDAYS @ 1:30!

We've added two new topics!

Being a Beneficiary

Being a beneficiary sounds simple enough - when someone passes, you receive part of their estate. This seminar covers the more in-depth definition of being a beneficiary - the different types of beneficiaries, the rights you have as a beneficiary, signing a Release, what happens if you are named as a beneficiary as well as the executor, and more.

Bulletproof Your Will

This one-hour seminar covers everything you need to know in order to have a "bulletproof" will. The topics discussed include tips for choosing an executor, how to avoid potential tax issues for property, giving away personal items, properly using a residue clause, and more.

Registration in advance is recommended, as space is limited.

WE HAVE A NEW KIT AVAILABLE!

Are you trying to deal with an estate where someone passed away without leaving a valid will? This kit contains everything you need to apply to the court to become the administrator of the estate, without hiring a lawyer.

The kit includes an 82-page printed guide with detailed instructions for completing the documents, full-size samples of all documents, and a flash drive with all of the documents to download and use.

This kit is ideal for:

- Letters of Administration where there is no will
- Letters of Administration CTA where there is a will that does not appoint an executor
- Letters of Administration DBN where a previous executor did not finish off the estate.

Visit www.butlerwillsandestates.com to order online.

WE'VE SET THE SEMINAR SCHEDULE FOR THE FALL!

SEPTEMBER

THURSDAY, SEPTEMBER 8 - EXECUTOR BOOT CAMP (2 HOURS)

THURSDAY, SEPTEMBER 22 - MOST COMMON QUESTIONS ABOUT PROBATE (90 MINUTES)

OCTOBER

THURSDAY, OCTOBER 6 - TOP 10 ESTATE PLANNING MISTAKES (75 MINUTES)

THURSDAY, OCTOBER 20 - BEING A BENEFICIARY (60 MINUTES)

NOVEMBER

THURSDAY, NOVEMBER 3 - EXECUTOR BOOT CAMP (2 HOURS)

THURSDAY, NOVEMBER 17 - TOP 10 ESTATE PLANNING MISTAKES (75 MINUTES)

DECEMBER

THURSDAY, DECEMBER 1 - BULLETPROOF YOUR WILL (60 MINUTES)

THURSDAY, DECEMBER 15 - TOP 10 ESTATE PLANNING MISTAKES (75 MINUTES)

ALL SEMINARS ARE HELD AT 6:00 PM IN OUR OFFICE AT 14 FORBES STREET. FEE INCLUDES A COPY OF THE MATERIALS AND REFRESHMENTS.



"May it please the court, I baked cookies."

Excerpt from Lynne's book "Cinderella's Trust Fund".

The following is a passage from chapter 7 of "Cinderella's Trust Fund", which re-tells the fairy tales we all know and love from the perspective of an estate planner. Along with the new versions of the tales, Lynne discusses topics such as executors, family fights, trusts, and more.

"Not long after their marriage, Beauty happily told Prince Beast that they were expecting their first child. He was overjoyed! Over the years, they had four lovely children together, none of which inherited the curse that had made the Prince into a monster.

Since Prince Beast had to travel a lot to rule his kingdom, and Beauty was very aware of the dangers that lurked in the woods, she insisted that they have wills made. They set up a trust for their children that would look after the children's vast wealth if Beauty and Prince Beast were to die while the children were young.

Do you know someone who would find this newsletter interesting, but doesn't use the internet? We are happy to mail a paper copy to anybody who would like to receive one.

DID YOU KNOW...?

We've added an online registration form to our website for our in-house seminars!

Now you can select which seminar you're interested in and book a seat at any time.

Also, you don't need to pay when you reserve a seat.

They could not count on anyone in Beauty's family to look after the trust, since her sisters were greedy and her father was clueless and weak. Beast had no family. In the end, they chose Cinderella's husband, the Handsome Prince, who had been at university with Prince Beast and was a reliable, smart person. Beauty and Prince Beast slept well at night, knowing they'd done everything they could to protect their children's futures."

Throughout August, when you purchase a copy of this book from our website you'll receive %15 off!

Enter code CINDERELLA15 at the checkout.

Please feel free to share this newsletter with others.

If you have any questions, comments, would like to suggest a topic, or to unsubscribe, please email us at chelsea@butlerwillsandestates.com