

# Editor's

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## Next Issue: Summer 2009 Insurance: Varieties and Applications



Our Cover Story Interview features Donna Cheeseman of BFL Canada, BC Notary Joan Letendre, and Minnie Loo of Marsh Canada. The theme articles will demystify various types of insurance!

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It may do so by applying the doctrine of conditional revocation and finding that the testator's intention to revoke the first Will was conditional on the new Will being an effective substitution for it. The court will apply this doctrine to avoid an intestacy and admit the previous Will into probate.

### Conclusion

We trust this article will give you some sense of the many pitfalls to be avoided in advising clients about making changes to their current Wills and the need for new Wills when they change their marital status.

It is particularly important to advise testators to safeguard their original Wills to avoid the presumption of revocation that arises when the original Will cannot be located. The Law Society of British Columbia cautions lawyers not to keep their clients' original Wills for safekeeping due to concern about potential liability, should the original Wills be lost.

Many testators seem to believe that the document that they possess is only a copy of the original and they often write intended changes to be made on the original Will.

Last, although it is not mandatory, all practitioners who prepare Wills should have them registered with the Director of Vital Statistics by filing a Wills notice for each Will or codicil that is executed. ▲

**Trevor Todd** restricts his practice to Wills, estates, and estate litigation. He has practised law for 33 years and is a past chair of the Wills and Trusts (Vancouver) Subsection, BC Branch of the Canadian Bar Association, and a past president of the Trial Lawyers Association of BC. Trevor frequently lectures to the Trial Lawyers, CLE, and the BC Notaries and also teaches estate law to new Notaries. His Website includes 30 articles on various topics of estate law.

**Judith Milliken** QC has practised law for 32 years in the areas of commercial law, criminal law, and most recently estate litigation. She practises estate litigation together with her husband Trevor Todd.

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