

Meet the Wills Lawyers

Protecting Families

Some of the most important decisions you make in life are, ironically, regarding your death. Writing a will is often put off because death isn't something most people want to talk about. But what you do - or don't do - to plan for it can mean the difference between having your loved ones taken care of when you are gone, or a possible family nightmare.

Fish & Associates law firm, located in the warm, relaxed atmosphere of a turn of the century home in the heart of Thornhill, has been providing wills, estate, and probate services for over 40 years. The firm consists of Barry Fish, who established the practice in 1973, Les Kotzer, who joined Barry in 1989 after graduating on the Dean's List from the University of Windsor Law School in 1987, and his daughter, Michelle Kotzer, also a University of Windsor Law graduate with a certificate in Elder Law from Osgoode Hall Law School, who came on board as a junior lawyer in 2015.

Fish & Associates is well known in the area of wills, estates, and probate law. Les and Michelle take care of drafting and preparing wills and powers of attorney, while Barry is responsible for estate administration, working with families after someone has died.

Before pursuing his dream of becoming a lawyer, Les ran Eglinton Paint and Hardware with his brother for five years. He believes his time managing a store benefited him when he began practicing law.

"It taught me how to deal with people," he says. "People often say they don't understand complex legal language and that can keep them from taking care of things they really need to do, like wills. I speak in plain language so clients can understand information which can take the fear out of will planning and help clients better understand the process."

His personable approach to wills and estate law and his focus on saving families garnered Les a Queen Elizabeth II Diamond Jubilee Medal and has made him one of the most media sought after wills lawyers in North America. He has appeared on CNN, CITY TV, and as a Canadian success story on CTV National news (watch his appearances on www.leskotzer.com). He has been a guest on a variety of radio shows, and currently is a regular call-in guest on Newstalk 1010. He has been featured in a number of print publications such as The National Post, The Toronto Star, The New York Times, Time, Newsweek, and Fortune.

When he isn't practicing law, Les is also a professional songwriter. "These Are Our Heroes" was part of a documentary that won the gold medal at the Houston Film Festival. You can hear some of his songs at www.touchyourheartsongs.com.

Les and Barry have co-authored four books from their experiences in wills, estate, and probate law, entitled "The Family Fight", "The Family War", "Where There's An Inheritance", and "The Wills Lawyers... Their Stories Of Money, Inheritance, Family, Greed, and Betrayal." (See www.thewillslawyers.com for book information and to watch Les and Barry read stories.)

"Many people don't realize the harsh realities of what can



happen if you die without a will. Basically, the government will write one for you," Les explains. "There is no executor to take care of your estate, no guardian to take your children and beneficiaries are determined by the law not by you."

FACTORS TO CONSIDER

It is important that your will be tailored to reflect your current life situation. There are many factors to take into consideration.

- Do you own shares in a private corporation such as a family business, medical or dental corporation etc.? Many people don't realize you can save probate tax by making a second will to cover your shares in a private corporation. If your corporation is worth one million dollars, having a secondary will can save approximately \$15,000 in probate tax. If it is worth more there will be more probate tax saved.
- Do you have a will but were recently married? Under Ontario law, marriage revokes your will.
- Do you have powers of attorney for health and property? Your will comes into effect when you die, but a proper power of attorney for property protects you while you are alive and keeps the government out of your financial affairs if you are unable to act for yourself due to illness or accident. (For more information go to www.powerofattorneyinfo.com)
- Are any of your beneficiaries collecting Ontario disability support from the government? Special provisions need to be made in your will setting up a proper trust or they could lose their government benefits when you die.



Barry Fish, Les Kotzer & Michelle Kotzer

If you have put off getting a will, Michelle stresses the importance of not holding out any longer especially if you have children. “If you and your spouse die together suddenly, who will raise your children There could be a battle between both

sets of grandparents,” she says. “I don’t understand how parents can sleep at night knowing that.” Having begun her legal career in estate litigation, Michelle witnessed firsthand the intense battles that can ensue between family members when proper wills are not in place.

Death is something many people aren’t comfortable facing, but planning for it now is the best way to ensure your wishes are fulfilled. After all, you should be the one to decide where your assets go.

Les recalls one story about a man who definitely made sure his assets were divided how he intended. “A woman called into one of my radio shows and explained how she and her cousins used to visit their 89 year old uncle who didn’t have any children of his own. At the age of 90 he suddenly became deaf and some of her cousins wondered why they would continue to visit and talk to him when he couldn’t hear them. They would joke in front of him about what they would take from his apartment when he died. Eventually, the elderly man announced that he was not, and never was, deaf, that he had just let them believe he was so he could hear their unguarded dialogue. Needless to say he changed his will after some of the things he heard!”

To help you and your family, Fish & Associates offer a free will consultation (if you don’t have one and aren’t sure where to start) or a free review of your existing will to make sure it is up to date and not a recipe for a family nightmare. **You can contact Les at 905-881-1500 ext. 19, leskotzer@familyfight.com, or Michelle at 905-881-1500 ext. 22, mkotzer@fishlaw.com.** If you have probate concerns or estate administration needs, **call Barry at 905-881-1500. Fish & Associates is located at 7951 Yonge Street (north of Steeles). Visit www.willappointment.com for more information.**

