

What is the difference between dying with a will or without one?

A person who dies without a will dies **intestate**.

A will is like a well-planned road trip. The deceased testator has told everyone who is driving the car, where the car is going and who is invited along for the ride.

When there is no will, the road trip may still be necessary, but there's no plan.

The estate will go to the family of the deceased person, but the Ontario government makes the rules about who gets the estate and in what shares. Who is in the family depends upon whether or not the deceased person is married, and who the deceased person is related to by blood.

Whoever these beneficiaries are, they usually get to decide who is going to be the estate trustee. They may not even know each other if they are from different sides of the deceased's family. If they can't agree on who that will be the estate trustee, they may need to ask the court to decide. This can lead to delay and expense.

The court can also ask the estate trustee to obtain an administration bond. That may be a good safety measure, since the deceased did not choose the estate trustee, but it can lead to more delay and more expense.

When a person dies intestate it is going to cost more, take longer and the estate may not be distributed as the deceased would have chosen.

It's like a road trip where the GPS has conked out, no hotel rooms have been booked in advance, the highway has several detours and the attraction you are headed for turns out to be closed for renovations. It may still be a road trip, but it is long, expensive, unsatisfactory, and you don't know when you get to stop and eat.

A lawyer can help navigate dealing with an **intestate estate**, to get everyone to the end sooner.