

LEVY: Where there's a will there's a way

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(Postmedia file)

Instead of making a New Year's resolution to lose weight, get fit or quit smoking (cigarettes, not pot), wills lawyer Les Kotzer wishes everyone would make a will.

While we're at it, he's adamant that we name a power of attorney (POA) — so adamant that he's created do-it-yourself kits (at \$50 each) that people can use to do so without having to visit a lawyer.

A power of attorney kicks-in when someone has a physical or mental disability and is not competent enough to handle their own financial affairs or health needs.

"It's important to appoint somebody you trust," says Kotzer of Fish and Associates, who's specialized in wills for 30 years.

Many people put their heads in the sand and insist a sudden change in one's competence only happens to old people, he says.

But it can happen at any age. For example, he's heard from parents whose son was in a snowmobile or hockey accident and they couldn't deal with the assets because they weren't named as POA.

“You need a POA to stop the government from freezing your assets if you’re sick,” he said. “Imagine the government managing your assets instead of your parent or your friend or your spouse.”

He said once one reaches the age of majority, it is crucial to have both a POA (or POAs) and a will. The will only takes effect when someone dies, not while you are alive.

And you should have a lawyer who knows what they’re doing because it’s a “very complicated area of the law,” he says.

“If you don’t have a will the government will write one for you and set out who the beneficiaries are,” Kotzer said, noting a will also names an executor who can start acting on someone’s behalf immediately upon their death.

“My focus (with wills) is on trying to minimize the chances of a tragic family inheritance battle,” he says. “It is not just about saving taxes ... it is also about saving families.”

In his 30 years, the affable lawyer, radio and TV commentator has heard it all—all captured in humorous and in some cases, all-too-familiar anecdotes related to the rise in elder abuse in the four books he’s co-authored.

Those books, he says, are filled with often “shocking” stories — “showing how low some people can go” — from inside his world of wills.

Believe me, I couldn’t put down his book, *The Wills Lawyers: Their Stories of Money, Inheritance, Greed, Family and Betrayal*.

One particular story related to a “waiter.”



Lawyer Les Kotzer Supplied photo

And no he wasn’t someone who had a job serving in a restaurant or club.

Kotzer met this one when a well-dressed couple came to his office in an expensive sports car—she flashing a diamond tennis bracelet and he wearing a Rolex watch.

When he asked them for a few more personal details, they said their Rosedale house was mortgaged to the hilt and the car leased.

Finally the wife admitted they don't own a lot right now but told him that the husband is a "waiter" — someone waiting for his mom to die so he gets her assets

"I see a lot of waiters," he said. "If you have a child who is a waiter, you'd better plan properly because that child is depending on an inheritance to pay off his (or her) debts."

One of the craziest things Kotzer heard was a woman with a story of going in for open-heart surgery and having a pretty dire prognosis.

But she did make it, returned home and while fetching one of her pills under the dining table discovered a yellow sticky with her niece's name on it. Her dishes were also labelled with her nephew's name and another name was on her big screen TV.

Kotzer said she decided to give all her money to "charity" after realizing that they'd gone through her house as if she was already dead.

Kotzer does free will consultations and reviews of wills already written. For more information check out leskotzer.com or contact 905-881-1500.

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