

Empty estates

The importance of having a will

EMMA GRANEY

EDITOR

Some legal requirements of a will

- A will must be in writing (eg: typed, written by hand) to be valid.
- A video tape or audio recording is not considered a valid will.
- The person making the will, the testator, must be at least 17 years of age to make a will.
- The testator must make his or her will free from pressure from other people.
- The testator must have capacity, meaning they must understand what they're doing, remember and understand the type and the amount of property being given in the will, and understand the will is benefiting certain people and excluding others.
- Most wills are signed by the person making the will, called the testator, and two witnesses.

• If you handwrite your own will entirely and sign it, the will does not need to be witnessed to be valid.

This list is not exhaustive. It is important to consult with a lawyer to ensure your will is valid.

(Information courtesy PLIAN)

What to put in a will

The date: This clarifies which is your most recent will, in case you have more than one.

The executor: A person responsible for carrying out the instructions in the will. This should be someone likely to outlive you and it may be wise to appoint a back-up executor in case the first person is not able to perform the role.

Guardianship: If you have underage children or adult children with disabilities who you are responsible for, you can identify who you want to be responsible for caring for these children.

Distribution of your estate: Clear instructions as to who you want to get your possessions and property after you die.

Providing for Dependents: You are legally required to provide for the financial support of your dependents after you die. This may include your spouse, underage children or adult children who are physically or mentally incapable of caring for themselves.

Debts: How you want your debts to be dealt with.

Common disaster: You can say in your will how your estate should be dealt with if your primary beneficiaries die at the same time as you.

Again, this list is not exhaustive. It is important to consult with a lawyer to ensure your will is valid.

(Information courtesy PLIAN)

In Main Brook stands a home, empty, skeletal trees scratching the white siding.

When the wind blows, dry leaves dance around a 2003-model maroon Toyota truck in the driveway, its plastic tray unmarked.

The license plate of the truck sports a registration sticker 'Oct 2008'; the front left wheel of the truck is flat, rims rusted.

The vehicle and house belonged to Mary Dahlberg.

She died last November, five or so years after the death of her husband Bob.

There was no will.

There's a search to find Mary's relatives, but for now the house and truck remain where they are, falling prey to the elements.

"It's so sad to see it all just sitting there," says Main Brook resident Eunice Tucker.

She and her husband Herb were long-time friends of the Dahlgbergs; Herb knew Bob for upwards of 40 years and knew Mary from when she was a girl growing up in the community.

"I was in and out of there every day for 20 years — me and Bob were like brothers," says Herb.

"Now when you drive down the road at night, you look over to the point and there's nothing, no lights on," adds Eunice, sadness flickering across her face.

"They'd always have a light on."

According to the Tuckers, the Dahlgbergs were a friendly couple, always on the go.

They'd entertain friends and government officials who came to the town, all the while the large stone fireplace in their house ablaze with warmth.

Mary grew up in Main Brook, born to Julia and Dorman Talk. Julia was a Ryder before she married.

When Mary's father died she and her mother ended up moving to the United States.

That was where Mary met Bob. The two married and spent their summers in Main Brook for 20 years before moving to the Northern Peninsula permanently.

By all accounts they were an interesting pair — Herb says Bob spent hours teaching him the art of stained glass and was a property developer, while Mary was a certified pilot who once flew Cessnas and had a contract for school buses in the States.

"They were very nice people," says Herb, "good people. A lot of people knew them."

When Bob died, the estate went to Mary. Mary's death, with no will and no children, means the estate will be distributed through the Intestate Succession Act.

In simple terms the act says that if someone dies with no spouse, child, father, mother, brother, sister, nephew or niece, the estate is distributed equally among the next line of relatives.

The problem is that Mary was an only child and no one knows of any relatives and, if none are found, the estate will likely go to the province.

The Dahlberg's case is by no means rare.

Anecdotal evidence suggests many people in the province die without ever having written a will — something Executive Director of the Public Legal Information Association of Newfoundland and Labrador (PLIAN), Kristen O'Keefe, says isn't a great idea.

"Death may be a difficult issue to think about, but estate planning is important, and not just for the senior population, or those contemplating retirement," she tells

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— Kristen O'Keefe

the Pen.

"A will gives you some control over what happens to your estate after you die and you can know that your things will go to the people who you want to have them."

"If you die without a will in Newfoundland and Labrador, someone with an interest in your estate — such as a relative or a creditor, or a representative of the government — will normally need to apply for a grant of administration in order to distribute your estate."

Even if you have children, it's a good idea to get a will together.

Madonna Caines grew up in Port Saunders, one of seven children.

When her mother died in December 2005 with no will the house automatically passed down to the six kids of the family.

And that, she says, has caused nothing but heartache.

"This has broken up my family because my mother never thought it was important to put anything on paper," she says.

"People need to realize that everyone can be getting along just fine, talking and laughing around the kitchen table when their parents are alive, but when they die everything can change."

She's offered to buy the house herself but says one sibling won't agree to the sale, which has left the house to ruins.

"How can seven people own a house?" she says.

"This kind of stuff can turn children to hate. It was supposed to be a place to come home to, but instead it's gone from a house we used to love to a house of tears.

"It's so important to make a will, for parents to have everything in writing. Brothers and sisters shouldn't fight like this."

Ms. O'Keefe says making a will isn't difficult and although you don't need to consult a lawyer, one will likely be extremely helpful.

"A lawyer can help ensure that your will meets all the legal requirements and that the meaning of the words you use in your will are clear and legally accurate," she explains, "and can also help you by identifying different options for disposing of your estate."

Ms. O'Keefe notes it's also important to keep your will current and you should update it if you get married, divorced or separated, or if you experience the death of a beneficiary or birth of a child.

If you need more information about preparing a will, Ms. O'Keefe says there are lots of resources available, such as the publication entitled "Wills and Estates: Help! Where Do I Start?", prepared by PLIAN and the Supreme Court of Newfoundland and Labrador.

You can also contact PLIAN toll-free between 9am and noon on weekdays at 1-888-660-7788.

egraney@northernpen.ca



Mary Dahlberg's Main Brook home stands empty since her death last year. With no will, unless relatives are found the estate will go to the province. EMMA GRANEY PHOTO

WHAT'S HAPPENING

• **December 11** — The St. Anthony Lions Club Annual Santa Claus Parade will take place on Sat. Dec 11. Floats will line up on the east side at 9:30 a.m. The parade will begin at 10 a.m. sharp and will follow the route to Harriot Curtis Collegiate where Santa will pass out fruit and candy. Awards will be given to the best commercial float, best non-commercial float, best decorated vehicle, best senior clown, best junior clown and participating majorettes. Come out and enjoy the parade.

• **December 11** — The St. Lunaire-Griquet Fire Department's Annual Santa Claus Parade will take place on Saturday, Dec 11. Floats will line up at Dark Tickle Branch at 1 p.m. The parade will begin at 1:30 p.m. and will follow the route to Humby's Branch and back to the new Firehall where Santa will pass out goodie bags. Awards will be given to the best commercial float, best non-commercial float, best senior clown, and best junior clown. Come out and enjoy the parade.

• **December 11** — The St. Anthony Firettes will be having a Bake Sale on Saturday, Dec. 11, at the Viking Mall starting at 2:30 p.m.

• **December 12** — There will be a Bingo at the Viking 430, Reefs Harbour Junction, Sunday, Dec. 12 at 2:30 p.m. sponsored by Bartlett's Harbour, Castor River North & South Fire Department. There will be grocery prizes and \$200. Come out and support the fire department.

• **December 14** — The St. Anthony Firettes will be hosting a Prize Bingo on Tuesday, Dec. 14 at 8:30 p.m. at the Fire Hall. The loonie jar now stands at \$440. All patrons must be 19 years old. Come out and support your local fire department.

Items for What's Happening can be submitted free of charge by non-profit organizations, service clubs, church and youth groups, etc. Fax to 709-454-3718, e-mail: wplgim@northernpen.ca or drop off at Northern Pen, North Street, St. Anthony. Deadline is Wednesday, 5 p.m.



December 6 - 12

Anglican Parish of Pistolet Bay

Sunday: 11 a.m., Morning Prayer, St. Carol's; 3 p.m., Evening Prayer, Griquet. **7 p.m.,** Evening Prayer, Raleigh.

Apostolic Faith Church, Roddickton

Monday: 7:30 p.m., Men's Fellowship (bi-weekly). **Tuesday:** 7:30 p.m., (bi-weekly), Ladies Charity Group. **Wednesday:** 8 p.m., Prayer Meeting. **Friday:** 7:30 p.m., Youth Meeting. **Sunday:** 11 a.m., Worship Service; 3 p.m., Sunday School for all ages; 7 p.m., Evangelistic Service.

Bethel Pentecostal Church, St. Anthony

Monday: 7:30 p.m., (bi-weekly), Women's Ministries. **Wednesday:** 7:30 p.m., Bible Study and Prayer. **Thursday:** 6:30 p.m., Kids Stuff Program; 8 p.m., Youth Night. **Sunday:** 11 a.m., Family Worship Service; 7 p.m., Evening Worship.

Calvary Pentecostal Church, St. Lunaire-Griquet

Monday (bi-weekly) 8 p.m., Women's Ministries. **Tuesday:** 8 p.m., Prayer Service. **Wednesday (bi-weekly)** 6:30 p.m., Kid's Church. **Thursday:** 7:30 p.m., Youth. **Sunday:** 9:45 a.m., Sunday School; 11 a.m., Morning Worship Service; 7 p.m., Evening Service.

Salvation Army, St. Anthony

Monday: 8 p.m., Youth Group. **Tuesday:** 8 p.m., Home League. **Wednesday:** 6:30-7:30 p.m., **W.O.W. (Worship on Wednesdays)** for children; 8 p.m., Adult Bible Study. **Thursday:** 8 p.m., Men's Fellowship. **Sunday:** 11 a.m., Holiness Meeting; 6:30 p.m., Prayer Meeting; 7 p.m., Salvation Meeting.

St. Anthony United Church

Sunday: 11 a.m., White Gift Service; 7 p.m., Youth Group presents "Advent Silhouettes".

St. Francis Xavier Roman Catholic Parish

Monday: 1 p.m., Shirley's Haven. **Saturday:** 7 p.m., Goose Cove. **Sunday:** 11 a.m., St. Anthony.

Parishes who wish to post weekly services in this section must have information to the Northern Pen by 5 p.m. on Wednesday to appear in the next edition.



Off to provincials

The Cloud River Academy girls volleyball team placed first at a qualification tournament in Plum Point last weekend and will travel to Middle Arm to play in the 2A Girls Provincials. Members of the winning team are: Rebecca Randell, Brittany Randell, Chantel Newman, Terri Pittman, Robyn Brenton, Ocean Ellsworth, Lorraine Mitchell, Clara Humby, Billie Brown, Abby Budden, Tarlee Ropson, Terri Simms and coach Rhonda Martin. CONTRIBUTED PHOTO



Labrador Straits Academy Girls and Boys Volleyball team won gold during the 2A Volleyball regionals held on November 20. The girls will go on to compete in the provincials being held in Middle Arm during the December 2 weekend and the boys will compete in the provincials at Roddickton during the December 11 weekend. Boys Sportsmanship award was awarded to Charlie Penney of DC Young, in Port Hope Simpson and in the girls team the sportsmanship award went to to Shawna Burden, also of DC Young. Congratulations to all athletes who competed and good luck with the provincials.

Contributed by Rod Beals, Labrador Straits Academy