

I've always wanted to be present at the reading of a will. In movies and on television, readings of the will look like such important events. Family members, outwardly downcast, but secretly anticipating their riches to come, are gathered together in an oak-paneled drawing room while the family solicitor (usually portrayed by someone older than dirt) methodically reads out the individual bequests made by the deceased. There are gasps of disbelief from family members as they learn of their disinheritance. Invariably, someone storms out of the room in a condition of emotional upset. And the bulk of the wealth is always left to the one unsuspecting but deserving soul in the room who no one expected would receive anything. Oh to be witness to such drama!

In real life, there is no reading of the will. In real life, the contents of will are typically shared formally with those who need to know by way of a registered letter from the executor. The registered letter typically comes months after the death of the deceased (not immediately after the funeral as it is shown to be in the movies) by which time the contents of the will are no longer much of a secret. In most cases, the executor communicates informally with the beneficiaries shortly after deceased's death and fills them in on the contents of the will. Rarely are there any surprises.

The executor is responsible for notifying the beneficiaries of their interests in the deceased's estate. The executor is also responsible for notifying designated beneficiaries of their interests under life insurance or other property passing outside of the will, such as RRIFs or RRSPs, and jointly owned property. That does not mean the executor has to drop everything they are doing and notify everyone of their interests immediately. Executors have to be allowed a reasonable amount of time to carry out their duties. Sometimes people have unrealistic expectations about how quickly these duties are to be carried out. If a person with an interest has a burning desire to see the will, I typically counsel the executor to provide a copy, my rationale being that the person is going to get a copy eventually—why keep them in suspense? But my general practice is not to distribute copies of the will until the application for probate is filed at Court. That can take several weeks or months to prepare, depending on the complexity of the deceased's estate.

If an executor steadfastly refuses to provide a copy of the will, recourse is available. Persons with an interest can apply to Court for an order requiring an executor to accept or refuse probate. In other words, they can ask the Court to direct the executor to apply for a grant of probate or to stand aside and let someone else do it. They can also apply for an order directing the executor to produce the will to the Court or to provide an explanation why it ought not to be produced. Court applications tend to be expensive, however, and I usually encourage people to be patient rather than pay a lot of money to see something that they will eventually see anyways.

Perhaps there ought to be a custom where wills are formally read at solemn ceremonies that follow the funeral. People would then know what to expect and when to expect it. And I'd finally get to be present at a formal reading of a will.