

There is an enduring myth that if you die without a will, your estate goes to the government. The myth has its roots I suspect in what was once the *Ultimate Heir Act* (recently repealed and replaced with the *Unclaimed and Vested Personal Property Act*) which required a personal representative to turn over the estate of a person who died intestate to the provincial Crown if after two years following the death of the deceased, no living heir entitled to the estate could be located. This requirement continues to exist but in the vast majority of cases, one or more living heirs can be located. Even where living heirs prove difficult to locate, it is only on the rarest of occasions that the provincial Crown actually receives an estate where a living heir cannot be located.

Consider the case of Olaf Hilstad. Mr. Hilstad died an intestate bachelor in 1915. He had no children. He was survived by his four siblings, each of whom also died intestate in the years that followed. None of them were survived by any children and living relatives proved hard to find, not that anyone spent much time looking for them since nothing in Mr. Hilstad's estate had any appreciable value, or so it seemed at the time. Years passed without anyone taking much notice of the fact that Olaf Hilstad carried on as registered owner of mineral rights in a certain part of Alberta beneath which were vast amounts of oil, which went undiscovered until 1993. With the discovery of oil, all of a sudden Mr. Hilstad's mineral rights became very valuable indeed. But who was to get the money? The last of the immediate members of the Hilstad family died in 1963. It would have been easy to suppose that in the circumstances that there were no living heirs and that therefore the spoils were to go to the provincial Crown. Not so.

The Public Trustee of Alberta was appointed administrator of the estate on behalf of the unknown beneficiaries. A genealogist was hired to track down the deceased's distant surviving relatives. That turned out to be no small assignment. It was known that the deceased had emigrated to Canada from Norway and it was there that the search began. Norwegian church records were located and reviewed to identify the deceased's parents, grandparents, cousins and their respective generations of descendants, wherever they might be throughout the world. Eventually, a living group of the deceased's maternal second cousins was identified and each of them received notice that they were to receive a share of oil royalties that were cumulatively worth almost a million dollars. I can only imagine how they must have reacted upon hearing the news: "Who died? Where? There's how much?!?" In the modern age of the Nigerian e-mail scam, I suspect the news was greeted with a healthy dose of skepticism, but in this case, it was the real deal.

People should guard against the possibility that their living relatives will be hard to locate by making a will that bequeaths the estate firstly, to people known to the deceased, and secondly, to people or charitable organizations the executor can easily identify and locate. It serves little purpose to exhaust the resources of the estate tracking down the people entitled to it.