



Hi Howard,

My Friends at [Hull & Hull LL.P.](#) felt it prudent to bring to the attention of their clients, as a reminder, the truly powerful tool of using a secondary Will in Estate Planning, and I agree as I often make two discrete Wills for my clients. Please read the next few paragraphs and should you see that a secondary will suits your circumstances, please [contact](#) me.

*Before we delve into situations where a Secondary Will may be required, here is a quick reminder of what is typically included in a Primary Will:*

- *It sets out what happens to your assets after your death, including when and how they are to be distributed.*
- *It identifies your beneficiaries, and what bequests they will receive from the estate.*
- *It also identifies your estate trustee(s) and outlines the scope, as well as the limit of their duties.*

*Primary Wills are often subject to probate, which is the process where the Court validates the Will (if there is one), and appoints an estate trustee. The need for probate often depends on the type of assets that form part of the estate, as not all assets will flow through the estate or would require probate.*

*So, when might it be prudent to consider a Secondary Will?*

*While a Primary Will may deal with assets that require probate, such as investment portfolios, bank accounts, and real estate, a Secondary Will may be needed to deal with assets that do not require probate, such as privately held shares of a family-owned company. This can assist with*

accounting for tax liabilities when planning your estate, as Secondary Wills are not subject to probate applications, and are therefore exempt from probate tax.

Another consideration is privacy. Since probate applications are processed by the courts, they form part of the public record and are easily searchable by anyone. As Secondary Wills are not subject to probate, they provide the testator with some freedom to include terms they might not want to be known to the public. A Secondary Will can also be used to deal with personal property, such as artwork, jewellery or furniture.

While the benefits of having a Secondary Will are clear, it is important to note that both Primary and Secondary Will need to be drafted in a professional manner that would allow both testamentary documents to compliment each other. When drafted improperly, these testamentary documents can cause confusion and ambiguity, which may result in unnecessary litigation.

As always, we recommend that you speak with your drafting solicitor and financial advisor to determine if a Secondary Will may be suitable for your estate plan.

Thank you for reading.

### **Margarita Grup**

At the **Offices of Howard S Dyment**, I can guide you through the intricacies of estate planning and ensure that your assets are distributed according to your wishes, in the most financially prudent manner.

I invite you to **set up a Zoom** appointment with me to discuss your Estate Planning and drawing your Wills, both Primary and Secondary and Powers of Attorney.

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