WeirFoulds LLP

Wills, Trusts & Estates

When you have worked a lifetime to build a legacy, you want to ensure you carefully plan for your estate's eventual management and disposal. Customized legal advice is essential to ensure estate documents accurately reflect your intentions, taxes are minimized, and disputes avoided.

WeirFoulds estate lawyers assist with all aspects of estate planning and dispute resolution. We help draw up estate and trust documents; we advise executors and trustees on the legal and administrative responsibilities of estate administration; and we represent clients in estate challenges and defences.

We take a multi-disciplinary approach to our estate files, engaging our commercial, tax and litigation experts as necessary to ensure our clients receive excellent advice that is tailored to their needs.

Lawyers and professionals in this area

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Areas of Expertise

- Alternative dispute resolution
- Distribution of assets
- Estate administration
- Estate planning
- Estate litigation
- Passing of accounts
- Inventory and asset management

- Tax planning
- Trusts
- Will or trust interpretation

Representative Experience

Private Wealth

We act on estate planning, business succession, asset management and dispute resolution relating to these areas. Our lawyers work closely with individuals and families in their legal, financial and personal affairs to ensure that they can achieve their goals in a streamlined and efficient manner, while complying with the applicable provincial, national and extra-territorial laws. Our services in this area include:

Family Businesses and Succession Planning

We assist our clients to plan for and manage inter-generational transfers of family enterprises. Since these are family enterprises, successful planning strategies require sensitivity to the personal needs and desires of families, as well as compliance with applicable laws. Often an important consideration in this planning is ensuring to maximize protection available in law for the family's wealth from third party claims.

Trusts, Wills and Estates

We provide estate-planning and trust services from simple wills to more complex tax-effective succession plans, trusts, estate freezes and powers of attorney. Our lawyers assist with the administration of estates and in this regard we frequently act as executors and estate trustees.

Trusts, Estates and Capacity Litigation

We represent our clients in private arbitrations, mediations and court proceedings related to trusts, estates and capacity issues. We have extensive experience in variations of trust, will challenges, passings of accounts, guardianships and all kinds of dependant's relief matters.

Estates Litigation

Among the firm's many significant cases in this area are the following:

- We acted on the case that established the scope of will challenges as an inquisitorial process in Ontario. ***Neuberger v. York***, 2016 (ONCA 191)
- We acted in a matter which established the limits for a court order compelling a capacity assessment for an elderly person. ***Beretta v. Beretta***, 2014 (ONSC 7178).
- We acted in a matter which upheld the will and codicil of a widow with declining capacity and significant business interests. ***Orfus Estate v. The Samuel and Bessie Orfus Family Foundation***, 2013 (ONCA 314).

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