

## But for the Plan

### (Wills and Estates: Making a Will? Check the Title to Your Real Estate)

Joe (not his real name) came to the Oakville office to make a new will. In his instructions to George Vona, the wills and estates lawyer at the Oakville office, Joe wanted leave a particular property to his common law spouse.

During the drafting of the will, George looked up the legal description of Joe's property, and found that the property was subject to the interest of two strangers!

After a few hours of detective work, George discovered the problem, and then he solved it.

An error was made in the legal description in the deed of a neighbouring property, which purported to give Joe's neighbours an interest in Joe's property! Then, when Joe's property was converted from the old Registry system to the new Land Titles system, a government staff person had taken the incorrect legal description at face value and put the interest of the two neighbours into the legal description of Joe's property.

After discovering how the error was made, George successfully had the neighbours' interest deleted.

Because property owners are not notified of title issues that may arise during the conversion from Registry to Land Titles, they usually do not find out about such issues until they sell their property, usually one week before closing when the issue is raised in a requisition letter by the purchaser's lawyer.

An issue like this could delay a closing for weeks and cost the seller thousands of dollars.

But for the Plan, and because of George Vona's diligence, a potentially difficult and expensive title issue was spotted early and resolved at minimal cost to the client.