

# Sage Advice On How To Avoid The Family Fight

By Marty Gervais

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In 1923 an Alberta man shot a deer. He hauled it out of the bush, the family feasted on the meat and the antlers went up on a wall at home.

That hunter didn't realize all the troubles those antlers would cause.

The rack remained mounted over the fireplace for years until his death, and no one cared particularly to inherit it except for one son, who took the antlers home.

He soon discovered they were "world class" antlers and were appraised as being very valuable. When an Edmonton newspaper wrote about his find, and quoted him as saying the antlers were his, four other siblings filed a lawsuit.

The son, who had scooped up the antlers, refused to give them back, even after the court ordered him to do so. The judge threw the man into the slammer for 10 days "for contempt" because he resisted the court's order.

That case caught the attention of Les Kotzer, a University of Windsor law graduate who is quickly becoming the most sought after wills and inheritance specialist in North America.

## **COLLABORATED ON BOOK**

Kotzer, now in Toronto, is best known for his book "The Family Fight: Planning To Avoid It," written with lawyer Barry Fish. The two have collaborated on yet another, this time with Jordan M. Atin, another specialist in this field of law.

The trio has written "The Family War: Winning the Inheritance Battle."

Kotzer is the spokesman. He talks a mile a minute in the clearest possible terms, doing what a lawyer does best, but the difference is in the stories he tells surrounding each issue.

Like the account of the antlers.

Or one about a mom and dad who left a grungy apartment filled with "junk" when they died.

Dealing with this was regarded by the children as a nuisance. The daughter agreed to clean it out. One brother grudgingly accompanied her, but stipulated he was there only to haul away "the junk." Otherwise he had no interest in anything in the apartment.

He changed his mind, however, when his sister found some letters, one from U.S. president Franklin D. Roosevelt offering sincere thanks for the help her father had given to his election campaign. There was also a letter from baseball giant Joe DiMaggio.

"When he saw her reading these, he knew she had come across something valuable," said Kotzer.

He claimed the letters belonged to all of the family, not just her. This story came to Kotzer by way of a call to a radio show he was doing in the U.S.

What about the yellow convertible, a 1967 Mustang, that was the pride and joy of the father?

When he died, he left his estate to be split equally among his daughter and two sons. To make things fair, the daughter, who didn't care for the car, suggested auctioning it off to the highest bidder among her brothers.

But the bidding turned "to yelling and shouting," and finally the daughter put it up for sale to a third party.

This resulted in a severe estrangement among the three.

"And that happens," said Kotzer, who tells clients that unless things are spelled out in the will, these circumstances can result.

## **RESOLVE ISSUES**

How to resolve these issues is what Kotzer is promoting in this new book.

He sets out all the warnings surrounding wills, among them being the probating of the will, distribution of the estate, the risks of being an executor, claims against the estate, the tax issues that can come back to bite the executor, and matters surrounding the possibility of a mom or dad becoming mentally incapable, or children living in different locations, or matters surrounding a family business.

Kotzer's goal is to show individuals how to resolve issues "without a lawyer."

However, sometimes there's no choice.

One last story: Kotzer's account of the kid called "Billy."

This one concerns Uncle Doug who left his two sisters, Fran and Maggie, his entire estate, except for \$75,000, designated to his nephew "William."

William, Fran's son, figured he was recipient of the money. But "Billy," another nephew -- son of Maggie -- also claimed the inheritance. His legal name from his birth certificate, was "William," even though he was always called "Billy." William argued that he saw his uncle frequently, whereas "Billy" never visited him.

The squabble nearly destroyed the family and when William discovered his mother and aunt were being drawn into it, he settled with his cousin.

For more information contact [www.thefamilywar.com](http://www.thefamilywar.com).