

## NINE TOO MANY

Saturday, October 27, 2018

Chong's death at 37 following a road accident started a chain of events which left his wife, Angie, in a world of uncertainties. It was all too sudden. And what followed dealt blow after blow that literally took Angie through hell.

Blow #1: A future without Chong, a pillar of strength for Angie and their three little ones.

Blow #2: Chong didn't leave behind a will as he didn't get down to doing it.

Blow #3: Chong's bank account was frozen and Angie will have to make do with whatever that she has got to provide for her little ones in the meantime.

Good Thing #1: Chong has fully paid for the house and at least Angie and her three little ones would have a house which they can call their own.

It seems so, until Elder Chong, her husband's surviving parent, also passed on three months later.

As if Blow #4 of another death in the family was not bad enough, Angie was dealt Blow #5: Her five brothers-in-law now part own the house that she and her children inherited. Yes, the house now has nine owners!

And Blow #6 followed swiftly: Her brothers-in-law, as co-owners, now want to sell the house so as to cash in on the escalated price.

Chong wouldn't want this to pan out for his wife in a scenario without him around. It was an oversight on his part, never realizing the frailty of life. At the prime of his life with so much more ahead of him, he didn't figure that he needed to prepare for eventualities to take care of his loved ones. He had died intestate, i.e. without a will and as such, the distribution of his estate will be decided by the law and not in accordance with his wishes which he could have expressed in a will. Under the Distribution Act 1958 (as amended in 1997) Chong's wife will receive  $\frac{1}{4}$  of the estate, his surviving father,  $\frac{1}{4}$ ; and his children, the other  $\frac{1}{2}$  of the estate.

However, Elder Chong also passed on without a will and the Distribution Act determined that his four sons, being the only surviving kin, inherited his estate. His estate now includes 25% of Chong's estate. That was how Chong's house ended up having nine co-owners – his wife, his three children, and his five brothers. Intestacy is definitely not the way to go as one doesn't have the control or choice on the distribution of assets. In addition, the Distribution Act also does not provide for step children, children born out of wedlock, care-givers, grandparents or companion. Only writing a will will provide for them.

On the flipside, writing a will also gives one the choice as to who one wants to exclude in getting any inheritance. The right to appoint someone trustworthy and reliable to act as a guardian for children below the age of 21 is also another important matter that can be exercised through the will. So is the appointment of the right and capable person to be the Executor to obtain the Grant of Probate and administer the estate as per the instructions left in the will.

Remember, never leave without a will.