

## How to update your Will before the New Year

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The end of the year is a common time to check in on your personal affairs, including your estate plan. A Will that was accurate a year ago may no longer represent your wishes, which is why it is important to review and make updates when necessary. When reflecting on the previous year, it is helpful to consider whether there were any life events that may trigger the need to update your Will. These life events may include the following:

- Marriage, divorce or change of your or your beneficiary's relationship status;
- Death of a beneficiary or executor in your Will;
- Birth of a child, grandchildren, etc.
- Your own or an executor's relocation to another province or country;
- Acquisition or disposal of significant assets; and
- Any other events or circumstances that may warrant changes in your Will.

If any of these events occurred, or you want to update your Will for any other reason, the process of doing so is not as complicated as one might think. First, you will want to determine what needs to be revised in your Will. Common revisions include changes to executors and beneficiaries. Whether it be the death of an executor, family updates, or your beneficiary designations no longer match your intentions, you will want to review your Will and determine the necessary revisions. If you do not have a copy of your Will, reach out to the lawyer or law firm who drafted your Will to obtain a copy.

It is important to note that in Manitoba, marriage generally revokes a Will unless the marriage was specifically contemplated in your Will. If you have recently married, you will likely need to update your Will to ensure your wishes are followed as your previous one may be invalid. Interestingly, divorce results in your Will being interpreted as if your spouse had predeceased you. However, if you are in the process of separation but not yet divorced (or in the case of common-law partners), the Will is still binding and you may wish to make updates while you wait for the process to be finalized.

Next, you will want to contact your lawyer or an estate planning lawyer to discuss any proposed changes with them. A lawyer will assist with ensuring your Will is valid while your current wishes are accurately represented. It will also be helpful to discuss any assets that may be distributed outside of your Will. Assets such as life insurance, retirement accounts, or any other accounts with a beneficiary designation are often distributed directly from the institution to the named beneficiaries, so it is important that, if required,

you update any of the beneficiary designations with the institution administering those accounts.

Updating your Will usually results in the creation of a new Will. Rather than amending your previous Will, drafting a new Will prevents any confusion and reduces the risk of legal challenges for your executor(s) when the time comes to administer your estate. If you have a lawyer that you use regularly, reach out to them about updating your Will. They will likely have the original Will at their office and can sit down and review any proposed changes you suggest.

A lawyer will also be able to provide guidance if you are unsure whether it is necessary to update your Will. A person can only have one Will, so once a new Will is signed, the law firm that prepared your new Will ensures that your previous original documents are located so that conflicting versions will no longer exist.

If you don't have a Will and wish to create one, any of the estate planning lawyers at our office would be happy to assist with your estate planning needs.

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