

NATIONAL ASSEMBLY
Thirty-fourth Legislature, first session

1991, chapter 116

AN ACT RESPECTING THE LOUIS PELLETIER ESTATE

Bill 218

Introduced by Mr Réjean Doyon, Member for Louis-Hébert

Introduced 15 May 1990

Passage in principle 17 October 1991

Passage 17 October 1991

Assented to 17 October 1991

Coming into force: 17 October 1991

Act amended: None





CHAPTER 116

An Act respecting the Louis Pelletier estate

[Assented to 17 October 1991]

Preamble WHEREAS under the terms of a holograph will made on 28 March 1959 by Louis Pelletier, notary at Montmagny, who died on 4 July 1960, the appointed trustees were instructed to pay to the spouse of the deceased a monthly annuity of three hundred dollars payable for life from the date of the testator's death;

Whereas the will provides that, should the spouse die before exhaustion of the capital of the trust, the monthly life annuity is to be paid in equal shares to his surviving children;

Whereas the spouse of the testator, Anna Germain Pelletier, died on 9 October 1988;

Whereas Germain, Jérôme, Jacques, Louise, André-Louis and Noël Pelletier have each been receiving since that date a monthly annuity of fifty dollars;

Whereas the will does not provide for the representation of a child who dies before exhaustion of the capital of the trust and whereas it would be expedient to provide therefor;

Whereas the dates of birth of the children of the testator are 21 June 1933, 25 July 1935, 31 January 1937, 17 May 1940, 10 February 1943 and 15 December 1945, respectively;

Whereas the monthly payments of fifty dollars received by each of the six children of the testator allow the distribution of only a part of the interest on their share of the capital;

Whereas, since 1960, the rates of interest on investments have increased considerably, and the testator was probably unable to foresee such an increase;

Whereas, according to cost-of-living figures, the amount of \$300 in 1960 is, in terms of purchasing power, approximately equivalent to \$1 527.20 in 1991 and whereas it would therefore be expedient that the trustees be authorized to pay to the children of the testator a monthly life annuity of \$1 527.20 from the coming into force of this Act;

Whereas it would be expedient that the said monthly life annuity be adjusted to the cost of living in the manner provided in section 119 of the Act respecting the Québec Pension Plan (R.S.Q., chapter R-9);

Whereas Germain Pelletier has two children, Eric and Marlène, Jérôme Pelletier has five children, Gérald, Jacinthe, Marise, Katia, Joelle, Jacques Pelletier has two children, Renée-Claude and Marie-Anne, Louise Pelletier has two children, Myra and Maud, André-Louis Pelletier has one child, Mathieu, and whereas Gérald, Jacinthe, Joëlle, Marise, Katia, Renée-Claude, Marie-Anne, Eric and Marlène are of full age and agree to the passing of this Act, and whereas Mathieu, Myra and Maud are minor children, and a tutor has been appointed for Mathieu and a tutor appointed for Myra and Maud, and the said tutors agree to the passing of the said Act and have been authorized by a judgment to give such agreement (number 200-14-000 726-890 of the records of the Superior Court of the district of Québec and numbers 505-14-000 353-895 and 505-14-000 354-893 of the records of the Superior Court of the district of Longueuil);

Whereas Germain, Jérôme, Jacques, Louise, André-Louis and Noël Pelletier agree to the passing of this Act;

Whereas the trustees agree to the passing of this Act;

Whereas it would be expedient that the costs incurred for the passing of this Act be payable out of the capital of the trust created in accordance with Louis Pelletier's will;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

Monthly
annuity

1. Notwithstanding the fact that Louis Pelletier, by his holograph will made on 28 March 1959 and probated on 11 July 1960 (number 714 of the records of the Superior Court of the district of Montmagny), has made his children and their children beneficiaries

of a monthly annuity only, Germain, Jérôme, Jacques, Louise, André-Louis and Noël Pelletier may receive a monthly annuity of \$1 527.20, divided equally among them.

Indexing **2.** The monthly annuity shall be adjusted, from 1 January 1992, in accordance with the rules set out in section 119 of the Act respecting the Québec Pension Plan.

Devolution **3.** If a child dies before exhaustion of the capital of the trust, his share devolves to his descendants.

Devolution If there are no descendants, his share accrues to that of the other children of Louis Pelletier.

Costs **4.** The costs incurred for the passing of this Act shall be paid out of the capital of the trust created by the will referred to in section 1.

Coming into
force **5.** This Act comes into force on 17 October 1991.