



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-THIRD LEGISLATURE

Bill 272
(Private)

An Act respecting the Cora Frances Dunkerley estate

Introduction

Introduced by
Mr André J. Hamel
Member for Sherbrooke

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Bill 272

(Private)

An Act respecting the Cora Frances Dunkerley estate

WHEREAS, by her will made on 10 October 1959 and probated by the Superior Court on 17 January 1962 (number 1155 of the records of the Superior Court for the district of Arthabaska), Cora Frances Dunkerley, having died on 31 December 1961, bequeathed all her property to her trustees, J. Gordon Smith and Ralston M. Graham, on condition that they use the income of her estate for the purposes and in the manner described in the will;

Whereas Ralston M. Graham, one of the fiduciary legatees, died on 1 January 1963, leaving J. Gordon Smith as the sole fiduciary legatee of the Cora Frances Dunkerley estate;

Whereas following a petition filed by J. Gordon Smith, the current petitioner, Richard Eugène Saint-Dizier, by virtue of a judgment dated 26 January 1966 and bearing number 450-14-000038-76 of the records of the Superior Court for the district of Saint-François, replaced J. Gordon Smith;

Whereas the property bequeathed in trust by Cora Frances Dunkerley includes an immovable situated in Ulverton, Québec;

Whereas the will of Cora Frances Dunkerley contains a clause stipulating that the immovable and the house erected thereon must not be sold since the house can be converted into a two-dwelling income-producing immovable;

Whereas the clause prohibiting the sale seems to have been included only to ensure the Stewards of the Ulverton United Church of an income;

Whereas the income derived from the lease of the immovable is insufficient to cover the high cost of the maintenance and repairs constantly needed by the immovable;

Whereas it is expedient and in the interest of the executor of the Cora Frances Dunkerley estate and of the beneficiaries of the income of the estate that the fiduciary executor of the estate be authorized to sell the immovable and to use the income derived from the proceeds of the sale according to the provisions of the will;

Whereas the beneficiaries of the income, the Stewards of the Ulverton United Church, have been informed of the introduction of this bill and they consent to both its introduction and passage;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Notwithstanding the prohibition to sell stipulated in the will of Cora Frances Dunkerley, dated 10 October 1959 and probated on 17 January 1962 (number 1155 of the records of the Superior Court for the district of Arthabaska), the fiduciary executor of the estate is authorized to sell the immovable concerned and hereinafter described:

“A certain immovable situated in the municipality of Ulverton, known and designated as lots number 106 and number 107 in the official plan and book of reference for the township of Durham, excluding, however, the part of the immovable already sold to James Mills by virtue of a deed of sale registered in the registry office of the registration division of Richmond under number 29945 of Volume B-41, and also excluding the strips of land acquired by expropriation by the municipal corporation of Ulverton and described in the deeds registered in the registry office of the registration division of Richmond under numbers 157769 and 169640.

With constructions erected thereon, buildings and appurtenances.”

2. The fiduciary executor of the Cora Frances Dunkerley estate shall use the income derived from the proceeds of the sale of the immovable contemplated by section 1 in accordance with the provisions of the will.

3. Registration of a certified copy of this Act is made by deposit.

4. The fiduciary executor may be reimbursed, out of the proceeds of the sale of the immovable contemplated by section 1, for

any expenses he incurs for the passage of this Act, the obtaining of a certified copy thereof, the registration of the document and the carrying out of the sale.

5. This Act comes into force on *(insert here the date of assent to this Act)*.