

THIRD SESSION

THIRTY-SECOND LEGISLATURE

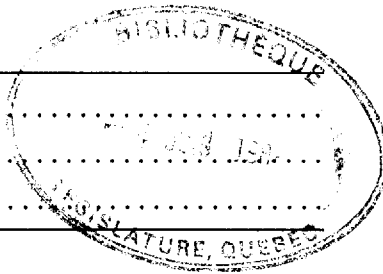
NATIONAL ASSEMBLY OF QUÉBEC

Bill 233

(PRIVATE)

**An Act respecting certain lands
bequeathed to Horace Bérubé**

First reading
Second reading
Third reading



M. LÉONARD LÉVESQUE

QUÉBEC OFFICIAL PUBLISHER

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Bill 233

(PRIVATE)

An Act respecting certain lands
bequeathed to Horace Bérubé

WHEREAS André Bérubé and his wife, Rose-Anna Gagnon, intervened in the marriage contract between their son Horace and Carmelle Lizotte, signed on 7 June 1938, and bequeathed to him certain moveables and immoveables most of which are fully and adequately described therein;

Whereas it is provided in the contract that, should the husband die before the wife, with no surviving children born of their marriage, the property would revert to the patrimony of the donor;

Whereas it is also provided in the contract, on the one hand, that, should the husband die before his wife, leaving surviving children, the property would then devolve to the legal heirs of the husband. On the other hand, should the wife be appointed universal legatee to the property left by her husband, she could then dispose of the property in her lifetime or upon her death, though only in favour of the children born of their marriage;

Whereas both spouses are living and seventeen children were born of their marriage;

Whereas Horace sold to his son Denis the land which he had received from his father, under a deed made on 14 May 1981 before Yvan Thériault, notary, bearing number 369 of his minutes and recorded in the registry office of the registration division of Kamouraska on 1 June 1981 under number 125 134;

Whereas, for lack of proper and adequate designation in the deed of gift, the conditional substitutions arising under the deed of 7 June 1938 were not recorded as regards certain lands which have since been acquired by third parties;

Whereas the conditional substitutions prevent, or at least are unfavourable to the agricultural development of the farm of Denis Bérubé who has only precarious title thereto;

Whereas it is expedient to remove the conditional substitutions stipulated in the deed of 1938, as the wish of the donors, André Bérubé and Rose-Anna Gagnon, would be better fulfilled if the land were sold to their grandson Denis rather than to a stranger, through sale at auction;

HER MAJESTY, with the advice and consent of the National Assembly of Québec, enacts as follows:

1. The conditional substitutions stipulated in the gift made by André Bérubé and his wife Rose-Anna Gagnon, in favour of their son Horace, under the marriage contract of the latter with Carmelle Lizotte, made on 7 June 1938 before Gaston Dufour, notary, under number 264 of his minutes and recorded in the registry office of the registration division of Kamouraska on 3 August 1938 under number 54 635, are cancelled.

2. Notwithstanding any Act to the contrary, Serge Flibotte, the curator to the substitution appointed under a judgment rendered on 15 January 1975 by the Superior Court of the district of Kamouraska, in case number 250-14-000002-74, is released from his duties as curator and exempted from submitting a final report on his administration.

3. If, but for this Act, the curator to the substitution would be entitled to claim any sum from the substitutes, his claim becomes a personal claim against Horace Bérubé.

4. This Act comes into force on the day of its sanction.