

NATIONAL ASSEMBLY
Thirty-fourth Legislature, second session

1992, chapter 86
**AN ACT RESPECTING THE SUCCESSION
OF GÉRARD MORISSETTE**

Bill 300

Introduced by Mr Denis Perron, Member for Duplessis

Introduced 6 December 1991

Passage in principle 13 May 1992

Passage 13 May 1992

Assented to 14 May 1992

Coming into force: 14 May 1992

Act amended: None



CHAPTER 86

An Act respecting the succession of Gérard Morissette

[Assented to 14 May 1992]

Preamble

WHEREAS Gérard Morissette, who died on 16 May 1987, provided for the disposition of his property on his death in a holograph will dated 13 January 1982, probated on 16 June 1987 (number 650-14-000 041-874 in the records of the Superior Court of the district of Mingan) and registered at the registry office of the registration division of Saguenay, at Baie-Comeau, under number 147 597;

Whereas, by his will, Gérard Morissette named his spouse, Helen Delaney, as universal legatee and appointed her as testamentary executor;

Whereas the will contains the clause reproduced in Schedule A;

Whereas the bequeathed property includes, in particular, Gérard Morissette's share of the community in the immovable described in Schedule B, and whereas that immovable was the object of a declaration of transmission registered under number 147 598;

Whereas the four children of Gérard Morissette and Helen Delaney, all of whom are of full age, have left the region of Port-Cartier;

Whereas Helen Delaney, who now lives alone, finds the house built on the immovable described in Schedule B too big for her, and whereas, in addition, she plans to leave the region of Port-Cartier;

Whereas, as a result, there is no interest for her to retain ownership of the immovable described in Schedule B, and whereas the prohibition to alienate arising out of the clause reproduced in Schedule A prevents her from selling it;

Whereas the four children of Gérard Morissette and Helen Delaney have given their explicit consent in writing to the cancellation of the prohibition to alienate contained in their father's will;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

- 1.** The prohibition to alienate the bequeathed property stipulated by Gérard Morissette in the clause reproduced in Schedule A, contained in the will registered at the registry office of the registration division of Saguenay, at Baie-Comeau, under number 147 597, is hereby cancelled.
- 2.** Section 1 shall not cause the bequeathed property to lose the quality of unseizability conferred on it by the clause reproduced in Schedule A.
- 3.** Registration of a certified copy of this Act shall be made by deposit.
- 4.** This Act comes into force on 14 May 1992.

SCHEDULE A
(Section 1)

“All property bequeathed by me in this will shall be private property and shall not enter into any community of property, and in addition, being bequeathed as support, cannot be assigned or seized.”
[Translation]

SCHEDULE B
(Section 1)

Lot 2203 of the cadastre for the township of Babel, with the buildings constructed thereon, and in particular a residence bearing the civic number 8, 6^e Rue, at Port-Cartier. [Translation]