

1990, chapter 108
**AN ACT RESPECTING THE SUCCESSION
OF JEAN-MAURICE LAFOND**

Bill 220

Introduced by Mr William Cusano, Member for Viau

Introduced 15 May 1990

Passage in principle 22 June 1990

Passage 22 June 1990

Assented to 22 June 1990

Coming into force: 22 June 1990

Act amended: None



CHAPTER 108

An Act respecting the succession of Jean-Maurice Lafond

[Assented to 22 June 1990]

Preamble

WHEREAS Jean-Maurice Lafond, who died on 20 November 1988, had provided for the disposition of his property on his death in a will made before Jacques Labrosse and one of his colleagues, both notaries, on 10 April 1986 and registered in the registry offices of the registration divisions of Montréal and L'Assomption under numbers 4156870 and 385504;

Whereas, by his will, Jean-Maurice Lafond established a trust and appointed as testamentary executor and trustee the Royal Trust Company and, upon her majority, his daughter, Isabelle Lafond, born on 1 November 1971;

Whereas the Royal Trust Company renounced its responsibilities as testamentary executor and trustee, and René Dubreuil was appointed to such offices by a judgment of the Superior Court rendered on 2 March 1989 (No. 705-14-000007-893 of the records of the Superior Court for the judicial district of Joliette) and whereas Isabelle Lafond, now being of full age, was appointed testamentary executrix and trustee by a judgment of the Superior Court rendered on 21 November 1989 in respect of the same record;

Whereas the trustee must pay, for a period of ten years from the death of the testator, an annuity of \$1 200 per year to Jeannine Lamy and an annuity of \$3 600 per year to Robert Lafond, the testator's son, or, in the case of the latter's death before the expiry of that period, to his children in the first degree, and whereas the obligations of the trustee may be carried out through the purchase of annuities in the same amounts from "an insurance company or other institution";

Whereas it appears from a declaration of transmission made before a notary on 16 May 1989 and registered in the registry offices

of the registration divisions of Montréal and L'Assomption under numbers 4156871 and 385505 that the assets of the succession of Jean-Maurice Lafond consisted mainly of two revenue-producing immovables situated in Montréal and of another immovable situated in Repentigny;

Whereas the immovable situated in Repentigny, which was the main residence of the testator, was seized and sold judicially in payment of a debt incurred by the testator and secured by privilege upon the immovable (No. 705-05-000218-894 of the records of the Superior Court for the judicial district of Joliette);

Whereas the part of the assets of the succession of Jean-Maurice Lafond which consists of liquid funds, insurance indemnities, credit balances of bank accounts and property easily convertible into liquid funds such as bonds of the Government of Canada, is not sufficient to pay the debts of the succession that are currently payable and, in particular, the tax payable by reason of the testator's death;

Whereas, for the purpose of avoiding a high rate of vacancy, it is necessary to make improvements to the two immovables and whereas repairs to the immovable described in the schedule hereto are needed so as to prevent deterioration;

Whereas, by reason of her inexperience in administration, Isabelle Lafond wishes to avoid, for the time being, borrowing large sums of money;

Whereas the sale of the immovable in need of repairs would put at the disposal of Isabelle Lafond a sufficient sum of money to pay the debts of her father's succession and the tax payable by reason of his death, to make improvements to the other immovable and to establish a working capital for its management;

Whereas Jeannine Lamy and Robert Lafond have been informed of the introduction of this Act and whereas Jeannine Lamy has not opposed its passage and Robert Lafond has explicitly consented thereto;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

Sale of
immovable

1. Notwithstanding the prohibition to alienate the immovables of the succession of Jean-Maurice Lafond stipulated in his will registered in the registry office of the registration division of Montréal under number 4156870 and notwithstanding the fact that the

immovable described in the schedule hereto forms part of that succession as it appears from the declaration of transmission registered in the registry office of the same registration division under number 4156871, the registration of the declaration having been renewed by way of a notice registered in the registry office of the same registration division under number 4268962, Isabelle Lafond or any other person who succeeds her as testamentary executor for Jean-Maurice Lafond or as trustee of the trust established by his will is authorized to sell the immovable described in the schedule hereto.

Registration **2.** Registration of a certified copy of this Act shall be made by deposit.

Cancellation On that occasion, the registrar shall cancel the registration of the prohibition to alienate stipulated in the will registered under number 4156870 in respect of the immovable described in the schedule hereto.

Coming into force **3.** This Act comes into force on 22 June 1990.

SCHEDULE (Sections 1 and 2)

DESCRIPTION OF AN IMMOVABLE FORMING PART OF THE SUCCESSION OF JEAN-MAURICE LAFOND

An immovable consisting of lot 656B of the subdivision of original lot 14 of the cadastre for the village of Hochelaga and of part of lot 656A of the subdivision of original lot 14 of the same cadastre, described as follows:

part of lot 656A of the subdivision of original lot 14 of the cadastre for the village of Hochelaga, rectangular in shape;

bounded, at the front, on the southeast, and on one side, on the southwest, by the remainder of lot 656A; on the other side, on the northeast, by lot 656B of the subdivision of original lot 14 of the same cadastre and, at the rear, on the northwest, by lot 657B of the subdivision of original lot 14 of the same cadastre (lane);

measuring 5 feet along its front line by 30 feet in depth, and containing 150 square feet, English measure.

A building bearing civic numbers 4045 to 4051 Hochelaga street, Montréal, is located on the immovable.

The immovable and the remainder of lot 656A of the subdivision of original lot 14 of the cadastre for the village of Hochelaga are

servient lands and dominant lands, reciprocally, of the rights of view established by deeds registered at the registry office of the registration division of Montréal under numbers 1249780 and 1266801.