

NATIONAL ASSEMBLY
Thirty-second Legislature, fourth session

1983, chapter 81
**AN ACT RESPECTING THE
JOSEPH-ALBERT TARDIF ESTATE**

Bill 274

Introduced by Mrs. Huguette Lachapelle, Member for Dorion

First reading: 8 December 1982

Second reading: 20 June 1983

Third reading: 20 June 1983

Assented to: 20 June 1983

Coming into force: 20 June 1983

Act amended: None



CHAPTER 81

An Act respecting the Joseph-Albert Tardif estate

[Assented to 20 June 1983]

Preamble

WHEREAS, by a will in the form derived from the laws of England, made on 20 January 1965 by Joseph-Albert Tardif, who died on 8 April 1966, the appointed trustee may, at his discretion, set apart or advance sums of money out of the succession in favour of the spouse or children in the first degree of the testator, in the event of an accident, serious illness or incapacity;

Whereas the discretionary power may be exercised only where the annuities payable, as provided by the will, become insufficient to meet the needs of the spouse or children of the testator;

Whereas the will provides that, should the spouse die, the testator bequeaths the residue of all his property of whatever nature to his three children: Armand, Jean-Philippe and Yvette, in equal shares, the residue being payable to them only by monthly payments of \$200 each, including capital and interest;

Whereas, it also provides that should any of the three children die before his share of the succession is exhausted, the share or the residue shall devolve to his children in the first degree, by monthly payments of \$50, including capital and interest, from the date of their fiftieth birthday;

Whereas the spouse of the testator, Marie-Alice Gauvreau, died on 7 January 1982;

Whereas Jean-Philippe Tardif died on 2 February 1982, leaving a son Daniel who is now 33 years of age;

Whereas the monthly payments of \$200 received by Armand and Yvette, 70 and 66 years of age, respectively, allow only part of the interest on their share of the capital to be distributed, and

the same is likely to take place in respect of the monthly payments of \$50 to be paid to Daniel Tardif when he reaches 50 years of age;

Whereas, since 1966, the rates of interest on investments have increased considerably, and Joseph-Albert Tardif was probably unable to foresee such an increase;

Whereas Armand Tardif has a son, Guy, and Yvette Tardif, the spouse of Lucien Vézina, has two children, Francine and Alain Vézina, and Guy Tardif and Francine and Alain Vézina agree to the passing of this Act;

Whereas it is in the interest of Armand, Yvette and Daniel Tardif that the succession be definitively settled;

Whereas the trustee has been advised of the presentation of this Act and has not objected to its passing;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

Final
settlement

1. Notwithstanding the fact that Joseph-Albert Tardif, by his will in the form derived from the laws of England, made on 20 January 1965 and probated on 29 April 1966 (number 552 of the records of the Superior Court of the district of Montréal), has entitled his children and their children to a monthly annuity only, Yvette, Armand and Daniel Tardif may receive their share of the capital, amounting to one-third each of the residue of the succession, immediately, as final and definitive settlement.

Coming
into force

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