

THIRD SESSION

THIRTY-SECOND LEGISLATURE

NATIONAL ASSEMBLY OF QUÉBEC

Bill 274

(PRIVATE)

An Act respecting the Joseph-Albert Tardif estate

First reading
Second reading
Third reading

MME HUGUETTE LACHAPELLE

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(PRIVATE)

An Act respecting the Joseph-Albert Tardif estate

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 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 rents 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 remainder 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 3 April 1981;

Whereas Jean-Philippe died in the first months of 1982, having a son Daniel, now aged 32;

Whereas the monthly payments received by Armand and Yvette, 70 and 65 years of age, respectively, are insufficient as they do not even represent the share of the capital due to each, but only a small portion of the interest;

Whereas Armand Tardif has a son, Guy, the only other person entitled to receive a monthly payment of \$50, who renounced the succession of Joseph-Albert Tardif;

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

Whereas the trustee agrees to the passing of this Act;

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

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, has entitled his children and their children to monthly rent only, Yvette, Armand and Daniel Tardif may receive their share of the capital, amounting to one-third of the residue of the succession, immediately, as final and definitive settlement.

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