

June 25.new draft.doc This document reflects the instruction chart up to Row 22 with the exception of Row 20  
(Avec suggestions de Picotte 8 août 2013 - de 1 à 13)

Draft Uniform Wills Act / Loi uniforme sur les testaments

<b>Interpretation and Application</b>	<b>Interprétation et application</b>
<p><b>Definitions</b> 1 In this Act,</p> <p>["spouse" means [insert here the appropriate definition of "spouse" for the jurisdiction];</p> <p><i>[Drafting device.]</i></p> <p>"will" includes a writing that</p> <p>(a) alters or revokes another will, or</p> <p>(b) on the death of the testator, confers or exercises a power of appointment.</p> <p><i>[Drafting device. Source: Wills and Succession Act (AB), s.1(1)(k)(ii)]</i></p> <p>[Commentary – jurisdictions may wish to add a reference to the dispositive nature of a will]</p>	<p><b>Définitions</b> 1 Les définitions qui suivent s'appliquent à la présente loi.</p> <p>["conjoint" S'entend [si nécessaire, insérer ici la définition de « conjoint » qui convient aux besoins de l'autorité législative. (spouse) ]</p> <p><i>[outil de rédaction]</i></p> <p>« testament » Est assimilé au testament l'écrit qui :</p> <p>a) ou bien modifie ou révoque un autre testament;</p> <p>b) ou bien confère un pouvoir de désignation au décès du testateur ou assure l'exercice de ce pouvoir. (<i>will</i>)</p> <p><i>[Outil de rédaction Source: Wills and Succession Act (AB), s.1(1)(k)(ii)]</i></p> <p>[Commentaire – Une juridiction peut vouloir ajouter une référence portant sur la nature « <u>dispositive</u> » d'un testament.]</p>
<b>Making a Will</b>	<b>Établissement du testament</b>
<p><b>Age of majority</b> 3 An individual who has reached the age of majority may make, alter or revoke a will if the individual has the mental capacity to do so.</p>	<p><b>Âge de la majorité</b> 3 Toute personne majeure peut faire un testament, le modifier ou le révoquer pour autant qu'elle en ait la capacité mentale.</p>



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<p><i>[Row 1. Source: Wills and Succession Act (AB), s. 13(1)]</i></p>	<p><i>[Row 1. Source: Wills and Succession Act (AB), s. 13(1)]</i></p>
<p><b>Formal requirements</b></p> <p>4(1) A will is valid only if</p> <p>(a) it is in writing,</p> <p><i>[Row 6. Source: Uniform Wills Act, s.4(1)(a)]</i></p> <p>(b) it contains the signature of the testator or of another individual who signed on the testator's behalf at the testator's direction and in the testator's presence, and</p> <p><i>[Row 7. Source: Wills and Succession Act (AB), s.14(b)]</i></p> <p>(c) the requirements of subsection (2) or (3), whichever is applicable, are met.</p> <p>(2) If the testator signed the will, the signature must have been made or acknowledged by the testator in the presence of two or more witnesses who were present at the same time and at least two of the witnesses, in the presence of the testator, must have</p> <p>(a) attested and signed the will, or</p> <p>(b) acknowledged their signatures on the will.</p> <p><i>[Row 8. Source: The Wills Act, 1996 (SK), s.7(1)(c) and (d)]</i></p> <p>(3) If another individual signed the will on behalf of the testator, the signature must have been made or acknowledged by that individual and acknowledged by the testator in the presence of</p>	<p><b>Conditions formelles de validité</b></p> <p>4(1) Seul est valide le testament:</p> <p>(a) qui est fait par écrit;</p> <p><i>[Row 6. Source: Uniform Wills Act, s.4(1)(a)]</i></p> <p>b) qui porte la signature du testateur ou de celle d'une autre personne qui le signe pour lui, qui se trouve en sa présence et qui agit sur ses instructions;</p> <p><i>[Row 7. Source: Wills and Succession Act (AB), s.14(b)]</i></p> <p>c) dont sont remplies les conditions énoncées au paragraphe (2) ou (3), selon le cas.</p> <p>(2) Lorsque le testateur revêt de sa signature le testament, celle-ci doit avoir été apposée ou confirmée par lui en la présence simultanée d'au moins deux témoins et deux de ces témoins doivent:</p> <p>a) soit avoir attesté le testament et l'avoir signé;</p> <p>b) soit avoir confirmé leurs signatures sur le testament.</p> <p><i>[Row 8. Source: The Wills Act, 1996 (SK), s.7(1)(c) and (d)]</i></p> <p>(3) Lorsqu'une personne a signé le testament pour le testateur, la signature doit avoir été apposée ou confirmée par elle et confirmée par lui en présence d'au moins deux témoins</p>



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<p>two or more witnesses who were present at the same time and at least two of the witnesses, in the presence of that individual and the testator, must have</p> <p>(a) attested and signed the will, or (b) acknowledged their signatures on the will.</p> <p><i>[Row 8. Adapted from The Wills Act, 1996 (SK), s.7(1)(c) and (d), and Clark Dalton's document, s.2(e).]</i></p> <p>OLD COMMENT: I think s.4(2) and (3) together capture the intent of Row 8 (the 'congruence in signatures' recommendation)-- although I am not quite sure whether the "made" and "made or acknowledged" references are quite right in s.4(2) and (3) because it's difficult to ascertain the intent from the wording of Clark's s.2(e) and Sask's s.7(1)(c).</p> <p>We discussed this on June 19. A question remains whether "in the presence of the individual and the testator" should be a requirement for s.(3) or whether the intent is that they can do this at different times – it's not clear from various statutes – but we think this is most likely the intent so we will leave it this way. Because we have separated s.(2) from (3), the differences between them are more readily apparent and can be easily seen by the ULCC (this draft will go to the entire Civil Section) so if someone thinks it is wrong, they can consider and decide how to change it.</p>	<p>présents au même moment et, au moins deux de ces témoins, en présence de cette personne et du testateur doivent avoir:</p> <p>a) soit attesté et signé le testament; b) soit confirmé leurs signatures y apposées.</p> <p><i>[Row 8. Adapted from The Wills Act, 1996 (SK), s.7(1)(c) and (d), and Clark Dalton's document, s.2(e).]</i></p> <p>OLD COMMENT: I think s.4(2) and (3) together capture the intent of Row 8 (the 'congruence in signatures' recommendation)-- although I am not quite sure whether the "made" and "made or acknowledged" references are quite right in s.4(2) and (3) because it's difficult to ascertain the intent from the wording of Clark's s.2(e) and Sask's s.7(1)(c).</p> <p>We discussed this on June 19. A question remains whether "in the presence of the individual and the testator" should be a requirement for s.(3) or whether the intent is that they can do this at different times – it's not clear from various statutes – but we think this is most likely the intent so we will leave it this way. Because we have separated s.(2) from (3), the differences between them are more readily apparent and can be easily seen by the ULCC (this draft will go to the entire Civil Section) so if someone thinks it is wrong, they can consider and decide how to change it.</p>
<p><b>Witnesses</b></p> <p>5(1) An individual may sign a will as a witness to a signature of the testator if the individual</p>	<p><b>Témoins de la signature</b></p> <p>5(1) Peut signer le testament en tant que témoin de la signature du testateur, la personne qui, à la fois:</p>



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<p>(a) has the mental capacity to do so, and</p> <p><i>[Row 10. Source: adapted from Wills and Succession Act (AB), s. 20(1), and Wills, Estates and Succession Act (BC), s.40(1) (NIF)]</i></p> <p>(b) has reached the age of majority.</p> <p><i>[Row 9. Source: adapted from Wills, Estates and Succession Act (BC), s.13 (NIF)]</i></p> <p>(2) An individual who signs a will on behalf of a testator is not eligible to witness the signature of the testator.</p> <p><i>[Row 11 (surrogate aspect only). Source: Wills and Succession Act (AB), s.20(2)]</i></p> <p>(3) An individual who signs a will as a witness to a signature of a testator is not ineligible as a witness to prove the making of the will or its validity or invalidity only because the individual is</p> <p>(a) a beneficiary under the will, or</p> <p>(b) the spouse of a beneficiary.</p> <p><i>[Row 11. Source: Wills and Succession Act (AB), s.20(3)(b) and (c)]</i></p>	<p>a) en a la capacité mentale;</p> <p><i>[Row 10. Source: adapted from Wills and Succession Act (AB), s. 20(1), and Wills, Estates and Succession Act (BC), s.40(1) (NIF)]</i></p> <p>b) est majeure.</p> <p><i>[Row 9. Source: adapted from Wills, Estates and Succession Act (BC), s.13 (NIF)]</i></p> <p>(2) La personne qui signe le testament pour le testateur ne peut être témoin de la signature du testateur.</p> <p><i>[Row 11 (surrogate aspect only). Source: Wills and Succession Act (AB), s.20(2)]</i></p> <p>(3) La personne qui signe le testament en tant que témoin de la signature du testateur n'est pas inhabile à attester l'établissement du testament, sa validité ou son invalidité du seul fait qu'elle est, selon le cas:</p> <p>a) soit bénéficiaire du testament,</p> <p>b) soit le conjoint d'un bénéficiaire.</p> <p><i>[Row 11. Source: Wills and Succession Act (AB), s.20(3)(b) and (c)]</i></p>
<p><b>Signature</b></p> <p>6(1) A will is not invalid because the testator's signature is not placed at the end of the will if it appears on the face of the will that the testator intended by the signature to give effect to the</p>	<p><b>Signature</b></p> <p>6(1) Le fait que la signature du testateur ne soit pas apposée au pied du testament n'invalide en rien le testament, s'il apparaît au vu du testament que le testateur entendait par sa signature</p>



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<p>will.</p> <p><i>[Row 12. Source: Wills and Succession Act (AB), s.19(3)]</i></p> <p>(2) A testator is presumed not to have intended to give effect to any writing that appears below the testator's signature.</p> <p><i>[Row 12. Source: Wills and Succession Act (AB), s.19(3)]</i></p> <p>(3) The references in subsections (1) and (2) to a testator's signature include the signature of an individual who signed on behalf of the testator in accordance with section 4. <i>[consequential to Row 7 (surrogate signature aspect)]</i></p> <p>OLD COMMENT: If we end up having references to a testator's signature in other sections too, we should move s.(3) to the "Interpretation" part.</p>	<p>donner effet au testament.</p> <p><i>[Row 12. Source: Wills and Succession Act (AB), s.19(3)]</i></p> <p>(2) Le testateur est présumé ne pas avoir entendu donner effet à quelque écrit que ce soit figurant sous sa signature.</p> <p><i>[Row 12. Source: Wills and Succession Act (AB), s.19(3)]</i></p> <p>(3) Les renvois énoncés aux paragraphes (1) et (2) à la signature du testateur s'entendent également de celle de la signature de substitution apposée conformément à l'article 4. <i>[consequential to Row 7 (surrogate signature aspect)]</i></p> <p>OLD COMMENT: If we end up having references to a testator's signature in other sections too, we should move s.(3) to the "Interpretation" part.</p>
<p><b>Exception to witnessing requirements - holograph will</b></p> <p>7 A will may be made without complying with section 4(1)(d) and (2) if it is made wholly in the testator's own writing and signed by the testator.</p> <p><i>[Row 13. Adapted from Wills and Succession Act (AB), s.16, and Uniform Wills Act, s.6(2)]</i></p>	<p><b>Exception aux conditions applicables aux témoins instrumentaires – testament holographe</b></p> <p>7 Peut être entièrement écrit de la main du testateur et signé par lui, le testament qui ne satisfait pas aux conditions prévues à l'alinéa 4(1)d) et au paragraphe 4(2).</p> <p><i>[Row 13. Adapted from Wills and Succession Act (AB), s.16, and Uniform Wills Act, s.6(2)]</i></p>



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<b>Exceptions for military personnel and sailors</b>	<b>Exceptions applicables au personnel militaire et aux marins</b>
<p>8(1) In this section, “Canadian Forces member” means an individual who is</p> <p>(a) a member of a regular force as defined in the <i>National Defence Act</i> (Canada), or</p> <p>(b) a member of another component of the Canadian Forces who is placed on active service under the <i>National Defence Act</i> (Canada).</p> <p>[Row 3. Source: <i>Wills and Succession Act</i> (AB), s.13(2)(b)]</p> <p>(2) Despite section 3, an individual who is under the age of majority may make, alter or revoke a will if the individual has the mental capacity to do so and is, at the time of making the will, a Canadian Forces member [or a sailor in the course of a voyage].</p> <p>[Rows 3 and 4. Source: <i>Wills and Succession Act</i> (AB), s.13(2)(b); [for portion in square brackets: <i>The Wills Act</i> (SK), s.6(1)]</p> <p>(3) Despite section 4(1)(d), an individual who has the mental capacity to do so may make, alter or revoke a will without complying with section 4(2) or (3) if, at the time of making the will, the individual is a Canadian Forces member or a member of any other naval, land or air force on active service [or who is a sailor in the course of a voyage].</p>	<p>8(1) Dans le présent article, “membre des Forces canadiennes” s’entend d’une personne qui est membre :</p> <p>a) ou bien d’une force régulière selon la définition que donne de ce terme la <i>Loi sur la défense nationale</i> (Canada);</p> <p>b) ou bien d’un autre élément constitutif des Forces canadiennes qui se trouve en service actif en vertu de cette loi.</p> <p>[Row 3. Source: <i>Wills and Succession Act</i> (AB), s.13(2)(b)]</p> <p>(2) Par dérogation à l’article 3, toute personne mineure peut faire un testament, le modifier ou le révoquer pour autant qu’elle en ait la capacité mentale et si, à la date de la rédaction du testament, elle est membre des Forces canadiennes [ou marin en cours de voyage].</p> <p>[Rows 3 and 4. Source: <i>Wills and Succession Act</i> (AB), s.13(2)(b); [for portion in square brackets: <i>The Wills Act</i> (SK), s.6(1)]</p> <p>(3) Par dérogation à l’alinéa 4(1)d), la personne qui jouit de la capacité mentale d’établir, de modifier ou de révoquer un testament peut y procéder sans répondre aux conditions posées au paragraphe 4(2) ou (3), si elle est, au moment de l’établir, membre des Forces canadiennes ou d’une force navale, terrestre ou aérienne en service actif, [ou marin en cours de voyage].</p>



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<p><i>[Row 4. Source: Wills and Succession Act (AB), s.13(2)(b) and s.17; [for portion in square brackets: The Wills Act (SK), s.6(1)]</i></p> <p>(4) For the purposes of this section,</p> <p>(a) a certificate signed by or on behalf of an officer purporting to have custody of the records of the force in which a member was serving at the time the will was made setting out that the member was on active service at that time is sufficient proof of that fact, and</p> <p>(b) if a certificate referred to in clause (a) is not available, a member of a naval, land or air force is deemed to be on active service after the member has taken steps under the orders of a superior officer preparatory to serving with or being attached to or seconded to a component of such a force that has been placed on active service.</p> <p><i>[Row 3 (active service aspect). Source: Wills and Succession Act (AB), s.18]</i></p>	<p><i>[Row 4. Source: Wills and Succession Act (AB), s.13(2)(b) and s.17; [for portion in square brackets: The Wills Act (SK), s.6(1)]</i></p> <p>(4) Aux fins d'application du présent article,</p> <p>a) fait foi que le membre se trouvait en service actif à la date de rédaction du testament l'attestation à cet effet signée par ou pour un officier censé avoir la garde des archives de la force dans laquelle il servait à cette date;</p> <p>b) si l'attestation visée à l'alinéa a) ne peut être obtenue, est réputée se trouver en service actif le membre d'une force navale, terrestre ou aérienne et qui a entrepris des démarches sous les ordres d'un officier supérieur en vue de devenir un élément constitutif d'une telle force mis en activité de service, d'y être affecté ou détaché.</p> <p><i>[Row 3 (active service aspect). Source: Wills and Succession Act (AB), s.18]</i></p>
<p><b>Alterations</b></p> <p>9 An alteration made on a will is valid only if</p> <p>(a) in the case of a will made under section 4, the alteration is made in accordance with that section, or</p> <p>(b) in the case of a will made under section 7, the alteration is made in accordance with that section.</p>	<p><b>Modifications</b></p> <p>9 Vaut modification valide du testament :</p> <p>a) s'agissant du testament visé à l'article 4, celle qui est apportée conformément aux dispositions de cet article;</p> <p>b) s'agissant du testament visé à l'article 7, celle qui est apportée conformément aux dispositions de cet article.</p>



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<p><i>[Row 18 (form of alteration aspect). Adapted from Wills and Succession Act (AB), s.22(1)(b)]</i></p>	<p><i>[Row 18 (form of alteration aspect). Adapted from Wills and Succession Act (AB), s.22(1)(b)]</i></p>
<p><b>[Holograph alterations]</b></p> <p>9.1 Notwithstanding section 9(a), a will may be altered without complying with section 4(1)(d) if the alteration is wholly in the testator's own writing and signed by the testator.]</p> <p><i>[Row 19 – recommended for inclusion in square brackets. Adapted from The Wills Act, 1996 (SK), s.11(3)]</i></p>	<p><b>Modifications du testament holographe</b></p> <p>9.1 Par dérogation à l'alinéa 9 a), un testament peut être modifié sans que sa modification soit conforme à l'alinéa 4(1) d), si elle est entièrement écrite de la main du testateur et qu'elle est signée par lui.]</p> <p><i>[Row 19 – recommended for inclusion in square brackets. Adapted from The Wills Act, 1996 (SK), s.11(3)]</i></p>
<p style="text-align: center;"><b>Giving Effect to a Will</b></p> <p><b>Validation power for non-compliant wills</b></p> <p>10 Where, on application, the Court is satisfied on clear and convincing evidence that a document embodies the testamentary intention of a deceased individual, the Court may order that the document is fully effective as the will of the deceased individual, despite that the document was not made in accordance with section 4(1)(b) or (c) or 7 or is in an electronic form.</p> <p><i>[Rows 16 and 21. Adapted from The Wills Act (Man), s.23(a)]</i></p> <p>[Commentary 1: the words “on application” are intended to require an application to the Court, but jurisdictions may need to</p>	<p style="text-align: center;"><b>Réalisation des dispositions testamentaires</b></p> <p><b>Pouvoir de validation applicable aux testaments non conformes</b></p> <p><u>10</u> Sur requête, le tribunal peut ordonner malgré la non-conformité de son établissement soit avec les alinéas 4(1) b) ou c) ou avec l'article 7, soit du fait qu'il est établi sous forme électronique, le tribunal peut ordonner qu'un document produise ses entiers effets lorsque, sur requête à lui présenté, il conclut sur la foi d'une preuve claire et convaincante, que s'y trouve déclaré l'intention de tester du défunt.</p> <p><i>[Rows 16 and 21. Adapted from The Wills Act (Man), s.23(a)]</i></p> <p>[Commentary 1: the words “on application” are intended to require an application to the Court, but jurisdictions may need</p>



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<p>adjust this wording]</p> <p>[Commentary 2: note that a document cannot be validated as a will if it is not in writing as required by s.4(a) and 7]</p>	<p>to adjust this wording]</p> <p>[Commentary 2: note that a document cannot be validated as a will if it is not in writing as required by s.4(a) and 7]</p>
<p><b>Validation power for non-compliant alterations</b></p> <p>11 Where, on application, the Court is satisfied on clear and convincing evidence that any writing or other marking or obliteration on a document embodies the intention of a deceased individual to revoke, alter or revive a will of the deceased individual or the testamentary intention of the deceased individual embodied in a document other than a will, the Court may order that the writing, other marking or obliteration is fully effective as the revocation, alteration or revival of the will of the deceased individual or of the testamentary intention embodied in that other document, despite that the writing, other marking or obliteration was not made in accordance with section 9(a) or (b), whichever is applicable, or is in an electronic form.</p> <p><i>[Rows 16 and 21. Adapted from The Wills Act (Man), s.23(b)]</i></p> <p>[Same Commentary re “on application” as for s.10]</p>	<p><b>Pouvoir de validation applicable aux modifications non conformes</b></p> <p>11 Malgré la non-conformité d’une mention ou autre marque ou obliteration soit avec les alinéas 9a) ou b), selon le cas, soit du fait de son établissement sous forme électronique, le tribunal peut ordonner que cette mention ou autre marque ou obliteration traduise l’intention du défunt de révoquer, de modifier ou de remettre en vigueur son testament ou son intention de tester dans un autre document non testamentaire et produise ses entiers effets au titre de cette révocation, de cette modification ou de cette remise en vigueur lorsque, sur requête, il en conclut ainsi sur la foi d’une preuve claire et convaincante.</p> <p><i>[Rows 16 and 21. Adapted from The Wills Act (Man), s.23(b)]</i></p> <p>[Same Commentary re “on application” as for s.10]</p>
<p>12 For the purposes of sections 10 and 11, a document, writing or other marking or an obliteration is in an electronic form if it</p> <p>(a) is recorded or stored on any medium in or by a computer system,</p>	<p>12 Aux fins d’application des articles 10 et 11, est établi sous forme électronique le document, la mention ou autre marque ou obliteration qui satisfait aux conditions suivantes :</p> <p>a) il est enregistré ou mis en mémoire sur quelque support</p>



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<p>(b) can be read by an individual, and (c) is capable of reproduction in a visible form.</p> <p><i>[Row 22 ('electronic form' aspect). Adapted from the Uniform Wills Act, s.19.1(4)]</i></p>	<p>que ce soit par un système informatique;</p> <p>b) une personne peut le lire; c) il est possible de le reproduire sous forme visible.</p> <p><i>[Row 22 ('electronic form' aspect). Adapted from the Uniform Wills Act, s.19.1(4)]</i></p>
<p><b>Void dispositions</b></p> <p>13(1) Subject to any order made under subsection (2), a beneficial disposition or an appointment that is made by will to, <u>or an appointment of,</u> any of the following individuals is void as against the individual, the individual's spouse and any other individual claiming under either of them:</p> <p>(a) a witness who signs the will under section 4(2) or (3), (b) an individual referred to in section 4(1)(b) who signs the will on behalf of the testator, or (c) an interpreter who provided translation services in respect of the making of the will.</p> <p><i>[Row 14. Adapted from the Wills and Succession Act (AB), s.21(1)]</i></p> <ul style="list-style-type: none"> <li>placeholder for a piece that still has to be worked into draft</li> </ul> <p>COMMENT: ...(Note I also replaced "any of them" with "either of them" because I can't see that there are more than 2 categories being referred to here (individuals claiming under the beneficiary, and</p>	<p><b>Nullité de certaines dispositions</b></p> <p>13(1) Sous réserve de l'ordonnance rendue en vertu du paragraphe (2), est nulle à l'égard du bénéficiaire, de son conjoint et de l'un quelconque de leurs ayants droit toute disposition testamentaire avantageuse <u>ou toute désignation</u> pour les personnes suivantes :</p> <p>a) le témoin qui signe le testament comme le prévoit le paragraphe 4(2) ou 4(3); b) la personne mentionnée à l'alinéa 4(1)b) qui signe le testament pour le testateur; c) l'interprète qui fournit des services de traduction relativement à l'établissement du testament.</p> <p><i>[Row 14. Adapted from the Wills and Succession Act (AB), s.21(1)]</i></p> <ul style="list-style-type: none"> <li>placeholder for a piece that still has to be worked into draft</li> </ul> <p>COMMENT: ...(Note I also replaced "any of them" with "either of them" because I can't see that there are more than 2 categories being referred to here (individuals claiming under the beneficiary, and</p>



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<p>individuals claiming under the beneficiary's spouse). Do you agree?)</p> <p>OLD COMMENT: ...</p> <p>Note that this AB section applies only to a "beneficial" disposition and does not apply to dispositions described in s.21(2). If s.21(2) isn't going to form part of the uniform Act, should we omit the term "beneficial" in s.(1)?</p> <p>(2) The Court may, on application, order that a disposition or appointment referred to in subsection (1) is not void if the Court is satisfied that</p> <p>(a) the testator intended to make the disposition to the individual or to appoint the individual despite knowing that the individual was an individual described in subsection (1), and</p> <p>(b) neither the individual nor the individual's spouse exercised any improper or undue influence over the testator.</p> <p><i>[Row 15. Source: Wills and Succession Act (AB), s.40(1)]</i></p> <p>[Same commentary as for 10 and 11 re 'on application']</p> <p>[ (3) An application under subsection (2) may not be made more than 6 months after the date the grant of probate or administration is issued unless the Court orders an extension of that period.</p>	<p>individuals claiming under the beneficiary's spouse). Do you agree?)</p> <p>OLD COMMENT: ...</p> <p>Note that this AB section applies only to a "beneficial" disposition and does not apply to dispositions described in s.21(2). If s.21(2) isn't going to form part of the uniform Act, should we omit the term "beneficial" in s.(1)?</p> <p>(2) Sur requête, le tribunal peut prononcer la validité de toute disposition ou désignation, s'il est convaincu de ce qui suit:</p> <p>a) le testateur entendait procéder à la disposition avantageuse pour une personne ou à sa désignation sachant que cette personne était visée au paragraphe (1);</p> <p>b) ni elle ni son conjoint n'a exercé sur le testateur quelque influence illégitime ou abus d'influence que ce soit.</p> <p><i>[Row 15. Source: Wills and Succession Act (AB), s.40(1)]</i></p> <p>[Same commentary as for 10 and 11 re 'on application']</p> <p>[ (3) La requête prévue au paragraphe (2) ne peut être présentée plus de six mois après la date de délivrance des lettres d'homologation ou d'administration testamentaire, sauf si le tribunal proroge ce délai.</p>
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<p><i>[Row 15. Source: Wills and Succession Act (AB), s.40(2)]</i></p> <p>(4) The Court may order an extension of the period on any terms the Court considers just.]</p> <p><i>[Row 15. Source: Wills and Succession Act (AB), s.40(3)]</i></p> <p>[Commentary: jurisdictions may wish to remove or adapt s.(3) and (4), depending on what other legislation they may have that covers this.]</p>	<p><i>Row 15. Source: Wills and Succession Act (AB), s.40(2)]</i></p> <p>(4) Le tribunal peut ordonner la prorogation du délai aux conditions qu'il estime juste.]</p> <p><i>[Row 15. Source: Wills and Succession Act (AB), s.40(3)]</i></p> <p>[Commentary: jurisdictions may wish to remove or adapt s.(3) and (4), depending on what other legislation they may have that covers this.]</p>
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