

# Uniform Survivorship Act

(1971 Proceedings, pages 84, 412)

1. (1) Where two or more persons die at the same time or in circumstances rendering it uncertain which of them survived the other or others, for all purposes affecting the legal or beneficial title to, ownership of, or succession to, property, the property of each person, or any property of which he is competent to dispose, shall be disposed of as if he had survived the other or others. Order of death presumed

(2) Unless a contrary intention appears, where two or more persons hold legal title to property as joint tenants, or with respect to a joint account, with each other, and all of them die at the same time or in circumstances rendering it uncertain which of them survived the other or others, each person is, for the purposes of subsection (1), deemed to have an equal share with the other or with each of the others in that property. Equal shares presumed

(3) Where a will contains a provision for a substitute personal representative operative if an executor designated in the will Care provided for in will prevails

(a) dies before the testator; or

(b) dies at the same time as the testator; or

(c) dies in circumstances rendering it uncertain which of them survived the other,

and the designated executor dies at the same time as the testator or in circumstances rendering it uncertain which of them survived the other, then, for the purpose of probate, the case for which the will provides is deemed to have occurred.

**NOTE:** *The uniform survivorship provision in the respective Insurance Acts of the provinces reads as follows:*

Unless a contract or a declaration otherwise provides, where the person whose life is insured and a beneficiary die at the same time or in circumstances rendering it uncertain which of them survive the other, the insurance money is payable in accordance with subsection ..... of section ..... as if the beneficiary had predeceased the person whose life is insured.

*It is suggested that, to complement the new Uniform Survivorship Act and make clear that the insurance provisions only apply for the purpose of paying out the proceeds of the policy and not for the distribution of property, the uniform*

*insurance provision in the respective Insurance Acts be amended as follows:*

Unless a contract or a declaration otherwise provides where the person whose life is insured and a beneficiary die at the same time or in circumstances rendering it uncertain which of them survive the other, for the purpose only of paying out the proceeds of the policy, the insurance money is payable in accordance with subsection ..... of section ..... as if the beneficiary had predeceased the person whose life is insured.

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