LIQUIDATOR’S HANDBOOK
(QUEBEC)
A NOTE TO THE LIQUIDATOR

The death of a loved one is difficult enough without having to worry about getting the estate settlement process right. Since the laws and approaches to estate settlement in Quebec differ from the common law provinces across Canada, we have prepared this useful handbook that highlights these differences. It is intended to help those who may be named Liquidators (Executors) in the province of Quebec. Please keep in mind that this is an overview document only and we strongly advise you to consult with a lawyer if you are named Liquidator.
Glossary of Terms

Family Patrimony: These are the family assets acquired by spouses during their relationship such as real estate, vehicles, furniture, etc. The legal division of the family patrimony must be settled before any testamentary bequests are distributed.

Heir: A Successor who accepts an inheritance.

Liquidator: This is the term for the person responsible for settling a deceased’s estate. It is equivalent to the role of Executor in the Common Law provinces.

Matrimonial or civil union: In the case of death, participants in a matrimonial or civil union have essentially the same rights and obligations when an estate is being distributed.

Successor: A person eligible to inherit from an estate under the Civil Code.

Testator: The person who has left a Will.

List of Government Websites

Here are the links to government websites as referenced in this supplement:

<table>
<thead>
<tr>
<th>TOPIC</th>
<th>LINK</th>
</tr>
</thead>
<tbody>
<tr>
<td>Registre des dispositions testamentaires et des mandats du Quebec</td>
<td><a href="http://www.cnq.org/en/willAndMandate/researchRequest.html">http://www.cnq.org/en/willAndMandate/researchRequest.html</a></td>
</tr>
<tr>
<td>Registre des droits personnels et réels mobiliers</td>
<td><a href="http://www.rdprm.gouv.qc.ca/fr/Pages/Accueil.html">http://www.rdprm.gouv.qc.ca/fr/Pages/Accueil.html</a></td>
</tr>
</tbody>
</table>
The Will

Locating the Will

It is important to locate and verify the most recent, legal Will. The deceased’s records and files should always be searched and legal representatives contacted. In Quebec, it is also necessary to consult the ‘Registre des dispositions testamentaires et des mandats du Quebec’ to determine if the Will is registered and if it is the most current document.

Quebec law recognizes three types of Wills:

1. Notarial Will – this is executed before a notary and signed by a witness.
2. Holograph Will – this is entirely handwritten and signed by the Testator and requires no witness.
3. Will made before Witnesses – this may be handwritten or by mechanical means and requires at least two witnesses.

Probate

There are no probate fees in Quebec.

Naming the Liquidator

If the Testator has not named a Liquidator, then the Heirs must join each other and perform the Liquidator’s duties. If they cannot agree on how to proceed, then the court needs to be approached.

Registering the Liquidator

The recognized Liquidator must be registered with the ‘Registre des droits personnels et réels mobiliers’.
Intestacy (no Will)

When no legal Will can be located, estate assets will be distributed pursuant to the civil code of Quebec and is referred to as a ‘legal succession’ or ‘intestate succession’. In this case, the successors will be the spouse to whom the deceased was joined in marriage or a civil union, and the deceased’s blood relatives and relatives by adoption. The heirs will act jointly to perform the duties of the Liquidator unless they choose to designate a liquidator.

Spousal Issues: Distribution of the Family Patrimony and Liquidation of the Matrimonial or Civil Union

Whether the estate requires distribution pursuant to the Will (Testamentary division) or in the absence of a Will (Legal division), distribution of the Family Patrimony on dissolution of the spousal relationship due to death of a spouse is required. Half the value of the Family Patrimony devolves to the surviving spouse. This division will be made of monetary value, not in kind.

The Family Patrimony includes:

- Any family residences and the furniture and domestic assets therein
- Family vehicles
- The rights accrued in pension plans during the legal union that are NOT subject to division or payment of survivor benefits under statute such as Quebec Pension Plan benefits or under various non-government, Registered Pension Plans.

Special rules may apply if a family residence or a vehicle was owned by one of the spouses at the time of marriage. Consideration must also be given to the matrimonial regime applicable to the spouses.

Once the Family Patrimony has been distributed and the Matrimonial or Civil union dissolved, the estate will be distributed pursuant to the Testator’s wishes through their Will or through the rules of legal succession where no Will exists.
IMPORTANT NOTE

As with all the jurisdictions in Canada, there are many legal aspects to settling an estate and while the information above may prove informative, it is strongly advised to consult with a competent lawyer when contemplating assuming the duties of Liquidator.
This publication is intended as a general source of information and should not be considered as estate, tax planning, personal investment or tax advice, nor should it be construed as being specific to an individual’s investment objectives, financial situation or particular needs. We recommend that individuals consult with their professional financial or tax advisor before taking any action based upon the information found in this publication. The information and opinions contained herein have been compiled or arrived at from sources believed reliable but no representation or warranty, express or implied, is made as to their accuracy or completeness. While we endeavour to update this information from time to time as needed, information can change without notice and Dynamic Funds® does not accept any responsibility for any loss or damage that results from any information contained herein.

© 2013 1832 Asset Management L.P. – All rights reserved. Reproduction in whole or in part of this content without the written consent of the copyright owner is forbidden. Snapshots™ is a trademark of its owner, used under license.