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### 1. No Will as Exhibit to Committeeship: CA

In the recent decision in [Perzan v Struk](#), 2006 MBCA 32, the Manitoba Court of Appeal reviews whether the will of a person subject to a committeeship application should ever be admitted as part of the evidence of an applicant. Based on the facts, the Court finds that the will is inadmissible but leaves open the possibility that a will could be admitted into evidence in an appropriate case. The case also includes a reminder to counsel that a [September 2003 practice directive](#) from the Court of Queen's Bench states the will is not to be included with applications for committeeship

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### 2. Amendments to *The Real Property Act*

Bill 32, [The Real Property Amendment Act](#) was introduced in the Legislature on April 11, 2006. The amendments allow for creation of easements for the public purposes set out in [s. 111\(1\) of The Real Property Act](#). An April 11, 2006 [press release](#) states that the purpose of the amendments is to facilitate transfers by the Province to Canada in order to fulfil its outstanding treaty land entitlements to First Nations.

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### 3. Nova Scotia Lawyers Selling Real Estate

In the recent decision in [Nova Scotia Real Estate Commission v. Lorway](#), 2006 NSSC 76, the Nova Scotia Supreme Court refused an application for an interim injunction brought against a law firm that was listing and advertising real estate for clients. The Nova Scotia Barristers' Society intervened on behalf of the lawyer defendants. The decision includes a discussion of the application of the exemption for lawyers under the applicable provincial legislation. Manitoba's [Real Estate Brokers Act](#) contains a similar exemption in s. 41(2).

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### 4. Essential CLE Materials

CLE materials for the following recent programs are available now for purchase on [The Law Society of Manitoba's website](#):

- [Private Residential Real Estate Transactions and the Lawyer's Duties and Obligations](#) - December 6, 2005 - Author: Jeffrey Shypit
- [Charitable Gifts at Death](#) - November 8, 2005 - Authors: John Poyser, Larry Frostiak, Cynthia Hiebert-Simkin, DeWayne Osborn

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