Property & Succession Update



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1. New Requirements for Securing Consumer Debt

On April 1, 2007, <u>The Consumer Protection Amendment Act (Cost of Credit Disclosure and</u> <u>Miscellaneous Amendments</u>), S.M. 2005, c.16 will come into force. The amendments will impact mortgagors seeking to secure consumer debt via real property mortgages. For further information see the paper, <u>Application of Certain Provisions of The Manitoba Consumer Protection Act to Real</u> <u>Property Mortgages</u> prepared by Ned Brown of Pitblado.

2. Mortgage Fraud Update: ON.C.A.

Following up on our item in January's Update regarding mortgage fraud, the Ontario Court of Appeal has recently reversed its' own controversial ruling in *Household Realty Corporation Ltd. v. Liu*, 2005 CanLII 43402 (ON.C.A.). The court, in *Lawrence v. Maple Trust Company*, 2007 ONCA 74 (CanLII) finds in favour of the defrauded homeowner.

3. New Online Forms

The Property Registry has recently posted <u>Tax Sale forms</u> on its' <u>website</u>. The forms are available to download or print, in both Word and PDF formats.

4. Estates Toolkit: Managing Clients & Multi-Jurisdictional Wills

Two articles recently posted on the CLE BC website will be of interest to estate practitioners. The article <u>Managing Clients and Client Expectations</u> by Joel M. Altman (as posted on the CLE BC website) is a useful tool, setting out, in a step by step format, how best to determine and meet client expectations in drafting an estate plan. <u>Multi-Jurisdictional Wills</u> by Fiona Hunter examines some of the issues that arise in multi-jurisdictional estate planning. While the paper provides a British Columbia perspective, the issues it flags are important to lawyers across the country.

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