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### 1. Land Titles Service Improvement Announced

On November 13, 2008 the Registrar-General issued a directive to all clients of the Manitoba Land Titles System entitled [Service Improvement Initiative for: The Registration of Plans of Easement and Plans of Survey for Leasehold](#). The directive describes a change in policy to allow registration of plans of easement and plans of survey for a leasehold interest in advance of the registration of the caveats and leases affecting title. The registration of the plan is not entered on and does not affect the title. This enables the registration of caveats and leases as they are being acquired, eliminates time delays, and improves the efficiency of notice of the registration of the documents.

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### 2. Resulting Trust Denied: C.A.

The Manitoba Court of Appeal recently released its unanimous decision in [Ehrmantraut \(Bankrupt\), Re](#), 2008 MBCA 127, dismissing the appeal and upholding the motions judge's decision ([2008 MBQB 140](#)) to reverse the registrar in bankruptcy's finding of a resulting trust in favour of the appellant in respect of condominium property owned jointly with his son, a bankrupt. The court found no palpable or overriding error in the conclusion of the motions judge that, by pledging his credit to facilitate the purchase of the condominium by his father, the "bankrupt provided value for the joint interest he held in the property." Since this finding was fatal to the existence of a resulting trust in favour of the appellant the court did not need to decide whether s.59 of *The Real Property Act* precluded the remedy of resulting trust.

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### 3. Resources for Estates and Property Lawyers

The Succession Law Tables of Concordance assembled by the [Wills, Estates and Trusts Section](#) of the Canadian Bar Association are now available online. These tables, accessible to CBA members only, provide basic information about estate and succession laws in Canadian jurisdictions and links to court and land titles officials across the country. They are a convenient starting point for lawyers considering estate files complicated by inter-provincial issues or performing services in neighbouring jurisdictions.

The December edition of the Manitoba Bar Association publication [Headnotes and Footnotes](#) contains an article on the *Effect of Foreclosure On a Secured Creditor's Rights* by Edward D. (Ned) Brown. The article examines the issues arising in the application of s.16 of [The Mortgage Act](#) (regarding real property security) and s.61 of [The Personal Property Security Act](#) (regarding personal property security interests), and suggests some practical solutions to prevent or deal with

these issues.

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#### 4. Preventing Real Estate Fraud

In [The Phantom Purchaser](#), a feature article on real estate fraud in the October/November edition of the Canadian Bar Association's [National](#) magazine, author Elizabeth Raymer reviews the new legislation and regulations aimed at creating a tougher anti-fraud environment in real estate transactions. As the article notes, implementing the new rules on client identification will be complicated, particularly where property purchasers are corporations or international clients. Manitoba's new rules on client identification and verification come into effect on December 31, 2008. If you have not already attended the program ["Know Your Client" Rules](#) you will have another opportunity to do so on Wednesday, January 7, 2009 from 12:00 noon - 1:30 p.m. Contact the [Law Society](#) for further details, to register for the program, or to download sample forms to assist in complying with the rules.

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#### 5. MBA Mid-Winter 2009

The annual [Mid-Winter Meeting](#) of the [Manitoba Bar Association](#) will take place from January 22 to 24, 2009 at the Hotel Fort Garry. Continuing legal education programs of interest to property and estates practitioners include:

- 9:30 - 11:30 a.m. - *Representations and Warranties: A Guide to Negotiation*; and
- 2:00 - 4:00 p.m. - *Disabled Beneficiaries - Maximizing Their Benefits*.

All Mid-Winter meeting programs will be held on January 23rd, 2009.

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