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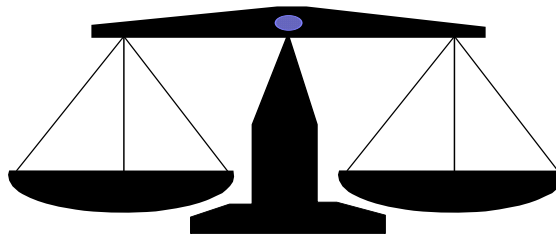
Attention: Family Law Lawyers

Bulletin No. 152

Update for Family Law Practice

Federated Press has produced a report on Marriage and Money in both book and CD-ROM format which is extremely well done, with over five hours of audio/video plus 585 pages of original articles. The panel of leading experts provides the latest information on property rights on marriage breakdown, spousal support, child support, business valuations, pension valuations, etc.

Phone Federated Press at 1-800-363-0722 for a copy. The cost is \$175.00 for the book and \$244.00 for the CD-ROM. I highly recommend them both for updating your knowledge and as reference material.



For further information please call Pension Valuers of Canada at **1-800-891-9122** or fax us at 1-705-749-6762.

*Published by G. Edmond Burrows, F.C.A.
Specialist in Pension Valuations*

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MARRIAGE AND MONEY

Conference Report in Book

or CD-ROM format

Book: over 585 pages of original articles, including overheads

CD-ROM: over five hours of audio/video, plus book content

Property rights on marriage breakdown

Lorne H. Wolfson, *Torkin Manes Cohen & Arbus*

- Determining existence of unjust enrichment
- Valuation of an interest in discretionary trust
- Satisfying equalization payments by an "if and when" order
- How to make gifts to children: practical advice
- Remedies available for non-disclosure
- Degree of supporting documentation required
- Valuation of assets on the valuation date

*Audio: 23 minutes * Speaker's paper: 16,323 words*

Spousal support

Nancy L. Backhouse, *Barrister and Solicitor*

- Conditions that must be met for payments to be deductible
- Tax deductibility of retroactive payments
- Taxation of support from a non-resident
- Tax treatment of payments by estate to spouse
- Retirement and the potential for "double dipping"
- Review of the "double dipping" case law

*Audio: 23 minutes * Speaker's paper: 3741 words*

Child support

Susanne R. Goodman, *Epstein, Cole*

- Changes in the taxation of child support
- Third party payments made for benefit of a child
- Voluntary supplementary payment risks
- The need to register agreements and orders with Revenue Canada
- Deductibility of legal fees relating to child support
- Problems of discretion under the Guidelines

*Audio: 35 minutes * Speaker's paper: 13,383 words*

Use of life insurance in the family setting

Elizabeth Kernohan, C.A., CFP, *Senior Consultant, Tax & Estate Planning Group, Manulife Financial*

Ordering Information

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Conference held in Toronto on September 1, 1998

**Chairs: Ruth E. Mesbur, Barrister and Solicitor; and
Florence Marino, Manulife Financial**

- The taxation of life insurance
- Life insurance to preserve the estate
- Taxation of the transfer of life insurance
- Estate equalization through life insurance
- Life insurance requirements for spousal support
- Life insurance trusts for the support of children
- Life insurance to protect against dependent relief and equalization claims

*Audio: 23 minutes * Speaker's paper: 8663 words*

Domestic contracts and the courts

James C. MacDonald, QC, MacDonald & Partners

- Domestic contracts recognized by the FLA
- Using domestic contracts to override the provisions of the FLA
- The required form of a domestic contract
- Grounds upon which the validity of a domestic contract can be challenged
- Factors considered by courts in the making of spousal support orders
- Court's willingness to vary spousal agreements

*Audio: 45 minutes * Speaker's paper: 7883 words*

Common law and same sex cohabitation

Judith M. Nicoll, Ireland, Nicoll

- Definition of spouse for the purpose of support
- Availability of support for the same-sex spouse
- Legislative rights of cohabitating spouses
- Common law concept of constructive trust
- M. v. H.: extending property and support rights to same-sex couples
- The drafting of cohabitation agreements

*Audio: 25 minutes * Speaker's paper: 3242 words*

Marital breakdown from an estate planner's perspective

Wolfe D. Goodman, QC, Goodman and Carr

- Distinction between gifts to married and unmarried persons
- Transfer of property through a trust or a gift
- Treatment of interests in spousal trusts on marriage breakdown
- The effect of a shareholders' agreement on claims under the FLA
- Remedial constructive trust jurisprudence
- Qualification of FLA payments for rollovers

*Audio: 27 minutes * Speaker's paper: 9628 words*

Advising the remarrying client

Gerald P. Sadvari, McCarthy Tétrault

- Need for adequate financial disclosure
- The importance of independent legal advice
- Setting aside a contract due to unequal bargaining power, duress or undue influence

- The drafting of marriage contracts
- Family law implications of estate freezes
- Methods for un-freezing an estate freeze

*Audio: 16 minutes * Speaker's paper: 13,713 words*

Tax issues for families in conflict

Deb MacPberson, KPMG

- The need to revise estate plans on divorce
- Undoing income splitting arrangements
- Arrangements for splitting income with children
- Rules for the claiming of child care expenses
- Tax consequences of the assignment of pension credits
- Tax issues related to trust funds and RESPs

*Audio: 31 minutes * Speaker's paper: 8172 words*

Succession planning for the family business

Milan Legris, Deloitte & Touche

- The ordering of continuing disclosure of financial information
- Techniques to safeguard a business interest from an equalization claim
- Use of a marriage contract to protect business
- The gifting of a business interest to avoid its inclusion in spouse's NFP
- Estate freezes to insulate growth in business from equalization claims
- Discretionary family trusts for protecting business from child's spouse

*Audio: 22 minutes * Speaker's paper: 9564 words*

Valuing a business in divorce proceedings

Richard M. Wise, Wise, Blackman

- Valuation discount for loss of a key individual
- Difference between minority and control values
- Approaches to valuing minority interests
- Minority and marketability discounts
- Valuing fractional interests in real estate
- Uncovering hidden assets and undisclosed income

*Audio: 35 minutes * Speaker's paper: 10,516 words*

Pension benefits on marriage breakdown

G. Edmond Burrows, F.C.A., President, Pension Valuators of Canada

- Process of valuing pension plan entitlements
- Valuing the death benefit and spouse's survivor benefit provisions
- Use of estimates in pension valuation
- Problems with agreeing to divide pension payments "if and when" received
- Determining the discount rate in valuation
- Valuation of indexed pensions
- Valuing the early retirement provision

*Audio: 27 minutes * Speaker's paper: 42,057 words*