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ESTATE ADMINISTRATION

Armstrong

Release No. 7, July 2025

Estate Administration: A Solicitor's Reference Manual is a how-to guide dealing with all aspects of estate administration in Ontario. Text is augmented by up-to-date forms, precedents, letters and checklists. Commonly used statutes and regulations are reproduced in full. All aspects of estate administration are examined, including the conveyancing of real property and the income tax implications arising upon death.

What's New in this Update:

This release updates Appendix F (Bankruptcy Digests), Appendix SLL (Selected Legal Literature) and Appendix WP (Words and Phrases).

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Highlights

- **APPENDIX WP WORDS AND PHRASES — PURCHASE MONEY RESULTING TRUST** — A purchase money trust is a type of gratuitous transfer resulting trust, which arises when a person advances funds to contribute to the purchase price of the property, but does not take legal title to that property: *May v. Alsousi et al.* (2025), 2025 ONSC 795, 2025 CarswellOnt 2213 (Ont. S.C.J.) at para. 25 Flaherty J.
- **APPENDIX F BANKRUPTCY DIGESTS — Bankruptcy and insolvency — Discharge of bankrupt — Conditional discharge — Miscellaneous** — Bankrupt was assigned into bankruptcy in 2016 — It was bankrupt's third bankruptcy having received discharges in 1990 and 1999 — Bankruptcy followed allegations of misappropriation of funds from mother's estate — Bankrupt has six proven unsecured creditors totalling \$284,282.82 — Mother's estate (Estate) made up 81 percent of that amount totalling \$230,437.61 relating to default judgment — Monthly household income available to bankrupt was \$5,334 — Surplus income obligations to Estate of \$9,646 remained outstanding — Bankrupt brought application for discharge from bankruptcy — Conditional discharge granted — Bankrupt was third time bankrupt and absolute discharge was precluded on that basis — Judgment made up vast majority of bankrupt's overall debt and bankrupt admitted that main driver of third bankruptcy was Estate's judgment — Thus, fact under s. 173(1)(j) of Bankruptcy and Insolvency Act was established — Bankrupt was not honest but unfortunate debtor — Bankrupt did not provide information to satisfaction of Trustee or did so late, and had not made many required payments even though sufficient income existed to do so — Estate did not argue that discharge be refused outright — Conditional discharge was appropriate — Bankrupt was ordered to pay Trustee sum of \$84,800 for benefit of creditors with right of prepayment by means of minimum monthly payments of \$400: *Pryputniski, Re* (2025), 2025 CarswellSask 19, 2025 SKKB 11, Alexander K.V. Shalashniy Reg. (Sask. K.B.).

ProView Developments

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- The opening page is now the title page of the book as you would see in the print work
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