

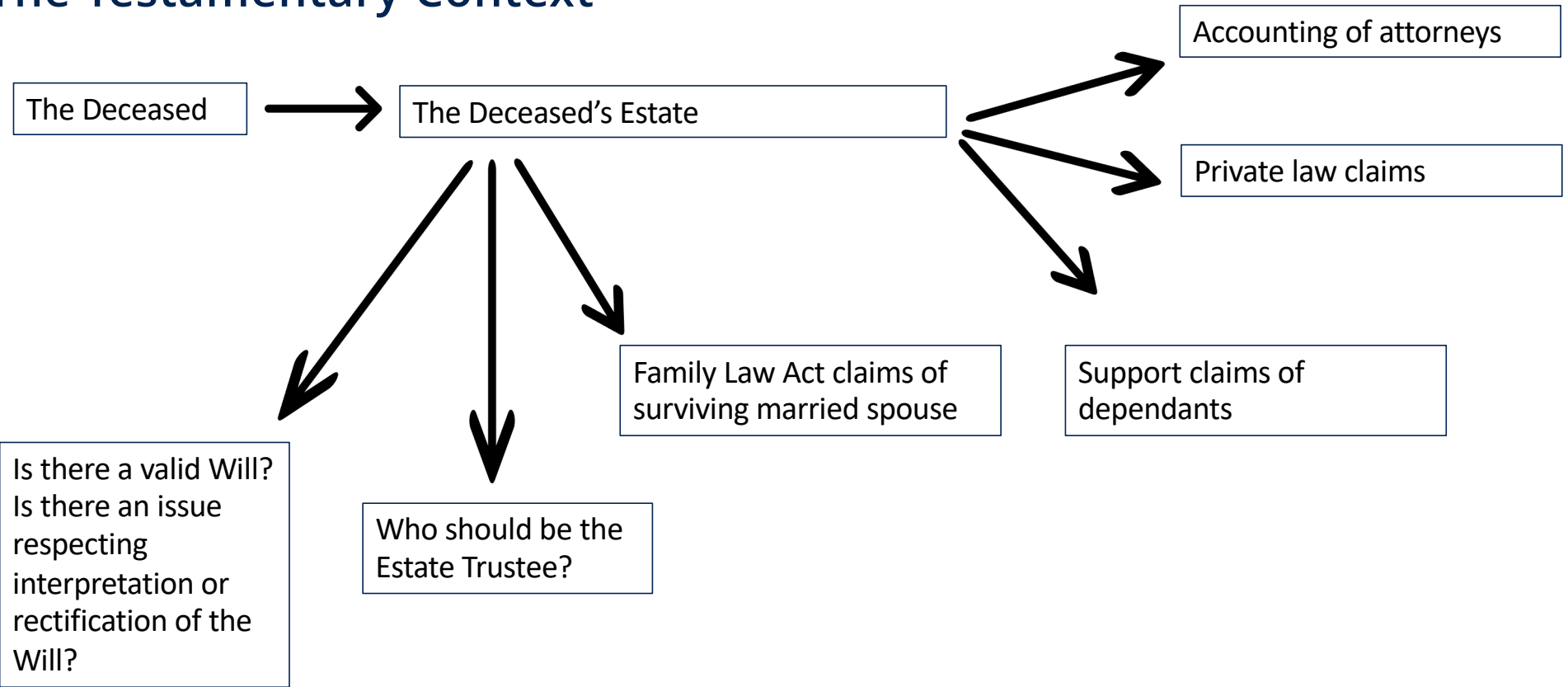
Estate Litigation – Law 645



Sources of Law

- *Rules of Civil Procedure, Rules 74-75*
- *Succession Law Reform Act*
- *Estates Act*
- *Substitute Decisions Act*
- *Trustee Act*

The Testamentary Context





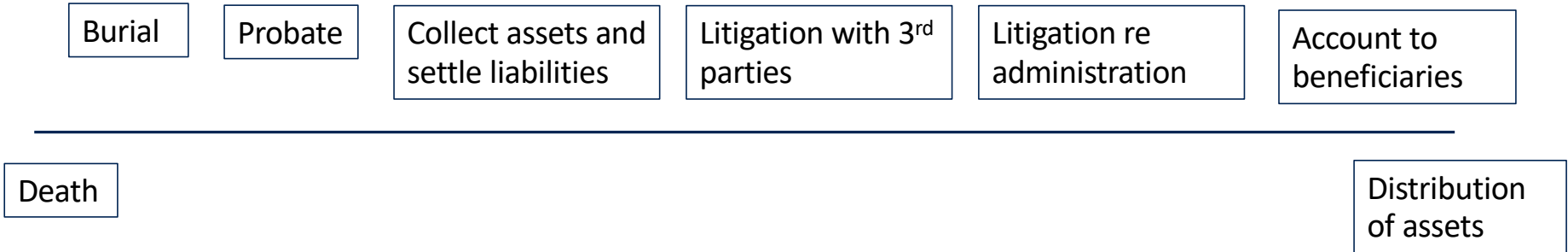
Understanding the role of the Estate Trustee

- Two types of obligations: ***competent administration*** (essentially, a duty of care) and ***fiduciary duties*** (obligations of loyalty and good faith owed to the beneficiaries of the Estate)
- ***Right to compensation*** (normally 5% of the value of the Estate, and in some cases an additional care and management fee of 3/5 of 1% of the value of the Estate)
- ***Ability to seek the advice and direction of the Court.***

Understanding the rights of the beneficiaries

- Entitlement to distributive share under the Will or statute or both
- Entitlement to information
- Right to seek remedies for trustee wrongs

The process of administration



The Course

1 The first few weeks:

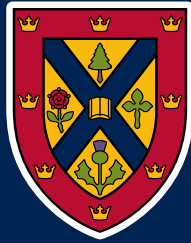
In-class exercises to get used to dealing with court documents

2 The bulk of the course:

Building a case by playing a party and acting as part of a counsel team

3 Last 2 classes:

The equivalent of a full-day hearing



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