

**Government of Alberta** ■

Justice and Attorney General

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**Sent by Email**

Dear Sirs and Madams:

**Subject: Wills and Succession Act**

As you may know, the Government of Alberta plans to proceed with the proclamation of the *Wills and Succession Act* ("WSA") on February 1, 2012. This Act was passed by the legislature in December 2010.

The WSA will replace the *Wills Act*, the *Intestate Succession Act*, the *Dependants Relief Act* and the *Survivorship Act*. Section 47 of the *Trustee Act* will be moved to the WSA. There are also consequential changes to the *Administration of Estates Act* and the *Family Law Act*, among others. The law is changed to maintain the principles of testamentary freedom, with the current Alberta context.

However, there will be a delay in the proclamation of section 117 of the WSA, the provisions relating to matrimonial property on death. Given the continuing concerns raised by lawyers about how to deal with the issue of inheritance rights when there is a matrimonial property claim, the Minister of Justice has directed that further discussions with the bar should take place. The goal is to find means to address the "inheritance issue" before proclaiming the matrimonial property provisions. Information will be forthcoming on the details in the next few weeks, but certainly interested Alberta lawyers will have the chance to provide input in the discussion process.

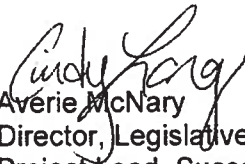
The logo for the Government of Alberta, featuring the word "Alberta" in a stylized, cursive script font, followed by a small square icon.

Freedom To Create. Spirit To Achieve.

For information on the *Wills and Succession Act*, please see the Alberta Justice Website [www.justice.alberta.ca/wills](http://www.justice.alberta.ca/wills) or email [just.successionlaw@gov.ab.ca](mailto:just.successionlaw@gov.ab.ca).

Thank you for your interest and support of the WSA. The development of this legislation spanned five years, and involved the cooperation and input of many members of the Alberta bar.

Yours truly,

for:   
Averie McNary  
Director, Legislative Reform  
Project Lead, Succession Law Reform Project