

No. 96

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4th Session, 14th Legislature, Alberta  
10 Elizabeth II

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## **BILL 96**

A Bill to amend The Land Titles Act

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HON. MR. MANNING

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Edmonton, Alberta, 1962

## **Explanatory Note**

**2.** A new section is added requiring the filing of a consent to the transfer of property or a certificate of discharge issued under the Estate Tax Act (Canada) before any instrument transferring or charging land held by an estate is registered. Under the Estate Tax Act a lien exists against the land for unpaid taxes and the requirement of this new section will enable persons searching the title to the land to determine its status with respect to estate tax.

**3.** Commencement of Act.

# BILL

No. 96 of 1962

## An Act to amend The Land Titles Act

(Assented to \_\_\_\_\_, 1962)

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

**1.** *The Land Titles Act*, being chapter 170 of the Revised Statutes, is hereby amended.

**2.** The following new section is added immediately after section 127:

**127a.** (1) Where land or a mortgage, lease or encumbrance is transmitted in consequence of the death of an owner thereof, the Registrar shall not register any instrument

(a) purporting to transfer, mortgage, lease or give a charge upon the land that is the subject of the transmission, or

(b) purporting to discharge, transfer or assign any mortgage, lease or encumbrance that is the subject of the transmission,

unless there is filed with him a certificate of discharge issued under the *Estate Tax Act* (Canada), or a consent under section 47 thereof.

(2) Where land or a mortgage, lease or encumbrance passes on death by survivorship, the Registrar shall not act on the passing unless there is filed with him a certificate of discharge issued under the *Estate Tax Act* (Canada), or a consent under section 47 thereof.

(3) This section applies only with respect to deaths occurring on and after the first day of January, 1959.

**3.** This Act comes into force on the day upon which it is assented to.

No. 96

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FOURTH SESSION

FOURTEENTH LEGISLATURE

10 ELIZABETH II

1962

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**BILL**

An Act to amend The Land Titles Act

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Received and read the

First time .....

Second time .....

Third time .....

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HON. MR. MANNING

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