

1978 BILL 20

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 20

THE MATRIMONIAL PROPERTY ACT

THE ATTORNEY GENERAL

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

THE MATRIMONIAL PROPERTY ACT

TABLE OF CONTENTS

	Section
Definitions	1
Void marriage	2

PART 1 MATRIMONIAL PROPERTY

Jurisdiction of Court	3
Form of application	4
Requirements for matrimonial property order	5
Limitation periods	6
Power to distribute property	7
Matters to be considered	8
Order giving effect to distribution	9
Recovery from a third party	10
Effect of death of a spouse	11
Order suspending administration of estate	12
Distribution of estate prohibited	13,14
Property not part of estate	15
Rights conferred are personal	16
Other matrimonial causes	17
Effect on <i>The Family Relief Act</i>	18

PART 2 MATRIMONIAL HOME POSSESSION

Order for possession of matrimonial home	19
Considerations of the Court	20

Precedence of an order	21
Registration of an order	22
Mobile home	23
Effect on a lease	24
Order respecting household goods	25
Registration	26
Effect of registration	27
Dower rights	28
Cancellation of registration	29
Form of application	30

**PART 3
GENERAL**

Disclosure	31
Regulations	32
Disposition prohibited	33
Injunction	34
Lis pendens	35
Presumption of advancement	36
Contract between spouses	37
Formalities of contract	38
Consequential	39
Commencement	40

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1978

THE MATRIMONIAL PROPERTY ACT

(Assented to _____, 1978)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

1 In this Act,

- (a) "Court" means the Supreme Court of Alberta or the District Court of Alberta;
- (b) "household goods" means personal property
 - (i) that is owned by one or both spouses, and
 - (ii) that was ordinarily used or enjoyed by one or both spouses or one or more of the children residing in the matrimonial home, for transportation, household, educational, recreational, social or aesthetic purposes;
- (c) "matrimonial home" means property
 - (i) that is owned or leased by one or both spouses,
 - (ii) that is or has been occupied by the spouses as their family home, and
 - (iii) that is
 - (A) a house, or part of a house, that is a self-contained dwelling unit,
 - (B) part of business premises used as living accommodation,
 - (C) a mobile home,
 - (D) a residential unit as defined in *The Condominium Property Act*, or
 - (E) a suite;

Explanatory Notes

1 Definitions.

(d) “matrimonial property order” means a distribution by the Court under section 7 and an order under section 9;

(e) “spouse” includes a former spouse and a party to a marriage notwithstanding that the marriage is void or voidable.

2 Nothing in this Act confers a right on a spouse who at the time of marriage knew or had reason to believe that the marriage was void.

2 Effect of knowledge of a void marriage.

PART 1
MATRIMONIAL PROPERTY

3(1) A spouse may apply to the Court for a matrimonial property order only if

- (a) the habitual residence of both spouses is in Alberta, whether or not the spouses are living together,
- (b) the last joint habitual residence of the spouses was in Alberta, or
- (c) the spouses have not established a joint habitual residence since the time of marriage but the habitual residence of each of them at the time of marriage was in Alberta.

(2) Notwithstanding subsection (1), if a petition is issued under the *Divorce Act* (Canada) in Alberta, the petitioner or the respondent may apply for a matrimonial property order.

4 An application for a matrimonial property order shall be made by statement of claim.

5(1) A matrimonial property order may only be made

- (a) if one of the spouses has been granted
 - (i) a decree nisi of divorce, or
 - (ii) a declaration of nullity of marriage,
- (b) if one of the spouses has been granted a judgment of judicial separation,
- (c) if the Court is satisfied that the spouses have been living separate and apart
 - (i) for a continuous period of at least one year immediately prior to the commencement of an application, or
 - (ii) for a period of less than one year immediately prior to the commencement of an application if, in the opinion of the Court, there is no possibility of the reconciliation of the spouses,
- (d) if the Court is satisfied that the spouses are living separate and apart at the time the application is commenced and the defendant spouse
 - (i) has transferred or intends to transfer property to a third party who is not a bona fide purchaser for value, or

3 An application may be made by a spouse habitually resident in Alberta.

4 Application for a matrimonial property order.

5 Conditions under which the Court may make a matrimonial property order.

(ii) has made or intends to make a substantial gift of property to a third party,

with the intention of defeating a claim to property a spouse may have under this Part, or

(e) if the Court is satisfied that the spouses are living separate and apart and one spouse is dissipating property to the detriment of the other spouse.

(2) Notwithstanding that a matrimonial property order has been made under circumstances to which subsection (1)(b), (c), (d) or (e) applies, the Court may make a further matrimonial property order under circumstances to which subsection (1)(a) applies with respect to the property of the same spouses if there has been a subsequent resumption of cohabitation by the spouses during a period of more than 90 days with reconciliation as its primary purpose.

(3) Spouses may be held to be living separate and apart notwithstanding that they have continued to reside in the same residence or that either spouse has rendered some household service to the other during the period of separation.

(4) For the purposes of subsection (1)(b), the period during which spouses have been living separate and apart shall not be considered to have been interrupted by reason only that there has been a resumption of cohabitation by the spouses during a single period of not more than 90 days with reconciliation as its primary purpose, and that period shall not be included in computing the period during which the spouses are living separate and apart.

6(1) An application for a matrimonial property order to which section 5(1)(a) or (b) applies

(a) may, notwithstanding subsection (2), be commenced at or after the date proceedings are commenced for a decree of divorce, a declaration of nullity or judgment of judicial separation, but

(b) may be commenced not later than 2 years after the date of the decree nisi, declaration or judgment.

(2) An application for a matrimonial property order to which section 5(1)(c) or (e) applies may be commenced within 2 years after the date the spouses separated.

(3) An application for a matrimonial property order to which section 5(1)(d) applies may be commenced within

(a) 2 years after the date the spouses separated, or

(b) one year after the date the property is transferred or given,

6 Limitation periods for applications for an order under section 5.

whichever occurs first.

(4) Any single period of not more than 90 days during which the spouses resumed cohabitation with reconciliation as its primary purpose shall not be included in computing the 2-year period under subsection (2) or (3).

7(1) The Court may, in accordance with this section, make a distribution between the spouses of all the property owned by both spouses and by each of them.

(2) If the property is

- (a) property acquired by a spouse by gift from a third party,
- (b) property acquired by a spouse by inheritance,
- (c) property owned by a spouse before the marriage,
- (d) an award or settlement for damages in tort in favour of a spouse, unless the award or settlement is compensation for a loss to both spouses, or
- (e) the proceeds of an insurance policy that is not insurance in respect of property, unless the proceeds are compensation for a loss to both spouses,

the fair market value of that property

- (f) at the time of marriage, or
- (g) on the date on which the property was received by the spouse,

whichever is later, is exempted from a distribution under this section.

(3) The Court shall, after taking the matters in section 8 into consideration, distribute the following in such manner as it considers just and equitable:

- (a) the difference between the exempted value of property described in subsection (2) (in this subsection referred to as the "original property") and the fair market value at the time of the hearing of the original property or property acquired
 - (i) as a result of an exchange for the original property, or
 - (ii) from the proceeds, whether direct or indirect, or a disposition of the original property;

7 The Court may distribute property between spouses.

(b) property acquired by a spouse with income received during the marriage from the original property or property acquired in a manner described in clause (a) (i) or (ii);

(c) property acquired by a spouse after a decree nisi of divorce, a declaration of nullity of marriage or a judgment of judicial separation is made in respect of the spouses;

(d) property acquired by a spouse by gift from the other spouse.

(4) If the property being distributed is property acquired by a spouse during the marriage and is not property referred to in subsections (2) and (3), the Court shall distribute that property equally between the spouses unless it appears to the Court that it would not be just and equitable to do so, taking into consideration the matters in section 8.

8 The matters to be taken into consideration in making a distribution under section 7 are the following:

(a) the contribution made by each spouse to the marriage and to the welfare of the family, including any contribution made as a homemaker or parent;

(b) the contribution, whether financial or in some other form, made by a spouse directly or indirectly to the acquisition, conservation, improvement, operation or management of a business, farm, enterprise or undertaking owned or operated by one or both spouses or by one or both spouses and any other person;

(c) the contribution, whether financial or in some other form, made directly or indirectly by or on behalf of a spouse to the acquisition, conservation or improvement of the property;

(d) the income, earning capacity, liabilities, obligations, property and other financial resources

(i) that each spouse had at the time of marriage, and

(ii) that each spouse has at the time of the hearing;

(e) the duration of the marriage;

(f) whether the property was acquired when the spouses were living separate and apart;

(g) the terms of an oral or written agreement between the spouses;

(h) that a spouse has made

8 Matters the Court must take into consideration.

- (i) a substantial gift of property to a third party, or
- (ii) a transfer of property to a third party other than a bona fide purchaser for value;
- (i) a previous distribution of property between the spouses by gift, agreement or matrimonial property order;
- (j) a prior order made by a court;
- (k) a tax liability that may be incurred by a spouse as a result of the transfer or sale of property;
- (l) that a spouse has dissipated property to the detriment of the other spouse;
- (m) any fact or circumstance that is relevant.

9(1) If part of the property of the spouses is situated in Alberta and part elsewhere, the Court may distribute the property situated in Alberta in such a way as to give effect to the distribution under section 7 of all the property wherever it is situated.

(2) The Court, in order to effect a distribution under section 7, may do any one or more of the following:

- (a) order a spouse to pay money or transfer an interest in property to the other spouse;
- (b) order that property be sold and that the proceeds be divided between the spouses as the Court directs;
- (c) by order declare that a spouse has an interest in property notwithstanding that the spouse in whose favour the order is made has no legal or equitable interest in the property.

(3) To give effect to an order under this section the Court may do any one or more of the following:

- (a) order a spouse to pay money over a period of time with or without interest;
- (b) order a spouse to give security for all or part of any payment;
- (c) charge property with all or part of a payment to be made under the order and provide for the enforcement of that charge;
- (d) prescribe the terms and conditions of a sale ordered under subsection (2);

9 Power of the Court to make orders transferring property and money between spouses.

- (e) require a spouse, as a condition of an order, to surrender all claims to property in the name of the other spouse;
- (f) require a spouse, as a condition of an order, to execute a release of dower rights under *The Dower Act* with respect to all or any property owned by the other spouse or transferred to the other spouse;
- (g) impose a trust in favour of a spouse with respect to an interest in property;
- (h) vary the terms of an order made under subsection (2) in accordance with this subsection;
- (i) if property is owned by spouses as joint tenants, sever the joint tenancy;
- (j) make any other order that in the opinion of the Court is necessary.

10(1) Where an application has been made for a matrimonial property order and the Court is satisfied that

- (a) a spouse has
 - (i) transferred property to a person who is not a bona fide purchaser for value, or
 - (ii) made a substantial gift of property,
- (b) the spouse making the transfer or gift did so with the intention of defeating a claim that the other spouse may have under this Part,
- (c) the transferee or donee accepted the transfer or gift when he knew or ought to have known that the transfer or gift was made with the intention of defeating a claim a spouse may have under this Part, and
- (d) the transfer or gift was made not more than one year before the date on which either spouse commenced the application for the matrimonial property order,

the Court may do any one or more of the following:

- (e) order the transferee or donee to pay or transfer all or part of the property to a spouse;
- (f) give judgment in favour of a spouse against the transferee or donee for a sum not exceeding the amount by which the share of that spouse under the matrimonial property order is reduced as a result of the transfer or gift;
- (g) consider the property transferred or the gift made to be part of the share of the spouse who transferred the property

10 The Court has power to require a person to return a gift of property or property received for insufficient consideration from a spouse under certain circumstances.

or made the gift, when the Court makes a matrimonial property order.

(2) For the purposes of this section, the value of the property transferred or the gift shall be the fair market value at the time of the hearing.

(3) If a spouse applies for an order under subsection (1), the applicant shall serve the transferee or donee with notice of the application and shall include the allegations made and the nature of the claim of the applicant as it affects the transferee or donee.

(4) A transferee or donee who is served with notice under this section shall be deemed to be a party to the application for the matrimonial property order as a defendant with respect to any allegation or claim that affects the transferee or donee.

11(1) Subject to this section, an application for a matrimonial property order may be made or continued by the surviving spouse after the death of the other spouse.

(2) A matrimonial property order may be made on the application of a surviving spouse only if an application for a matrimonial property order could have been commenced immediately before the death of the other spouse.

(3) Where a matrimonial property order is made in favour of a surviving spouse, the Court, in addition to the matters in section 8, shall take into consideration any benefit received by the surviving spouse as a result of the death of the deceased spouse.

(4) An application by a surviving spouse for a matrimonial property order may not be commenced more than 6 months after the date of issue of a grant of probate or administration of the estate of the deceased spouse.

12 The Court may make an order suspending in whole or in part the administration of the estate of the deceased spouse until an application for a matrimonial property order has been determined.

13(1) Until the expiration of 6 months from the date of issue of the grant of probate or administration of the estate of a deceased spouse, the executor, administrator or trustee shall not distribute any portion of the estate to a beneficiary without the consent of the living spouse or an order of the Court.

(2) If

(a) an executor, administrator or trustee distributes a portion of the estate contrary to subsection (1), and

11 The Court may make an order under this Part on application by the spouse of a deceased person.

12 The Court may suspend the administration of the deceased spouse's estate.

13 The executor, administrator or trustee of a deceased spouse's estate shall not distribute the property in the estate without consent.

(b) the Court makes a matrimonial property order with respect to property in the estate of the deceased spouse,

the executor, administrator or trustee is personally liable to the living spouse for a loss to that spouse as a result of the distribution.

14(1) If an application for a matrimonial property order is made or continued by a spouse, the executor, administrator or trustee of the deceased spouse shall hold the estate subject to any matrimonial property order that may be made, and the executor, administrator or trustee shall not proceed with the distribution of the estate other than in accordance with the matrimonial property order.

(2) If an executor, administrator or trustee distributes a portion of the estate contrary to subsection (1), the executor, administrator or trustee is personally liable to the living spouse for any loss to that spouse as a result of the distribution.

15 Money paid to a living spouse or property transferred to a living spouse under a matrimonial property order shall be deemed never to have been part of the estate of the deceased spouse with respect to a claim against the estate

(a) by a beneficiary under a will,

(b) by a beneficiary under *The Intestate Succession Act*, or

(c) by a dependant under *The Family Relief Act*.

16 Notwithstanding *The Survival of Actions Act*, the rights conferred on a person by this Part do not survive the death of that person for the benefit of his estate.

17(1) If a question respecting property arises between spouses in any other matrimonial cause, the Court may decide the question as if it had been raised in proceedings under this Part.

(2) If in an application under this Part it appears to the Court that it is necessary or desirable to have other matters determined first or at the same time, the Court may direct that the application be adjourned until those matters are determined or brought before the Court.

18(1) Nothing in this Act affects the right of a surviving spouse to make an application under *The Family Relief Act*.

(2) An application by a surviving spouse under *The Family Relief Act* may be joined with an application under this Part.

14 If an application is made by a living spouse, the executor, administrator or trustee of the deceased spouse's estate shall only distribute the property in the estate in accordance with a matrimonial property order made by the Court.

15 Property deemed never to have been part of the estate of the deceased spouse.

16 Rights conferred by this Part are personal rights only.

17 Question respecting property in other matrimonial cause.

18 Effect on The Family Relief Act.

PART 2

MATRIMONIAL HOME POSSESSION

19(1) The Court, on application by a spouse, may by order do any one or more of the following:

(a) direct that a spouse be given exclusive possession of the matrimonial home;

(b) direct that a spouse be evicted from the matrimonial home;

(c) restrain a spouse from entering or attending at or near the matrimonial home.

(2) In addition to making an order under subsection (1) the Court may, by order, give a spouse possession of as much of the property surrounding the matrimonial home as is necessary, in the opinion of the Court, for the use and enjoyment of the matrimonial home.

(3) An order under this section may be made subject to such conditions and for such time as the Court considers necessary.

(4) An order under this section may be varied by the Court on application by a spouse.

20 In exercising its powers under this Part, the Court shall have regard to

(a) the availability of other accommodation within the means of both the spouses,

(b) the needs of any children residing in the matrimonial home,

(c) the financial position of each of the spouses, and

(d) any order made by a court with respect to the property or the maintenance of one or both of the spouses.

21 An order made under this Part takes effect notwithstanding an order under Part 1 or a subsequent order for the partition and sale of the matrimonial home.

22(1) If an order is made under section 19 with respect to a matrimonial home and the matrimonial home or part of it is real property that

(a) is owned by one or both of the spouses,

19 The Court may grant a spouse exclusive possession of the matrimonial home.

20 The Court shall have regard to certain matters in making an order under this Part.

21 Precedence of an order under this Part.

22 An order for possession may be registered against a title to property.

(b) is leased by one or both of the spouses for a term of more than 3 years, or

(c) is the subject of a life estate in favour of one or both of the spouses,

the order may be registered with the Registrar of Titles for the land registration district in which the property is situated.

(2) An order registered under this section binds the estate or interest of every description that the spouse or spouses have in the property to the extent stipulated in the order.

(3) A spouse against whose estate or interest an order is registered under this section may only dispose of or encumber his estate or interest with the consent in writing of the spouse in possession or under an order of the Court.

23 If the Court makes an order under section 19 and the matrimonial home is a mobile home owned or leased by one or both spouses, the order may be registered at the Vehicle Registry of the Department of the Attorney General.

24 If a matrimonial home is leased by one or both spouses under an oral or written lease and the Court makes an order giving possession of the matrimonial home to one spouse, that spouse shall be deemed to be the tenant for the purposes of the lease.

25(1) The Court, on application by a spouse, may by order direct that a spouse be given the exclusive use and enjoyment of any or all of the household goods.

(2) An order under subsection (1) may be made subject to such conditions and for such time as the Court considers necessary.

(3) An order made under this section may be varied by the Court on application by a spouse.

26 If the Court makes an order with respect to household goods under section 25, the order may be registered at

(a) the Vehicle Registry of the Department of the Attorney General as to an itinerant machine as defined in *The Bills of Sale Act*, and

(b) the Central Registry constituted under *The Chattel Security Registries Act* as to all other household goods.

27(1) If an order is registered under section 23 or 26, the order

(a) is notice of the interests of the spouses in the property described in the order, and

23 An order giving possession of a mobile home may be registered at the Vehicle Registry.

24 A spouse who is given possession of a leased matrimonial home is deemed to be the tenant.

25 The Court may give the exclusive use and enjoyment of household goods to one spouse.

26 An order giving possession of household goods may be registered at the Vehicle Registry or at Central Registry.

27 Effect of registration of an order for possession of chattels.

(b) takes effect, as against subsequent creditors, purchasers and mortgagees only from the date of registration.

(2) A spouse against whose interest in property an order is registered under section 23 or 26 may only dispose of or encumber that interest with the consent in writing of the spouse in possession or under an order of the Court.

28(1) The rights under this Part are in addition to and not in substitution for or derogation of the rights of a spouse under *The Dower Act*.

(2) If a spouse is in possession of a matrimonial home and a life estate in the matrimonial home vests in that spouse pursuant to *The Dower Act*, the registration of an order under this Part may be cancelled by the Registrar upon application by that spouse.

29(1) The person against whose property an order is registered under section 22 may apply to the Court for an order directing the Registrar of Titles to cancel the registration.

(2) The person against whose property an order is registered under section 23 or 26 may apply to the Court for an order cancelling the registration.

(3) The Court may make an order under this section upon such conditions as the Court considers necessary.

30(1) An application under this Part

(a) may be made by originating notice,

(b) may be joined with, or heard at the same time as, a matrimonial cause between the spouses, or

(c) may be made as an application in an action or proceeding between the spouses under *The Domestic Relations Act* or Part 1 of this Act.

(2) An order may be made under this Part on an ex parte application if the Court is satisfied that there is a danger of injury to the applicant spouse or a child residing in the matrimonial home as a result of the conduct of the respondent spouse.

(3) If an application is made ex parte, the Court may dispense with service of notice of the application or direct that the originating notice be served at such time and in such manner as it sees fit.

28 All rights under this Part are in addition to rights under The Dower Act.

29 An order registered under this Part may be cancelled by order of the Court.

30 Methods of making an application under this Part.

PART 3

GENERAL

31(1) If an application has been commenced under Part 1, each spouse shall file with the Court and serve on the other spouse a statement, verified by oath, disclosing particulars of all the property of that spouse, whether it is situated in Alberta or elsewhere.

(2) A statement made under subsection (1) shall include particulars of property disposed of by that spouse within one year before the application was commenced.

(3) A statement made under subsection (1) shall

- (a) be in the form, and
- (b) contain the information,

prescribed by the regulations.

32 The Lieutenant Governor in Council may make regulations

- (a) as to the procedure to be followed and the forms to be used under this Act, and
- (b) prescribing the time within which documents are to be filed and served under this Act.

33(1) If proceedings have been commenced under this Act, no person who knows or has reason to believe that the proceedings have been commenced shall

- (a) dispose of or encumber any household goods, or
- (b) except in an emergency, remove from the matrimonial home any household goods that are household appliances or household effects or that form part of the household furnishings of that matrimonial home,

without an order of the Court or the consent of both spouses.

(2) A person who contravenes subsection (1) is guilty of an offence and liable on summary conviction to a fine of not more than \$1000.

34(1) If the Court is satisfied that a spouse intends to transfer property to a person who is not a bona fide purchaser for value

31 Disclosure of property by spouses.

32 The Lieutenant Governor in Council may make regulations.

33 This section prohibits the disposition of household goods when proceedings have been commenced under this Act.

34 Court has power to prevent the gift or sale of property other than for value.

or to make a substantial gift of property that may defeat a claim of the other spouse under this Act, the Court may, by order, restrain the making of the transfer or gift.

(2) An application for an order under subsection (1) may be made while the spouses are cohabiting.

(3) An application for an order under subsection (1) may be made as an application in proceedings commenced under this Act or by originating notice.

(4) An application for an order under subsection (1) may be made ex parte.

(5) If an application is made ex parte the Court may dispense with service of notice of the application or direct that the originating notice be served at such time and in such manner as it sees fit.

35(1) A spouse who commences proceedings under this Act may file a certificate of lis pendens with the Registrar of Titles for the land registration district in which land in which the other spouse has an interest is situated.

(2) If the description of the land is known, the Registrar shall make a memorandum of the certificate of lis pendens on the certificate of title for that land.

(3) If a certificate of lis pendens is filed under this section, the Registrar shall not register an instrument purporting to affect land in respect of which the certificate of lis pendens is filed unless the instrument is expressed to be subject to the claim of the spouse who filed the certificate of lis pendens.

36(1) In making a decision under this Act, the Court shall not apply the doctrine of presumption of advancement to a transaction between the spouses in respect of property acquired by one or both spouses before or after the marriage.

(2) Notwithstanding subsection (1),

(a) the fact that property is placed or taken in the name of both spouses as joint owners is prima facie proof that a joint ownership of the beneficial interest in the property is intended, and

(b) money that is deposited with a financial institution in the name of both spouses shall be deemed to be in the name of the spouses as joint owners for the purposes of clause (a).

35 A certificate of lis pendens may be filed at the Land Titles Office when a spouse commences proceedings under this Act.

36 The presumption of advancement is not applicable except where property is held by the spouses as joint owners.

37(1) Part 1 does not apply to spouses who have entered into a subsisting agreement in writing with each other that is enforceable under section 38, and that deals with the status, ownership and division of property, including future property, owned by either or both of them.

(2) An agreement under subsection (1) may be entered into by 2 persons in contemplation of their marriage to each other but is unenforceable until after the marriage.

(3) An agreement under subsection (1)

(a) may provide for the distribution of property between the spouses at any time including, but not limited to, the time of separation of the spouses or the dissolution of the marriage, and

(b) may apply to property owned by both spouses and by each of them at or after the time the agreement is made.

(4) An agreement under subsection (1) is unenforceable by a spouse if that spouse, at the time the agreement was made, knew or had reason to believe that the marriage was void.

38(1) An agreement is enforceable for the purposes of section 37 if each spouse has acknowledged, in writing, apart from the other spouse

(a) that he is aware of the nature and the effect of the agreement,

(b) that he is aware of the possible future claims to property he may have under this Act and that he intends to give up these claims to the extent necessary to give effect to the agreement, and

(c) that he is executing the agreement freely and voluntarily without any compulsion on the part of the other spouse.

(2) The acknowledgement referred to in subsection (1) shall be made before a lawyer other than the lawyer acting for the other spouse or before whom the acknowledgement is made by the other spouse.

39(1) *The Administration of Estates Act is amended in section 8 by adding the following after subsection (1):*

(1.1) Where an application is made for a grant of probate or administration, the applicant shall send a copy of the application and a notice pertaining to the rights of a spouse under *The Matrimonial Property Act* to the spouse of the deceased, if the spouse of the deceased is not the sole

37 Spouses may avoid the provisions of Part 1 by agreement.

38 Formal requirements for an agreement.

39(1) Amends chapter 1 of the Revised Statutes of Alberta 1970.

(2) Amends chapter 44 of the Revised Statutes of Alberta 1970.

beneficiary under the will of the deceased or under *The Intestate Succession Act*.

(2) *The Chattel Security Registries Act is amended*

(a) *in section 3 by striking out “and” at the end of clause (b), by adding “and” at the end of clause (c) and by adding the following after clause (c):*

(d) *The Matrimonial Property Act.*

(b) *in section 12 by adding “or” at the end of clause (c) and by adding the following after clause (c):*

(d) *The Matrimonial Property Act,*

(c) *in section 13 by adding “or” at the end of clause (c) and by adding the following after clause (c):*

(d) *The Matrimonial Property Act,*

(d) *in section 14 by striking out “or The Garagemen’s Lien Act” and substituting “, The Garagemen’s Lien Act or The Matrimonial Property Act”.*

40 This Act comes into force on a date or dates to be fixed by Proclamation.