



Quiz

Balancing the Needs of Adult Children in Family Provisions Cases

1. Why had the plaintiff refused to vacate the deceased's home?
 - a. Because he believed that he was entitled to continue to live in the home that he had lived in for many years
 - b. Because he had fallen out with his sister, the defendant, and did not wish for her to gain access to their mother's house
 - c. Because his share of the estate provided for under the will was insufficient to allow him to purchase suitable accommodation elsewhere
 - d. Because he believed that the value of the property would increase and he wished to sell the property at a later date
2. How long after the death of a deceased does a plaintiff have to file a claim for family provision under the *Succession Act*?
 - a. 6 months
 - b. 12 months
 - c. 2 years
 - d. 6 years
3. Which of the following factors will the Court take into account in considering whether to grant an application for extension of time?
 - a. Prejudice to the defendant or other beneficiaries
 - b. Strength of the claim for provision

- c. Reasons for the delay
 - d. All of the above
- 4. Which of the following is a correct statement of law?
 - a. There is no obligation on a parent to provide accommodation to an adult child under a will
 - b. There is a presumption of equality between children under the *Succession Act*
 - c. The Court will consider expert evidence in determining "community standards" for the purposes of a family provision claim
 - d. The size of the estate is not a relevant factor in determining whether a claim for provision should be granted
- 5. What are Crisp orders?
 - a. A loan secured by a mortgage over the property, with interest payable at a market rate, to enable the plaintiff to purchase property
 - b. An order whereby a portion of the estate or the defendant's share of the estate is invested in real estate for the benefit of the defendant
 - c. An order that a beneficiary loan the plaintiff money out of his or her own savings when insufficient provision was made in a will for the plaintiff's accommodation
 - d. An order that redistributes the estate to enable the plaintiff to afford proper and adequate accommodation

Answers:

1. c 2. b 3. d 4. a 5. b