

# To Be Or Not To Be? The Question of the Exclusion of Trust Property Upon Marriage Breakdown

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By Caroline Abela

*Ludmer v Ludmer* 2013 ONSC 784 is a case that dealt with, among other things, the exclusion of trust property in a net family property calculation upon a marriage breakdown.

Lisa and Brian Ludmer were married for almost 20 years until they decided to end their marriage in 2005. They had entered into a marriage contract which excluded from the parties' net family property the value of any assets given to them by way of gift or inheritance through *inter vivos* or testamentary instrument. Brian Ludmer was a beneficiary of a trust created as part of his father's estate plan. His father Irving had substantial assets. As a result, one of the main issues in the Application became the validity and enforceability of a marriage contract.

Download the PDF to read the entire Estate Alert.

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