

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.

For more information or inquiries:



Caroline Abela

Toronto
416.947.5068

Email:
cabela@weirfoulds.com

Caroline Abela specializes in complex business and estate litigation matters.

WeirFoulds^{LLP}

www.weirfoulds.com

Toronto Office

4100 – 66 Wellington Street West
PO Box 35, TD Bank Tower
Toronto, ON M5K 1B7

Tel: 416.365.1110
Fax: 416.365.1876

Oakville Office

1320 Cornwall Rd., Suite 201
Oakville, ON L6J 7W5

Tel: 416.365.1110
Fax: 905.829.2035