

## QUIZ ANSWERS

1. If a spouse dies without a will, the surviving spouse automatically receives the entire estate of the deceased spouse. True \_\_\_ False **X**  
*The answer is false because if there are children of any age, then the estate is divided between the surviving spouse and the children when there is no will.*
2. A person must provide that on his or her death a portion of the estate will go to the surviving spouse. True \_\_\_ False **X**  
*The answer is false because upon death, one only has to provide for their dependant spouse or a spouse, who under the Family Law Act, would be entitled to a greater share of the total assets of the parties than assets registered in his or her name.*
3. Without a Power of Attorney, even if a family member applies, the government will look after a person's personal and financial affairs if that person becomes mentally incompetent. True \_\_\_ False **X**  
*The answer is false because a family member may apply and be appointed to look after the person's personal and financial affairs if that person becomes mentally incompetent.*
4. If one becomes mentally incompetent an assessment by a government appointed assessor must take place before the Personal Care Power of Attorney is valid. True \_\_\_ False **X**  
*An assessor is not needed if the grantor of the Personal Care Power of Attorney does not object. The answer is therefore false.*
5. On marriage breakdown each spouse is automatically entitled to 50% of all assets. True \_\_\_ False **X**  
*The answer is false because in dividing up the assets, one gets credit for assets brought into the marriage and credit for gifts and inheritances during the marriage. Therefore, there is not always a 50/50 split.*
6. On marriage breakdown a spouse may be responsible to pay child support for the other spouse's children even though he or she is not the natural parent. True **X** False \_\_\_  
*The answer is true. The definition of parent for the purposes of support is much wider than the natural parent and includes one who has treated the child as their own.*
7. A parent with custody may automatically be entitled to move to another city with the children. True \_\_\_ False **X**  
*The answer is false because even with custody, the access parent can successfully argue that a move to another city is not in the best interest of the children.*
8. After living together for three years a person obtains the same rights as a married spouse. True \_\_\_ False **X**  
*The answer is false because even living together for three years does not give one the same property rights that a married person has.*

9. The purchaser or vendor of property should consult a lawyer prior to signing the Agreement of Purchase and Sale. True  False   
*The Agreement of Purchase and Sale is the most important document in the real estate transaction. It defines the parties' rights and obligations. A lawyer should be consulted before signing the agreement to ensure that one knows what their rights and obligations are and that there is nothing in the agreement that would be unfair from the standard practice. Therefore, the answer is true.*
10. When a property is registered in two people's names, it means that both parties hold the property as joint tenants and therefore, if one dies the other party obtains the property by right of survivorship. True  False   
*The answer is false because the registration must specifically state "as joint tenants" or else the property is deemed to be in "tenants in common" which does not give the right of survivorship.*