

# CLE for Lawyers & Accountants Estate Disputes & Prenuptial Agreements

Tuesday, June 21, 2016

## PRESENTERS



**Charles Wagner**  
Wagner Sidlofsky LLP  
Chair, Trusts & Estates group



**Jordan Oelbaum**  
Schnurr Kirsh Schnurr Oelbaum Tator LLP



**Jordan Atin**  
Hull & Hull LLP



**Archie Rabinowitz**  
Dentons Canada LLP



**Arieh Bloom**  
Whaley Estate Litigation



**Judy J. Piafsky**  
Blaney McMurtry LLP



**John Clegg**  
Scotia Private Client Group



**Gregory Sidlofsky**  
Wagner Sidlofsky LLP



**Brendan Donovan**  
Wagner Sidlofsky LLP



**Debra Stephens**  
Goddard Gamage Stephens LLP



**Wynne Harvey**  
Touchpointe Strategies, Inc.



**Charles Ticker**  
Charles B. Ticker Law Office



**Ian Hull**  
Hull & Hull LLP



**Rabbi Mordechai Torczyner**  
Rosh Kollel, YU Kollel, Toronto



**Craig Vander Zee**  
Torkin Manes LLP



**Lionel Tupman**  
Whaley Estate Litigation

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**HULL & HULL LLP**  
Barristers and Solicitors



## Compare and Contrasting Ketubahs and Secular Prenuptial Agreements CLE Seminar



**Charles Wagner**  
Wagner Sidlofsky LLP  
Chair, Trusts & Estates

The fact scenario before the Moot Court/CLE program on June 21st, 2016 involves an older wealthy woman who marries a younger man. In order to protect her children the woman persuades her fiancé to sign a prenuptial agreement where the younger man waives any entitlement to his future wife's wealth. To further protect her children, the woman also transfers her wealth to her children so that upon her death her husband can claim nothing. Has she succeeded in protecting her estate for her children? Maybe not.

These gifts were considered fraudulent conveyances. Hopefully, by seeing how courts deal with those issues the professionals advising clients on domestic contracts and estate planning will better understand the limits of inter vivos gifts and/or domestic contracts. They will be better equipped to advise their clients about how to deal with the issues raised under *Part V of the Succession Law Reform Act* (a judge's ability to ignore waivers under a domestic contract) and *Stone v. Stone* which treated gifts to children as a fraudulent conveyance to frustrate the surviving spouse's rights under the *Family Law Act*.



**Rabbi Mordechai Torczyner**  
Rosh Kollel, YU Kollel, Toronto



**Judy B. Piafsky**  
Blaney McMurtry LLP

Using the format of a moot court the B'nai Brith Estates and Trusts, Lawyers division seeks to educate attendees on this niche area which covers both family law and estates and trusts law. For attendees involved in drafting prenuptial agreements they benefit by seeing how Ontario courts can ignore the prenuptial agreement and/or treat it as only one factor in determining the quantum of a spouse's application for support. Judges have also set aside gifts to children if the court finds the deceased, by making those gifts, intended to thwart the surviving spouse's rights under the *Family Law Act*.

After the moot court, there is going to be an interesting panel discussion chaired by Charles B. Wagner of Wagner Sidlofsky. Judy B. Piafsky of Blaney McMurtry LLP will be addressing the nexus between the Family Law issues, domestic contracts and Estates Law. She will be presenting a paper with Rabbi Mordechai Torczyner who is the Rosh Beit Midrash of the Yeshiva University Torah MiTzion Beit Midrash Zichron Dov of Toronto. In their paper they will compare and contrast the rights of spouses during and after marriage under the secular prenuptial agreement and the Ketubah. Under Jewish law, every couple enters an agreement under which the husband guarantees that he will meet certain financial and general obligations to his wife. For religious Jews, the Ketubah may be more than a ceremonial agreement.

The event will be on June 21st, 2016 at Shaarei Shomayim Synagogue at 470 Glencairn Avenue, Toronto, Ontario M5N 1V8.

Registration begins at 7:30 am and the moot court starts at 8:00am. You can book your seat on line at [www.bnaibrith.ca/trustsandestates](http://www.bnaibrith.ca/trustsandestates) or email **Elyse Gruenspan at [egruenspan@bnaibrith.ca](mailto:egruenspan@bnaibrith.ca)** or call **Elyse at B'nai Brith Canada (416) 633-6224**.

**Shaarei Shomayim Synagogue • 470 Glencairn Ave., Toronto**

Registration & Breakfast: 7:30 am • Program: 8:00 am – 12:00 noon • Cost \$118+tax  
To register, please contact Elyse Gruenspan at 416-633-6224 x109 • [egruenspan@bnaibrith.ca](mailto:egruenspan@bnaibrith.ca)

This program is eligible for substantive CPD hours required of Lawyers by the LSUC