Client: Date:

92-point Separation Agreement ILA Checklist

Information

* Parties’ names are correct
* Children’s names and birthdays are correct (or no children stated explicitly)
* Correct marriage & separation dates
* Reference to Court Action Number
* Effective date not yet written in

Disclosure

* Formal disclosure or comprehensive waiver
* Income and employer of each party listed

Child Support

* Guidelines calculation performed
* S 3 reflects Guidelines
* S 7 proportion listed
* S 7 expenses listed
* Recalculation clause
* Health insurance clause (optional)
* Life insurance clause (optional)
* If shared parenting:
  + AED shared through no reference to “set-off”, “net”, “offset”, “Guidelines”, “ChildView” or “DivorceMate”, both parties obliged to pay support, and AED alternates each year if one child or each claims a child if multiple children (unless AED already allocated to lower-income parenting in SSAG calculations and income being equalized, if representing the lower-income parent).
  + AED allocated to only one parent (if either side already has a dependent spouse or child from another relationship they’re already claiming, or lower-income spouse earns less than $11,635 (2017) or slightly above).
  + Indemnity for AED.
  + Spouse can claim AED if other can’t.

Parenting

* Relocation clause
* Holiday clause
* Vacation clause
* ROFR
* Ability to temporarily change schedule in writing

Spousal support

* Guidelines calculation performed
* Waiver of all further support
* List of circumstances during which support shall not change (temporarily or permanent disability (mental or physical), temporary or permanent loss of employment, change in financial obligations, inflation, economic depression, change in income of either, assignment/bankruptcy/insolvency, windfall, inheritance, or retirement).
* Acknowledgement that apportionment of economic disadvantages, financial consequences, relief of hardship and self-sufficiency all met.
* Client aware of tax consequences
* Client isn’t paying bills directly in lieu of spousal support.
* Life insurance clause (optional)

Property

* Valuation date
* Vehicles
  + Vehicle bills of sale required?
* Land
  + Title pulled
  + Dower Release
  + Transfer Docs
  + Name on transfer and dower release matches title
  + Principal residence elected if multiple residences
* Corporate
  + Corp Reg search complete
  + director/officer resolutions & resignations
  + Share transfer agreement
  + Transferred via spousal roll or purchased/redeemed?
* Pensions & Investments
  + Pension statements obtained
  + Joint accrual periods
  + Waivers
  + Life insurance & RRSP beneficiary waiver
* Debts
  + PPR Serial number search complete
  + Debts allocated
  + Releases of covenant or refinancing for mortgages and other debts dealt with
  + Cost of refinancing and Land Titles drafting & registration allocated.
  + Debt against asset continues with asset holder
  + Indemnity for debts on solicitor and his own client basis
  + Allocation of income tax liability for sole proprietorship
* Oil/mining/gravel
  + Assignment of Surface Leases
* Farms
  + Assignment of Grazing Leases (ESRD General Assignment of Disposition)
  + Transfer of Brand by Brand Owner (Livestock Identification Services Ltd.)
  + Brand Release (ie Bill of Sale specifying number of livestock)

Equalization payment

* Payment to client secured
* Matrimonial Property Statement drafted
* Exemptions
  + Exemptions listed
* Debt
  + Debt unrelated to relationship excluded
* Taxes
  + Taxes on investments taken into account in equalization payment
  + Capital gains on shares or land taken into account in equalization payment

General drafting

* Page numbers
* CPP credit division waiver?
* General release
* Release of unjust enrichment claim
* Binding on estate
* Claims against each estate waived
* General dower release
* Reconciliation clause
* Severability clause
* Choice of jurisdiction clause (Alberta)
* Replaces all other agreements
* Agreement pursuant to MPA s 37 (property) and/or FLA s 62 (support)
* Requirement to sign further documents
* Cost of enforcement recoverable on solicitor-and-client basis
* Gifts in Will kept
* ILA Certificates and writing for changes
* Own legal fees
* MPA Acknowledgement, Certificate of Acknowledgement, ILA Certificate, Aff of Ex?
* No large white spaces without “[Remainder of page intentionally left blank.]”

Asset schedule

* + Assets listed in Schedule
  + Schedule initialed
  + Schedule doesn’t list different equalization payment
  + Vehicles listed

Trust Conditions

* Transfers of Land dealt with
* Dower Releases dealt with
* Pension Order/Waiver dealt with

Client’s intentions

* Purchased new parcel?
* Purchase land client has lived on?

Divorce

* Terms match agreement
* MEP clause
* Financial exchange clause
* Recalculation Program clause

Other comments/concerns: