***DECLARATION OF INTENTION TO RETAIN BENEFICIAL INTEREST AND EXEMPTION***

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ make oath and say:

1. I am (one of) the transferor(s) named in the within transfer of land legally described as:

(the “Land”).

1. I am either transferring the Land into joint names or solely to my spouse or adult interdependent partner.
2. I believe the Land is wholly or in part exempt from family property distribution pursuant to section 7 of the *Family Property Act,* RSA 2000 c F-4.7 or any amendments thereto, because the Land was either acquired prior to marriage or before our relationship of interdependence began, as a gift, as an inheritance, as an award or settlement for damages in tort, as the proceeds of an insurance policy, or as a result of an exchange or proceeds of disposition, either directly or indirectly, of such property.
3. Even though I am transferring the Land into joint names or solely to my spouse or adult interdependent partner, I do NOT intend to gift or advance my beneficial interest in the Land, I am transferring the Land in trust for my sole benefit. Legal title is transferred solely for my own planning purposes, in recognition that upon a separation, the increase in value of the Land beyond my exemption will likely be shared in any event.
4. I intend to retain the full value of my exemption, I do NOT wish for any of my exemption to be gifted as occurred in the court decisions *Jackson v Jackson*, [1989] 1 RFL (3d) 442 (ABCA) and *Harrower v Harrower* (1989), 97 AR 141 (ABCA).

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| SWORN before me at \_\_\_\_\_\_\_\_\_\_\_\_\_, Alberta this \_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_\_.\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_A Commissioner for Oaths in and for Alberta | )))))) | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |

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| Caution: This declaration is NOT a substitute for a pre-nuptial agreement. It is preferable for both spouses/partners to sign; a different version of this form is available for that purpose. The non-exempt portion of the Land, along with any increase in value, can and likely will be shared with your spouse or common law partner. You bear the responsibility of proving your exemptions. This declaration could be negated by other circumstances. The lawyer providing you with this form does not provide a legal opinion or warrant that this form will be effective. We recommend that you consult a lawyer who practices family law to obtain proper independent legal advice. |