

**Attestation to a Decision of the Tutorship Council Relative to the Security to be Provided
by a Legal Representative**

Identification of the legal representative

First and last names:

Identification of the represented person

First and last names:

Curateur public file no.:

Decision of the tutorship council

I, the undersigned, (declarant's first and last name) _____, in the capacity of a tutorship council composed of one person, or as secretary of the tutorship council of the person identified above, hereby represent and certify that the decision made by said tutorship council on _____, 20____, regarding the security that must be furnished by the above-mentioned legal representative to guarantee the execution of his or her obligations in this capacity, namely:

- A mortgage guarantee** in the interest of the minor or the incapacitated person of full age in respect of a building located at (street number, street, city, province, postal code)

_____ up to the amount of \$_____, accompanied by an attestation by the acting notary to the effect that the legal representative holds a good and valid title to this building, certifying the rank of the mortgage and the fact that, given the building's standardized assessment and other charges affecting it, the legal representative's obligations are truly guaranteed up to the amount stipulated above.

- A contract of surety** under the terms of which a financial institution or recognized insurance company undertakes jointly and severally to the represented person (mentioned above) or his or her heir to guarantee, up to the amount of \$_____, the payment of the capital, interest, and costs of the final judgment issued against the above-mentioned legal representative for defaulting on the diligent and complete execution of his or her legal obligations in such capacity.

- A hold funds** under the terms of which a bank or other recognized financial institution formally undertakes in writing to not dispose of the investments it holds in the name of the legal representative in the capacity of the above-mentioned represented person. This hold funds will apply to investments representing a total capital of \$_____, of which the institution may not divest itself unless it obtains express written authorization to do so:

- from the minor who has come of age or the represented person who has obtained a formal declaration of the termination of his or her incapacity or
- from the succession of the minor or the incapacitated person of full age, if applicable, or
- from the tutorship council, who, without delay, will notify the Curateur public.

- "Building" Exemption**, identify the building or buildings (street number, street, city, province and postal code):

1 _____

2 _____

3 _____

1 Share owned by the represented person _____ % 2 Share owned by the represented person _____ %

3 Share owned by the represented person _____ %

In the event of the sale of one of these buildings, the tutor or curator must increase the security accordingly and notify the Curateur public du Québec.

Other types of security, specify: _____

In accordance with the tutorship council's decision, the legal representative must furnish the above-mentioned security by the ____ day of _____, 20____, and, without delay, send a copy to the tutorship council and the Curateur public du Québec.

Signature of declarant

Date

c.c.: Tutorship council
Curateur public du Québec

Information for the Tutorship Council

The security is a guarantee furnished by the legal representative (tutor or curator) to ensure that the represented person's patrimony is protected or compensated for in the event of improper administration.

The security is determined by the tutorship council by a majority decision of its members.

The value of the property mentioned in article 242 below refers to all of the property of the represented person (investments, immovable property, furniture, vehicles, etc.).

Keep in mind that the purpose of this security is not only to protect the patrimony of the represented person, but also the legal representative, with regard to his or her administration, and the members of the tutorship council, with regard to their personal responsibility to oversee the tutorship or curatorship.

The Curator public, or any other interested person, may, under certain circumstances, apply for a review of the tutorship council's decision.

Provisions of the *Civil Code of Québec* Concerning the Security

Art. 242. The tutor is bound, if the value of the property to be administered exceeds \$25,000, to take out liability insurance or furnish other security to guarantee the performance of his obligations. The kind and object of the security and the time granted to furnish it are determined by the tutorship council. The tutorship is liable for the costs of the security.

Art. 243. The tutor shall without delay furnish proof of the security to the tutorship council and to the Public Curator. The tutor shall maintain the security or another of sufficient value for the duration of his office and furnish proof of it every year.

Art. 244. A legal person exercising tutorship to property is exempt from furnishing security.

Art. 245. Where it is advisable to release the security, the tutorship council or the minor, once he attains full age, may do so and, at the cost of the tutorship, apply for cancellation of the registration, if any. Notice of the cancellation is given to the Public Curator.

Pursuant to article 266 of the *Civil Code of Québec*, the rules pertaining to tutorship to minors apply, adapted as required, to tutorship and curatorship to persons of full age.

Thus, the spouse and descendants in the first degree of the person of full age shall be called to the meeting of relatives, persons connected by marriage or a civil union and friends along with the persons to be called to it pursuant to article 226.