

## TAX SALE REPORTING LETTER

### **Tax Sale No. 55**

To: The Municipality of the District of Lunenburg

Re: Tax Sale Property Accounts

Date: September 26, 2024

Name: Rickey Diane Gladys Rafuse and Sheila Rhodenizer MacKay (Personal Representatives)

Assessment Account No: 03933466

Property: PID 60330081 – Lower Branch Road, Lower Branch, NS


Title: I have carried out title investigations on the subject property. The title is not land registered. There is evidence that Doreen Nellie Rhodenizer and both Sheila Rhodenizer MacKay and Rickey Diane Gladys Rafuse are the personal representatives of Doreen Nellie Rhodenizer's estate. Doreen Nellie Rhodenizer acquired titled to the subject property via Deed recorded at Book 218, Page 691 at the Lunenburg County Land Registration Office and was deceased as of 2020. A Grant of Probate for Doreen Nellie Rhodenizer with Will attached has been registered as Document No. 116627994 at the Lunenburg County Land Registration Office. As such, the Personal Representatives of Doreen Nellie Rhodenizer's estate should be put on notice of the pending tax sale. The subject property appears to abut the public highway. The paper title to the subject property appears to be marketable.

Encumbrances: None

Marital Status: N/A – Doreen Nellie Rhodenizer is deceased.

Survey: There is a survey of the subject property on file at the Lunenburg County Land Registration Office as Plan 7067. The survey and description generally conform to modern standards.

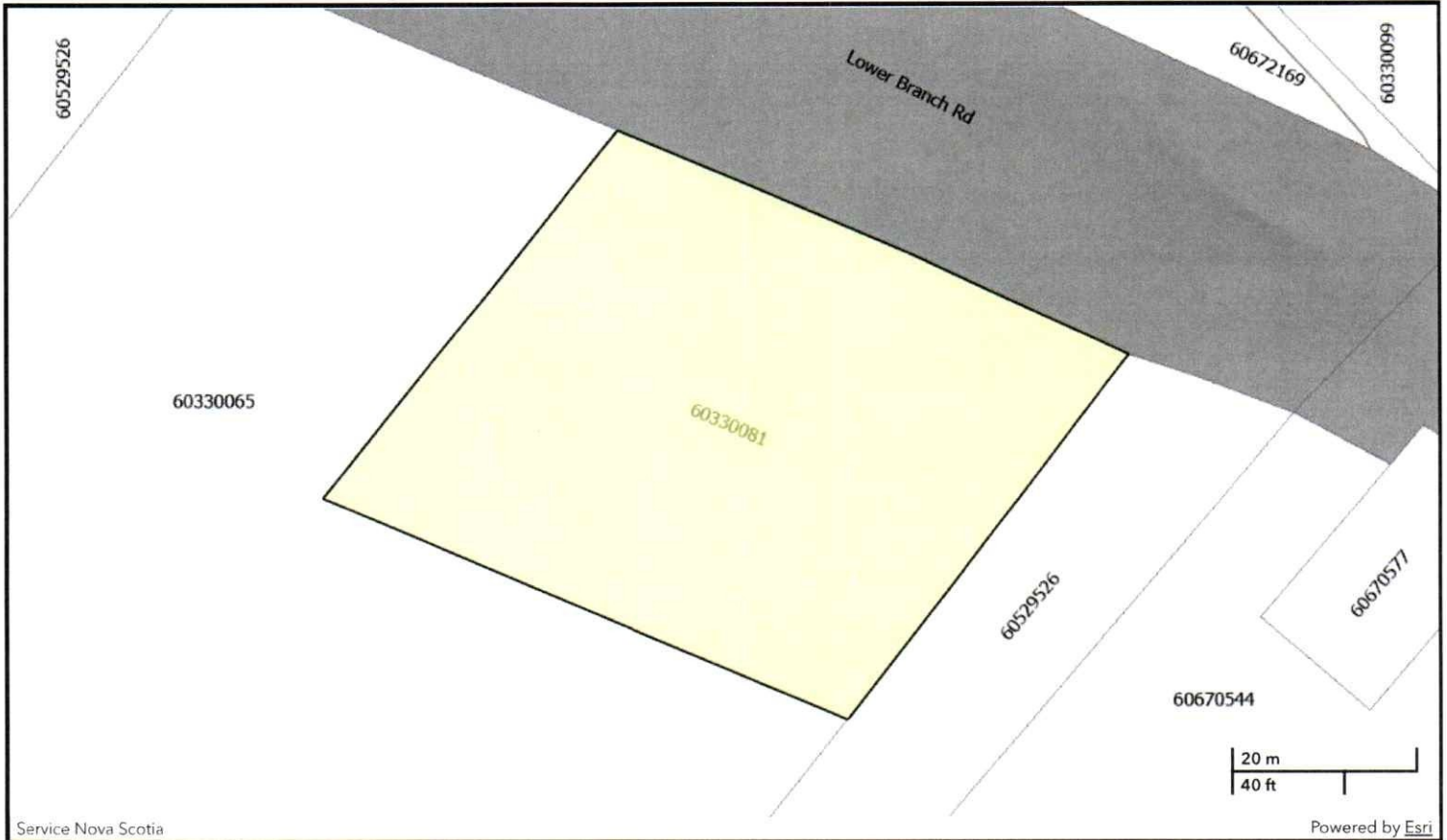
Property Mapping: A copy of the property mapping is attached for your file which will include the address of the assessed owner if available.

  
\_\_\_\_\_  
J. C. Reddy

\*\*\*\*This title search and attached materials have been prepared for the benefit of the Municipality of the District of Lunenburg. The Municipality of the District of Lunenburg will not be held responsible for any third party reliance on these materials as they are being provided for informational purposes only. Any interested third parties are cautioned and strongly encouraged to procure their own professional advice (including, but not limited to, legal advice and/or surveying advice) in connection with this and/or any other tax sale property.

Property Online Map

Date: **October 9, 2024 12:52:08**



**PID:** 60330081  
**County:** LUNENBURG COUNTY  
**LR:** NOT LAND REGISTRATION

**Address:** LOWER BRANCH ROAD  
 LOWER BRANCH  
**Owner:** SHEILA RHODENIZER MACKAY  
 RICKEY DIANE GLADYS  
 RAFUSE

**AAN:** 03933466  
**Value:** \$11,500.00 (2024 RESOURCE TAXABLE)

The Provincial mapping is a graphical representation of property boundaries which approximate the size, configuration and location of parcels. Care has been taken to ensure the best possible quality, however, this map is not a land survey and is not intended to be used for legal descriptions or to calculate exact dimensions or area. The Provincial mapping is not conclusive as to the location, boundaries or extent of a parcel [Land Registration Act subsection 21(2)]. THIS IS NOT AN OFFICIAL RECORD.

**Property Online Version 1.0**

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## Property Details

<b>PID</b>	<b>60330081</b>	<b>Parcel Type</b>	STANDARD PARCEL	<b>Status</b>	ACTIVE
<b>Area</b>	31215 SQUARE FEET (SCALED)	<b>Parcel Access</b>		<b>Manag. Unit</b>	MU1210
<b>Lot</b>		<b>Created</b>	Sep 13, 1994 12:00:00AM	<b>Manner of Tenure</b>	NOT APPLICABLE
<b>PDCA Status</b>	No Description	<b>Municipal Unit</b>	MUNICIPALITY OF DISTRICT OF LUNENBURG		

<b>Location</b>	<b>County</b>	<b>Primary Location</b>	<b>Source</b>
<u>LOWER BRANCH ROAD</u> <u>LOWER BRANCH</u>	LUNENBURG COUNTY	Yes	Not Assigned by Municipality

**Comments**

<b>Assessment Account</b>	<b>Value</b>	<b>Tax District</b>	<b>Tax Ward</b>	<b>Tax Sub</b>
<u>03933466</u>	\$11,500.00 (2024 RESOURCE TAXABLE)	040	000	

<b>Owner Name</b>	<b>Interest Holder Type</b>	<b>Qualifier</b>	<b>Province</b>	<b>Country</b>
RICKEY DIANE GLADYS RAFUSE	FEE SIMPLE	PERSONAL REPRESENTATIVE		
SHEILA RHODENIZER MACKAY	FEE SIMPLE	PERSONAL REPRESENTATIVE		

<b>Inst Type</b>	<b>Inst No</b>	<b>Year</b>	<b>Type</b>	<b>Book/Page</b>	<b>Registration System</b>	<b>Registration Date</b>
Document	<u>116627994</u> <a href="#">View Doc</a>	2020	WILL/GRANT OF PROBATE			Jul 13, 2020
Document	<u>500959044</u> <a href="#">View Doc</a>	1976	DEED	Book 218 Page 691		Jan 01, 1976
Document	<u>1132</u> <a href="#">View Doc</a>	1972	DEED	Book 155 Page 501		Mar 17, 1972

<b>Inst Type</b>	<b>Inst No</b>	<b>Year</b>	<b>Type</b>	<b>Plan Name</b>	<b>Drawer Number</b>	<b>Registration Date</b>
No Plans Found						

<b>Inst Type</b>	<b>Inst No</b>	<b>Year</b>	<b>Type</b>	<b>Plan Name</b>	<b>Filing Reference</b>	<b>Instrument Date</b>
No Non-Registered Plans Found						

**Parcel Relationships**

<b>Related PID</b>	<b>Type of Relationship</b>
No Related PIDs Found	

*Non-Land Registration parcels ARE NOT REGISTERED PURSUANT TO THE Land Registration Act. As such, ownership and all information in this report is believed to be an accurate reflection of registered documents affecting the parcel of land to which it relates, however, it is not intended to be relied upon by the reader as advice on the current state of any title to land. A search of the records at the appropriate Registry of Deeds office may be required to determine the current owner(s) of the parcel of land under consideration. THESE ARE NOT OFFICIAL RECORDS.*

*Land Registration parcels ARE REGISTERED PURSUANT TO THE Land Registration Act. The registered owner of the registered interest owns the interest defined in this register in respect of the parcel described in the register, subject to any discrepancy in the location, boundaries or extent of the parcel and subject to the overriding interests [Land Registration Act subsection 20(1)].*

*No representations whatsoever are made as to the validity or effect of recorded documents listed in this parcel register. The description of the parcel is not conclusive as to the location, boundaries or extent of the parcel [Land Registration Act subsection 21(1)].*

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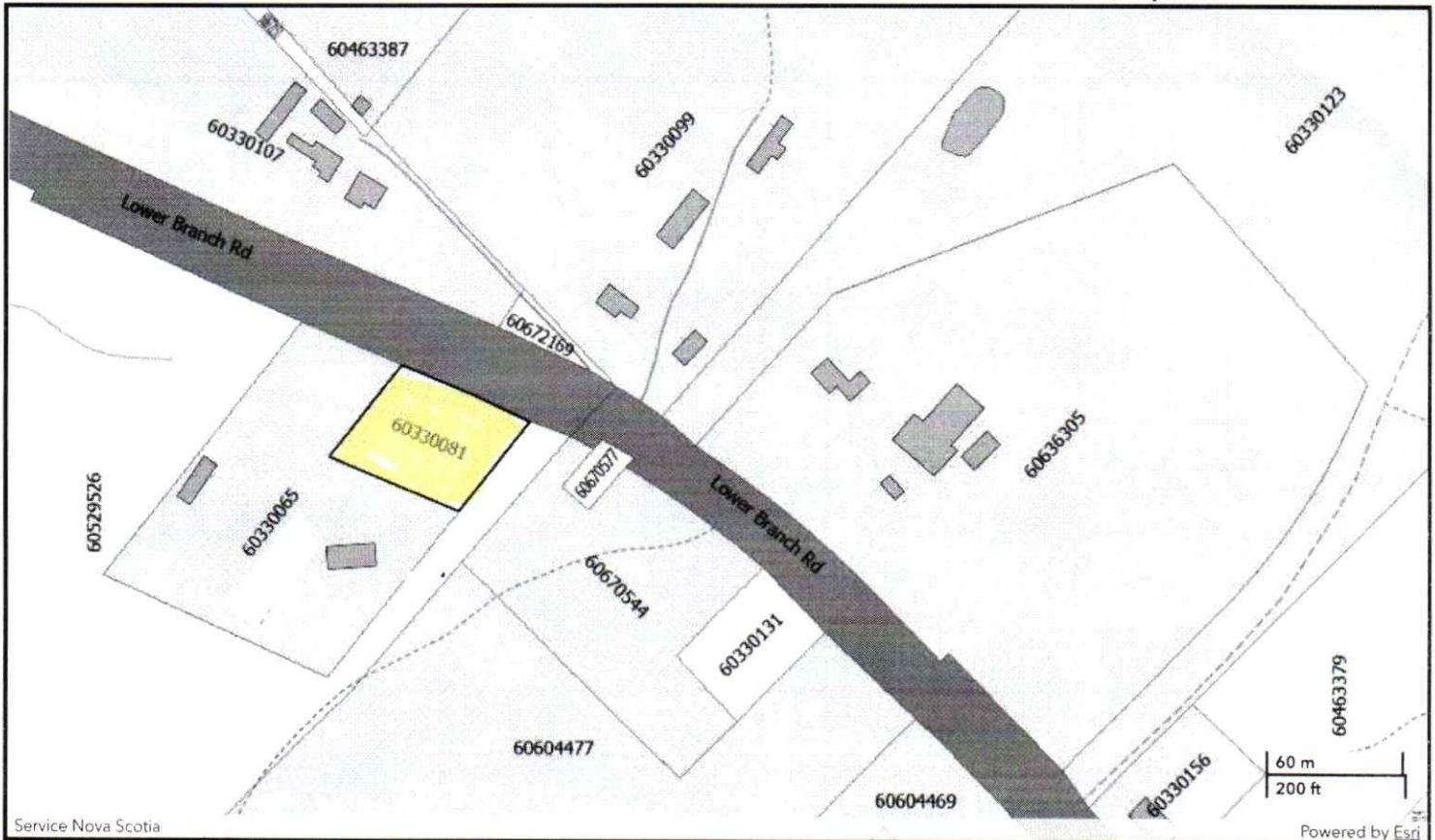
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## Property Online Map

Date: September 26, 2024 09:47:45



<b>PID:</b>	60330081	<b>Address:</b>	LOWER BRANCH ROAD LOWER BRANCH	<b>AAN:</b>	03933466
<b>County:</b>	LUNENBURG COUNTY	<b>Owner:</b>	SHEILA RHODENIZER MACKAY RICKEY DIANE GLADYS RAFUSE	<b>Value:</b>	\$11,500.00 (2024 RESOURCE TAXABLE)
<b>LR:</b>	NOT LAND REGISTRATION				

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No.	205
Recorded	1.45 P.M.
26 day of January	19 76

THIS INDENTURE made this 9th day of January, A.D. 1976,

BETWEEN:

GRANVILLE CONRAD, GERALD FRAUSELL, and CARROL LOWE, all of Lower Branch, in the County of Lunenburg, and Province of Nova Scotia, as Trustees for White Birch Ladies' Guild Association, of Lower Branch, aforesaid,

hereinafter called the "GRANTOR", of the One part,

— and —

DORREN NELLIE RHODENIZER, of Cookville, in the County of Lunenburg, and Province of Nova Scotia,

hereinafter called the "GRANTEE", of the Other Part.

WHEREAS the White Birch Ladies' Guild Association did by resolution adopted unanimously on January 7, 1976, authorize the Grantors to sell and convey the lands described in Schedule "A" to the Grantee. WITNESSETH that, in consideration of One Dollar of lawful money of Canada, and other good and valuable consideration to the Grantor in hand well and truly paid by the Grantee, at or before the ensembling and delivery of THESE PRESENTS, the receipt whereof is hereby acknowledged, the Grantor hereby conveys the lands described in the Schedule marked "A" hereto annexed unto the Grantee.

THE GRANTOR covenants with the Grantee that the Grantee shall have quiet enjoyment of the lands, that the Grantor has a good title in fee simple to the lands and the right to convey them as hereby conveyed, that they are free from encumbrances and that the Grantor will procure such further assurances as may be reasonably required and the Grantor does hereby warrant and forever defend the lands unto the Grantee and it is agreed and declared that the terms "Grantor" and "Grantee" used in this Deed shall be construed to include the plural as well as singular and the masculine, feminine or neuter genders where the context so requires.

IN WITNESS WHEREOF the Grantor has duly executed these presents the day and year first above written.

SIGNED, SEALED and DELIVERED) in the presence of

Joyce Lowe

Granville Conrad  
GRANVILLE CONRAD

Gerald Frausell  
GERALD FRAUSELL

Carrol Lowe  
CARROL LOWE

PROVINCE OF NOVA SCOTIA)  
COUNTY OF LUNENBURG, SS)

ON THIS 12th day of January A.D. 1976, before me, the subscriber, personally came and appeared Joyce Lowe, a subscribing witness to the foregoing Indenture, who having been by me duly sworn, made oath and said that Granville Conrad, Gerald Frausell & Carrol Lowe, three parties thereto, signed, sealed and delivered the same in her presence.

J. A. [Signature]  
JENN A. [Signature] COMMISSIONER OF THE SUPREME COURT OF NOVA SCOTIA  
A Commissioner of the Supreme Court

SCHEDULE "A"

ALL of the estate and title of the Grantors as Trustees of, in and to All and singular that certain lot, piece or parcel of land and premises situate, lying and being at Branch LaHave (Lower Branch) in the County of Lunenburg, and Province of Nova Scotia, and more , particularly bounded and described as follows:

BEGINNING at a point a distance of Thirty-three feet (33') from the centre of the main paved highway leading through Branch LaHave and being on the Western side and on the line of land between Emerson Cook and Calvin L. Sarty and also on the line of the Lower Branch Hall;

THENCE in a Southwesterly direction along the land owned by the Lower Branch Community Hall Society, a distance of Two Hundred Feet (200') more or less, to an iron post driven into the ground;

THENCE in a Northwesterly direction along the land of the Grantors a distance of Two Hundred Feet (200') more or less, to an iron post driven into the ground;

THENCE in a Northeasterly direction along the land of the Grantors a distance of Two Hundred Feet (200') more or less, to an iron post driven into the ground;

THENCE in a Southeasterly direction along the Lower Branch Highway a distance of Two Hundred Feet (200') more or less, to an iron post driven into the ground, the same being the place of beginning, and being a distance of Thirty-three feet (33') from the centre of the main paved highway leading through Branch LaHave.

The above described lot of land is taken from a prior deed reference found at the Registry of Deeds, Bridgewater, N. S., in Book 112, at Page 223, under Number 342.

BEING AND INTENDED TO BE the same land described in the deed from Calvin L. Sarty and Margaret Sarty to Granville Conrad, Gerald Frausell and Carrol Lowe, as Trustees for White Birch Ladies Guild Association, dated the 7th day of March, 1972 and recorded at the Registry of Deeds, at Bridgewater, Nova Scotia, in Book 155, at Page 501, under Number 512.

*L.C.  
L.S.  
1.*



(5)

**Form 44**

**Request to the Registrar of Deeds to Register a Document**

Registration district: Lunenburg County  
Submitter's name: R.S. Niedermayer / 7144  
PID: 60330081

Take notice that the attached document relates to a parcel that is not registered under the *Land Registration Act*, and the document may be accepted for registration under the *Registry Act* because it is (*select one only*)

- not a transfer for valuable consideration
- not a mortgage or security interest as defined in the *Land Registration Administration Regulations*.
- a transfer of a parcel between persons married to one another
- a transfer of a parcel between persons formerly married to one another, if the transfer is for the purpose of division of matrimonial assets.
- a transfer of a parcel between persons who are parties to a registered domestic partnership agreement.
- a transfer of a parcel acquired by Her Majesty in right of the Province or a municipality for the purpose of road widening, alignment or movement.
- a deed to a predecessor in title being registered in order to feed the estoppel or clarify title.
- a transfer of an unregistered piece of land that is being created as a parcel under the subdivision provisions of Part IX of the *Municipal Government Act* solely for purposes of consolidation with an abutting unregistered parcel.
- a transfer of a parcel from the Nova Scotia Farm Loan Board to a borrower under the *Agriculture and Rural Credit Act*.
- X** any other instrument not mentioned above that is not required to be registered or recorded under the *Land Registration Act*

I hereby request that this document be registered under the *Registry Act*.

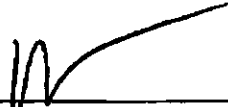
Dated at Halifax, in the County of Halifax, Province of Nova Scotia, on July 2, 2020.

LUNENBURG COUNTY LAND REGISTRATION OFFICE  
I certify that this document was registered or recorded  
as shown here.  
Rebecca Bond, Registrar

ML
RB
Name  
Address  
Telephone  
Email:  
Fax:

LRI
ROD
Document #  
116627994  
JUL 13 2020  
MM DD YYYY

13:47
Time


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*Signature of Authorized Lawyer*  
 R.S. Niedermayer, Stewart McKelvey  
 P. O. Box 997, Halifax NS B3J 2X2  
 (902) 420-3339  
 RNiedermayer@stewartmckelvey.com  
 (902) 420-1417

Probate District: BW

Probate Court File No: 16370

**IN THE COURT OF PROBATE FOR NOVA SCOTIA**

**IN THE ESTATE OF DOREEN NELLIE RHODENIZER, Deceased**

**Grant of Probate  
(S. 42(1))**

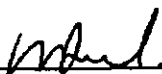
This court grants probate of the attached will and administration of the estate of Doreen Nellie RHODENIZER, late of Marriott's Cove, in the County of Lunenburg, Nova Scotia, in the Probate District of Bridgewater, who died on February 23, 2020, to SHEILA RHODENIZER MACKAY of 918 Highway 10, Cookville, Nova Scotia, Canada, B4V 7R1 and RICKEY DIANE GLADYS RAFUSE of 98 Swinimer Road, Western Shore, Nova Scotia, Canada, B0J 3M0, who have sworn to faithfully administer the estate by paying the just debts of the deceased and the legacies contained in the will and paying the lawful expenses and distributing the residue (if any) according to the law.

The first named Executor predeceased the Testatrix.

The alternate personal representatives shall file a full and true inventory of the assets of the deceased within 3 months after the date of this grant, and shall render a just and true account of the executorship when required by law to do so.

Issued on July 8, 2020.

PROBATE DISTRICT OF BW  
I hereby certify that the foregoing is a true copy of the original  
on file herein.  
Dated the 8 day of July, A.D., 2020  
WANDA ISRAEL  
Registrar of Probate

  
\_\_\_\_\_  
Registrar of Probate  
Wanda Israel

**WILL**  
**OF**  
**DOREEN NELLIE RHODENIZER**

This is the will of Doreen Nellie Rhodenizer, of Cookville, Nova Scotia.

1. *Revocation.* I revoke all my previous wills and codicils.
2. *My Family.* I am married to Douglas Mark Rhodenizer and we have one daughter, Sheila Rhodenizer MacKay, of Upper Northfield, Nova Scotia, and two grandchildren, Sarah Fillmore and Bryce Fillmore.
3. *Trustees.* I appoint as my executor and trustee my husband, Douglas. If Douglas is unable or unwilling to act or to continue to act, I appoint as my executors and trustees my daughter, Sheila, and my niece, Rickey Diane Gladys Rafuse, of Western Shore, Nova Scotia.

If a difference of opinion exists among my trustees, the opinion of the majority will prevail, even if one of them is personally interested in the matter in question, but my husband must be part of that majority.

In this will, the term "trustees" means my executor and trustee or executors and trustees from time to time. Any reference to my trustees in the plural form includes the singular form and words importing any gender shall include the other genders.

A majority of the trustees of my estate or any trust established in this will shall at all times be resident in Canada for purposes of the *Income Tax Act* (Canada), unless the trustees decide otherwise.

The administration of the assets and the central management and control of my estate or any trust established in this will shall at all times be carried out by my trustees in Canada, unless the trustees specifically decide otherwise.

Initials:   D.R.     J.     R.G.    
Testator      Witness      Witness

Stewart McKelvey

A trustee shall be ineligible to serve as trustee of my estate or any trust established in this will and will be deemed to have ceased to be a trustee immediately upon such trustee becoming incapable of managing his or her own affairs or being declared a bankrupt.

If a licensed physician certifies in writing as to a trustee's incapacity, that certificate shall be considered a conclusive and final determination of that trustee's inability to act as trustee for all purposes of my estate or any trust established in this will.

Upon every person being appointed or becoming a trustee of my estate or any trust established in this will, the trust property shall vest in such trustee and the other trustees, if any, as continuing trustees without court approval being required. The title of the trust property held by any trustee who is no longer acting as trustee shall vest forthwith in any successor trustee or trustees without further formality. Any retiring trustee shall, if requested by the successor or continuing trustee or trustees, execute all instruments and do all acts necessary to vest such title as the retiring trustee may have had in the trust property in any successor trustee or trustees, without court approval being required.

My trustees shall not be responsible for any error in judgment or for any act of omission or commission not amounting to wilful default or actual fraud in the management and administration of my estate or any trust established in this will. My trustees shall not be personally liable for any moneys to become due from, or by any claims against, the trust property, or upon any investment made by my trustees under the provisions hereof. The legal title to all the trust property shall be and remain vested in my trustees and their successors. My trustees shall have power to bind the trust property without becoming personally liable.

No bond or security shall be required of my trustees in any jurisdiction.

4. *My Property.* I give all my property to my trustees on the following trusts to:

Initials: W.R.    K    Stewart  
Testator    Witness    Witness

Stewart McKelvey

- (a) *Conversion.* Take control of my property and convert into money as much of it as they consider appropriate. They should refer to their powers to sell and to hold property.
- (b) *Debts.* Pay my debts, funeral and testamentary expenses out of the capital of my estate.
- (c) *Gift of Money.* Give \$10,000.00 to my niece, Rickey, in lieu of executor commission and provided she acts as my executor.
- (d) *Personal and Household Articles.* Give all my articles of personal and household use or ornament to my husband, Douglas, if he survives me. If my husband does not survive me, give all my articles of personal and household use or ornament to my daughter, Sheila, if she survives me. If my daughter does not survive me, divide these articles equally between those of my grandchildren who survive me, to be shared equally between them as they agree or, if they do not agree, then as my trustees in their discretion decide. I express the wish that in making this division my trustees will be guided by any lists that I may leave during my lifetime.
- (e) *Trust for Douglas Mark Rhodenizer.* Hold the rest of my estate in trust for my husband, Douglas, during his lifetime. Keep it invested. Pay to him, or apply for his benefit, the net income from the trust property, or such lesser portion as he may direct from time to time. Pay to him, or apply for his benefit, as much of the capital of the trust property as he requests, or, failing his request, then as my trustees in their discretion consider advisable. He may request all of the trust property at once, if he wishes. In exercising their discretion, my trustees shall consider his care and comfort as their primary concern, and not the preservation of the capital.

Initials:    *DR*       *J*       *DR*     
          Testator   Witness   Witness

Stewart McKelvey

In their discretion, my trustees may continue to hold the trust property of this trust in trust for up to three years after the death of my husband before distributing the residue of the trust property in accordance with clause 4(h) below.

- (f) *Home.* If my husband does not survive me, give our home in Cookville to my daughter, Sheila, if she survives me.
  
- (g) *Cottage.* If my husband does not survive me, hold our cottage and land at Lake Mush-a-Mush in trust on the following terms. Allow my daughter, Sheila, and her children the right to use the property during the time it is being held in this trust. During her lifetime, Sheila shall have the principal opportunity to use the property when she wishes. After her death, my grandchildren shall equally have first right to use the property. Pay all expenses of maintaining the property, including property taxes, insurance premiums, heat, utilities and maintenance and repairs out of the rest of my estate. After Sheila's death, give my grandchildren the right to acquire the property at its fair market value, as determined by my trustees. If both grandchildren wish to exercise his or her right under this clause, and they cannot agree to share the property, give them the opportunity to submit sealed bids to my trustees containing the price they are prepared to pay. My trustees shall convey the property to the highest bidder. In the event neither of my grandchildren wish to acquire the property, sell it and add the proceeds of sale to the rest of my estate. My trustees may adopt such other terms with respect to the sale to my grandchildren as they consider appropriate. The rights given by this clause are personal to my daughter and my grandchildren.
  
- (h) *Rest of my Estate.* After my husband dies (or my death if he does not survive me), hold the rest of my estate in a common "Estate Fund" trust for my daughter, Sheila, and my grandchildren, Sarah and Bryce, on the following terms. During Sheila's lifetime, pay the income of the Estate Fund to the beneficiaries in the following percentages: 60% to Sheila and 40% divided equally between those of my

Initials: SR      Y      SR  
Testator      Witness      Witness

Stewart McKelvey

grandchildren who are alive. Pay as much of the capital as my trustees think best from the Estate Fund to or for the benefit of my daughter and my grandchildren in the same percentages. When exercising their discretion, my trustees shall consider the care and comfort of my daughter and my grandchildren as their primary concern, and not the preservation of the capital. After Sheila dies, continue to hold this Estate Fund in trust equally for those of my grandchildren who survive her on the same terms.

Following Sheila's death, when the first grandchild dies, divide the Estate Fund in half. Continue to hold one-half in trust for the surviving grandchild on the same terms. Divide the residue of the other half of the Estate Fund as that deceased grandchild may by his or her will appoint, or, failing appointment, then in accordance with the laws applicable in the event of an intestacy of that grandchild.

- (i) *Alternative Distribution.* If any of the preceding trusts fail, distribute the residue of that trust's property in accordance with the laws applicable in the event of an intestacy of the last surviving individual beneficiary of that trust.
- (j) *Income.* For purposes of the trusts established in this will, "income" means income (including capital gains (net of capital losses) and deemed income and gains) as determined for purposes of the *Income Tax Act* (Canada).
- (k) *Interpretation.* For purposes of this will, the terms "rest of my estate" or "residue of the trust property" means the usual balance for distribution, being the amount determined net of all debts, funeral and testamentary expenses, taxes, trustee fees and all other usual expenses and fees.

5. *Business Interests.* The major assets of my estate are comprised of shares and other interests in Rhodney's Developments Limited and 3064236 Nova Scotia Limited (together, the "Businesses"). I express the strong wish that my trustees continue to operate the Businesses after my death as they are profitable now and I expect they will continue to be

Initials: SR      Y      JKW  
Testator      Witness      Witness

Stewart McKelvey

profitable if run properly after my death. I suggest to my trustees that they maintain a cash reserve in the Businesses of at least \$100,000.00 at all times to cover timing differences between cash receipts and cash payments. You should review the situation with respect to the Businesses after consultation with competent business, tax, legal and real estate advisors. In the event my trustees continue to operate the Businesses, I would expect that my daughter, Sheila, and my grandchildren will continue to receive salary and other distributions related to the Businesses, at least consistent with what they were receiving prior to my death, as adjusted thereafter by changes in the Canadian Consumer Price Index from base dollars commencing in the year of my death. I suggest at least \$50,000.00 be distributed to my daughter and my grandchildren collectively each year in the most tax-efficient manner possible, subject to the discretion of my trustees. If any of my daughter or my grandchildren are actively employed in the Businesses, the compensation to them for such employment should be at market rates for that work in addition to any distributions made to them as beneficiaries of my estate.

- 6. *Survivorship.* Every beneficiary under my will who fails to survive me for 30 full days shall be treated for all purposes connected with the distribution of my estate as having died before me. This provision does not prevent my trustees from acting from the date of my death.

I have made specific gifts of money in my will. I direct my trustees to pay these gifts only to the extent that they are not paid under my husband's will. This direction does not apply to specific gifts of items or to the provisions I have made for the rest of my estate.

- 7. *Funeral Directions.* I express the wish that my remains not be cremated nor buried in the ground.
- 8. *The Rhodenizer Family Trust.* I note that I am a Trustee of the Rhodenizer Family Trust settled by Trust Agreement dated November 14, 2002 (the "Rhodenizer Trust"). The assets held in the Rhodenizer Trust do not form part of my estate. I express the wish that my trustees be appointed as successor trustees of the Rhodenizer Trust. In the event that

Initials: WR      Y      SR  
Testator      Witness      Witness

Stewart McKelvey



I survive my husband, Douglas, I direct that the income and capital of the Rhodenizer Trust be distributed both before and on the Division Date in the same manner as if it had formed part of the residue of my estate. For this purpose, the terms "Trustee" and "Division Date" are defined in the Rhodenizer Trust. Although I wish to exercise the powers granted to me pursuant to the Rhodenizer Trust for the benefit of my trustees and the trustees of the Rhodenizer Trust, I expressly do not incorporate this document into my will by reference and it does not form part of my will. I want it to remain a private document and relieve the Registrar of Probate from any duty to require its production pursuant to Regulation 14 of the Probate Court Practice, Procedure and Forms Regulations.

9. *Trustees' Powers.* To carry out the terms of my will, and in addition to all the powers vested in executors and trustees by law, I give my trustees the following powers. They are to be used when they do not conflict with what is in my will and when my trustees consider it to be in the best interests of my estate to do so.
- (a) *Sell Property.* They may sell any property, real or personal, which at any time forms part of my estate. They will decide when to sell, the manner of sale and the terms. They may sell for cash or credit with appropriate security or a combination of cash and credit. They may sign any deeds and other documents that they consider necessary.
  - (b) *Hold Property.* They may have a duty to convert into money some of my property. They may postpone the conversion of any part of it if they consider that this will be advantageous. They shall not be responsible for any loss that may happen as a result of a properly considered postponement.
  - (c) *Payments for Minors.* If they are to give any money or thing to someone under 19, they may do so by paying the money or giving the thing to a parent, or to the person who has custody of the minor, or to the guardian of the minor's property, if there is one, or to the trustee or trustees of a trust fund for the benefit of the minor. That person's receipt will be a sufficient discharge to them.

Initials:                 
          Testator    Witness    Witness

Stewart McKelvey

- (d) *Division.* Instead of selling estate assets to obtain money and then distributing only money, they may distribute the assets forming my estate to the beneficiaries as part or all of their shares of my estate. The same applies if they are dividing my estate and setting aside separate shares to be held in trust. They may determine the value of assets for this purpose. Their determination is binding on all persons concerned.
- (e) *Income Tax Elections.* They may take any action or refrain from taking any action available to them under the *Income Tax Act (Canada)* or any other taxing statute. Any action may favour one beneficiary over another. They shall use their discretion in deciding what is in the best interests of my estate as a whole.
- (f) *Settle Claims.* They may compromise, settle, waive and forgive any claims due to or due by my estate on such terms as they consider advisable.
- (g) *Employment of Agents and Advisers.* They may employ and pay for such professional and other assistance and advice as they consider appropriate. They may pay proper compensation for this assistance and advice.
- (h) *Capital or Income.* They may allocate receipts to income or capital, and charge expenses to income or capital, or partly to each, notwithstanding the characterization of the receipts or expenses for purposes of trust accounting. They shall use their discretion in deciding what is in the best interests of my estate as a whole.
- (i) *Estate Management Agent.* They may appoint a trust company to act as their agent to manage any part of my estate. They may terminate that agency and appoint another trust company. They may fix the remuneration of the trust company, but any remuneration paid will be taken into account when establishing my trustees' compensation. They may place any asset of my estate in the custody of the trust company or register any investments in its name or its nominee. They

Initials: LR      H      REN  
Testator      Witness      Witness

Stewart McKelvey

may delegate to the trust company any of their powers with respect to investments.

- (j) *Sale to Family.* They may sell any asset of my estate to any member of my family by private contract at such price and on such terms, and either for cash or credit or for part cash and part credit, as they consider appropriate.
- (k) *Investments.* In addition to their investment powers under the *Trustee Act* (Nova Scotia), they may make any investments that they in their discretion consider advisable. They may delegate their investment making authority to investment counsel of their choice upon such terms and such supervision as they in their discretion consider advisable.
- (l) *Insurance.* They may insure any part of my estate on terms they think best.
- (m) *Managing Real Property.* They may manage any real property that forms part of my estate. For example, they may lease it for any term and subject to such conditions as they consider appropriate, accept surrenders of leases and tenancies, pay money out of the income or capital of my estate for repairs and improvements, give any options that they consider advisable, renew any mortgage, borrow money on any real property upon a mortgage, and pay off any mortgage that exists at my death or at any renewal.
- (n) *Borrowing and Lending.* They may borrow money on the credit of my estate, either with or without security including by mortgage or charge on any part of my estate, but not from a beneficiary. They may lend by way of loan any asset or part of my estate, including to any beneficiary or any corporation in which my estate has an interest, either with or without security.
- (o) *Guarantees.* They may continue and renew any bills, notes, guarantees or other securities or contracts relating to them, but only for the purpose of helping an or-

Initials: SR      J      RQ  
Testator      Witness      Witness

Stewart McKelvey

derly liquidation of those obligations without undue embarrassment to members of my family.

- (p) *Carry on Business.* They may continue and carry on any business which I may own or in which I may be interested at my death, either alone or in partnership with any person or persons. They may carry on for such length of time as they consider to be in the best interests of my estate.
- (q) *Incorporation.* They may incorporate and organize a corporation for the purpose of acquiring any or all of the assets of my estate. They may sell any assets of my estate to this corporation or to any other corporation controlled by my estate or my beneficiaries. In return they may accept common or preferred shares or debt obligations, whether secured or unsecured, of the corporation or any combination. They may invest funds of my estate in these shares or obligations.
- (r) *Reorganize Corporations.* They may consent to the reorganization of any corporation in which I or my estate from time to time may hold shares or debt obligations. They may accept shares or debt obligations of this corporation or any other corporation formed as a result of the reorganization on such terms as they consider advisable.
- (s) *New Trustees.* They may appoint additional trustees of my estate, including professional persons or trust companies. They may serve with them or as their successors. They may permit the resignation of trustees. They do not need the consent of the beneficiaries, but they should consult with them before making any appointment or permitting any resignation. No resignation or appointment shall take effect until after the existing trustees have provided a proper accounting of the assets in the trusts from the time of their appointment as trustees until the date of the resignation or appointment.

Initials: SR      Y      SR  
          Testator    Witness    Witness

Stewart McKelvey

10. *Maintenance of Trust Status.* Notwithstanding any other provision in this will, none of the administrative provisions or the powers given to my trustees shall authorize or empower my trustees to act in a manner which may affect any trust established in this will from qualifying as a testamentary trust pursuant to the *Income Tax Act (Canada)*.

Further, notwithstanding any other provision in this will, none of the administrative provisions or the powers given to my trustees shall authorize or empower my trustees to act in any manner which may affect the trust established solely for my spouse in this will from qualifying as a spousal trust for purposes of the *Income Tax Act (Canada)*. My trustees are prohibited from carrying out any act (through commission or omission) which may permit someone other than my spouse from, directly or indirectly, receiving or otherwise obtaining the use of any of the income or capital of that trust during my spouse's lifetime.

11. *Restrictions on Distributions.* With respect to any property or other interest in my estate distributed or allocated to any beneficiary hereunder, the whole of the said property or other interest in my estate, whether income or capital or both, the income arising therefrom, and any appreciation in the value thereof shall not fall into any community of property which may exist between the said beneficiary and his or her spouse or common-law partner, and shall not form part of the matrimonial property of the said beneficiary for any purpose or purposes under the *Matrimonial Property Act (Nova Scotia)* as amended from time to time and any successor legislation, but shall only be paid or allocated by the trustees to such beneficiary on the condition that the same shall remain the separate property of such beneficiary, free from the control of his or her spouse or common-law partner. The separate receipt of such beneficiary shall be a discharge to the trustees in respect of any such payment or allocation. This direction shall apply not only to the *Matrimonial Property Act*, but also to the laws of any other jurisdiction dealing with distribution of property in the event of death or marriage breakdown.

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Testator      Witness      Witness

Stewart McKeivey

12. *Condition for All Gifts.* If any beneficiary of my will, within five years after my death and without my trustees' consent in writing, which they may give or withhold, begins any proceeding to impeach the validity of my will, in any way or assert a claim under dependent relief legislation in connection with this will or my estate (including, without limitation, under the *Testators' Family Maintenance Act* (Nova Scotia) or any similar legislation), then the beneficiary shall forfeit the gift. The forfeited gift shall be added to the rest of my estate. If the gift is part of the rest of my estate, the forfeited part shall devolve as if that beneficiary had not survived me.
13. *No Vesting of Beneficiary's Interest.* Subject to the terms of this will, the interest of any beneficiary in the income or the capital of my estate shall vest in such beneficiary only to the extent that such income or capital (as the case may be) has been allocated to the beneficiary by the trustees in accordance with this will.
14. *Governing Law.* This will and any trusts established in this will shall be governed by and interpreted in accordance with the laws of the Province of Nova Scotia.
15. *No Geographic Limitation.* Notwithstanding the location and residence of my estate or any trusts established in this will from time to time, nothing contained herein shall prevent my trustees from engaging in transactions or exercising their powers and discretions granted hereunder in any jurisdiction in the world.

Initials: LR      H      RSN  
          Testator      Witness      Witness

Stewart McKelvey

Dated at Halifax, Nova Scotia, this 10<sup>th</sup> day of March, 2011.

Doreen N Rhodenizer  
Doreen Nellie Rhodenizer

Signed by Doreen Nellie Rhodenizer in our presence and attested to by us in the presence of her and each other.

[Signature]  
First Witness

Vicki A. Greenough  
10 Route 14 Greenfield  
Halifax, Nova Scotia B0N 2A0

\_\_\_\_\_  
Address

[Signature]  
Second Witness

Richard S. Niedermayer  
1959 Parkwood Terrace  
Halifax, Nova Scotia B3H 4G4

\_\_\_\_\_  
Address

CLERK OF PROBATE  
PROBATE DISTRICT OF BW  
I hereby certify that the foregoing is a true copy of the original

\_\_\_\_\_ on file herein.  
Dated the 10<sup>th</sup> day of July A.D., 2011

Prepared by Richard Niedermayer, Stewart McKelvey  
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Phone: 902.420.3339 Email: RNiedermayer@smss.com  
WANDA ISRAEL  
Registrar of Probate