

ESTATE TAX PLANNING GONE AWRY

CLE FOR LAWYERS & ACCOUNTANTS | WEDNESDAY 30, 2018 PRESENTERS



CHARLES WAGNER
Wagner Sidlofsky LLP Chair, Trusts & Estates group



RAQUEL GOLDBERG
Kronis, Rotszain, Margles, Cappel LLP



GREGORY SIDLOFSKY
Wagner Sidlofsky LLP



CAROLINE ABELA
WeirFoulds LLP



JONATHAN HAMES
Schwartz Levitsky Feldman LLP



SHARON SHORE
Epstein Cole LLP



JORDAN ATIN
Hull & Hull LLP



IAN HULL
Hull & Hull LLP



DEBRA STEPHENS
WEL Partners



HOWARD BLACK
Minden Gross LLP



FELICE KIRSH
Schmurr Kirsh Oelbaum Tator LLP



CHARLES TICKER
Charles B. Ticker Law Office



CLARE BURNS
WeirFoulds LLP



CYNTHIA MILLER
LawPro



RABBI MORDECHAI TORCZYNER
Rosh Kollel, YU Kollel, Toronto



NATHAN CHORAN
Zeifmans LLP



LIONEL TUPMAN
WEL Partners



SUZANA POPOVIC-MONTAG
Hull & Hull LLP



NIKOLAY CHSHERBININ
Chsherbini Litigation Barristers



ALEX PROCOPE
PBP Lawyers



CRAIG VANDER ZEE
Torkin Manes LLP



BRIAN COHEN
Gowling WLG



ARCHIE RABINOWITZ
Gowling WLG



KIMBERLY WHALEY
WEL Partners



DANIEL DOCHYLO
Borden Ladner Gervais LLP



MELANIE YACH
Aird & Berlis LLP



BRENDAN DONOVAN
Wagner Sidlofsky LLP



HOWARD ZERKER
Crowe Soberman LLP

Shaarei Shomayim Synagogue | 470 Glencairn Avenue, Toronto

Registration & Breakfast For May 30, 2018: 7:30 Am
Program: 8:00 Am-12:00 Noon. Cost \$136 Plus Hst

To register, contact Ellen Ostofsky at 416-633-6224 x104 or at elleno@bnaibrith.ca
This program is eligible for substantive CPD hours required of Lawyers by the LSO
www.bnaibrith.ca/trustsandestates

Sponsored by: B'nai Brith Canada, Wagner Sidlofsky LLP, Scoria Wealth Management, RBC Estate and Trust Services, WEL Partners, Hull & Hull LLP, Torkin Manes LLP, Gowling WLG, WeirFoulds LLP and KRMC LLP



Estate Tax Planning Gone Awry

CLE Program for lawyers & accountants



Charles Wagner
Wagner Sidlofsky LLP
Chair, Trusts & Estates

In this year's seminar, the B'nai Brith Canada Estates and Trust Group presents a scenario involving an estate freeze. The parents exchange their shares in the family company for a different class of shares with a fixed value equal to the company's assets. The new shares also let the parents continue to run the bakery business. A trust is then created whose beneficiary are their two sons. The trust owns a separate class of shares designed to increase in value with the company's future growth. This is an estate freeze. Without it, upon the death of the parents, their estates would pay tax on the increased value of the shares. With the freeze, the parents retain control of the company and their estates do not pay tax on that future growth.

In our scenario, the oldest son marries someone whom the parents fear is a financial predator. Friction ensues. The son commences an application under the Business Corporations Act claiming he is an oppressed minority shareholder and asks the court to either make his parents buy out his shares or wind up the company. This scenario is loosely based on *Nanef v. Con-Crete Holdings Ltd.* and other cases with very similar fact situations.

Our program qualifies for CPD hours and this seminar utilizes last year's popular vignette format. Attendees will better understand the issues as they are fleshed out in the vignettes followed by panel discussions.

In first of five vignettes, father (Craig Vander Zee of Torkin Manes LLP) and mother (Clare Burns of Weir Foulds) meet with their accountant (Howard Zerker of Crowe Soberman). They will discuss the benefit of an estate freeze and why, from an estate planning and tax perspective, it makes sense.

Fast forward 10 years and in our second vignette we see the son (Alex Procope of PBP Lawyers LLP) and his new wife (Raquel Goldberg of KRMC) meet with their lawyer (Greg Sidlofsky of Wagner Sidlofsky LLP) to discuss their litigation option since the parents have forced the son out of the business.

These vignettes are followed by the first of four panel discussions, chaired by Ian Hull of Hull & Hull LLP entitled, "Discussion of Estate Freezes and Associated Litigation Risks". Nathan Choran of Zeifmans LLP will comment on the normal tax considerations and set-up of estate freezes, Brian Cohen of Gowling WLG will discuss a discretionary trust, who has control of the trust, its role in estate freezes and income splitting, as well as U.S. persons' exclusions. Suzana Popovic-Montag of Hull & Hull LLP will discuss relevant case law relating to the use of the oppression remedy, and winding up of companies in these scenarios.



Craig Vander Zee



Clare Burns



Howard Zerker



Alex Procope



Greg Sidlofsky



Ian Hull



Nathan Choran



Brian Cohen



Suzana Popovic-Montag

The event will take place on May 30, 2018 at Shaarei Shomayim Synagogue at 470 Glencairn Avenue, Toronto, Ontario M5N 1V8 and is open to lawyers and accountants.

To reserve your place please contact Ellen Ostofsky at B'nai Brith Canada at (416) 633-6224 x 104 or elleno@bnaibrith.ca