

CA-FAMdiv15

Separation agreement

Dated: [date]

Made between:

[all names in full]

And

[all names in full]

This agreement is dated [date]
It is made between: [full name]
Of [full address], "ABC"
and [full name]
Of [full address], "DEF"

Background:

- A. ABC and DEF were married on [date].
- B. They have [two] children together:

Full name	Date of birth
-----------	---------------

- C. In addition, ABC has [number] children and DEF [] :
[] :

Children of ABC

Full name	Date of birth
-----------	---------------

Children of DEF

Full name	Date of birth
-----------	---------------

- D. ABC and DEF have disclosed to each other all their assets, income and other financial circumstances, [] .
- E. ABC and DEF enter into this agreement freely and voluntarily and not [] .

These are the terms of the agreement:

1. Definitions

- "Business" means any or all of:
a trade or profession operated as ■■■■■■■■■■■■
■■■, ■■■■■
a share in a partnership which ■■■■■■■■■■■■
, ■■■■■
a company limited by shares, in which a party owns at least [10] % ■■■■■■■■■■■■ .
all commercial enterprises in which either party has an interest of [25] % ■■■■■■■■■■■■, ■■■■■■■■■■■■ ■■■■■■■■■■■■ .
- "Home" means principal residence of ABC and DEF which ■■■■■■■■■■■■ [■■■■■].
- "Financial Assets" means shares, financial investments, pension rights, other rights, ■■■■■■■■■■■■ ■■■■■■■■■■■■ .
- "Personal Property" means all physical property of any sort, such as cutlery, mobile phone, car, ■■■■■, ■■■■■■■■■■■■ ■■■■■■■■■■■■ .
- "Property" means real property other than the Home - land and buildings, full details ■■■■■■■■■■■■ ■■■■■■■■■■■■ 5 .
- "Separation" means the date [enter date] at which ABC and DEF have agreed ■■■■■■■■■■■■ / ■■■■■■■■■■■■ ■■■■■ .

2. Arrangements for the Home

- 2.1. ABC and DEF will continue to ■■■■■■■■■■■■ .
- OR
- 2.2. [ABC / DEF] will find a different place to live ■■■■■■■■■■■■ ■■■■ [■■■■■].
- 2.3. If the Home is owned by [ABC] and [DEF] as joint tenants, then this agreement is notice by each of them to the other, that the joint tenancy

..... ,
..... 50 %

Option one: use this option if there is no outstanding loan secured on the Home and you decide

2.4. The Home shall be sold with

2.4.1 ABC and DEF shall agree on the appointment of an estate agent and on the sale price and
.....

2.4.2 The net proceeds of sale will :

ABC: 50%

DEF: 50%

2.4.3 Until the completion of the sale, ABC and DEF :

ABC: \$ [sum]

DEF: \$ [sum]

Option two: use this option if there is no outstanding loan secured on the Home and one of you is to /
.....

2.5. ABC shall immediately transfer all his / her legal and equitable interest in the Home to DEF, for the price of \$ [price]. When that
..... ,
.....

Option three: use this option if there is an outstanding loan secured on the Home and one of you is to transfer all his /
..... ,

2.6. ABC now transfers all his equitable interest in the Home to DEF and declares that he now holds
..... /

2.7. The Home is charged as security for a loan (“the Loan”) by [name of bank (“the Lender”)]. The following steps are
..... :
:

10.7. ABC and DEF agree that any change to the [] .

11. Child Support

Payments specified “ ”

11.1. Schedule 6, Part A contains .

11.2. It is agreed that :

11.2.1 items listed in 6 , ;

11.2.2 items listed in 6 , ;

OR

11.3. ABC and DEF will each be responsible / .

OR

11.4. ABC will pay to DEF the sum of \$[amount] per month by / , .

11.5. The sum paid for Child Support shall .

11.6. The obligation to pay Child Support for [18 / 21] .

OR

.....
.....

13.6. If the income of ABC or DEF shall change by more than 20%
....., /
.....
.....
.....

13.7. This agreement shall be governed by the laws of Province [.....]
.....
.....
.....

Signed:

[ABC]

Signed:

[DEF]

Schedule 1: Personal Property

Part 1: Description of Personal Property

[Enter full list ■■■■■■■■ : ■■■■■■■■, ■■■■, ■■■■■■■■]

Part 2: Ownership of Personal Property after Separation

Part A: Personal Property of ABC

- 1
- 2
- 3

Part B: Personal Property of DEF

- 1
- 2
- 3

Schedule 2: Financial Assets

[..... : ,
,]

Part A Assets and liabilities of ABC before Separation

Description of asset	Approximate value	Liabilities	Value

Part B Assets and liabilities of DEF before Separation

Description of asset	Approximate value	Liabilities	Value

Part C: Ownership of Financial Assets after Separation

[ABC]

1

2

3

[DEF]

1

2

3

Schedule 3: Details of the debts and money in joint bank account

[.....
..... :,]

Schedule 4: Details of the Business

[Enter detail of the company]

Company name

Registration number

Address

Share capital

Number of shares each of you own]

[Enter detail of the partnership /sole trader

Business name

Address

Investment value

Share of ABC and DEF]

Ownership of the Business after Separation

Part A: ABC's ownership of the business

Part B: DEF's ownership of the business

This paragraph will be used most often to deal with a buy-to-
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.
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8. Lump sum payment

This paragraph deals very simply with the payment of a lump sum by one party to the other.
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.
.
.

By all ,

9. Spousal support

It is generally recognised that a once-and-for-all split is far better than a spousal support provision.
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.
.
.
.

10. Children: parenting arrangements

This and

If you divorce, this is an area where a judge will certainly become involved. She/he will take little
/
.
.
.
.

11. Child Support

Same note applies as to last previous paragraph.

