

*Endorsement on Professional Conduct Record*

**ROBERT JOHN SAUCIER**

(Kamloops)

Called to the Bar: May 14, 1973

The member and his wife, Mrs. S, purchased a home in Kamloops in July 1982. The member borrowed \$10,000 for the purchase price; this loan was secured by two mortgages. The house was registered in the name of Mrs. S alone since she qualified for a provincial government second mortgage.

In August 1982 the member had his wife sign a blank Transfer of Estate in Fee Simple, purportedly to protect his \$10,000 investment in the property in the event of later matrimonial difficulties. The member then asked his secretary J to witness Mrs. S's signature. J accordingly signed the front of the transfer and the Affidavit of Witness on the back.

Because he feared that Mrs. S might attempt to sell their property, the member later completed the transfer, describing his wife as vendor and himself as purchaser. He applied to register the document in December 1982 but subsequently withdrew it before arrangements were made to discharge the second mortgage.

In May 1993 the first mortgage required refinancing, and to comply with a bank request, the member transferred the property from Mrs. S to himself and Mrs. S as joint tenants. Mrs. S agreed to this transaction and received independent legal advice.

In August 1993 the member modified the transfer that he had attempted to register in December 1982 but had later withdrawn. He described himself and his wife as the vendors and left his name as the purchaser. The member's secretary M witnessed his signature and swore an Affidavit to that effect before another lawyer. J was then asked to go before the solicitor of her choice to complete the Affidavit of Witness with reference to the signature of Mrs. S which had been endorsed on the document in August 1982.

The member registered the transfer and subsequently sold the property at a loss, thus avoiding a foreclosure.

In a statement dated September 12, 1985, the member admitted that his conduct in persuading his wife to sign a land transfer document in blank and in using it inappropriately constituted professional misconduct.

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