

Lawyer **Mary-Jane Wilson** *Enjoys Instructing* **Notary Students**

In November 2005, Mary-Jane Wilson became one of several instructors conducting study sessions for BC Notary students.

Focusing on the law of contracts, she follows in the footsteps of fellow lawyer Tony DuMoulin who taught that part of the Notary Preparatory Course (NPC) for many years.

She has a Bachelor of Arts degree majoring in Political Science from the University of British Columbia and graduated from the University of Victoria Law School in 1986. She was called to the British Columbia Bar in 1987.

Mary-Jane practises full-time as a partner at the law firm of Greig, Wilson & Brajovic in the City of Surrey. “My solicitor’s practice focuses on real estate, including conveyancing and Wills and estates. Five conveyancers assist me in the day-to-day real estate transactions.”

Her practice is busy. Because she has practised for almost 20 years, Mary-Jane has seen many ups and downs in the real estate market. Her goal is to impart practical experience and knowledge to the students. She says, “The study session is an opportunity for students to discuss with a lawyer some of the review problems they have been working through in their NPC course material and learn that some of those crazy



problems are not far from what they might encounter in their day-to-day notarial practices.”

The Notary course includes units on the contract of purchase and sale of land and agency contracts. “We discuss how to recognize and take measures to avoid potential legal problems when acting on a client’s behalf in a real estate conveyance

Her goal is to impart practical experience and knowledge to the students.

transaction. Concepts that come up regularly in a conveyancing practice include *Caveat Emptor*—let the buyer beware; the issue of latent defects—defects an ordinary buyer would not be expected to discover during a routine, visual inspection; and patent defects—those that are visible.”

Even though a defect may be discussed prior to the contract’s being drawn and specifically addressed in the contract itself, often problems occur.

“No matter how adamant your client may be about who is right or wrong, the cost to enforce the contract might far outweigh the gain. Much may hinge on the verbal evidence and credibility of the parties. In certain circumstances, practical solutions may work better than legal ones.

“Contract issues raise their heads in cycles. When the real estate market is ‘hot,’ vendors may want out of their contracts because they can sell their property for more money than the original contract. Purchasers may have noticed deficiencies and want holdbacks or a price reduction prior to completion, but are unable to negotiate them because the property is now worth more.

“Sometimes it is prudent to have certain ‘subject to’ or conditions precedent when drawing contracts, but purchasers may lose their chance to buy the property because others are prepared to take more risk and come in with a subject-free offer. When the market is slower, you can take more

time to prepare contracts because vendors are happy to see any offer.”

Mary-Jane finds teaching our Notary students very worthwhile. “Keen and well prepared, they ask questions from the material they have been given. There is much interaction between myself and the students, as well as among the students themselves.

“Because the students work on the course material on their own and come from all over the province, the study session is an opportunity to learn from the instructor as well as each other. In some cases, a student may have a firm grasp on certain concepts and be able to help fellow students understand them, yet he may be struggling with some of the other concepts. When I use an example from real life, the concept instantly becomes clear,” she maintains.

The students had already completed the contract units of the course material prior to attending the contracts class and thus had had opportunity to work through much of the material about practical problems. “It was a challenge for me to go through so much information with the students in a short period of time. Looking at exams from prior years helped focus our session.”

“It was also a great opportunity to refresh my memory on some of the academic concepts of contracts that don’t come up every day, but that are important to know, nonetheless. I also re-acquainted myself with concepts I deal with on a daily basis and take for granted.

“I look forward to many more years of assisting with the contracts study session and working with Notary students on the other side of conveyancing files. Contracts will be at issue once the students become practising Notaries.” ▲

Mary-Jane is married to Tony Wilson, also a lawyer. They have two children, Jeremy, 12, and Emma, 14.