

Form15

MORTGAGE

*Land Titles Act, S.N.B.*  
*Standard Forms of Conveyances Act, S.N.B. 1980, c.S-12.2, s.2*

Parcel Identifier: \_\_\_\_\_  
PID

Mortgagor: \_\_\_\_\_  
(Name)  
\_\_\_\_\_  
(Address)  
\_\_\_\_\_

Mortgagor: \_\_\_\_\_  
(Name)  
\_\_\_\_\_  
{Address)  
\_\_\_\_\_

Spouse of \_\_\_\_\_  
(if not an owner)  
\_\_\_\_\_  
(Name)  
\_\_\_\_\_  
(Address)

Mortgagee: HOME TRUST COMPANY  
145 King St. West Suite 2300  
Toronto, ON M5H 1J8

Guarantor: \_\_\_\_\_  
(Name)  
\_\_\_\_\_  
{Address)

Manner of Tenure: \_\_\_\_\_  
{NOT APPLICABLE, or joint tenants, tenants in  
common, nothing specified or description of variable  
interests)

Limitation of Right, Title or  
Interest Mortgaged: \_\_\_\_\_  
Specify – e.g., leasehold interest

Principal Sum: \$\_\_\_\_\_ in lawful money of  
Canada advanced by the mortgagee to the  
mortgagor.

Interest Rate: \_\_\_\_\_%

How Interest Calculated: \_\_\_\_\_

(Interest Adjustment Date: \_\_\_\_\_ )

Term: \_\_\_\_\_

Payments: \_\_\_\_\_ which include principal and interest

Payment Dates: Commencing on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

Maturity Date: \_\_\_\_\_

Place of Payment: at such place as may be designated, in writing, by the mortgagee to the mortgagor.

Statutory Covenants and Conditions Excluded: ALL

Optional Covenants and Conditions Included: HTC 1590

The mortgagor mortgages (subject to the specified limitation) to the mortgagee in the specified manner of tenure the specified parcel to secure repayment of the principal sum with interest as well after as before maturity, as specified.

The mortgagor acknowledges receipt of the text of the covenants and conditions which are contained in this mortgage by reference to a distinguishing number or by virtue of subsection 25(4) of the *Land Titles Act*, and agrees to be bound by them to the same extent as if set out at length herein.

(The spouse of the mortgagor joins in this instrument and consents to this disposition for the purpose of complying with section 19 of the *Marital Property Act*.)

Date: \_\_\_\_\_

Witness:	Mortgagor:
_____	_____

Witness:	Mortgagor:
_____	_____

Witness:	Spouse of _____
_____	Name of mortgagor
_____	_____

Witness:	Guarantor
_____	_____

Form 43

AFFIDAVIT OF EXECUTION

*Land Titles Act, S.N.B. 1981, c.L-1.1, s.55*

Subscribing Witness: Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Person Who Executed the Instrument: \_\_\_\_\_

Place of Execution: \_\_\_\_\_

Date of Execution: \_\_\_\_\_

I, the subscribing witness, make oath and say:

1. That I was personally present and saw the attached instrument duly executed by the party specified and that I am the subscribing witness;
2. That the person who executed the instrument is known to me or the person's identity has been proved to my satisfaction;
3. That the instrument was executed at the place and on the date specified above;
4. That at the time of execution of the instrument I was of the full age of sixteen years;
5. That the person who executed the instrument is, in my belief, the age of majority.

SWORN TO at the \_\_\_\_\_ of )  
\_\_\_\_\_, in the Province of )  
\_\_\_\_\_, this \_\_\_\_ day of )  
\_\_\_\_\_, 20\_\_\_\_. )

BEFORE ME: )  
\_\_\_\_\_)  
\_\_\_\_\_)  
\_\_\_\_\_)  
\_\_\_\_\_)  
\_\_\_\_\_ )

A Commissioner of Oaths

\_\_\_\_\_  
Subscribing Witness

**Form 43.1**

**AFFIDAVIT OF EXECUTION**

***Land Titles Act, S.N.B. 1981, c.L-1.1, s.55***

Signatory: Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Position Held by Signatory: \_\_\_\_\_

(Other signatory:<sup>1</sup> Name: \_\_\_\_\_

Address: \_\_\_\_\_

Place Held by Other Signatory: \_\_\_\_\_)

Organization: \_\_\_\_\_

Place of Execution: \_\_\_\_\_

Date of Execution: \_\_\_\_\_

I, \_\_\_\_\_ the signatory, make oath and say:

1. That I hold the position specified above in the organization specified above and am authorized to make this affidavit and have personal knowledge of the matters hereinafter deposed to;
2. That the instrument was executed by me (and the other signatory) as the person(s) duly authorized to execute the instrument on behalf of the organization specified above;
3. That the instrument was executed at the place and on the date specified above.

SWORN TO at the \_\_\_\_\_ of )  
 \_\_\_\_\_, in the Country of )  
 \_\_\_\_\_, and province of )  
 New Brunswick, on the \_\_\_\_\_ day )  
 of \_\_\_\_\_, 20\_\_\_\_. )

BEFORE ME: )

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\_\_\_\_\_  
Subscribing Witness

<sup>1</sup> Multiple instances are allowed

**Form 44**

**CERTIFICATE OF EXECUTION**

***Land Titles Act, S.N.B. 1981, c.L-1.1, s.55***

Notary Public: Name \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Jurisdiction: \_\_\_\_\_  
Place of Residence of Notary Public: \_\_\_\_\_  
Person(s) Who Executed the Instrument:<sup>1</sup> \_\_\_\_\_  
Place of Execution: \_\_\_\_\_  
Date of Execution: \_\_\_\_\_

I, \_\_\_\_\_, a Notary Public in and for the jurisdiction specified above and residing at the place of residence specified above, do hereby certify:

1. That the person who executed the attached instrument personally appeared before me;
2. That the person is known to me or the person's identity has been proven to my satisfaction;
3. That I explained to the person the contents of the attached instrument to the best of my professional abilities;
4. That, after receiving the explanation, the person executed the attached instrument voluntarily at the place and on the date specified above;
5. That the person acknowledged that he or she is of the age of majority;
6. That I have ascertained that the name by which the person is identified in the attached instrument is the person's name in accordance with the *Naming Conventions Regulation* under the *Land Titles Act*; and
7. That I have signed the attached instrument next to the signature of the person for whom this Certificate of Execution has been prepared, with my name printed legibly underneath my signature.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Notarial Seal.

Place: \_\_\_\_\_

Date: \_\_\_\_\_

Notary Public: \_\_\_\_\_

<sup>1</sup> Multiple instances are allowed

Form 45

AFFIDAVIT OF CORPORATE EXECUTION

Land Titles Act, S.N.B.1981,c.L-1.1,s.55

Deponent: Name \_\_\_\_\_
Address \_\_\_\_\_

Office Held by Deponent:

Corporation:

Other Officer Who Executed the Instrument: Name \_\_\_\_\_
Address \_\_\_\_\_

Office Held by Other Officer Who Executed The Instrument: Name \_\_\_\_\_

Place of Execution:

Date of Execution: \_\_\_\_\_, 20

I, \_\_\_\_\_ the deponent, make oath and say:

- 1. That I hold the office specified above in the corporation specified above, and am authorized to make this affidavit and have personal knowledge of the matters hereinafter deposed to;
2. That the attached instrument was executed by me and \_\_\_\_\_, the other specified above, as the officer(s) duly authorized to execute the instrument on behalf of the corporation;

DELETE INAPPLICABLE CLAUSE

3. That the seal of the corporation was affixed to the instrument by order of the Board of Directors of the corporation;

OR

That the corporation has no seal;

4. That the instrument was executed at the place and on the date specified above;

5. That the ownership of a share of the corporation does not entitle the owner thereof to occupy the parcel described in the attached instrument as a marital home.

SWORN TO at the \_\_\_\_\_ of \_\_\_\_\_, and province of New Brunswick, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

BEFORE ME:

Commissioner of Oaths, Being a Solicitor

\_\_\_\_\_

Form 55

AFFIDAVIT OF MARITAL STATUS

Land Titles Act, S.N.B. 1981, c.L-1.1,s.81

Deponent: Name \_\_\_\_\_

Address: \_\_\_\_\_

Spouse of Deponent: Name: \_\_\_\_\_

Date of Domestic Contract: \_\_\_\_\_

Date of Court Order: \_\_\_\_\_

I, the deponent, make oath and say:

- 1. That I am a person conveying an interest in the attached Instrument and have personal knowledge of the matters hereinafter deposed to.

DELETE INAPPLICABLE CLAUSES

- 2. That I am not married;

OR

That the name of my spouse is as specified above;

- 3. That I have no former spouse with a right under the Marital Property Act to any Interest in or possession of the subject land;

- 4. That the subject land has (not) been occupied by me and my spouse as our marital home;

- 5. That my spouse has joined in this instrument and has consented to the disposition for the purpose of complying with section 19 of the Marital Property Act;

OR

The signature of my spouse is not required because

my spouse has released all rights to the marital home by reason of a domestic contract dated as specified above.

OR

the marital home has been released by order of The Court of Queen's Bench of New Brunswick dated as specified above, pursuant to paragraph 23(1)(b) of the Marital Property Act

OR

this disposition has been authorized by The Court of Queen's Bench of New Brunswick by order dated as specified above.

SWORN TO at the \_\_\_\_\_ of \_\_\_\_\_, in the Country of \_\_\_\_\_, and province of New Brunswick, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

BEFORE ME: \_\_\_\_\_

A Commissioner of Oaths, Being a Solicitor

Deponent