

Preparation Checklist for Common Documents

The following is a detailed checklist to assist in document preparation for the most common document types. Further information can be obtained from the Land Titles Procedures Manual on the Service Alberta website:

<http://www.servicealberta.gov.ab.ca/595.cfm>

Document Registration Request (DRR) Form

- Ensure that the name on the DRR agrees with the name on the Land Titles Account.
 - Always check the current title before original submission and upon resubmitting a rejection, to ensure that the last instrument stated on DRR agrees with the title.
 - To avoid rejection for **subsequent vendors lien caveat** the wording "or unpaid vendor's lien caveat if registered", should be added to the DRR, following the last registered instrument number.
 - If a DRR affects multiple lands, ensure that the last instrument stated on the DRR applies to all the lands, if not then list the last instrument number for each land.
 - List **ALL** documents on the DRR and list them in the order they are to be registered; also identify order of priority if more than one of the same document type, **e.g.**, 3 mortgages.
 - Be sure that the document stated on the DRR, is the document that has been submitted (e.g., on the DRR – Discharge of Caveat, Submitted – Discharge of Mortgage).
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Builders' Lien (BUL-1)

- Full name and address for lienholder.
 - The owner of estate or interest - does not have to be the registered owner on title.
 - Full current legal description (cannot lien: Crown minerals or City land).
 - The amount of the lien claimed - minimum of \$300.
 - Full address for service of the lienholder - must be in Alberta.
 - Signed by lienholder or agent.
 - Supporting affidavit must be signed and commissioned.
 - 45 days to register, or 90 days to register if work or supplies are in respect to an oil or gas well or an oil and gas well site.
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Caveat (CAV-1)

- Name of the caveator has been specified.
- If the Caveator is a corporation, the requirements of Section 27 of the Land Titles Act, must be complied with.
- The nature of interest and the grounds are stated in the claim, if the caveat creates a charge for money, provide amount being charged.
- Schedules referred to in the claim are attached.
- Complete legal description has been provided and is consistent with the title.
- If the registered owner's name(s) provided, is consistent with the name(s) on title or in the enclosed documents.

- Address for service has been provided.
- Caveat is signed by the caveator or an agent for the caveator.
- The Affidavit in support of the caveat is required (completed by either one of the caveators, agent for the caveator or an officer or director of the caveator).
- Jurat must state the date, when, and the place where the affidavit was taken.
- Commissioner has signed the Affidavit.
- Notary Seal has been affixed (if outside of Alberta).
- Name of the commissioner, and expiry date of their commission, has been printed below their signature.
- Certain caveat claims **must** comply with Foreign Ownership (required if property is outside a City, Town, Village or Summer Village).

Transfer of Caveat (CAV-1)

- Name of present caveator - as it appears on title.
- Full name of "new" caveator.
- Registration number of caveat being transferred.
- Current legal description (only required if it is a partial transfer of caveat).
- Execution requirements (the caveator, their registered power of attorney or agent where the caveat is signed by the attorney or agent) special requirements may exist if the claim in the original caveat was for an easement, encroachment, party wall agreement or restrictive covenant - check procedures manual.
- Notice of Change of Address form completed designating the new address for service.
- Foreign Ownership requirements may be required depending on the caveat claim.

Discharge of Caveat (CAV-2)

- Name of the caveator must be specified and consistent with name of caveator on title.
- Current legal description (only required if it is a partial discharge).
- The instrument number of the caveat must be specified.
- Check current title to ensure instrument being discharged has not been previously discharged.
- The caveator or the **original** agent specified on the caveat has signed the discharge before a witness. Special rules apply if the caveat claim was for a restrictive covenant, party wall agreement, encroachment or easement.
- Witness has signed beside caveator's or agent's signature.
- Affidavit of Execution has been attached, and signed, by the same person that witnessed the signature.
- If the caveator is a corporation, the seal of the corporation is affixed, legible, and the name in the seal is consistent with the name of the corporation.
- An individual signing on behalf of a corporate caveator without affixing a seal has signed before a witness **and** completed an Affidavit Verifying Corporate Signing Authority **and** that the witness has signed beside the individual **and** completed an Affidavit of Execution.
- Affidavit Verifying Corporate Signing Authority must comply with the prescribed Form 31.1 (i.e., Officer/Director).
- Jurat must state the date, when, and the place where the affidavit was taken.
- Commissioner has signed the Affidavit.

- Notary Seal has been affixed (if outside of Alberta).
 - Name of the commissioner, and expiry date of their commission, has been printed below their signature.
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Certificates of Lis Pendens (CLP-1)

- Must state that an interest in land is being claimed.
 - Must be signed and sealed by the Clerk of the Court.
 - If the CLP relates to a registered interest on title, quote the registration number.
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Mortgage (MOR-1)

- Name of Mortgagor is consistent with the name of the registered owner on title or the name of the transferee in the enclosed Transfer of Land.
- Tenancy stated on mortgage is consistent with the enclosed Transfer of Land or Title.
- Nature of interest (fee simple etc) provided is consistent with the enclosed Transfer of Land or Titles.
- Complete legal description has been provided and is consistent with the enclosed Transfer of Land or Titles.
- Name and address of the mortgagee has been provided.
- If the mortgagee is a corporation, the requirements of Section 27 of the Land Titles Act, must be complied with.
- The written words of the principal amount agree with the numerical amount.
- The interest rate and payment provisions (if applicable) provided.
- The charging clause provided.
- The mortgagor(s) has signed the mortgage before a witness.
- The witness has signed beside the mortgagor's signature(s).
- Affidavit of Execution has been attached, and signed, by the same person that witnessed the Mortgagor's signature(s).
- If the mortgagor is a corporation, the seal of the corporation is affixed, legible, and the name in the seal is consistent with the name of the corporation.
- An individual signing on behalf of an incorporated mortgagor without affixing a seal; has signed before a witness **and** completed an Affidavit Verifying Corporate Signing Authority **and** that the witness has signed beside the individual **and** completed an Affidavit of Execution.
- Affidavit Verifying Corporate Signing Authority must comply with the prescribed Form 31.1 (i.e., **Officer/Director**).
- Jurat must state the date, when, and the place where the affidavit was taken.
- Commissioner has signed the Affidavit.
- Notary Seal has been affixed (if outside of Alberta)
- Name of the commissioner, and expiry date of their commission, has been printed below their signature.
- Consent of Spouse has not been annexed (must be part of the instrument or pages numbered when signed).
- Inapplicable clauses in Dower Affidavit have been deleted.
- Schedules referred to are attached.

Mortgage Amending Agreement (MOR-1)

- Names of mortgagor and mortgagee (address for mortgagee).
- No legal description, all legal's affected must be amended by agreement.
- Registration number of mortgage being amended.
- Must amend a term or condition of the original mortgage.
- Execution requirements for both mortgagor and mortgagee.
- An amending agreement cannot add new lands.
- Dower requirements if applicable.

Transfer of a Mortgage or Encumbrance (MOR-1)

- Name of current mortgagee as it appears on the title.
- Name and address of "new" mortgagee.
- Registration number of mortgage being transferred.
- Execution requirements.
- A mortgagee may transfer part of the sum secured by the mortgage, ranking must be specified.
- A mortgage cannot be partially transferred as to land.

Discharge of Mortgage (MOR-1)

- Name of the mortgagee must be specified and consistent with the mortgagee on title.
- Current legal description (only required if it is a partial discharge).
- Instrument number of the mortgage must be specified.
- Check current title to ensure instrument being discharged has not been previously discharged.
- Mortgagee has signed the discharge before a witness.
- Witness has signed beside the mortgagee's signature.
- Affidavit of Execution has been attached, and signed, by the same person that witnessed the mortgagee's signature.
- If the mortgagee is a corporation, the seal of the corporation is affixed, legible, and the name in the seal is consistent with the name of the corporation.
- An individual signing on behalf of a corporate mortgagee without affixing a seal; has signed before a witness **and** completed an Affidavit Verifying Corporate Signing Authority **and** that the witness has signed beside the individual **and** completed an Affidavit of Execution.
- Affidavit Verifying Corporate Signing Authority must comply with the prescribed Form 31.1 (i.e., **Officer/Director**).
- Jurat must state the date, when, and the place where the affidavit was taken.
- Commissioner has signed the Affidavit.
- Notary Seal has been affixed (if outside of Alberta).
- Name of the commissioner, and expiry date of their commission, has been printed below their signature.

Mortgage based on a Standard Form Mortgage (MOR-2)

In addition to the above requirements:

- The registration number of the standard form mortgage has been inserted and is correct.
- The term is provided.
- The mortgage must contain a statement that the mortgage consists of those terms and is subject to the terms contained in the standard form mortgage that was filed, as varied by any deletions from, or amendments or additions to, the terms of the standard form mortgage.

The mortgagor's acknowledgements:

- That the mortgagor understands the nature of the statement above,
 - They've received a copy of those terms referred to above,
 - The mortgagor is the registered owner of the land being mortgaged,
 - The mortgagor mortgages all of the mortgagor's estate and interest in the land for the purpose of securing the payment of the principal amount, interest and all other amounts secured by the mortgage.
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Transfer of Land (TRF-1)

- Names of the transferor are consistent with names of the registered owner.
- Complete legal description has been provided and is consistent with the title.
- Written amount of the consideration agrees with the numerical amount.
- Transferee(s) full name (e.g., both a given name and a surname) and address (including Postal Code) are specified.
- If the transferee is a corporation, the requirements of Section 27 of the Land Titles Act, must be complied with, **e.g.**, registered with Alberta Corporate Registry or a bank under the Federal Bank Act.
- Transferor has signed the Transfer of Land before a witness.
- Witness has signed beside the transferor's signature.
- Affidavit of Execution has been attached, and signed, by the same person that witnessed the transferor's signature.
- If the transferor is a corporation, the seal of the corporation is affixed, legible, and the name in the seal is consistent with the name of the corporation.
- An individual signing on behalf of a corporate transferor without affixing a seal has signed before a witness **and** completed an Affidavit Verifying Corporate Signing Authority **and** that the witness has signed beside the individual **and** completed an Affidavit of Execution.
- Affidavit Verifying Corporate Signing Authority must comply with the prescribed Form 31.1 (i.e., **Officer/Director**).
- Jurat must state the date, when, and the place where the affidavit was taken.
- Commissioner has signed the Affidavit.
- Notary Seal has been affixed (if outside of Alberta).
- Name of the commissioner, and expiry date of their commission, has been printed below their signature.
- Consent of Spouse has not been annexed (must be part of the instrument or pages numbered when signed).
- Inapplicable clauses in Dower Affidavit have been deleted.

- Affidavit of Value of Land (**containing the definitions of Value and Land**) has been attached with both Clause 2 and 3 completed.
 - Foreign Ownership declaration enclosed (required if property is outside a City, Town, Village or Summer Village).
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Dower Compliance (DOW-1)

- Required for any disposition document, e.g. mortgage.
- If there is a sole owner on title and they aren't a corporation.
- If there are 2 people on title and only one signs the disposition document.

Dower compliance can be in the form of a Dower Affidavit, where the inapplicable clauses are deleted, or in the form of consent of spouse accompanied by the certificate of acknowledgement. **Note:** Consent is deemed to be annexed if the pages of the document are not sequentially numbered or if the spouse did not sign on the signing page, Land Titles will reject for annexed consent.

Execution of Documents by Personal Representatives (PER-1) Executor, Administrator:

- Dower requirements for the deceased if execution is for a disposition document, e.g. transfer of land.
- Affidavit re minors, or Public Trustee consent, if execution is for any instrument **other than**, application for transmission, caveat or a discharge of mortgage.