# Charge/Mortgage of Land

# Land Titles Act

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| **(1)** | **Mortgagor(s)** | | | | | | | | | | | | | | | |
| **(2)** | **Address of Mortgagor(s)** | | | | | | | | | | | | | | | |
| **(3)** | **How Property Held – Tenancy** | | | | | | | | | | | | | | | |
| **(4)** | **Mortgagee** | |  | | | | | Canadian Imperial Bank of Commerce | | | | | | | | |
| **(5)** | **Address and Postal Code of Mortgagee**  c/o Simplii Financial™ Servicing, PO Box 115, Commerce Court Postal Station, Toronto, ON M5L 1E5 | | | | | | | | | | | | | | | |
| **(6)** | **Legal Description of Mortgaged Land** | | | | | | | | | | | | | | | |
| **(7)** | **Principal Amount** | | | | | | | | | | | | | | | |
| **(8)** | **Interest/Estate Charged** | | | | | | | | | | | | | | | |
| **(9)** | **Payment Provisions**  (a) Principal  Amount $ | | | | | | (b) | Interest Rate | % per annum | (c) | Calculation Period |  | |  | | |
|  | (d) | Interest Adjustment Date | | M | D | Y | (e) | Payment Date and Period | | (f) | First Payment Date |  | M | D | | Y |
|  | (g) | Last Payment Date | |  |  |  | (h) | Amount of Each Payment | | | | Dollars  $ | | |  |  |
|  | (i) | Balance Due Date | |  |  |  | (j) | Insurance | | | | Dollars  $ | | |  |  |

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| **(10)** | **Standard Form Mortgage**  The Mortgagor(s) acknowledges that this charge/mortgage of land consists of the terms contained herein and is subject to the terms contained in the Standard Form Mortgage that was filed with the Registrar under the *Land Titles Act* as number      \_\_\_\_\_\_\_\_\_\_\_\_\_\_.  The Mortgagor(s) acknowledge that he/she understand(s) the nature of the foregoing statement and that the mortgage consists of the terms set out herein and the terms set out in the Standard Form Mortgage referred to herein. |

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| **(11)** | **Additional Terms**  **THIS MORTGAGE IS NOT A HIGH-RATIO MORTGAGE.**  **THIS MORTGAGE IS A HIGH RATIO MORTGAGE TO WHICH SECTIONS 43(4.1) AND (4.2) AND 44(4.1) AND (4.2) OF THE *LAW OF PROPERTY ACT* APPLY. YOU AND ANYONE WHO, EXPRESSLY OR IMPLIEDLY, ASSUMES THIS MORTGAGE FROM YOU, COULD BE SUED FOR ANY OBLIGATIONS UNDER THIS MORTGAGE IF THERE IS A DEFAULT BY YOU OR BY A PERSON WHO ASSUMES THIS MORTGAGE.** |

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| **(12)** | **Acknowledgments**  The Mortgagor(s) acknowledge   1. that the Mortgagor(s) understands the nature of the statements set out in box 10 hereof, 2. that the Mortgagor(s) have been given a copy of the Standard Form Mortgage referred to in box 10 hereof, 3. that the Mortgagor(s) are the registered owner(s) of the land being mortgaged, and 4. that the Mortgagor(s) mortgage all of the Mortgagor(s) estate and interest in the lands described in box 6 hereof for the purposes of securing the payment of the principal amount, interest and all other amounts secured by this charge/mortgage. |

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| **(13)** | **Execution**  The Mortgagor has signed this Mortgage on       ,       .         Witness Mortgagor    Witness Mortgagor |

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| **(14) Dower - Consent of Spouse**  I,       being married to the within named  do hereby give my consent to the disposition of our homestead, made in this instrument, and I have executed this document for the purpose of giving up my life estate and other dower rights in the said property given to me by the *Dower Act* to the extent necessary to give effect to the said disposition. |
| Signature of Spouse |
| **(15) Certificate of Acknowledgement by Spouse** |
| **\*Strike out whichever inapplicable.** |
| 1. This document was acknowledged before me by       apart from \* her husband/his wife.  2.       acknowledged to me that \*she/he: |

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| 1. Is aware of the nature of the disposition; 2. Is aware that the *Dower Act* gives \*her/him a life estate in the homestead and the right to prevent disposition of the homestead by withholding consent; 3. Consents to the disposition for the purpose of giving up the life estate and other dower rights in the homestead given to \*her/him by the *Dower Act* to the extent necessary to give effect to the said disposition; 4. is executing the document freely and voluntarily without any compulsion on the part of \*her husband/his wife. |

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| DATED at       in the Province of       , this       day of       ,       . | | | |
|  | | Signature of Solicitor |  |
| **(16) Dower Affidavit** | | | |
| I, | , of | , | |
| make oath and say: | | | |
| 1. | I am the mortgagor (or the agent acting under power of attorney in my favour registered in the Land Titles Office on        ,       as instrument number       granted by the  mortgagor) named in the within instrument. | | |
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| 2. | I am (or my principal is) not married.  OR  Neither myself nor my spouse (or my principal nor his/her spouse) have resided on the within mentioned land at any time since our (or their) marriage.  OR |

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|  | I am (or my principal is) married to       being the person who executed the  release of dower rights registered in the Land Titles Office on       ,  as instrument number       .  OR | | |
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| A judgment for damages was obtained against me by my spouse (or my principal by his/her spouse) and registered in the  Land Titles Office on       ,       as instrument number       . | | | |
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| Sworn before me at       )  in the Province of       )  this       day of       )    A Commissioner for Oaths In and For the Province of Alberta  A Notary Public In and For the       of | |  | |
| Signature |  |
| **(17) Affidavit of Execution** | | | |
| I, | , of       , | | |
| (occupation) make oath and say: | | | |
| 1. | THAT I was personally present and did see       and  named in the within instrument, who       personally known to me to be  the person(s) named therein, duly sign, seal and execute the same for the purposes named therein. | | |
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| 2. | THAT the same was executed at the       of  in the Province of       and that I am a subscribing witness thereto. | | |
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| 3. | THAT I know the said       and  and he/she/they/is/are in my belief of the full age of eighteen years. | | |
| Sworn before me at       )  in the Province of       )  this       day of       ) Signature    A Commissioner for Oaths In and For the Province of Alberta  A Notary Public In and For the       of | | | |