

**CANADA**

**PROVINCE OF NEWFOUNDLAND AND LABRADOR**

[ TOWN / CITY/ OF \_\_\_\_\_ ]

**AFFIDAVIT**

I, \_\_\_\_\_ of \_\_\_\_\_ in the  
Province of Newfoundland and Labrador, make oath and say as follows:

1. I am/We are the Mortgagor(s) in the foregoing Mortgage and am/are at least nineteen (19) years of age.
2. I/we/am/are now, and intend to be at the date of closing, residents of Canada within the meaning of the *Income Tax Act* (Canada).
3. For the purpose of this my/our affidavit, the word "spouse" means two people who:
  - a) are married to each other;
  - b) are married to each other by a marriage that is voidable and has not been voided by a judgment or nullity; or
  - c) have gone through a form of marriage with each other, in good faith, that is void and are co-habiting or have co-habited within the preceding year;and, for all purposes, includes a widow or widower.
4. For the purpose of this my/our affidavit, the word "matrimonial home" means the dwelling and real property occupied by a person and his or her spouse as their family residence and owned by either or both of them whether their occupation occurred before, on or after July 1, 1980.
5.
  - a) \_\_\_\_\_ We are spouses of each other and the property described in the foregoing Mortgage (the "Property") is our matrimonial home. Neither of us have had a former spouse with an interest in the Property and neither of us have ever entered into a marriage contract, a cohabitation agreement, or a separation agreement (within the meaning of the Family Law Act (Newfoundland and Labrador)) that involves or affects the Property; OR
  - b) \_\_\_\_\_ I am not a spouse. I have had no former spouse (or no former spouse who has an unregistered interest in the property) and I have never entered into a cohabitation agreement under Part IV of the Family Law Act or otherwise that involves or affects the Property; OR
  - c) \_\_\_\_\_ I am a spouse but the Property has never been the matrimonial home of me or my spouse, or of me and any former spouse; OR

d) \_\_\_\_\_ I am a spouse and the Property is a matrimonial home, but my spouse has released all rights to the matrimonial home by a separation agreement, marriage contract or designation made under Section 9 of the *Family Law Act*; OR

e) \_\_\_\_\_ The within Mortgage was authorized or the Property has been released as a matrimonial home by order of the \_\_\_\_\_ Court dated \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ and recorded at the Registry of Deeds as Registration No. \_\_\_\_\_.

- 6. That there is no equipment, chattels or goods affixed in any way to the Property which is subject to a lease, conditional sales agreement, chattel mortgage, or other similar agreement.
- 7. That when I/we executed the attached instrument I/we have not operated any venture required to pay a provincial tax or royalty and was/were not and will continue not to be liable for any tax imposed under the *Revenue Administration Act* (Newfoundland and Labrador).
- 8. I/we am/are not an employer as defined under either the *Workplace Health, Safety and Compensation Act* (Newfoundland and Labrador) or the *Labour Standards Act* (Newfoundland and Labrador). I/we have never been a director of a corporation that was an employer as defined under the *Workplace Health, Safety and Compensation Act*.

**SWORN TO (Severally)** at \_\_\_\_\_

in the Province of Newfoundland and Labrador  
this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

before me:

\_\_\_\_\_  
Notary/Commissioner/Justice of the Peace or Barrister  
(Newfoundland and Labrador)