# Affidavit of Execution and Matrimonial Property Act

# Affidavit combined (Individual)

# Province of Nova Scotia

**Canada**

**Province Of Nova Scotia County of**

I/We,      , of       , Province of Nova Scotia make oath and say as follows:

1. **That** I/we/am/are the Mortgagor(s) and Mortgagor's Spouse in the foregoing Mortgage and am/are of the full age of nineteen (19) years, and have personal knowledge of the matters herein deposed to.
2. **That** 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).

1. **That** for the purpose of this my/our affidavit, **"spouse"** means two people who:
2. are married to each other;
3. are married to each other by a marriage that is voidable and has not been annulled by a declaration of nullity;
4. have gone through a form of marriage with each other, in good faith, that is void and are cohabiting or have cohabited within the preceding year; or
5. are parties to a domestic partner declaration made in accordance with section 53 of the *Vital Statistics Act*.
6. **That** for the purpose of this affidavit **"spouse"** includes an individual who is a party to a registered domestic partner declaration made in accordance with section 53 of the *Vital Statistics Act*.

**Use the following when both spouses execute either as a   
Mortgagor or Mortgagor's Spouse or Guarantor**

1. **That** we are the spouses of each other and we have no other spouse as defined herein nor, with respect to the within property:
2. any former domestic partner with the rights contemplated by section 55 of the *Vital Statistics Act*,
3. any former spouse with rights under the *Matrimonial Property Act*.

**Select “one” of the following when the signature of a spouse is not present**

**That** as of the date hereof, I am not a spouse and I have no:

a) former domestic partner with the rights contemplated by section 55 of the Vital Statistics Act, nor

b) any former spouse with rights under the Matrimonial Property Act.

**That** the property described in this Mortgage is the matrimonial home of myself and my spouse,

      , and my said spouse has released all his or her rights with respect thereto pursuant to the Matrimonial Property Act by executing a Separation Agreement or Marriage Contract within the meaning of the Matrimonial Property Act to that effect and I have no other spouse as defined herein.

**That** the property described in this Mortgage has never been occupied by me or my spouse as our matrimonial home and I have no other spouse as defined herein.

**That** an instrument executed by myself and my spouse, designating property not described in this

Mortgage as our matrimonial home dated the day of       ,

is registered pursuant to section 7 of the Matrimonial Property Act at the Registry of Deeds in

      in Book, page       and has not been cancelled and the property described in this Mortgage has not been designated by myself and my said spouse and I have no other spouse as defined herein.

**That** the within disposition was authorized or the property has been released as a matrimonial home by order of the       court dated the day of       ,       and recorded at the Registry of Deeds in      , in Book at page       .

1. **That** I/We acknowledge(s) that I/we executed the foregoing Mortgage on the date of this affidavit. This acknowledgment is made for the purpose of registering this Mortgage pursuant to section 79 (1) of the ***LAND REGISTRATION ACT***.

**Sworn to** (Severally) at       ,

In       County,

Province of Nova Scotia, this       day of

      ,       , before me:

A Commissioner of the Supreme Court of Nova Scotia