

**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).
3. **That** for the purpose of this my/our affidavit, "**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 annulled by a declaration of nullity;
  - c) 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
  - d) are parties to a domestic partner declaration made in accordance with section 53 of the *Vital Statistics Act*.
4. **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**

5. **That** we are the spouses of each other and we have no other spouse as defined herein nor, with respect to the within property:
  - a) any former domestic partner with the rights contemplated by section 55 of the *Vital Statistics Act*,
  - b) 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 \_\_\_\_\_.

6. **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  
\_\_\_\_\_, 2\_\_\_\_\_, before me:

\_\_\_\_\_  
A Commissioner of the Supreme Court of Nova Scotia