

THIS MORTGAGE dated as of the _____ day of _____, 200__.

The Parties to this mortgage are:

Mortgagor

AND:

HOME TRUST COMPANY, a body corporate, whose address is 145 King Street West, Suite 2300, Toronto, ON M5H 1J8

Mortgagee

AND:

Spouse of the mortgagor (if spouse not a mortgagor)

AND:

Guarantor

1. MORTGAGE

You hereby mortgage to us the property described below to secure the Principal Amount of _____ dollars (\$) (the **Principal Amount**) together with interest thereon at _____ % per annum. The property is described as (the **Property**): *

* If space is insufficient to type description of your property in this paragraph, attach Schedule B describing the property and type in above space "See attached Schedule B".

CANADA

PROVINCE OF PRINCE EDWARD ISLAND

AFFIDAVIT

I, _____, of _____, in the County of _____, Province of Prince Edward Island,

MAKE OATH AND SAY AS FOLLOWS:

- 1. **THAT** I am _____ of the Mortgagor named in the Mortgage herein.
- 2. **THAT** I have a personal knowledge of the share ownership of the Mortgagor and of the use and occupation of the property described in the Mortgage herein.
- 3. **THAT** the property is not now the subject of a Court Order, interim or otherwise, made pursuant to the Act.

(DELETE ALL #4'S EXCEPT APPLICABLE ONE)

- 4. **THAT** the property described in the Mortgage herein is not a family home.
- 4. **THAT** neither the ownership of shares in the Mortgagor nor ownership of any interest in any shares of the mortgagor entitles the owner of such shares or interest to the occupation of the family home owned by the Mortgagor and included in the property described in the Mortgage herein.
- 4. **THAT** no shareholder of the mortgagor and no person having an interest in a share of the Mortgagor, has occupied with his or her spouse the family home owned by the Mortgagor and included in the property described in the mortgage herein.

SWORN TO before me at _____)
 _____, in)
 _____ County, Province of)
 Prince Edward Island, this ____ day)
 of _____, A.D. _____) _____
)
)
)
)
 _____)
 A Commission for taking Affidavits in)
 the Supreme Court)

**CANADA
PROVINCE OF PRINCE EDWARD ISLAND**

IN THE MATTER of the *Family Law Act*,
being Statutes of Prince Edward Island,
1995, Chapter 12, as amended;

- and -

IN THE MATTER of the *Registry Act*,
being Revised Statutes of Prince Edward
Island, 1988, Chapter R-10, as amended.

AFFIDAVIT OF SPOUSAL STATUS OR INTEREST

I/WE, _____, of
_____, in _____ County, Province of Prince Edward
Island,

MAKE OATH AND SAY AS FOLLOWS:

1. **THAT** I/we am/are of the full age of eighteen (18) years.
2. **THAT** I/we am/are a resident(s) of Canada within the meaning of the Income Tax Act (Canada).
3. **THAT** for the purpose of this Affidavit,
 - (a) “spouse” means either of a man or woman who:
 - (i) are married to each other;
 - (ii) have together entered into a marriage that is voidable or void, in good faith on the part of the person asserting a right under the *Family Law Act*, S.P.E.I. 1995, c.12; and
 - (iii) “family home” means every property in which a married person has an interest and that is or, if the spouses are living separate and apart, was at the time of separation ordinarily occupied by the person and his or her spouse as their “family residence”.
4. **THAT** the property that I/we am/are disposing of or encumbering in the annexed Instrument is not now the subject of a Court Order, interim or otherwise, made pursuant to the *Family Law Act*, S.P.E.I. 1995, c.12.

(DELETE ALL #5’S EXCEPT APPLICABLE ONE)

5. **THAT** we are spouses of each other, and neither of us has another spouse.
5. **THAT** I am not a spouse and at the time of making the disposition or encumbrance evidenced by the annexed deed, was not a spouse.

5. **THAT** I am living separate and apart from my spouse and the property was not being occupied by me and my spouse as our family residence.

SWORN TO before me at _____)
 _____, in)
 _____ County, Province of)
 Prince Edward Island, this _____ day)
 of _____, A.D. _____ .)
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 A Commission for taking Affidavits in)
 the Supreme Court)

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