

WESTERN LAW SOCIETIES CONVEYANCING PROTOCOL CHECKLIST FOR SASKATCHEWAN

	Not Applicable	Done	Reviewed
A. <u>SEARCHES</u>			
1. Do tax search and obtain either tax statement or tax certificate showing present status of taxes. Confirm that address on tax information matches address as shown on real estate instructions. 1.1 Levied for current year \$ 1.2 Past year's taxes if unlevied \$ 1.3 Tax arrears are: \$ 1.4 Tax credits are: \$			
2. If property on T.I.P.P.S. (Tax Instalment Payment Plan) program: 2.1 Current monthly payment \$ 2.2 Credit in tax account \$			
3. Arrange for tax certificate, and arrange for payment of any outstanding taxes in order to comply with Mortgagee's and/or Purchaser's instructions.			
4. Do land registry search of the property and confirm that legal description from your search matches legal description shown on tax information and real estate instructions.			
5. Review searches. Are there any interests to be discharged such as tax lien, mortgages or interests which according to your search will attach against name of your client? Are there any interests to be assumed and transferred? Identify that each registered interest either does not adversely affect the Mortgagee's security and is accepted, or arrange to obtain discharges of unacceptable registered interests.			
6. Obtain copies of all interests that will remain on title, such as assumed mortgage, easements and miscellaneous interests for your records and records of your client.			
7. Is <i>Personal Property Security Act</i> search required? Do this search if property being sold is a mobile home. Obtain make, model and serial number of mobile from your client and/or your client's real estate agent.			
8. If transaction involves condominium: 8.1 Obtain and review estoppel certificate if one is enclosed with real estate instructions. If real estate instructions do not include estoppel certificate, obtain one in Form "Z" pursuant to <i>The Condominium Property Act, 1993</i> . 8.2 Determine if there are any condominium arrears or credits. 8.3 Obtain copy of condominium insurance certificate, if available. 8.4 Check allocation of parking.			
9. Determine if property is subject to <i>The Homesteads Act, 1989</i> and if there is non-owning spouse. NOTE: "Non-owning spouse" has expanded definition in 2001, and regulations have changed compliance.			
10. Obtain copy of survey certificate/real property report for property, if available. Review contract of sale to determine if provision of report/certificate is part of contract.			
11. Are there possible or known survey defects, or is report/certificate not available? If so, review with Mortgagee to see if known survey defects are acceptable.			
12. Determine if zoning certificate is required.			
13. Review advisability of new real property report and zoning certificate with client and obtain instructions as to whether or not to obtain these searches.			
14. Do Writ Registry searches on names of all purchasers on the working date prior to closing.			
15. Update Land Registry search of the property on the working date prior to closing and confirm acceptable state of title. The time of this search can be used for conditional registration.			
B. <u>PREPARE PURCHASER'S DOCUMENTS</u>			
1. Confirm with multiple purchasers how they wish to take title to their property: 1.1 As joint tenants. 1.2 As tenants-in-common.			
2. Advise solicitor for vendor how purchaser wishes to take title, and that transaction is closing pursuant to the Protocol.			
3. Prepare mortgage documents if purchaser is obtaining mortgage financing to purchase property: 3.1 There are two types of mortgage documents, the C.M.H.C. Form and all the rest. The C.M.H.C. form is a standard mortgage form which must be used by any lender where mortgage is being insured by C.M.H.C. unless you add specific terms to the lender's conventional loan documents. If mortgage is not C.M.H.C. insured, then lender will use their specific form. 3.2 Double check the Form sent (or downloaded) and your instructions. 3.3 Confirm other requirements of mortgagee in relation to survey, zoning and title insurance. 3.4 Confirm identification of mortgagor, if required.			
4. Insert "due on sales" clause into mortgage if required by mortgage instructions.			
5. Insert prepayment clauses and additional specified clauses into mortgage if required by mortgage instructions.			

6.	Prepare order for payment. This is purchaser's written instructions to their lender to have lender send net mortgage funds to lawyer's office. The direction will also instruct solicitor to utilize mortgage for such purposes as paying balance of purchase funds to solicitor for seller.			
7.	Review mortgage approval instructions and prepared mortgage to verify correct.			
8.	Prepare Statement of Adjustments.			
9.	Attend on purchasers to review and sign documents, or arrange for proper completion. Obtain balance of cash to close. Verify identity, if appropriate.			
10.	If mortgage is being assumed, confirm requirements of mortgagee have been satisfied.			
C.	<u>INSURANCE</u> Verify that insurance is in effect in accordance with the Mortgagee's instructions by way of binder letter from an insurance agent. The Mortgagee must be listed as a first loss payable, and the policy must contain a standard mortgage clause approved by the Insurance Bureau of Canada. Check to see if co-insurance is prohibited.			
D.	<u>TRUST CONDITIONS</u> The solicitor must carefully review the trust conditions and undertakings provided with the transfer authorization. The trust conditions must be such that they can be complied with, and the undertakings must be appropriate to conclude the transaction contracted for. The individual trust conditions and undertakings will depend on the particular transaction, but the trust conditions approved for use with the Western Law Societies Conveyancing Protocol, will satisfy the minimum format for trust conditions.			
E.	<u>SUBMISSION AND OUTPUT REQUEST</u>			
1.	Submit documents to comply with trust conditions;			
2.	Check Packet and Applications			
2.1	Are total page numbers and total number of applications correct?			
2.2	Submit Homestead compliance documents as an attachment to the transfer authorization.			
2.3	Use conditional registration time from last search only on first application dealing with a title in a Packet.			
2.4	For transactions involving a Transfer make certain Affidavit of Value is part of Packet.			
2.5	Submit mortgage documents as an attachment to the interest registration application.			
2.6	If desired, enclose a title print request after the application, but prior to the Begin Attachment Sheet. Select the form of output you desire. Generally you will request a title print only after the last application in relation to a parcel.			
2.7	Report to the mortgagee once you have been notified of registration, generally by receipt of confirmation of registration from the Land Registry. In your report, provide the title print and the original signed mortgage. In addition, provide the mortgagee with the copy of the downloaded and printed copy of the mortgage attached to the interest registration or certify that you have compared the downloaded copy of the mortgage to the original, and that they are the same.			
2.8	Output is available on "security paper". This output has additional cost, and time delay, but may be desired in some cases. Access to the Assurance Fund does not depend upon the practitioner ordering a title print on security paper. Reliance may be placed on the Land Titles Registry, and a search can later be made to determine the status of the Registry at any time. If there is no reasonable basis to doubt the output received from ISC, it can be relied on.			

F. CERTIFICATION

The undersigned certifies:

1. The Protocol and Sections A-D, inclusive, of the Protocol Checklist have been complied with;
2. Documents will be submitted in compliance with trust conditions, and Section E of the Protocol Checklist will be complied with;
3. There are no known conditions or deficiencies in relation to survey, zoning or title status which may adversely impact on the transaction, or the parties to the transaction.

Based on the above certification, a solicitor's opinion pursuant to the Western Law Societies Conveyancing Protocol has been issued for this transaction.

Dated the ____ day of _____, 20__.

Per: _____