

Mortgage

Province of Newfoundland and Labrador

This *Mortgage* is made the _____ day of _____, _____.

BETWEEN:

the “Mortgagor” or “you”

– and –

TANGERINE BANK,

a Schedule II Bank having its address at 3389 Steeles Ave E, Toronto, ON M2H 0A1
the “*Bank*”

1. Legal Description of the *Property*:

2. Collateral Security:

The *Mortgage* is given as collateral security to the *Loan Commitment Documents*. The *Mortgage* may secure, without limitation, a revolving line of credit and readvances of credit up to the *Principal Amount*.

3. *Principal Amount*:

(\$ _____) Dollars

4. *Interest Rate Provisions*:

The *Interest Rate* under the *Mortgage* shall be the Prime Rate plus 10.00% per annum, calculated half-yearly not in advance. You will pay *Interest* to the *Bank* on the *Debt* at the interest rate and on the terms set out in the *Loan Commitment Documents*.

“Prime Rate” means the annual interest rate (calculated monthly not in advance) that the *Bank* sets and adjusts at its discretion as the reference rate the *Bank* will charge for variable interest rate loans on prime residential properties. The current Prime Rate is available from the *Bank’s* website.

5. *Interest Mortgaged*:

Freehold _____ Leasehold _____

6. *Permitted Encumbrances*:

7. Other Terms:

- (a) In return for the *Bank* agreeing to loan money to *you*, *you* mortgage to the *Bank*, the *Property*;
- (b) To have to hold the *Property* to the *Bank*;
- (c) This *Mortgage* shall be void on the payment to the *Bank*, of the *Debt* as set out in the Additional Terms;
- (d) The attached Schedule "B" forms part of this *Mortgage*. Each of the undersigned Mortgagors acknowledges having received a true copy of the *Mortgage*.

I hereby certify that:

Each of the Mortgagors has signed this *Mortgage* this _____ day of _____, _____.

SIGNED, SEALED AND DELIVERED

in the presence of:

Witness Signature or Solicitor Signature

(affix seal)

(affix seal)

**CANADA
PROVINCE OF NEWFOUNDLAND AND LABRADOR
CITY OF AFFIDAVIT**

TO WIT:

Affidavit

I/We, _____, of _____, in the Province of Newfoundland and Labrador, Canada, make oath and say that:

When I/we executed the attached instrument:

1. This Affidavit related to real property situated at _____ in the Province of Newfoundland and Labrador, as described in the attached Indenture of Mortgage.
2. I/We was/were at least nineteen years of age.

SELECT APPLICABLE ONE FROM THE FOLLOWING CLAUSES NUMBERED 3

3. I was not a spouse within the meaning of Section 2(1)(e) of the *Family Law Act*, R.S.N.L. 1990, c. F-2, as amended.
3. I was a spouse within the meaning of Section 2(1)(e) of the *Family Law Act*, R.S.N.L. 1990, c. F-2, as amended.
3. We were spouses of one another within the meaning of Section 2(1)(e) of the *Family Law Act*, R.S.N.L. 1990, c. F-2, as amended.

SELECT APPLICABLE ONE FROM THE FOLLOWING CLAUSES NUMBERED 4

4. The property described in the within instrument was not occupied as a matrimonial home within the meaning of the *Family Law Act*.
4. The property described in the attached instrument is owned by us as our matrimonial home within the meaning of the *Family Law Act*.
5. I/We did not have any former spouse(s) with a right to possession of the property referred to in the attached instrument.
6. I/We have not made a cohabitation agreement with any other person or (where applicable) with each other.
7. I/We was/were and will continue to be, at least until the delivery of this instrument, a resident of Canada within the intent and meaning of the *Income Tax Act*, R.S.C. 1985 (5th Supp.), c.1, and amendments thereto.
8. To the best of my/our knowledge, information and belief there were no statutory liens of any kind whatsoever charging or encumbering my/our assets and specifically the property herein more particularly described in the attached instrument.
9. I/We was/were not an employer as defined under either the *Labour Standards Act*, R.S.N.L. 1990, c. L-2, as amended, or the *Workplace Health, Safety and Compensation Act*, R.S.N.L. 1990, c. W-11, as amended or the *Health and Post Secondary Education Tax Act*, R.S.N.L. 1990, c. H-1, as amended.
10. I/We have not operated a commercial venture required to collect or remit a Provincial tax or royalty.
11. I/We have not operated a proprietorship, am/are not or have not been a partner in a partnership, am/are not or have not been a director of an incorporated company.
12. The property described in the within instrument does not contain urea formaldehyde foam insulation.
13. I/We have not made an Assignment in Bankruptcy pursuant to the Bankruptcy and Insolvency Act, R.S.C. 1985, c. B-3, as amended.

AND I/we swear this Affidavit conscientiously believing it to be true and knowing that it is an offence to falsely swear an Affidavit.

SWORN TO at _____,

in the Province of Newfoundland and Labrador,

this _____

before me:

Notary Public/Commissioner of Oaths/Justice of the Peace

Client Signature

Client Signature

**CANADA
PROVINCE OF NEWFOUNDLAND AND LABRADOR
CITY OF AFFIDAVIT FOR CORPORATION**

TO WIT:

Affidavit

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

1. THAT I am a Director/Officer of _____ (the "Corporation"), owner of real property situated at _____ in the Province of Newfoundland and Labrador, as described in the attached Indenture of Mortgage, and as such I have full knowledge of the facts herein deposed to except where otherwise stated.
2. THAT the Corporation is and will continue to be, at least until the registration of this instrument, a resident of Canada within the intent and meaning of the *Income Tax Act*, R.S.C. 1985 (5th Supp.), c.1, and all amendments thereto.
3. THAT the property described in the within Indenture has never been occupied by me or any director, officer or shareholder of the Corporation or by the spouse of any director, officer or shareholder of the Corporation as a matrimonial home.
4. THAT for further clarification, the property described in the within Indenture does not constitute matrimonial assets or a matrimonial home as defined by the *Family Law Act*, R.S.N.L. 1990, c. F-2, (the "Act"), and the said property is not held for the benefit of any officer, director or shareholder of the Corporation and no spouse of any officer, director or shareholder of the Corporation has a right to possession of the said property by reason of the *Family Law Act*, a Separation Agreement or a Marriage Contract.
5. THAT the ownership of a share or an interest in a share of the capital stock of the Corporation does not entitle the shareholder thereof, or his or her spouse, to the occupation of or constitute an interest in the property described in the foregoing Indenture.
6. THAT no other person is entitled to any interest in this property by virtue of any law of the Province of Newfoundland and Labrador.
7. THAT I am over the age of nineteen years at the time of the making of this my Affidavit.
8. THAT upon execution of the attached instrument the Corporation was not and will not be liable for any tax imposed under the *Retail Sales Tax Act*, R.S.N.L. 1990, c. R-15.
9. THAT the Corporation is an employer as defined under either the *Workplace Health, Safety and Compensation Act*, R.S.N.L. 1990, c. W-11, the *Labour Standards Act*, R.S.N.L. 1990, c. L-2, as amended, or the *Health and Post Secondary Education Act*, R.S.N.L. 1990, c. H-1, and I hereby confirm that there are no monies owing under the legislation which would constitute a lien on the subject property.
10. THAT to the best of my personal knowledge at this date, there are no statutory liens of any kind whatsoever charging or encumbering the property more particularly described in the within Indenture.
11. THAT the Corporation has not made an Assignment in Bankruptcy pursuant to the *Bankruptcy and Insolvency Act*, R.S.C. 1985, c. B-3, as amended.
12. THAT I swear this Affidavit knowing that it is a criminal offence to give false information in an Affidavit.

SWORN TO at _____,
in the Province of Newfoundland and Labrador,
this _____
before me:

Notary Public/Commissioner of Oaths/Justice of the Peace

Client Signature

Client Signature

**CANADA
PROVINCE OF NEWFOUNDLAND AND LABRADOR
CITY OF AFFIDAVIT FOR WITNESS**

TO WIT:

Affidavit

I, _____, of _____,
in the Province of Newfoundland and Labrador, make oath and say that I am the subscribing witness to the attached Indenture
of Mortgage and that I was present and saw it executed on the day and year shown on the attached document.

SWORN TO at _____,
in the Province of Newfoundland and Labrador,
this _____
before me:

Notary Public/Commissioner of Oaths/Justice of the Peace

Client Signature

Client Signature