REQUEST FOR COMMERCIAL TITLE INSURANCE FOR FIRST NATIONS LAND - FREEHOLD

To: **FCT**
Attention: **Commercial Title Insurance Services**

Your File No. _____

Date: _____
Tel: 905.287.3112 / 1.866.804.3112
Fax: 905.287.1009 / 1.866.566.8599
Email: commercialsolutions@fct.ca

LAW FIRM INFORMATION:

ACTING FOR THE PURCHASER/BORROWER:

Solicitor: _____ Contact: _____

Law Firm: _____

Address: (new customers only) _____

Email Address: _____

Telephone Number: (_____) _____ Fax Number: (____) _____

OTHER LAWYERS INVOLVED IN THE TRANSACTION (*i.e. lender's lawyer*):

Solicitor: _____ Contact: _____

Law Firm: _____

Address: _____

Email Address: _____

Telephone Number: (_____) _____ Fax Number: (____) _____

Invoicing Party: Purchaser/Borrower's Solicitor ☐ Lender's Solicitor ☐

POLICIES REQUIRED

Loan Policy ☐ Owner's Policy* ☐ FCT Reference # _____ (*if we provided you with a quote*)

TRANSACTION INFORMATION

Closing Date: M M / D D / Y Y Y Y Purchase Price: $_____

☐ Property Purchase* ☐ Property Purchase and Mortgage* ☐ Share Purchase ☐ Cannabis Deal

☐ Energy Deal ☐ New Mortgage/Refinance ☐ CMHC Insured, Number of Units (if CMHC insured) _____

Interest Held: ☐ Fee Simple ☐ Leasehold ** ☐ Easement

Property Type:
☐ Apartment Building ☐ Bed and Breakfast ☐ Church ☐ Gas Station/Garage ☐ Hotel/Motel
☐ Industrial Building ☐ Office Building ☐ Restaurant/Bar ☐ Condo ☐ Retirement Home
☐ Trailer Park ☐ Medical Practice ☐ Educational Facility ☐ Salon/Aesthetics
☐ Mixed Use (commercial with residential) ☐ Retail ☐ First Nations Land
☐ Vacant Agricultural Land (income generating)*** ☐ Agricultural Land (income generating) with Residential Home
☐ Vacant Land (non-farm)*** ☐ Other (please specify) _____

Would you like to add the Deal Protection coverage? (*additional premium applies*) ☐ Yes ☐ No

Has an order for this transaction previously been placed with another title insurer? ☐ Yes ☐ No

May we contact any additional lawyer/notary involved in this transaction? ☐ Yes ☐ No

*** For corporations only, please provide the Corporate Profile Report when requesting an Owner's Policy. For non-corporate entities, please provide documentation confirming legal existence.**
**** If Leasehold, please provide name of Landlord and Lease registration particulars** _____
Please provide term of lease _____
*****If Vacant, please provide Corporate Profile of Purchaser/Borrower and Vendor**

PROPERTY INFORMATION

Municipal Address: _____

_____

Legal vehicular and pedestrian access to the property is via: _____ or ☐ Unknown

Legal Description: _____

_____

Is the property contiguous? ☐ Yes ☐ No If no, please provide details: _____

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Does the legal description describe the same property as that identified by the assessment roll number? ☐ Yes ☐ No
Additional properties (attach schedule if necessary)**:**

Municipal Address:_____

_____

Legal vehicular and pedestrian access to the property is via: _____ or ☐ Unknown

Legal Description: _____

_____

Is the property contiguous? ☐ Yes ☐ No If no, please provide details: _____

Does the legal description describe the same property as that identified by the assessment roll number? ☐ Yes ☐ No

PURCHASER/MORTGAGOR INFORMATION

Purchaser/Mortgagor Name: _____

Address for Service: _____

Beneficial Owner (if applicable): _____

Are you acting for the Purchaser/Mortgagor? ☐ Yes ☐ No

If Purchaser/Mortgagor is a Corporation has a notice of change been filed within the past 12 months that changes the Officers, Directors or Shareholders? ☐ Yes* ☐ No
*If yes please provide copy of Notice of Change and Corporate Profile.

AGENCY AGREEMENT (Complete when requesting an Owner's policy where the purchaser is an individual)

Do you (the ordering lawyer/notary or authorized individual acting on behalf of the ordering lawyer/notary and your firm representing the purchaser), consent to act as agent for FCT, for the purposes of verifying each purchaser's identity in accordance with the requirements under the *Proceeds of Crime (Money Laundering) and Terrorist Financing Act* and its associated Regulations and the terms of the FCT Agency Agreement available at fct.ca/agency-agreement ? ☐ Yes ☐ No*

*Please provide the email address for each purchaser in the section below and advise they will receive an email from fctresidentialnoreply@fct.ca with instructions to complete identity verification through Bluink's eID-ME app. Verification must be completed prior to issuing the owner's policy.

Person 1:
Complete when requesting an Owner's Policy where the purchaser is an individual and you are acting as agent:

First Name: _____ Last Name:_____
Date of Birth: (MM/DD/YYYY) _____
Address on ID / Current Address:
Unit No. _____ Street No. _____
Street Name _____
City _____
Province/State _____ Postal/Zip Code _____
Country _____

ID Document Details:
ID Verification Date (MM/DD/YYYY) _____
ID Expiry Date (MM/DD/YYYY) _____
ID Number _____
ID Country _____ ID Province/State_____

ID Verification Type: Click to select a type

Complete 2 verification categories when using the Dual-process method:

Name and Date of Birth	Select a document	Document No.	Document Source Name
Name and Address	Select a document	Document No.	Document Source Name
Name and Confirmation of Financial Account	Select a document	Document No.	Document Source Name

Complete when requesting an Owner's Policy where the purchaser is an individual and you are not acting as agent
Email: _____
Phone: _____

Person 2:
Complete when requesting an Owner's Policy where the purchaser is an individual and you are acting as agent:

First Name: _____ Last Name:_____
Date of Birth: (MM/DD/YYYY) _____
Address on ID / Current Address:
Unit No. _____ Street No. _____
Street Name _____
City _____
Province/State _____ Postal/Zip Code _____
Country _____

ID Document Details:
ID Verification Date (MM/DD/YYYY) _____
ID Expiry Date (MM/DD/YYYY) _____
ID Number _____
ID Country _____ ID Province/State_____

ID Verification Type: . Click to select a type

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Complete 2 verification categories when using the Dual-process method:

Name and Date of Birth	Select a document	Document No.	Document Source Name
Name and Address	Select a document	Document No.	Document Source Name
Name and Confirmation of Financial Account	Select a document	Document No.	Document Source Name

Complete when requesting an Owner's Policy where the purchaser is an individual and you are not acting as agent

Email: _____
Phone: _____

MORTGAGE INFORMATION *(If an additional mortgage is to be insured, provide the same details in a schedule)*

Mortgagee: _____

Custodian (if applicable):_____

Address for service: _____

Mortgage Amount: $_____ Insured Amount: $_____Mortgage Reference No._____

Loan to value is 75% or less: Yes ☐ No ☐

Priority: ☐ 1st ☐ 2nd ☐ 3rd Other _____

Would you like to add the extended Super Priority Liens coverage? *(additional premium applies)* ☐ Yes ☐ No

Would you like to add the Post-Policy Date - Encroachments, Restrictions & Work Orders coverage? *(additional premium applies)* ☐ Yes ☐ No

Does the Loan Agreement allow for the following? ☐ Construction Advances ☐ Subsequent Advances up to Amount of Insurance
☐ Subsequent Advances exceeding Amount of Insurance ☐ Revolving Credit Facility ☐ Variable Rate of Interest

PURCHASE TRANSACTIONS

1. If a Real Property Report is available, does it reveal any defects? ☐ Yes* ☐ No ☐ Unavailable
***If Yes, please provide the details:** _____

Has a Survey or Plan showing the dimensions and extent of the land to be insured and the location of buildings, improvements and facilities thereon been obtained. **Please provide a copy** ☐ Yes ☐ No

Does a physical inspection of the property reveal persons in possession or using any portion of the land? *(e.g. unregistered lease or driveways servicing other lands)* ☐ Yes* ☐ No
(***If Yes, please provide the details)** _____

2. Please provide the name and phone number of the Real Estate Agent involved in this transaction. Company/Agent Name: _____
_____ Telephone Number: (_____)_____
☐ No Agent *(please send a copy of the Agreement of Purchase and Sale and title along with your order request.)*

3. Was any portion of the deposit paid directly to the vendor? ☐ Yes** ☐ No
(Do not answer "Yes" if the deposit was paid to the vendor's solicitor and is retained in his trust account)

4. Have there been any Amendments with respect to the purchase price and/or deposit after the date of signing the Agreement of Purchase and Sale, which exceed the sum of $30,000.00? ☐ Yes** ☐ No

5. Is there a mortgage on title that will be paid out with the sale proceeds? ☐ Yes ☐ No
   a. Is the mortgage to be paid out held by a private lender? ☐ Yes ☐ No
   b. Will you have the discharge available on closing? ☐ Yes ☐ No

6. Are the net mortgage proceeds (after payments to any secured or unsecured creditor for which there is evidence of a debt) being paid by lender's borrower's or vendor's counsel to all registered owners? ☐ Yes ☐ No* ☐ No Net Proceeds

7. Are any Vendors signing by way of Power of Attorney? ☐ Yes** ☐ No

8. Have there been any transfers of title/conveyances or discharges of mortgages registered within the last 6 months? ☐ Yes** ☐ No
(***Please ensure you obtain the current Historical Title)***

9. If the property is a condo, does the estoppel certificate indicate any adverse matters that will not be clear on closing? ☐ Yes* ☐ No ☐ Unknown

10. Name of Vendor's Solicitor: _____ Phone number: _____

MORTGAGE ONLY TRANSACTIONS (not in conjunction with a purchase)

1. Are any of the borrowers signing by way of Power of Attorney? ☐ Yes** ☐ No

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2. Will a portion of the proceeds be used to pay out all existing mortgages? ☐ Yes ☐ No
   a. Is the mortgage to be paid out held by a private lender? ☐ Yes ☐ No
   b. Will you have the discharge available on closing? ☐ Yes ☐ No

3. Are the net mortgage proceeds (after payments to any secured or unsecured creditor for which there is evidence of a debt) being paid by lender's or borrower's counsel to all registered owners? ☐ Yes ☐ No* ☐ No Net Proceeds

4. Have any transfers of title/conveyances or discharges of mortgage been registered within the last 6 months, including transfers of title registered immediately prior to this mortgage? ☐ Yes** ☐ No*
(***Please ensure you obtain the current Historical Title)***

****Please provide an explanation if applicable and attach pertinent documentation to this order (e.g. Title Search, Real Property Report, Encroachment Agreement, Estoppel Certificate, Direction re Funds, Statement of Adjustments)***

*****Please attach the Agreement of Purchase and Sale with all amendments, Title Search and Power of Attorney, as applicable)***

***We may require additional information or clarification in order to issue a policy on First Nations Land. This will allow us to provide the best coverage possible by providing additional endorsements.

SEARCH AND OFF TITLE INFORMATION

A. Designated Land

1. Confirmation that an Order-In Council has been issued by the Governor General of Canada accepting a designation pursuant to Section 38 of the Indian Act (the "Designation", "Designated Land)". If so, please provide a copy of the Order-In Council. Yes ☐ No ☐

2. Confirmation that you have reviewed the head lease granted by the Crown to the special purpose entity ("Bandco) formed by the Band for the purpose of holding title to the Designated Land. ☐ Yes ☐ No

3. Does the head lease conform with the terms and limitations of the Designation and the Order-in-Council ☐ Yes ☐ No

4. Does the sublease from Bandco to the proposed insured conform with the terms and limitations of the Order-in Council and the head lease. In particular that the intended use of the property conforms with uses permitted under:
   a) The order in Council; and b) the head lease ☐ Yes ☐ No

B. Land Code/Constitution – The provisions of the Land Code or Constitution must be reviewed in detail

1. Is the Land Code or Constitution in place ☐ Yes ☐ No

2. Where the interest is granted by a Band member, the head lease was approved and granted in compliance with the terms of the Land Code or Constitution ☐ Yes ☐ No

3. Where the interest is granted by the Bandco the head lease was approved and granted in compliance with the terms of the Land Code or Constitution ☐ Yes ☐ No

C. Locatee Land/Allotted Land

1. The band member is in possession of the land pursuant to a certificate of possession, certificate of occupation, notice of entitlement, location ticket granted by the Crown or the Band (whichever is applicable will depend which statutory framework the land falls within). ☐ Yes ☐ No

2. The above interest in 1. has been registered in the applicable Register. Please confirm that you have undertaken an up to date search to confirm title as mentioned in C 1. Above ☐ Yes ☐ No

3. All necessary approvals have been obtained in order for the Band member to grant an interest in the land including the following, if applicable: Crown approval and/or Bandco Approval. ☐ Yes ☐ No

Applicable to all matters:

1. Will taxes be paid up to date on closing? ☐ Yes ☐ No ☐ Unknown

2. To the extent utilities form a lien, will they be paid up to date on closing? ☐ Yes ☐ No ☐ Unknown

3. Are there any unregistered commercial leases or agreements to lease? ☐ Yes ☐ No ☐ Unknown

4. Does the intended use comply with the Designation, Land Code or Constitution (if applicable) ☐ Yes ☐ No

5. Have Certificates of Corporate Status with respect to Bandco, Sublessee and/or Developer been obtained. ☐ Yes ☐ No
Please provide copies

6. Have all requisite consents under the terms of the head lease and sublease been obtained with respect to: (a) the granting of the sublease? (b) the mortgage of the sublease? ☐ Yes ☐ No

7. Are there any known disputes or controversy within the Band or elsewhere which could conceivably develop into litigation or other challenges to the validity of the interest to be granted or mortgaged? **Please obtain an Affidavit from an officer of the Band Council that there are no such disputes or controversy.** ☐ Yes ☐ No

8. Confirmation that Estoppel certificates from the Crown and from Bandco re the status of the head lease have been obtained and that the certificates do not disclose any adverse matters. **Please provide copies**

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9. Has a zoning compliance certificate from the Band Council or other competent authority been obtained. ☐ Yes ☐ No ☐ Unknown
Please provide a copy

10. Confirm location of access roads and, where applicable, evidence that all rights of way and easements appurtenant to the land are in place.
☐ Yes ☐ No ☐ Unknown

11. List details of all registered instruments or other matters affecting the property (or attach the title search), including but not limited to easements, restrictive covenants, development agreements, etc.

Instrument Type	*Instrument Number*	*Registration Date*
_____	_____	M M / D D / Y Y Y Y
_____	_____	M M / D D / Y Y Y Y
_____	_____	M M / D D / Y Y Y Y

12. Have all agreements, restrictive covenants and conditions been complied with? ☐ Yes* ☐ No
If no, please provide details:
_____
_____
If yes, please provide evidence

13. List any other matters that would normally qualify your opinion (including but not limited to title matters, judgments, liens, etc.):
_____
_____

STATEMENTS

Please review the following statements prior to submitting your request. If you are unable to confirm the following statements, please provide additional details when submitting your request, or alternatively, contact our office for instructions.

1. I will obtain a corporate profile dated no more than 30 days prior to the Date of Policy showing an active status for the borrower and/or vendor and predecessor to vendor, if applicable; and
2. Where the transaction relates to a purchase of a condominium, I will obtain a clear status/estoppel certificate dated no more than 30 days prior to the Date of Policy.
3. I confirm that I have obtained consent from the parties to the transaction (purchasers, vendors, borrowers, lenders, as applicable) in compliance with all applicable laws to have their personal information provided to FCT for the purposes of issuing and administering a title insurance policy, and any other ancillary policy relating thereto, including for underwriting purposes and assessing and controlling risks. For FCT's corporate Privacy Policy, including information about service providers located outside of Canada, visit our website at *www.fct.ca*.

FCT is committed to protecting your client's privacy and personal information. The personal information you provide is kept confidential and is used to underwrite, assess and control risks, and issue and administer policies of title insurance. For our complete corporate Privacy Policy, please visit our website at www.fct.ca.

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