



REQUEST FOR COMMERCIAL TITLE INSURANCE FOR FIRST NATIONS LAND

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: MM/DD/YYYY
Purchase Price: \$
Property Purchase
Share Purchase
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
Hotel/Motel
Industrial Building
Office Building
Farm
Restaurant
Developed Land
Vacant Land
Condo
Other (please specify)

MORTGAGE INFORMATION (If an additional mortgage is to be insured, provide details in the Additional Information section.)

Mortgagee:
Custodian (if applicable):
Address for service:
Mortgage Amount: \$
Mortgage No.:
Loan to value is 75% or less: Yes
No
Priority: 1st
2nd
3rd
Other
Does the Loan Agreement allow for the following?
Construction Advances
Subsequent Advances up to amount of insurance
Subsequent Advances exceeding amount of insurance
Revolving operating line of credit
Variable rate of interest



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**PURCHASER/MORTGAGOR INFORMATION**

Purchaser/Mortgagor Name: \_\_\_\_\_

Address for Service: \_\_\_\_\_

Beneficial Owner (if applicable): \_\_\_\_\_

Are you acting for the Purchaser/Mortgagor?  Yes  No

If 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.

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**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: \_\_\_\_\_

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

**Additional properties (if applicable):**

**Municipal Address:** \_\_\_\_\_

**Legal Description:** \_\_\_\_\_

*(Attach schedule if necessary)*

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**TITLE SEARCH AND OFF TITLE INFORMATION**

**A. Designated Land**

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

- Is the Land Code or Constitution in place  Yes  No
- 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
- 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**

- 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
- 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
- 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

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Insurance provided jointly by **FCT Insurance Company Ltd.** and **First American Title Insurance Company**

Services by **First Canadian Title Company Limited.**  
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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

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

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.

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

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

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.

Table with 3 columns: Instrument Type, Instrument Number, Registration Date. Includes placeholder dates MM/DD/YYYY.

12. Have all agreements, restrictive covenants and conditions been complied with? [ ] Yes\* [ ] No If no, please provide details:

If yes, please provide evidence

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

PURCHASE TRANSACTION INFORMATION

(Where an \* asterisk appears, please provide details and attach the documentation for our review).

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)



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- 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 \$10,000.00?
5. Are any Vendors signing by way of Power of Attorney?
6. Have there been any transfers of title/conveyances or discharges of mortgages registered within the last 12 months?
7. If the property is a condo, does the estoppel certificate indicate any adverse matters that will not be clear on closing?
8. Name of Vendor's Solicitor: Phone number:

MORTGAGE ONLY TRANSACTIONS (not in conjunction with a purchase)

(Where an \* appears, please provide details and documentation for our review)

- 1. Are any of the borrowers signing by way of Power of Attorney?
2. Will a portion of the proceeds be used to pay out all existing mortgages?
3. Are the net mortgage proceeds (after payments to any secured or unsecured creditor for which there is evidence of a debt) being paid to all registered owners?
4. Have any transfers of title/conveyances or discharges of mortgage been registered within the last 12 months, including transfers of title registered immediately prior to this mortgage?

\*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.

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.

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.

