

TRANSFER Form 5P

Transfer under Power of Sale Transfer of Mortgage Transfer of Leasehold Title Transfer of Encumbrance

1. TRANSFEROR(S) (Vendor(s))

see schedule

2. LAND DESCRIPTION

AFFECTED TITLE NO.(S)
MORTGAGE/ENCUMBRANCE NO.(S)

see schedule

3. ENCUMBRANCES, LIENS AND INTERESTS — The within document is subject to instrument number(s)

see schedule

4. TRANSFEREE(S) (Purchaser(s)) (full legal name, address for service and tenancy/estate/share acquired)

see schedule

5. CONSIDERATION

Receipt of \$ _____ is acknowledged.

6. FAIR MARKET VALUE AND, IF APPLICABLE, LAND TRANSFER TAX EXEMPTION EVIDENCE

- In accordance with Part III of *The Tax Administration and Miscellaneous Taxes Act*, I certify that the land affected by this transfer, as a whole, has a fair market value of \$ _____
-

..... //
 name signature date (YYYY/MM/DD)

see schedule

7. EVIDENCE OF TRANSFEROR(S)

see schedule

- I am (one of) the within transferor(s) and I am of the age of majority.
- I am (entitled to be) (the owner/one of the owners) of the described land.
- I hereby transfer the (land/lease/mortgage/encumbrance) to the Transferee(s).
- The registration of this transfer does not contravene the provisions of *The Homesteads Act* because (insert appropriate *Homesteads Act* evidence):
-

..... //
 witness signature name signature date (YYYY/MM/DD)

..... //
 witness signature name signature date (YYYY/MM/DD)

Prior to signing and witnessing this document, please carefully review the notices in Box 8.

Insert name, position and address of witness below signature. See subsection 72.5(5) of *The Real Property Act*.

8. IMPORTANT NOTICES

WHO MAY BE A WITNESS to this document: Only those persons specified in section 72.5 of *The Real Property Act* may act as a witness to this document.

NOTICE TO WITNESSES: By signing as witness you confirm that the person whose signature you witnessed:

- Is either personally known to you, or that their identity has been proven to you.

AND

- That they have acknowledged to you that they:
 - are the person named in this instrument;
 - have attained the age of majority in Manitoba; and
 - are authorized to execute this instrument.

By virtue of section 194 of *The Real Property Act*, any statement set out in this document and signed by the party making the statement has the same effect and validity as an oath, affidavit, affirmation or statutory declaration given pursuant to *The Manitoba Evidence Act*.

SINGULAR INCLUDES PLURAL AND VICE VERSA WHERE APPLICABLE. In this document "I" or "me" is to be read as including all transferors whether individual or corporate.

9. FARM LANDS OWNERSHIP DECLARATION

The registration of this instrument does not contravene the provisions of *The Farm Lands Ownership Act* because:

(strike out inappropriate statement(s) and sign below:)

- 1. The within land is not farm land as defined in *The Farm Lands Ownership Act*.
- 2. The within farm land is exempt by Manitoba Regulation 325/87 R of *The Real Property Act* (i.e. it is 5 acres or less).
- 3. Including the land in this transfer, the transferee owns, in total, less than 40 acres of farm land.
- 4. The transferee is a Canadian citizen, permanent resident of Canada, agency of the government, municipality, and local government district, qualified Canadian organization, family farm corporation or a qualified immigrant as defined in *The Farm Lands Ownership Act*.
- 5. The interest in farm land is being claimed pursuant to a bona fide debt obligation.
- 6. The transferee is exempt by the Farm Lands Ownership Board (Order enclosed).
- 7. Other (*specify section of The Farm Lands Ownership Act*):
Particulars:

.....//
 name signature date (YYYY/MM/DD)

.....//
 name signature date (YYYY/MM/DD)

Transferee, Transferor, or Agent

10. HOMESTEADS ACT CONSENT TO DISPOSITION AND ACKNOWLEDGEMENT

For transfer of land or transfer of leasehold title only.

Note: For consent by widow(er) or surviving common-law partner, see section 22 of *The Homesteads Act*.

I, the spouse or common-law partner of the transferor, consent to the disposition of the homestead effected by this instrument and acknowledge that:

- 1. I am the first spouse or common-law partner to acquire homestead rights in the property; or
 A previous spouse or common-law partner of the transferor acquired homestead rights in the property but those rights have been released or terminated in accordance with *The Homesteads Act*.
- 2. I am aware that *The Homesteads Act* gives me a life estate in the homestead and that I have the right to prevent this disposition of the homestead by withholding my consent.
- 3. I am aware that the effect of this consent is to give up my life estate in the homestead to the extent necessary to give effect to this disposition.
- 4. I execute this consent apart from my spouse or common-law partner freely and voluntarily without any compulsion on the part of my spouse or common-law partner.

.....//
 name of spouse or common-law partner signature of spouse or common-law partner date (YYYY/MM/DD)

.....//
 name of witness signature of witness date (YYYY/MM/DD)

A Notary Public in and for the Province of Manitoba

A Commissioner for Oaths in and for the Province of Manitoba

My commission expires: _____

Or other person authorized to take affidavits under *The Manitoba Evidence Act* (*specify*): _____

11. INSTRUMENT PRESENTED FOR REGISTRATION BY (*include address, postal code, contact person and phone number*)