

## COMMONLY ENCOUNTERED CONVEYANCING CONCERNS

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### GENERAL CONCERNS

An **up to date search** of title prior to the registration of documents at Land Titles avoids documents which have not been made subject to all encumbrances, contain incorrect legal descriptions (this is especially important where parts of the title have been transferred and the document in question affects only the balance of the title), or do not show the correct or current Registered Owners.

**Proof-reading documents** can avoid rejections based upon missing encumbrances, missing witness's signatures, missing dates, and incorrect legal descriptions. When proof-reading ensure that the name, position and address of all witnesses are set out. Where a witness witnesses more than one signature in a document please ensure that they sign beside each signature that they witness, or there is a statement below/beside their signature that it is as to all of the executing parties (or specify which parties it is as to).

The Registered Owner of lands affected by documents registered at Land Titles must provide all **duplicate certificates of title** that have been issued upon the registration of documents affecting the lands in those titles. If the duplicate title is not available an affidavit of lost title must be provided. See **DISPENSING WITH PRODUCTION OF DUPLICATE TITLES** for further information.

Where **corrections** must be made to Land Titles documents, white out is never to be used. In addition when making corrections please bear in mind that the document must be suitable for microfilming and accordingly must be clear and legible. Any material change to a document must be initialled by the party (ies) executing the document and the witness to the execution. Where Land Titles has allowed a correction to be made by way of letter, this letter must be signed by the solicitor involved, and not by his or her secretary/para-legal.

All registrations at Land Titles must be on **suitable and proper forms**. These forms must be clear and therefore suitable for microfilming purposes, must be the correct size (reduced forms are not suitable), must be double sided (documents, especially Caveats, which leave off the backer part of the document will be rejected as will documents where the "front" and "back" are on separate pages and have been stapled together).

All registration must be accompanied by **sufficient funds** where the registering party does not have an account at Land Titles containing the necessary funds. At the present time separate accounts are required for each of the provinces Land Titles Offices.