

## **HOMESTEADS ACT EVIDENCE**

### **EVIDENCE REQUIRED**

Any disposition of an interest in land by a natural person must be accompanied by acceptable *Homesteads Act* evidence, and where appropriate *Homesteads Act* consents or releases. The term “disposition” includes but is certainly not limited to Transfers of Land, Mortgages and Amending Agreements and Leases in excess of three years.

### **EXAMPLES OF ACCEPTABLE EVIDENCE**

The following list of acceptable *Homesteads Act* evidence may be of assistance, however this list is not to be taken as exhaustive. Special circumstances (Powers of Attorney, Bankruptcy, Committeeships) require *Homesteads Act* evidence custom made for those circumstances.

- My co-transferor is my spouse or common-law partner and has homestead rights in the within lands.
- My co-mortgagor is my spouse or common-law partner and has homestead rights in the within lands.
- I have no spouse or common-law partner. No other person has acquired Homestead rights in the within lands during my ownership.
- The within lands are not my homestead.
- The within lands are not homestead property.
- I have never had a spouse or common-law partner.
- The person consenting to this disposition is my spouse or common-law partner and has homestead rights in the within lands.
- I am one of the transferees and my co-transferee is my spouse or common-law partner and has homestead rights in the within lands.
- The within lands were not the homestead of the deceased John Brown.
- The deceased John Brown had no spouse or common-law partner at the time of his death and no other party acquired homestead rights in the within lands during his ownership.
- The transferee was the spouse or common-law partner of the deceased John Brown at the time of his death and has homestead rights in the within lands.

**HOMESTEADS ACT EVIDENCE (continued)****EVIDENCE WHERE A RELEASE OF HOMESTEAD IS OR HAS BEEN FILED**

Where a Release of Homestead has been filed on a title, or is being filed in series with a disposition, it is not necessary to refer to the Release of Homestead when giving *Homesteads Act* evidence and in fact, merely referring to the release will not be sufficient.

Examples of acceptable evidence following a Release of Homestead:

- The within lands are not my Homestead.
- The within lands are not Homestead Property.
- My spouse or common-law partner has released all of his/her Homestead rights in the within lands and no other person has Homestead right in the within lands.

Examples of unacceptable evidence:

- My spouse or common law partner has released his/her Homestead rights in the within lands.