

Instructions to Solicitor Re: Land Secured Financing

Date: _____

BRANCH ADDRESS	Transaction ID#
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NAME OF BORROWER(S)	Present Mailing Address
Home Phone # () -	Work Phone # () -

PROPERTY	Municipal Address Legal Description
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NAME OF SOLICITOR	Firm Name Solicitor's Name Mailing Address E-Mail Address Telephone # () -	Fax # () -
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We have approved the following loan / line of credit application for the Borrower(s) in accordance with Form 3538, Loan Agreement and / or Form 3238A, Personal Line of Credit Agreement attached.

<u>Product Type:</u>	<u>Authorized Amount:</u>
	\$
	\$
	\$

Net Sum to be Advanced to Solicitor in Trust (not applicable for New Home Construction):

[Insert the following, if the application is product type: Canada Guaranty, or CMHC, or Genworth Financial Mortgage Insurance Company Canada, and "Mortgage Ins. Premium" field is selected as "Premium Financed"]

This is a Canada Guaranty/ CMHC / Genworth Financial Mortgage Insurance Company Canada insured mortgage with the insurance premium of \$ **[value from "Mortgage Ins. Premium" field]** included in the Principal Sum of the loan and is not included in the Net Sum Advanced to Solicitor, unless, otherwise indicated in the Special Instructions.

[Exclude the following if the financing is for the Assumption of a Spec Mortgage by the Borrower(s)]

REGISTER MORTGAGE FOR \$ [value from "Registration Amount" in Agreement Details] (This amount may exceed the total authorized amounts).

GENERAL INSTRUCTIONS

Please act on behalf of ATB Financial to execute and register a mortgage or mortgage amending agreement. We request that you ensure that ATB Financial has (unless otherwise indicated herein) a valid, first charge on the property and that you comply with all trust conditions / instructions contained in this document.

- ◆ Should you have any questions regarding these Instructions, please call our Solicitor hotline at (403) 541-4300 /Toll Free 1(866) 817-1906.
- ◆ We have listed the documents required along with additional completion instructions where applicable under the Section below entitled "**Required Documents**". **As some documents may be periodically updated without prior notice to lenders, all ATB standard form documents not provided along with these Instructions are to be obtained directly from the ATB Financial website www.atb.com for each and every transaction. DO NOT REUSE DOCUMENTS PREVIOUSLY DOWNLOADED AND USED ON PREVIOUS TRANSACTIONS. Failure to use the most current ATB standard form documents may result in funding delays and may require rectification by your office at your expense.**
- ◆ In accordance with the requirements of the **Proceeds of Crime (Money Laundering) and Terrorist Financing Act (Canada) and Regulations** (or any successor legislation in force from time to time), prior to disbursing funds, we require that you ascertain the identity of each borrower (and guarantor and signing officer, as applicable) as follows:
 - We require that you examine Acceptable Identification, as defined in Acceptable Forms of Identification hereto from each borrower (and guarantor and signing officer, as applicable) prior to the funds being disbursed to you;

- That you complete the Form 3728 - Identity Verification Certificate ("IVC") accompanying these Instructions, on which you are required to record the full name, identification type, identification number and place of issue of identification for each borrower (and guarantor and signing officer, as applicable). Where a corporation or other entity has more than three signing officers, you are not required to ascertain the identity of more than three of the signing officers who execute the mortgage documents.
 - Unless otherwise instructed, the Form 3728 - Identity Verification Certificate ("IVC") must be completed and delivered to us with Form 3588, Request for Funding.
 - Each borrower (and guarantor and signing officer, as applicable) must be physically present when you ascertain his or her identity. If you are not able to ascertain the identity of each in the manner set out above, you must immediately call our Solicitor hotline at (403) 541-4300 / Toll Free 1(866) 817-1906 and no funds are to be disbursed until you receive further written instructions from us.
 - **Do not** send photocopies of identification documentation produced by borrowers, guarantors or signing officers to us along with the Form 3728 - Identity Verification Certificate ("IVC").
- ◆ We require you to verify that the completed documentation is appropriate for the proposed transaction(s) and is consistent with the enclosed Form 3538, Loan Agreement and/or Form 3238A, Personal Line of Credit Agreement if enclosed. Ensure that the legal description indicated in the security section of Form 3538 and /or Form 3238A is complete and correct.
- ◆ You must advise ATB Financial at the telephone number provided above us as soon as possible, but in any event before requesting or releasing loan proceeds, of any circumstance or other concern that may require additional security, may affect disbursement of loan proceeds, or may otherwise affect ATB Financial's interests in the transaction including, without limitation, any of the following:
- Title to the property has been registered into the name of the current owner (vendor) within the last four months;
 - The vendor as noted on the title is not the same party that executed the agreement of purchase and sale with the Borrower(s);
 - You become aware of any secondary financing on the Property;
 - You become aware of any collateral agreements, schedules, amendments, credits, discounts, or other allowances, etc., that did not appear in the agreement of purchase and sale provided by the Borrower(s) to ATB Financial; or,
 - You become aware of any other issues that might affect the priority or timing of registration of the mortgage or transferability of any mortgages, including any portability option;
 - You determine that changes to the security documentation requested herein, or additional security documentation, is required to protect our interests in this transaction. Additional security documentation may be available at ATB Financial website www.atb.com but if not, please contact our office for further instruction.
- ◆ We rely upon you to provide Borrower(s) with copies of any documents that are part of normal practice, including, without limitation:
- the attached Form 3538 Loan Agreement and/or Form 3238A Personal Line of Credit Agreement and Form 3544 Options Schedule; and
 - **Consumer Protection Act** disclosure statement(s) for all new financing. A disclosure statement will not be enclosed for a "Product Type" indicated as "Replacement Mortgage" referred to above, as this would not be considered new financing.
- ◆ We rely upon you to confirm that all conditions of the agreement of purchase and sale, if any, have been satisfied or waived, and that the agreement of purchase and sale is unconditional and binding on the vendor(s) and the Borrower(s). If you are aware or become aware that the agreement of purchase and sale is conditional and/or not binding on the vendor(s) or the Borrower(s), you are to advise our office immediately and no loan proceeds may be disbursed until you are in receipt of ATB Financial's written authorization to release the loan proceeds.
- ◆ We do not review title and will rely solely on your opinion and any title insurance coverage in effect.
- ◆ Form 3719, Solicitor's Interim Report On Title must be completed if you are unable to comply with any instructions or have not met any funding requirements contained in this document at the time of requesting funds. The Interim Report must contain full details as to why you are unable to comply with our instructions and/or funding requirements and recommending a course of action.
- ◆ Although all legal fees and disbursements relative to this matter are to be paid by the Borrower(s), ATB Financial requires a copy of the statement of account and disbursements and confirmation of payment for legal services provided to ATB Financial for its records.
- ◆ In accordance with the Rules of the Law Society of Alberta regarding joint representation, ATB Financial acknowledges that no information provided by ATB Financial to your office in connection with this transaction can be treated as confidential vis-à-vis the Borrower(s). ATB Financial further acknowledges that if a conflict arises between ATB Financial and the Borrower(s) that cannot be resolved, your office will be required to withdraw from acting for either party in the matter and both parties will have to obtain independent legal advice. Without in any way limiting your duties under the Rules of the Law Society of Alberta:
- You will not represent the Borrower(s) in negotiating any aspects of the loan / line of credit transaction;
 - You will ensure full disclosure of your joint representation to the Borrower(s) and will obtain their informed consent to such joint representation including a recommendation to obtain independent legal advice where appropriate;
 - You confirm that you have no prior or existing business relationships with the Borrower(s) or any third party involved in the transaction that **could affect** your ability to provide independent and unbiased advice

to either the Borrower(s) or ATB Financial or that may conflict with the interest of either the Borrower(s) or ATB Financial; and

- You acknowledge that you will not be able to act for either party in any foreclosure or other collection proceedings that may arise in connection with this transaction.

- ◆ Unless otherwise required elsewhere in these Instructions, the transaction may be closed pursuant to the Western Law Societies' Conveyancing Protocol (Alberta), (the "**Protocol**") provided however that the Protocol may only be used for:
 - existing single-family residential property with four or fewer units; or
 - existing condominiums where the seller is not a "developer" within the meaning of the **Condominium Property Act**, there is no known defect, and there are no more than four concurrent transactions involving multi-family units within the same project; or
 - undeveloped residential lots with four or fewer lots being sold to the same purchaser at the same time.
- ◆ A Real Property Report and Certificate of Municipal Compliance **or** title insurance is required for all improved property and bareland condominiums. A Real Property Report with Municipal Compliance is not required for a raw land (unimproved property) financing.
- ◆ An existing Alberta Real Property Report with Municipal Compliance will be acceptable provided it is accompanied by a current statutory declaration completed by the seller confirming no changes have been made to the property since the date the survey was conducted. In the event of a refinancing, the statutory declaration shall be completed by the borrower.
- ◆ ATB Financial requires notice of the method of closing and any subsequent changes to the method which may or will affect the funding of the mortgage and/or ATB Financial's interests in the transaction, prior to the advance of funds.
- ◆ Regardless of the manner of closing, all steps required to meet the current conveyancing practice standards of The Law Society of Alberta for lawyers acting for the Purchaser(s) / Borrower(s) and on behalf of a financial institution must be taken and met when representing ATB Financial.

REQUIRED DOCUMENTS

All documents must be fully completed, dated, and signed by the Borrower(s) as required. Please send all documents required to be returned to ATB pursuant to these Instructions to: ATB Financial, Experience Operations, Attention: Document Operations at 3699 – 63rd Avenue NE, Calgary, AB T3J 0G7. For assistance, please call our Solicitor hotline at (403) 541-4300 / Toll Free 1 (866) 817- 1906.

ATB Standard Form Documents enclosed:

- ◆ Form 3238A, Personal Line of Credit Agreement and/or Form 3538, Loan Agreement
- ◆ Form 3544, Options Schedule to Loan Agreement attached (Please enter the source of loan payments in Section 1(a) and (b) of the Loan Agreement, when applicable.)
- ◆ Form 3086, Statement of Disclosure – Fixed Credit and/or Form 3088, Statement of Disclosure - Open Credit
- ◆ Form 3588, Request for Funding
- ◆ Form 3690, Construction Inspection Request Notices to Borrower(s) and advise Borrower(s) to forward the form to Builder/Contractor for completion at time of inspection requests (*if applicable*)
- ◆ Form 7205, Discharge of Land Mortgage (*if applicable*)

ATB Standard Form Documents to be obtained from the ATB Financial website.

- ◆ Form 7171, Short Form (Insured) Mortgage **[Insert if Agreement Type selected is "Standard Charge Mortgage"]**
- ◆ Form 3541, Multiple Options Mortgage **[Insert if Agreement Type selected is "Multiple Options Mortgage"]**
- ◆ Form 3676, Table of Interest Rate Equivalents (to be attached to Form 3541 or Form 7171)
- ◆ Form 7172, Land Titles Act Standard Form Mortgage **[Insert if Agreement Type selected is "Standard Charge Mortgage"]**
- ◆ Form 3602, Mortgage Amending Agreement – Add - On Mortgage (*if applicable*)
- ◆ Form 7435, General Assignment of Leases and Rents (*if applicable*)
- ◆ Form 3719, Solicitor's Interim Report On Title
- ◆ Form 3723, Solicitor's Opinion Western Law Societies' Conveyancing Protocol (Alberta)
- ◆ Form 3716, Solicitor's Final Report On Title

Additional, Non-ATB Standard Form Documents Required

- ◆ Form 3728 - Identity Verification Certificate ("IVC")
- ◆ Borrower's(s') direction to pay the loan proceeds to your office and further authorization to disburse funds as may be required to complete the transaction including, without limitation, payment of all outstanding taxes or

other costs, fees, or expenses capable of creating a charge against the Property as well as all legal fees and disbursements relative to this matter owing to your office by ATB Financial.

- ◆ A copy of the building permit from the applicable municipality for new home construction excluding self-build, manufactured, modular and ready-to-move and multi-family dwelling construction mortgages.
- ◆ Water Potability Certificate and Septic Certificate or Report if the residential home is located on rural property where a public water supply and public wastewater disposal facility is not available. Title insurance may be obtained in lieu of providing a Water Potability Certificate or Septic Certificate or Report.
- ◆ Copy of the Certificate of Title, confirming registration of ATB Financial's mortgage as a valid, first charge on the property, unless otherwise specified herein.
- ◆ Tax Certificate evidencing all outstanding municipal and school taxes are paid in full.
- ◆ Satisfactory broad form insurance policy with loss payable to ATB Financial as first loss payee for the full insurable if the property includes an existing dwelling.
- ◆ Any and all additional documents required for the perfection of a valid first charge upon the property and/or used in the completion of a transaction of this nature.

SPECIAL INSTRUCTIONS

[Insert text from Note Type: "Instructions to Solicitor"]

[Insert when the Product Type is Canada Guaranty Cashback, CMHC Cashback, or Genworth Cashback]

CASHBACK LOANS

- ◆ A Cashback amount of \$ **[value is from "Cashback Amount" field]** is available on this loan, however, cannot be used in any way towards the down payment for the purchase of the Property.

[Insert if the Product Type is "TPPL Collateral"]

TIME PLAN COLLATERAL PERSONAL LOANS

- ◆ For this loan, Form 3544 Options Schedule is not required.

[Insert when Collateral Object Type is "Apartment / Condo"]

CONDOMINIUM UNITS

If the property is a condominium unit, we require:

- ◆ Where the Borrower(s) have entered into a purchase agreement with a developer within the meaning of the Condominium Property Act, that, in addition to the requirements regarding purchase agreements noted above, you to confirm that the Borrower(s) has not taken any steps to exercise a remedy under the Condominium Property Regulation with respect to material changes;
- ◆ Confirmation that all separately titled properties (including without limitation all separately titled parking stalls) customarily purchased along with the condominium unit are included in the purchase agreement and are included and properly described in the mortgage to be prepared and executed by the Borrower(s). In the event that any such separately titled properties are not included in the purchase agreement, please advise ATB immediately at (403) 541-4300 / Toll Free 1(866) 817-1906;
- ◆ Copy of Certificate of insurance held by the Condominium Corporation with coverage as required under the **Condominium Property Act**;
- ◆ Copy of Certificate of Borrower(s) Condominium Owner's Insurance with ATB Financial as first loss payable/ mortgagee covering unit improvements;
- ◆ An Estoppel Certificate pursuant to Section 39(6) and/or Section 43.2 of the **Condominium Property Act** provided by the Condominium Corporation, confirming that all contributions (regardless of the manner of levy) due and payable in respect of the unit are paid to the date of advance and that there are no arrears of payable contributions owing in respect of the unit;
- ◆ An Information Statement pursuant to Section 44 of the **Condominium Property Act** provided by the Condominium Corporation confirming that:
 - (1) The Condominium Corporation is not a party to any legal action in excess of \$5,000.00;
 - (2) The Condominium Corporation has not received any written demand for an amount in excess of \$5000 that, if not met, may result in legal action against the corporation;
 - (3) The amount of the capital replacement reserve fund;
 - (4) There are no structural deficiencies of which the Condominium Corporation has knowledge of as of the date of the confirmation; and
 - (5) There are no outstanding or pending major repairs required in respect of the condominium unit or development.

You are responsible for requesting an Information Statement in such form and manner which expressly contemplates the Condominium Corporation providing all information and documents as prescribed under the **Condominium Property Act** and/or **Regulation** as may be required by you to confirm the above. We will not review

the above noted Estoppel Certificate, Information Statement, or accompanying documents and rely on you to review such materials and confirm that the above noted requirements are met.

[Insert when the Loan Purpose is selected as “Refinance and Renovation” or “Purchase + Improvements”]

EXISTING HOME – IMPROVEMENTS

- ◆ Upon receipt of confirmation of registration provided by your office and our confirmation of satisfactory inspection, we will deposit each progress advance, as outlined in Form 3538, Loan Agreement, to your trust account.

LARGE PARCEL

- ◆ For unsubdivided parcels of 80 acres or more in size, we will accept, in lieu of a Real Property Report and Certificate of Compliance:
 - (a) a survey prepared by an Alberta Land Surveyor confirming that:
 - (i) there are no encroachments or other buildings, or other physical improvements thereon or thereto;
 - (ii) there are no encroachments or any registered easements, rights of way, or restricted areas; and
 - (iii) the building location complies with local municipal set-back and side-yard regulations.
 - or
 - (b) title insurance.

[Insert when the Tenure is selected as “Leasehold”]

LEASEHOLD PROPERTY

- ◆ In addition to the standard loan / line of credit documents, we require the following additional documentation to be provided along with Form 3588 Request for Funding:
 - For leasehold properties:
 - Form 3239 - Landlord’s Consent to be attached to the mortgage document;
 - For leasehold properties located within a National Park:
 - written consent to the lease of Parks Canada
 - written consent to the mortgage of Parks Canada to be attached to the mortgage
 - For leasehold properties located within Jasper National Park:
 - written consent to the lease of Parks Canada
 - written consent to the mortgage of Parks Canada to be attached to the mortgage
 - Form 54110 – Certificate of Encumbrances – Leased Land – National Parks
 - Form 54120 – Statutory Declaration – Leased Land – National Park
 - For leasehold properties located within Banff National Park:
 - written consent to the lease of Parks Canada
 - written consent to the mortgage of Parks Canada to be attached to the mortgage
 - Form 54120 – Statutory Declaration – Leased Land – National Parks
 - Form 54115 – Lease Document Schedule – Leased Land – National Parks
 - For leasehold properties located within Waterton National Park:
 - written consent to the lease of Parks Canada
 - written consent to the mortgage of Parks Canada to be attached to the mortgage
 - Form 54110 – Certificate of Encumbrances – Leased Land – National Parks
 - Form 54115 – Lease Document Schedule – Leased Land – National Parks
 - For leasehold properties located on First Nations Reserve Lands:
 - Form 3241 – Landlord’s Consent – Indian Affairs to be attached to the mortgage document;
 - For leasehold properties located in Redwood Meadows:
 - Registered assignment of Sublease with Canada Department of Indian & Northern Affairs (Landlord)
 - Consent to Assignment of Sublease from Sarcee Development Ltd. (Headlease Landlord)
 - Consent to mortgage in favor of ATB Financial from Sarcee Development Ltd. (Headlease Landlord)
 - Original Registrar’s certificate evidencing registration at Indian Lands Registry
 - Copy of Lease and Sublease agreements
 - For leasehold properties located within the West Campus Development on the University of Calgary:
 - Copy of the Residential Lease in respect of the Leased Premises
 - Execution of the Non Disturbance Agreement and the Condominium Unit Tripartite Agreement referenced in the Residential Lease. Such Non Disclosure and Tripartite Agreements to be in a form acceptable to ATB Financial and the Non Disturbance Agreement shall include the Condominium Unit Tripartite Agreement that is entered into with ATB in Section 4 thereof

[Insert when the checkbox "New Construction" is selected]

NEW HOME CONSTRUCTION

- ◆ Please email all Form 3588 Requests for Funding along with additional documentation hereunder to ATB Financial at CSLoanProc@atb.com or fax to (403) 974-7176 or toll free number 1(877) 974-7176.
- ◆ Please provide Form 3690, Construction Inspection Request Notices to Borrower(s) and advise Borrower(s) to forward the form to Builder/Contractor for completion at time of inspection requests. Please also instruct Borrowers to return completed inspections to your office.
- ◆ If an advance for the purchase of a lot is required, we will deposit such advance, as outlined in Form 3538, Loan Agreement, to your trust account, upon receipt from your office of all of the following:
 - o Form 3588, Request for Funding and Form 3728 - Identity Verification Certificate ("IVC");
 - o Confirmation of registration of title in the name(s) of the Borrower(s);
- ◆ If a first progress advance is required, please provide all of the following to our office:
 - o Form 3588, Request for Funding and Form 3728 - Identity Verification Certificate ("IVC");
 - o Confirmation of registration of title in the name(s) of the Borrower(s);
 - o Form 3690, Construction Inspection Request Notices completed by Builder/ContractorUpon receipt of all of the above, and upon our confirmation of satisfactory inspection, we will deposit the first progress advance, as outlined in Form 3538, Loan Agreement to your ATB Financial trust account.
- ◆ For each additional progress advance, please provide all of the following to our office:
 - o Form 3588, Request for Funding;
 - o Confirmation of new home warranty registration;
 - o Form 3690, Construction Inspection Request Notices completed by Builder/ContractorUpon receipt of all of the above, and upon our confirmation of satisfactory inspection, we will deposit the first progress advance, as outlined in Form 3538, Loan Agreement to your ATB Financial trust account.
- ◆ Builder's All-Risk insurance policy covering both liability and property damage for the full insurable value is required. If the builder does not obtain the all-risk builder's insurance policy, the dwelling must be insured for the full insurable value from the day the construction begins. Mortgage endorsement must indicate loss payable to ATB Financial, c/o branch address as indicated on page 1 of the instructions. Upon completion of dwelling, builders' insurance policy must be replaced with standard fire insurance policy. Give particular attention to vacancy clause if dwelling remains unoccupied after completion.
- ◆ For a Builder's completion loan, please provide all of the following to our office:
 - o Form 3588, Request for Funding and Form 3728 - Identity Verification Certificate ("IVC");
 - o Copy of certificate of title evidencing registration of security or Form 3723, Solicitor's Opinion - Western Law Societies' Conveyancing Protocol (Alberta) confirming the transaction is proceeding in accordance with the Protocol or confirmation of coverage from the title insurer and payment of the premium for insurance;
 - o Fire insurance binder letter to ATB Financial as first loss payable/mortgagee for the full insurable value with extended coverage clause if the property includes an existing dwelling;
 - o Confirmation that no secondary financing is being placed with respect to the Property;
 - o Confirmation of new home warranty registration; and
 - o Form 3719, Solicitor's Interim Report On Title if required.Upon receipt, of all of the above, we will deposit funds into your trust account provided however that you may not release any funds until such time as your office is in receipt of a completed and signed New Home Warranty Certificate of Possession. Release of funds will also be subject to receipt of a satisfactory inspection of the property by ATB.

[Insert when Operation is selected as "Port / Add on" or "Add on", or "Transfer plus Add On"]

ADD - ON MORTGAGE OPTION

- ◆ This loan involves an increase of an existing loan.
- ◆ The outstanding principal of the existing loan as of adjustment date plus the amount of the increase (the "**Add-On Funds**") shall equal the "Principal Sum" as defined in Section 1 of the enclosed Form 3538 Loan Agreement. Outstanding Principal Sum as of Interest Adjustment Date: \$ **[Value from "Payout Balance of Existing Financing"]**
Add - On Funds: \$ **[Value from "Add On Amount"]** Principal Sum as per enclosed Form 3538 Loan Agreement: \$ **[Value from "New Mortgage Amount"]**
- ◆ The "Loan Amount" on the enclosed Form 3086 Statement of Disclosure reflects only the outstanding principal sum of the loan as of adjustment date.
- ◆ The accrued interest is included in the "Total loan payments over the term of loan chosen".
- ◆ Form 3588, Request for Funding will reflect only the Add-On Funds and which shall be the amount advanced in trust to your office on the requested funding date subject to the satisfaction of all requirements herein.

- ◆ If the registered value of the existing mortgage is less than the Principal Sum as per enclosed Form 3538 Loan Agreement, complete Form 3602, Mortgage Amending Agreement – Add-On Mortgage (to be obtained from the ATB Financial website www.atb.com) increasing the registered value of the existing mortgage in an amount equal to the difference between the Principal Sum as per enclosed Form 3538 Loan Agreement and the registered value of the existing mortgage along with the registration details and Borrower(s) names. Once completed, please forward via email to ATBSupportCentre@atb.com. ATB Financial will execute and return Form 3602 to the branch closest to your office for pick up by you.
- ◆ Once received back from ATB, have Borrower(s) execute Form 3602 Mortgage Amending Agreement – Add-On Mortgage and register at Land Titles Office.
- ◆ Please forward Form 3588 Request for Funding, Form 3728 - Identity Verification Certificate (“IVC”), copy of certificate of title evidencing registration of Form 3602 Mortgage Amending Agreement – Add-On Mortgage, and Form 3719 Solicitor’s Interim Report On Title if required, to ATB Financial at CSLoanProc@atb.com or fax to (403) 974-7176 or toll free number (877) 974-7176 **no less than 72 hours prior to the requested funding date.**

[Insert when the Operations is selected as “Port” or “Port / Add on”]

PORTABILITY OPTION

- ◆ A discharge of the mortgage from the original property will be provided to your office upon our receipt from your office of confirmation of registration of the mortgage against the new property. Ensure the discharge is registered and that a copy of the title search confirming registration of the discharge is provided to us in due course.
 Form 3538, Loan Agreement reflects some of the original terms and conditions of the Borrower’s mortgage loan on the existing property. Some of the changes include first: payment date, mortgage amount and legal description. The “First Payment Date” reflects the first regularly scheduled payment after the mortgage loan has been ported to the new property. The legal description of the new property is described under “Property” above.
 Form 3086 Statement of Disclosure is enclosed. The “Loan Amount” on Form 3086 reflects the outstanding Principal Sum of the mortgage loan as of adjustment date and the accrued interest is included in the “Total loan payments over the term of loan chosen”.

ASSIGNMENT OF RENTALS

- ◆ If all or a portion of the property is leased by the Borrower(s) as landlord to a tenant, you will obtain a valid and binding assignment of rentals that will be registered at the Land Titles Office to provide us the protection required. Form 7435, General Assignment of Leases and Rents to be obtained from the ATB Financial website.

CORPORATE BORROWER

- ◆ If the Borrower is a corporation you will confirm that all necessary corporate action has been taken by the Borrower to validly and properly authorize the borrowing of the principal sum with interest as stated as well as the execution and delivery of the mortgage and all other security and related documentation. This will include, but not necessarily be limited to:
 - confirming that the corporation is a valid and subsisting corporation;
 - obtaining a current Certificate of Status of the corporation issued by Alberta Corporate Registries;
 - review of the appropriate corporate records and minute books to confirm the borrowing powers of the corporate Borrower and the authority of each officer who executes the mortgage or any other security documentation to bind the corporate Borrower;
 - confirming the identity of each authorized signing officer who executes the mortgage or any other security documentation, including a guarantee (where required).
- ◆ Where you are not acting on behalf of the corporate Borrower, you may rely on an opinion obtained from legal counsel representing the corporate Borrower in the transaction confirming the above.

GUARANTOR(S) AND OTHER MORTGAGOR(S)

- ◆ If any guarantee or security is obtained from a guarantor or mortgagor that is NOT receiving a direct benefit from this loan each guarantor or mortgagor must be directed to obtain independent legal advice.

CLOSING AND FUNDING INSTRUCTIONS

- ◆ Please note that in all cases, Form 3588 Request for Funding along with the required documentation **must be received by ATB Financial no less than 72 hours prior to the requested funding date** in order to ensure funding on the requested funding date.
- ◆ Provided your office complies with all applicable Instructions contained herein, we will advance loan proceeds to your office on the date funds are required upon our receipt from you of all of the following no less than 72 hours prior to the requested funding date:
For An Existing Detached Housing Unit:
 - Form 3588, Request for Funding and Form 3728 - Identity Verification Certificate (“IVC”);

- Copy of certificate of title evidencing registration of security **or** Form 3723, Solicitor's Opinion - Western Law Societies' Conveyancing Protocol (Alberta) confirming the transaction is proceeding in accordance with the Protocol **or** confirmation of coverage from the title insurer and payment of the premium for insurance;
- Fire insurance binder letter with to ATB Financial as first loss payable/mortgagee for the full insurable value with extended coverage clause if the property includes an existing dwelling;
- Confirmation that no secondary financing is being placed with respect to the Property; and
- Form 3719, Solicitor's Interim Report On Title if required.

For A New Condominium:

- Form 3588, Request for Funding and Form 3728 - Identity Verification Certificate ("IVC");
- Copy of certificate of title evidencing registration of security;
- Estoppel Certificate(s) and/or Information Statement as set out below;
- Confirmation that no secondary financing is being placed with respect to the Property;
- Copy of Certificate of Insurance held by the Condominium Corporation;
- Copy of Certificate of Borrower(s) Condominium Owner's Insurance with ATB Financial as first loss payable/mortgagee covering unit improvements;
- Form 3719, Solicitor's Interim Report On Title if required.

For An Existing Condominium:

- Form 3588, Request for Funding and Form 3728 - Identity Verification Certificate ("IVC");
- Copy of certificate of title evidencing registration of security **or** Form 3723, Solicitor's Opinion, Western Law Societies' Conveyancing Protocol (Alberta) confirming the transaction is proceeding in accordance with the Protocol **or** confirmation of coverage from the title insurer and payment of the premium for insurance;
- Certificate of insurance in favour of the condominium corporation;
- Estoppel Certificate(s) and/or Information Statement as set out below;
- Confirmation that no secondary financing is being placed with respect to the Property;
- Copy of Certificate of Insurance held by the Condominium Corporation;
- Copy of Certificate of Borrower(s) Condominium Owner's Insurance with ATB Financial as first loss payable/mortgagee covering unit improvements;
- Form 3719, Solicitor's Interim Report On Title if required.

For Raw Land:

- Form 3588, Request for Funding and Form 3728 - Identity Verification Certificate ("IVC");
- Copy of certificate of title evidencing registration of security;
- Confirmation that no secondary financing is being placed with respect to the Property; and
- Form 3719, Solicitor's Interim Report On Title if required.

For a Line Of Credit:

- Form 3588, Request for Funding and Form 3728 - Identity Verification Certificate ("IVC");
- Copy of certificate of title evidencing registration of security **or** Form 3723, Solicitor's Opinion - Western Law Societies' Conveyancing Protocol (Alberta) confirming the transaction is proceeding in accordance with the Protocol **or** confirmation of coverage from the title insurer and payment of the premium for insurance;
- Fire insurance binder letter with loss payable to ATB Financial as first loss payable/mortgagee for the full insurable value with extended coverage clause if the property includes an existing dwelling;
- Confirmation of registration of ATB Financial's mortgage as a valid first or second charge as provided for in Special Instructions above; and
- Form 3719, Solicitor's Interim Report On Title if required.

For Leasehold Properties:

- Please see Special Instructions Re: Leasehold Properties above.

- ◆ For transactions other than those stated above, please see the applicable Special Instructions above.
- ◆ Email Form 3588, Request for Funding along with the above documentation to ATB Financial at CSLoanProc@atb.com or fax to (403) 974-7176 (toll free at 1(877) 974-7176).
- ◆ If there are any changes to your funding requirements, or to your trust account details, you must contact the ATB Support Centre at least 72 hours prior to the date funds are required at (403) 541-4300 (toll free at 1-866-817-1906) or via email to ATBSupportCentre@atb.com.
- ◆ On the date funds are advanced to your trust account, we will email you confirmation of the deposit to your account. In the case of a Line of Credit, we will apply the Line of Credit to the Borrower's account for use as required by the Borrower(s).

FINAL REPORTING

- ◆ Form 3716, Solicitor's Final Report On Title is to be completed and forwarded to us within 60 days of closing.
- ◆ You may email or fax Form 3716, Solicitor's Final Report On Title together with all supporting documentation to CSLoanProc@atb.com or fax to (403) 974-7176 or toll free number 1 (877) 974-7176, Attention: ATB Financial, Experience Operations – Document Operations.
- ◆ In addition to any documentation specifically noted under Form 3716 Solicitor's Report on Title, you must provide copies of the following documents where obtained, along with the Final Report:

- All other security documents obtained in respect of the transaction
- Disclosure Statements
- All supporting documentation required in respect of leasehold properties
- Real Property Report with Municipal Compliance **or** Form 3723, Solicitor's Opinion - Western Law Societies' Conveyancing Protocol (Alberta) **or** title insurance policy with confirmation of payment of the title insurance premium;
- Confirmation of New Home Warranty Registration
- New Home Warranty Certification of Possession
- Condominium Estoppel Certificate
- Condominium Information Statement
- Copy of Certificate of Insurance held by the Condominium Corporation
- Copy of Certificate of Borrower(s) Condominium Owner's Insurance with ATB Financial as first loss payable/ mortgagee covering unit improvements
- Building permits
- Water Potability Certificate and Septic Certificate or Report