



NOVA SCOTIA
BARRISTERS' SOCIETY

ABSTRACTS AND THE LAND REGISTRATION SYSTEM



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Foreword

The Nova Scotia Barristers' Society's original Real Estate Standards contained a significant amount of detail about what an abstract of title should contain. The Professional Standards: Real Property Transactions in Nova Scotia (2002) are now less prescriptive about the form of an abstract. In light of that change, it was determined that the Society, for the benefit of members and as part of the education program for the *Land Registration Act*, would prepare an advisory paper to provide guidance to the real estate lawyer about both the form and content of an abstract of title.

Given the possible extinguishment of third party interests, and the possible review or audit of the abstract by others, a re-examination of the principles of abstracting is both essential and timely. Abstracts filed in support of the migration of a parcel into the new land registration system record the last historic search of the parcel's title. This search will not be repeated.

Charles W. MacIntosh, Q.C., at the Society's request, prepared a paper on abstracting. The Society is indebted to him for his efforts. This paper resulted in considerable discussion and debate among those responsible for the implementation of the *Land Registration Act*, and it was recognized, as noted above, that a different approach was required. This version was primarily authored by Catherine S. Walker, Q.C., with input and comments from the LRA trainers (J. Ronald Creighton, Q.C.; K.H. Anthony Robinson, Q.C.; Anthony L. Chapman, Q.C.; David F. Curtis, Q.C.; Erin O'Brien Edmonds, Q.C.; Frank E. DeMont, Brenda L. Rice Thomson, and Ian H. MacLean) and the Professional Standards Committee (R. James (Jim) Filliter; John W. Alward, Q.C.; Richard W. Cregan, Q.C.; David F. Curtis, Q.C.; Garth C. Gordon, Q.C.; James A. Gregg, Dwight J.W. Rudderham and Ivo R. Winter). Deborah Rozee and the staff of the Nova Scotia Barristers' Liability Claims Fund also provided assistance throughout.

The Society is indebted to all of them for their efforts as we endeavour to maintain the highest quality of practice and professionalism in the practice of real estate law.

Darrel I. Pink
Executive Director
Nova Scotia Barristers' Society

I Introduction

The abstract of title is the underpinning of a lawyer's exercise of professional judgment as to the marketability of title. This will continue under the new electronic land registration system¹. The principles associated with the preparation of an abstract of title have not changed for the purposes of certifying title under the new land registration system. However, the lawyer's exercise of professional judgment, evidenced by the abstract of title, may undergo a new level of review as it supports the lawyer's certificate of title to the government and becomes part of the government's land registration information.

Currently, an abstract is prepared based on those documents on record in the public Registry offices. A lawyer, after reviewing the abstract, provides his or her client with an opinion as to a property's marketability. The abstract is kept in the lawyer's office, available for a review in the event that there is a subsequent challenge to the lawyer's opinion. Any subsequent buyer would follow the same process, having a lawyer procure a new title search, prepare a new abstract, and provide a new opinion as to the marketability of the title. Any concerns raised by the buyer's lawyer, would be dealt with by the seller's lawyer on behalf of the seller, or, where appropriate, the previous lawyer who certified title.

Under the new land registration system, a lawyer, after reviewing the abstract, will be required to certify the state of the title to the Registrar General, who is the representative of the provincial government, for purposes of moving or "migrating" a property from the registry system to the new land registration system. This opinion forms the basis for the government guarantee of title, and is the last historic search that will be done of that property. The abstract of title, evidencing the basis of the lawyer's exercise of professional judgment, is part of the "bundle" of documents that a lawyer must file when certifying the state of a title to the Registrar General². The bundle must include the abstract, but may also include information not registered in the chain of title for the parcel that must be either put on record, if unrecorded, or included if appropriate, in the lawyer's notes in the abstract. For example, if a joint tenant dies, and there is no evidence of the death in the chain of title for the parcel being migrated, but it is documented at the Registry office in the context of another parcel of land owned by the same surviving joint tenant, then the particulars of where the death is documented should be noted by the lawyer in the abstract. In that way, although the abstract on its face indicates an outstanding interest, it will also note that the lawyer has turned his or her mind to the matter, and has satisfied himself or herself that the interest is not outstanding. If, on the other hand, there is an unrecorded death certificate or obituary evidencing the death on which the lawyer is relying for his or her opinion, that information must be registered prior to a lawyer certifying to the government. Similarly, an unrecorded declaration as to adverse possession on which a lawyer is relying for his or her opinion must be registered prior to the lawyer certifying to the government.

¹ *Land Registration Act*, S.N.S. 2001, c.6, s.37(9)

² Land Registration Administration Regulations N.S. Regs. 53/2003, s.9(3)(c); *Supra*, note 1 at s. 37(4)(c)

Notwithstanding that the curtain will be drawn, a lawyer must ensure that the public record as to the state of title and chain of ownership is complete prior to migration. This will involve the appropriate exercise of professional judgment. For example, if a lawyer has knowledge that a mortgage has been discharged and has a release in hand, that release must still be registered. It is not enough to include the release in the bundle. The requirement is based not only on the fulfillment of the lawyer's undertaking in relation to a sale transaction, but also on the requirement to certify the state of title reflected on the public record. If the abstract contains evidence of an outstanding mortgage, then that must be shown as a security interest in the parcel at the time of the migration, unless the release is registered prior to migration of a parcel.

The bundle, including the abstract of title in support of a lawyer's exercise of professional judgment and certificate of title, will be reviewed by others. Although not available for public viewing, it becomes part of the information of the land titles system. Bundles will be subject to random audit by the auditors jointly appointed by the government and the Nova Scotia Barristers' Society, and depending on the result of an audit, the lawyer may also be subject to a practice audit by the Nova Scotia Barristers' Society.

While the process of abstracting has not changed, the context within which an abstract will be stored, examined, and relied on has changed, and this warrants a review of the physical appearance, preparation and review process for the abstract under the *Land Registration Act*.

II The Physical Appearance of the Abstract

While there may be some variations of convention in the physical appearance of an abstract, there are generally accepted principles which govern the content and organization of abstracts. Attached as appendices are samples of abstract information organized in accordance with the recommended format described below.

a) Organization and Content of the Abstract:³

- it must be legible, although not necessarily typed;
- the title search requisition must identify the lands under search, by the attachment of either a copy of the certified description if the initial process under the land registration system for the certification of legal descriptions has been completed, the Parcel Description Certification Application (PDCA); or the legal description believed to be the most recent and complete;
- the abstract should be organized in historic order from the oldest to the newest document affecting the lands being searched;
- each page, or each document abstracted, should be numbered sequentially for ease of reference;
- if there is a plan filed approving the lands under search, it should be placed at the head of the abstract behind the legal description and the plan number noted on the front or summary section of the abstract. If there is no plan, this should also be noted on the abstract summary page;
- restrictive covenants affecting title, and not included in the legal description, should be placed at the beginning of the abstract behind the legal description;
- judgments and expropriations relating to the abstract would usually be found at the end of an abstract;
- it is recommended that a wide margin be included on the right or left hand side of the pages to allow for annotation of the abstract by the reviewing lawyer for ease of subsequent review by the lawyer or audit.

b) Abstracted Instruments:

Each instrument affecting the land being searched should be summarized in the manner and with the information identified in Appendix III.

c) Use of Summary Worksheets:

A summary of the title searcher's findings identifying outstanding interests in the lands, or security interests undischarged may be noted on the front, or summary portion of the title abstract to assist in the lawyer's subsequent review. A sample front page is attached as Appendix I.

A further summary form, using the language of the *Land Registration Act* is found in Appendix II. This summary sheet uses the new language of the electronic world, and will assist the lawyer in completing the initial registration process, Application for Registration (AFR), once a review has been completed by the lawyer.

³ Based on and consistent with the Professional Standards: Real Property Transactions in Nova Scotia (2002), online at www.nsbclcf.ca, at Standard 3.1 - Abstracting

III The Process of Preparing the Abstract

While many lawyers develop a level of comfort with regard to the format for an abstract, experience varies as to a lawyer's knowledge of hands-on title searching. Some lawyers search for themselves, but most instruct searchers to carry out this work for them. This paper is not a treatise on how to prepare an abstract step by step. This section attempts to summarize the principle elements that should be kept in mind when a lawyer prepares, or causes to be prepared, an abstract of title for a lawyer's review. The list below, while not exhaustive, identifies the primary aspects of the process for preparing an abstract.

Complete Record

An abstract must be capable of being read and understood without reference to other documents outside of the record - it must be complete in and of itself⁴. This means that all instruments on record affecting the title to a parcel of land must be included in an abstract of that title. If there are documents that have been examined outside of the Registry of Deeds that relate to a parcel being searched (for example relating to a foreclosure, confirming which mortgage was foreclosed at the Prothonotary's office), this should be included in the abstract.

Root of Title

A search must "begin at the beginning" and must commence at a point that enables a lawyer to certify that the title is marketable pursuant to the *Marketable Titles Act* or other legislative or common law authority - most often this will be a point at least 40 years before the search is commenced⁵.

Legal description

A search must clearly identify the legal description for the parcel that is being searched. Changes in the legal description over the time period of the search should be noted, and copies of all changes included in the search⁶. The abstract should include the title searcher's drawing of the legal description for the lot under search, and for each legal description over the time period of the search, if the legal description has changed during that period. The drawings should contain all specific references that are given in the legal description, including references to adjoining land owners, metes and bounds descriptions of distances and directions.

Ownership Interest

A search should identify the manner in which title is held (eg. joint tenants, or tenants in common) and the extent of each separate interest affecting the parcel. (eg. undivided one half, one quarter etc.).

Execution

A title searcher must review how each document has been executed and must note in the abstract if it has been executed under a Power of Attorney. A searcher must also abstract the

⁴ Ibid; Supra, note 2, at s.9(3)(c)

⁵ Ibid; Supra, note 1

⁶ Supra, note 1, at s.37(5); Supra, note 3, at Standard 2.1 - Legal Descriptions

⁷ Supra, note 3, at Standard 4.1 - Powers of Attorney

Power of Attorney document. If the Power of Attorney has not been recorded, this must be noted in the abstract and noted on the summary page.

Crown Grant

A search should identify whether the lands were granted by the Crown, and if this cannot be determined from a search at the Registry of Deeds office it should be in the summary notes. If ungranted, this should also be noted.

Plans

A search must include a copy of any approved plan for the lands being searched, or identify the evidence which allows a reviewing lawyer to assess whether the lands are exempt from the requirements of the *Municipal Government Act*⁸.

Discrepancy between Legal Description and Plan

A search should note any discrepancies in the legal description either over the search time frame, or with the plan⁹. If the certified description from the PDCA is provided for purposes of the search, then the search should note any discrepancies that arise in the search from the certified description.

Access

A search should identify the means of access for the lands¹⁰. Access will need to be identified on the Application for Registration (AFR)¹¹ under the new system.

Private Access

A search must be carried out for any private access to a property, unless the access is described in the legal description for the entire marketable title time frame. If the private access crosses over another lot, then the legal description of the other lot affected should be checked to determine if the easement is described in the same manner for both lots - any discrepancy should be noted in the summary notes¹².

Prescriptive or Possessory Rights

If prescriptive rights or possessory interests appear evident from the records, the search should include copies of any documents which evidence those rights¹³.

Name Change

A search should be clear with regard to the names of all parties involved in the documents affecting the lands¹⁴, and the search should document any change in the names of the parties since they acquired an interest in a parcel.

⁸ *Municipal Government Act*, S.N.S., c.18, ss. 268-292; Supra, note 3, at Standard 2.1 - Legal Descriptions

⁹ Supra, note 3, at Standard 2.1 - Legal Descriptions

¹⁰ Supra, note 3, at Standard 2.3 - Access

¹¹ Supra, note 1, at s. 37(4)(b)

¹² Supra, note 1; Supra, note 3, at Standard 2.3 - Access

¹³ Supra, note 3, at Standards 3.2 - Possessory Title and 3.3 - Prescriptive Rights

¹⁴ *Personal Property Security Act*, General Regulations, N.S.Reg. 129/97 ss. 19-22; Supra, note 3, at Standard 4.3 - Name Standards

Recitals

If a deed or other document contains recitals which help to explain the chain of title to the parcel of land under search, a title searcher must include the recitals in the abstracted information.

Matrimonial Status

The matrimonial status of parties conveying an interest in land should be noted in the abstract of each instrument- usually as declared in the matrimonial affidavit attached to a document¹⁵. Sometimes matrimonial affidavits contain recitals or other information relevant to the title, including statements about similar name judgments. This should be included in the abstracted information.

Estates

The identification of the will or administration particulars in a search will determine how the names are entered on the AFR, and should comply with the naming standards¹⁶. A copy of the will should be attached to the search. As well, a search should note whether the will was executed before or after the new Probate Act effective October 1, 2001.

The above comments relating to the process of preparing an abstract are general principles, a guide to the process of gathering the information that will be needed for a lawyer's review and subsequent exercise of professional judgment as to the marketability of title in accordance with the Professional Standards.

¹⁵ *Matrimonial Property Act*, R.S.N.S. 1989, c. 275, s. 8(3); *Vital Statistics Act*, R.S.N.S 1989, c. 494; Supra, note 3, at Standard 1.7 - *Matrimonial Property Act/Vital Statistics Act*

¹⁶ Supra, note 14

IV Lawyer's Review and Opinion

The Professional Standards¹⁷ are the cornerstones for the real estate lawyer's exercise of professional judgment in certifying whether a title is marketable. The exercise of professional judgment begins with a lawyer's review of the abstract of title. The Professional Standards direct the lawyer to specific issues that should be addressed in the process of opining as to a title's marketability, but the final determination is for the lawyer to both make, and defend.

While a lawyer may delegate the actual preparation of a search, with appropriate direction and supervision, a lawyer must review the abstract once prepared, in order to form an opinion as to the state of a title to a parcel of land¹⁸.

The Professional Standards address the process for dealing with qualifications to title that a lawyer identifies during the review process. Any qualifications must be explained to the client, documented in the lawyer's file¹⁹, and noted in the opinion of title to the Registrar General. The qualifications should also be documented to the client in writing²⁰.

The review of an abstract and the exercise of professional judgment by a lawyer is inherently tied to and yet distinct from the information gathering role of the person abstracting the records. For example, while a searcher is guided to include in a search both reference to and a copy of an approved plan, if any, it will be the lawyer who must determine whether the requirements of the *Municipal Government Act*²¹ have been met with regard to a particular parcel. A further example would be the sufficiency of the legal description. A searcher will include reference to the changes to a legal description over the history of the title search time frame, but the lawyer must determine whether the legal description is complete. For example, if an easement has been referenced in earlier descriptions, but not in later ones, the lawyer should ensure that, if appropriate, the description to be included in the current document being prepared includes the easement²².

The Professional Standards speak about the need for documentation²³. This may include a lawyer's notes in the margin of a search, or may include a flow chart whereby the lawyer has summarized the ownership history of the parcel of land (see Appendix IV). It should be apparent from a review of the abstract how a lawyer has reconciled any issues apparent from the record of the title. This may include, as referenced earlier, a note of relevant information on record for another parcel (e.g. the death of a joint tenant).

A lawyer's obligation in the review process of a particular parcel may involve an assessment of other parcels. For example, if there is an easement over another parcel, a lawyer would assess whether the other parcel mirrors a reference to the same easement. If not, the impact if any, should be considered by the reviewing lawyer.

¹⁷ Supra, note 3

¹⁸ Supra, note 3, at Standard 1.3 - Certified Opinion of Title and Certificate of Legal Effect

¹⁹ Ibid.

²⁰ Supra, note 3, at Standard 1.5 - Documentation

²¹ Supra, note 8, at ss. 268 - 292

²² Supra, note 3, at Standard 2.1 - Legal Descriptions

²³ Supra, note 3, at Standard 1.5 - Documentation

Under the new land registration system, new obligations arise in the review process because the parcel being migrated may involve another parcel, and may affect other owners' interests. A lawyer must be aware of the impact of migration of a parcel on the client and persons other than the client²⁴.

One of the unique aspects of the land registration system is that it allows for a lawyer to certify titles that are based on adverse possession only, and once certified, any other interest claimed may be converted from a right *in rem* to a right to claim compensation only²⁵. Again, a lawyer must assess the sufficiency of the evidence on record supporting the adverse possessory title and make a determination as to whether additional objective evidence is required²⁶.

As described above, the lawyer's role is to review the search and additional information relating to title to the parcel, exercise professional judgment as to the interests affecting the parcel, and document in the office file and also in the abstract filed with the government, all the information which is relied on for the opinion of title to the Registrar General.

²⁴ Supra, note 3, at Standard 1.2 - Migration Under the *Land Registration Act*

²⁵ Supra, note 1, at ss. 39 and 74

²⁶ Supra, note 1, at Standard 3.2 - Possessory Title and 3.3 - Prescriptive Rights

V Conclusion

While the *Land Registration Act* requires lawyers to translate traditional principles associated with the review of a title into “electronic speak,” and provides a new context in which an abstract will be reviewed, title certified, and bundles filed, the lawyer’s opinion is still based on all of the relevant evidence that is available to the lawyer for review.

Lawyers have been afforded a special role in the preservation of the integrity of the land fabric in Nova Scotia through the process of the lawyer’s opinion that is provided to the Registrar General at the time each parcel of land is migrated into the new land registration system. The role that lawyers have been performing for over 250 years is now embodied in the *Land Registration Act*, and forms a firm foundation for the new land titles system that will serve Nova Scotians well into the future.

Appendix 1

SEARCH REQUEST & ABSTRACT SUMMARY REPORT

Abstract # _____

Matter # _____

SEARCH REQUEST: Date Requested _____ 200__ Date Required _____ 200__

Vendor(s) _____ M/S? _____ Tenancy _____ RJSC (escheat) OK?

Purchaser/Mortgagor(s) _____ RJSC (escheat) OK?

Instructions: Full search Sub-search from _____ to date Comments _____

PROPERTY PARTICULARS: PID # _____ AAN _____ POL Printout ()

Civic address _____

Lot(s) _____ Subdivision _____

Survey Certificate: (Surveyor/Certificate #/Date) _____ Encroachments/Possessory Interests? No Yes

Intended use _____ See "Access" below, for caution if no frontage on road listed & actively maintained by DOT

Back Title Info & Comments _____

ABSTRACT SUMMARY REPORT

Underlying Crown Interests: Parcel was granted: Yes Grant Sheet No _____

Root of Title (MTA 40 yrs +) No Yes - Deed? Yes Other Root? _____

Title is vested in: Above Vendors Other(s) _____ Tenancy? JT TIC

Restrictive Covenants: None Yes - any apparent breaches? No Yes

Unreleased Encumbrances: None Yes

Unreleased Judgments: Vendor(s): None Purchaser(s)/Mortgagor(s): None O/S Judgments see Abstract

Burdens ("Subject to" interests): e.g. easements, rights of way, leases: None Yes

Interests ("Together with" interests) e.g. easements benefiting parcel: None Yes

Description matches Survey? Yes No

Planning: Approved parcel Plan # _____ Pre-April 17, 1987 parcel - Yes Not approved or validated

Access: Public Road (If parcel has no frontage on a public road both listed & actively maintained by DOT check Land Use By-law & caution client about Land Use By-law limits/prohibitions on future development permits.)

Private Granted Access - searched title to access & clear

Private Not Granted Access - facts evidencing right to use

Attach copies of:

- Current desc.
Each new legal desc in chain
Root Inst.
RestCov
Jmnts
Burdens
Interests
Wills & Administrations
Proof of Death A/R
B/L Survey
Access
Recitals
POL printout
RJSC printouts

Searched title & judgments to: Book _____ Page _____ Doc# _____

Notes:

Notes section with horizontal lines for text entry.

Searcher's signature _____ Date _____

LAWYER'S INSTRUCTIONS: Requisition o/s mortgages & judgments Other _____

Index under Purchasers' & Vendors' names and _____

Lawyer's signature _____ Date _____

Date Indexed _____ Indexed by _____ Cards done _____

Abstract Summary Form

Document # 13
 October 2, 2003

PID: 20056784
Client Name: Joseph Dale Black and Maria Ann Black
Parcel Access: Public Road
Manner of Tenure: Joint Tenants
File Number: Your File No.
Cert. Date/Time: 2003-08-30 10:30 AM
Triggered by: Sale for Value
AFR #: _____

Registered Interests							
Name (individual)	Joseph Dale Black						
Interest Type	Fee Simple						
Instrument Type	Deed						
Date Recorded							
Doc #	1459	Book	567	Page	219	NS Non-resident?	No
Mailing Address							
Name (individual)	Maria Ann Black						
Interest Type	Fee Simple						
Instrument Type	Deed						
Date Recorded							
Doc #	1459	Book	567	Page	219	NS Non-resident?	No
Mailing Address							
Benefits/Appurtenances to the Registered Interests							
Name (individual)	<i>(no benefits for this scenario)</i>						
Interest Type							
Instrument Type							
Date Recorded							
Doc #		Book		Page		NS Non-resident?	
Mailing Address							

Abstract Summary Form

Burdens/Qualifications on the Registered Interests						
Name (enterprise)	Nova Scotia Power Inc.					
Interest Type	Easement Burden					
Instrument Type	Easement					
Date Recorded						
Doc #	2346	Book	567	Page	223	NS Non-resident? n/a
Mailing Address						
Name (enterprise)	Subject to Restrictive Covenants					
Interest Type	Covenant Holder					
Instrument Type	Deed					
Date Recorded						
Doc #	148	Book	221	Page	467	NS Non-resident? n/a
Mailing Address						
Textual Qualifications (if the qualification is not able to be described by reference to the registration/recording particulars of an instrument)						

Abstract Summary Form

Recorded Interests							
Name (enterprise)	<i>Bank of Montreal</i>						
Interest Type	<i>Mortgagee</i>						
Instrument Type	<i>Mortgage</i>						
Date Recorded							
Doc #	<i>951</i>	Book	<i>678</i>	Page	<i>345</i>	NS Non-resident?	<i>n/a</i>
Mailing Address							

AFR Comments:

APPENDIX III
Requisition for Title Search

SOLICITOR: Lawyer X DATE: August 1, 2003

PURCHASER/MORTGAGOR: _____ TITLE DEADLINE: August 15, 2003
CLOSING DATE: September 30, 2003

VENDOR: Joseph Dale Black PROPERTY - Lot No. 12
Maria Ann Black S/D: Logan

TITLE VESTED IN: Same OTHER (Acreage) _____
CIVIC ADDRESS: 15 Logan Drive

SEARCH DESCRIPTION AT BOOK/PAGE: 567/219

BACK TITLE: _____

INSTRUCTIONS: Please do full search.

SEARCH REPORT

SEARCHED BY: Searcher Y SEARCHED TO: Aug 15/03

REAL PROPERTY TO DOCUMENT # 2043

JUDGEMENTS TO DOCUMENT # _____ (PURCHASER) (MORTGAGOR)
2043 (VENDOR)

EXPROPRIATIONS: Nil

PLAN # Nil APPROVES LANDS UNDER SEARCH: _____

TITLE NOTES: (1) Mtg - See item # 7 - B Mtl o/s

(3) Easement USP9 See item # 5

(4) Restrictive covenants - = copy attached item # 3

(2) See item # 2 - poss o/s interest - Mary - See Item # 2

**APPENDIX III
ABSTRACT**

**Lawyers
Comments**

<p>(1) 200 Doc # 285 160 2 Jan 1, 1962 Jan 10, 1962 1.00</p>	<p><i>John Brown et ux. Susan Brown</i> to <i>George Jones & Mary</i> <i>Jones (as J. 7.)</i></p> <p>- conveys 200 a. incl. Lot 12 - see description attached</p>	<p>200 OK root</p>
<p>(2) 200 Doc # 560 175 43 Feb 1, 1973 Feb 15, 1974 1.00</p>	<p><i>George Jones</i> to <i>Landing Developments Ltd</i></p> <p>- conveys 100 a. incl. Lot 12 - see description attached - no marital status</p>	<p><i>George & Mary</i> <i>J. 7. - Mary died - see recital in</i> <i>deed for 50 a.</i> <i>parcel Deed 1974</i> BK</p>
<p>(3) 200 Doc # 1483 221 467 July 5, 1974 July 6, 1974 1.00</p>	<p><i>Landing Developments Ltd</i> to <i>Stanley Zinck</i></p> <p>- conveys Lot 12, with restrictive cov. - as at head of abstract</p>	<p>- No plan - ok - predates 1987</p>
<p>(4) 200 Doc # 1325 432 53 May 1, 1975 May 5, 1975 1.00</p>	<p><i>Stanley Zinck et</i> <i>ux Georgia Zinck</i> to <i>George Smith et ux</i> <i>Martha Smilie (as J7)</i></p> <p>- conveys Lot 12 - no reference to restrictive covenants</p>	<p>- ok - still attach</p>

APPENDIX III, continued
ABSTRACT

<p>(5) <i>Easement</i> <i>Doc # 2346</i> <i>567/223</i> <i>Aug 5, 1980</i> <i>Aug 15, 1980</i> <i>1.00</i></p>	<p><i>George Smith et ux</i> <i>Martha Smilie</i> <i>to</i> <i>Nova Scotia Power Inc.</i></p> <p><i>- easement for power lines over front</i> <i>20 of lots fronting on Logan Drive</i> <i>including inter alia Lot 12 – see</i> <i>attached</i></p>	
<p>(6) <i>WD</i> <i>Doc # 1459</i> <i>567/219</i> <i>Feb 1, 1983</i> <i>Feb 5, 1983</i> <i>1.00</i></p>	<p><i>George Smith et ux</i> <i>Martha</i> <i>to</i> <i>Maria Ann Black</i> <i>et ux Joseph Dale</i> <i>Black as j.t.</i></p> <p><i>- MPA - spouses</i> <i>- conveys lot 12</i> <i>- subject to restr. covs. (as at</i> <i>head of abstract)</i> <i>- no ref. to easement</i></p>	<p><i>OK - appurtenance</i></p>
<p>(7) <i>Mtg</i> <i>Doc # 951</i> <i>678/345</i> <i>Feb 1, 1983</i> <i>Feb 5, 1983</i> <i>49,543.00</i> <i>(Joe Lawyer)</i> <u><i>NOT MARKED</i></u> <u><i>RELEASED</i></u></p>	<p><i>Marie Black & Joseph Balck</i> <i>to</i> <i>Bank of Montreal</i></p> <p><i>- MPA - spouses</i> <i>- mtges Lot 12 - no ref to</i> <i>restrict. covs.</i></p>	

APPENDIX III, continued

Information to be included when abstracting an instrument

1. Type of document;
2. Parties to the instrument and nature of ownership (ie. joint tenants etc.);
3. Date and registration particulars (document number);
4. Matrimonial status of Grantor declared (re MPA);
5. Interest that is subject of instrument, if other than fee simple;
(ie. wife's interest being conveyed to husband, "all my interest" and "my one half share");
6. Lands that are the subject of the instrument;
7. Consideration, if declared;
8. If a security interest, charge or judgment - whether it is marked as released (in part or in whole) satisfied;
9. Identification of recitals, restrictive covenants or anything of note in the instrument.

Recommended Abbreviations

Lot under search	LUS (where possible this should be avoided and reference should be made to the specific lot)
Mortgage	Mtg, Mort
Warranty Deed	WD
Debenture	Deb
Release of Mortgage	Rel Mtg, RMtg
Assignment	Assgmt
Assignment of mortgage	AssMtg
Power of Attorney	P.A., POA
Expropriation	Exprop
Executors Deed	Exec. Deed, Trustees Deed
Quit Claim Deed	Q.C.D., QCD
Sheriffs Deed	Sh Deed, Sher. Deed
Crown Grant	Grant
Right of way	R.O.W., ROW

APPENDIX IV

Lawyer's Worksheet

Type of Instrument Year/Bk/Pg	Parties	Lands conveyed
(1) 200 1962 16012	John & Susan Brown ↓ George & Mary Jones (J. 7.)	200 a
(2) WD 1973 175/43	George Jones (Where's Mary?) ↓ Landing Dev Ltd where	100 a Mary? – dead
(3) WD 1974 221/467	Landing Dev Ltd ↓ Stanley Zinck	Lot 12 Rest. cov.
(4) WD 1975 432/53	Stanley & Georgia ↓ George Smith & Martha Smilie (J7)	Lot 12 No ref rest. cov.
(5) Easement 1980 567/223	George & Martha ↓ Nova Scotia Power Inc.	Easement 201 Lot 12
(6) WD 1983 678/340	George Smith & Martha Smilie ↓ Maria Black Joseph (as J7)	Lot 12 - rest. cov. - no ref easement