

HOW TO SHOW CERTAIN INTERESTS ON THE AFR

Here are some examples of the most common interests and how they are entered on the AFR.

This is a guideline only and there will always be exceptions.

AFR ENTRY	INTEREST HOLDER NAME	INTEREST TYPE	ENABLING DOCUMENT
Restrictive Covenants	Subject to Restrictive Covenants	Covenant Holder (Burden)	Current owner deed (if covenants are contained full text) or if not, first deed out of developer for this lot if covenants are present
Mortgage/Debenture (Assigned) <u>and</u> Assignment of Mortgage / Debenture	Interest Assigned Name of bank shown as assignee on document	Mortgagee or Debenture Holder (as applicable) Assignee	Original Mortgage or Debenture (as applicable) Assignment
Postponement of Mortgage/Debenture	Name of bank receiving priority	Mortgagee or Debenture Holder (as applicable)	Postponement (Note: Original mortgages and/or debentures which has been postponed must be shown in the parcel register as well.
Assumption of Mortgage/Debenture	Same bank as shown on Mortgage / Debenture	Mortgagee or Debenture Holder (as applicable)	Assumption
Owner - Deceased (Will) New Probate Rules (Includes all wills to which the new rules apply whether direct bequests or not).	Name of Personal Representative (as per Grant of Probate) with a qualifier of <u>Personal Representative</u>	Fee Simple	Will / Grant of Probate

Owner - Deceased (Will) Old Probate Rules - Not a Direct Bequest	Name of Personal Representative (as per Grant of Probate) with a qualifier of ΔPersonal Representative@	Fee Simple	Will / Grant of Probate
Owner – Deceased (Will) Old Probate Rules – Direct Bequest	Name of Beneficiary as per will	Fee Simple	Will / Grant of Probate
Owner - Deceased (No Will) New Probate Rules	Name of Personal Representative (as per Grant of Administration) with a qualifier of ΔPersonal Representative@	Fee Simple	Petition for / Grant of Administration
Owner - Deceased (No Will) Old Probate Rules	Name of Each Heir	Fee Simple	Petition for / Grant of Administration
Election under Intestate Succession Act	Name of Surviving Spouse	Fee Simple	Election Document
Easement Benefit (or other benefit interest) (NOTE: See Module 4 re certain benefits/burdens on parcels converted prior to December 1, 2004)	Together With an Easement/Right of Way (or other option from the AFR Interest Type Key) - Mandatory if a benefit exists PID # (This is a required entry in addition to the above entry)	Easement/Row Holder (Benefit) (or other option from the AFR Interest Type Key) Servient Tenement PID	Owner Deed, Grant of Easement or Court Order Deed, Grant of Easement or Court Order
Easement Burden (or other burden interest) Easement Burden (or other burden interest) (continued)	Name of Burden Holder Or	Easement/ROW Holder-Burden (other option from the AFR Interest Type Key) -	Deed, Grant of Easement or Court Order

	<p>PID #</p> <p>“Various PIDs” may only be used if the submitter is unable to identify by PID number the dominant tenement PIDs.</p> <p>Textual qualification if easement is shown on plan but has never been described in a document</p>	<p>Easement/ROW Holder (Burden) - Dominant PID (other option from the AFR Interest Type Key) -</p> <p>Easement/ROW Holder (Burden)</p>	<p>Deed, Grant of Easement or Court Order</p> <p>Deed, Grant of Easement or Court Order</p>
Security Interest on an Easement	Name of Secured Party	Easement Security Interest	Debenture
Mortgage Foreclosure	<p>Name of Owner</p> <p>Name of Bank (if lawyer wishes to show the current mortgage on the AFR)</p> <p>Name of Bank</p> <p>Textual Qualification to explain the interest of the owner is being foreclosed on</p>	<p>Fee Simple</p> <p>Mortgagee</p> <p>Claimant</p>	<p>Current owner deed</p> <p>Mortgage</p> <p>Foreclosure Order</p>
<p>Assignment of Bankruptcy:</p> <p>If the trustee has taken title (Registered Interest)</p>	<p>Name of Bankruptcy Trustee - qualifier ATrustee@</p> <p>Textual Qualification may be entered to explain that the</p>	Fee Simple	Assignment of Bankruptcy

If the trustee has not taken title (Recorded Interest)	current owner(s) have gone bankrupt. Name of Bankruptcy Trustee - qualifier ATrustee@	Claimant	Assignment of Bankruptcy
OPD Judgment	OPD Creditors	Judgment Creditor	OPD Judgment

NOTE: With respect to Bankruptcy and Insolvency Act proceedings, see Registrar General's Directive 2008-01, at :

http://www.gov.ns.ca/snsmr/pdf/property/Emails_2_Lawyers/65_RG_Directive_Assign_in_Bankruptcy.pdf