

COMMERCIAL TITLE INSURANCE ORDER FORM (Ontario Form)**PAGE 1 of 5**

PLEASE NOTE: if you require specific coverage for a title issue, please contact us to speak with an Underwriter before closing. Our Search Requirements and sample policies are available upon request. **For transactions over \$10 Million you may be contacted by a Stewart Title Representative for more information.**

TO: Stewart Title Guaranty Company – Commercial Operations DATE: _____ Total Pages _____
 ATTN: _____ EMAIL: stgtorcommorders@stewart.com
 TEL: 416-307-3300 / 888-667-5151 FAX: 416-216-5705 / 888-292-1388

LAW FIRM INFORMATION

Solicitor: _____ Contact: _____
 Firm: _____
 Address: _____
 Tel: _____ Fax: _____
 Email: _____ Your File No: _____

Have you ordered from Stewart Title before? Yes No

Do you prefer documents to be sent by: Fax Email* No Preference

*Lawyer acknowledges that they have obtained consent from their clients to have their personal information transmitted over the internet, being a non-secure transmission route.

If no selection is made, policy(ies) will be delivered by fax.

Are you/your firm acting for: The Borrower/Purchaser The Lender

Please list the names of any other solicitors acting for other parties on this transaction (ie. Vendor's or Lender's Solicitor): _____

Have you received a quote from Stewart Title regarding this transaction? Yes No If yes please provide the quote reference number

POLICY INFORMATION**CLOSING DATE:** _____Transaction Type:

Purchase Refinancing Share Purchase (# or % of Shares: _____)

Property Type:

Commercial Condominium Vacant Land Farm

Commercial (please specify use): _____

Policies Required: Owner Lender Both

PURCHASE PRICE: \$ _____Interest In Land:

Fee Simple Leasehold (If Assignment of Lease, the original Lease was registered on _____ as Instrument Number _____)

Other: _____

OWNER / PROPERTY INFORMATION

Purchaser / Borrower Name(s): _____

If corporation, please provide name(s) of Corporate Signing Officer(s): _____

Current Vendor Name(s) (if Purchase transaction): _____

Municipal Address of Property to be Insured: _____

Full Legal Description of Property to be Insured: (OR PROVIDE COPY OF PARCEL PAGE OR METES & BOUNDS DESCRIPTION)

P.I.N. _____ (LT) (R)

Over \$10M Transactions: Legal Access to the property (vehicular and pedestrian) is via: _____ / Unknown

MORTGAGE INFORMATION - For additional Lender Policies, please attach a separate page.

If the mortgage blankets over additional properties please complete and attach our "Additional Properties Form" (available on request)

LENDER NAME: _____

Mortgage Amount: \$ _____ Priority: First Second Third

Reference/Loan Number: _____

Private Lender? Yes No If Private Lender, what is the term of the mortgage? _____

What is the mortgage interest rate? _____ Loan to value ratio is 75% or less Yes No

Is this a VTB mortgage? Yes No If answer is "Yes", do not answer remaining questions in this section

1) Is the mortgage for the purpose of financing construction or development or renovations? Yes No

2) Is the mortgage securing a construction take out loan? Yes No

3) Is the registered principal amount of the mortgage higher than the current value of the land? Yes No

If "Yes", please explain: _____

4) Is the mortgage being advanced in stages? Yes No

5) Was construction/renovation recently completed on the land, is the property currently under construction and/or has work already been started to facilitate future development (ie. Architect drawings, engineering plans, surveys)? Yes No

If the answer to 5 is "Yes":

a) Have you confirmed that all contractors (and others that have supplied service, labour or materials) have been paid to date? Yes No

b) Have you confirmed that all required holdbacks have been maintained? Yes No

If you answered "Yes" to 1, 2 or 5 above, your confirmation package will include a Construction Lien Declaration for execution by the borrower (if refinance) or vendor (if purchase).

SURVEY INFORMATION

If no survey is available, further underwriting may be necessary and you may be contacted by us.

Do you have a survey? Yes No

If "Yes", please fax a copy of the survey for our review.

Does the survey disclose any defects or are you aware of any changes made since the survey date? Yes No

If "Yes", please explain: _____

Over \$10M Transactions: Is the property contiguous? Yes No If "No", please explain: _____

TITLE SEARCH RESULTS

1. Does the vendor or borrower own abutting lands? Yes No

2. Existing Mortgages: [NOTE: Private mortgages must be discharged prior to or on closing]

- To Be Discharged (please specify which mortgages are being discharged)
- No Existing Mortgages on Title
- Remaining on Title (Please list details below and add separate sheet if required)

Lender: _____

Date of Registration: _____ Instrument Number: _____

Original Principal: _____ Priority: First Second Third

Other (Specify): _____

3. How long has the Borrower and / or Vendor owned the property? _____

4. Details of ALL other Registered Instruments (attach additional instruments, the Parcel Page or General Register when applicable):

Instrument Number	Registration Date	Type of Document
_____	_____	_____
_____	_____	_____
_____	_____	_____

5. Over \$10M Transactions: Have all agreements, restrictive covenants and conditions been complied with? Yes No

If "No", please explain: _____

If "Yes", please provide search response(s) or other evidence of compliance.

6. Are there any adverse matters disclosed by title or off title searches that will not be removed or remedied on closing? Yes No

If "Yes", please explain: _____

OFF-TITLE SEARCH RESULTS Please refer to our commercial search requirements (available on request or on our website at www.stewart.ca).

1. **Tax Search Results** – Verbal confirmation from the Municipality, a receipt tax bill, a reference in a vendor's/mortgager's Statutory Declaration or Tax Certificate is sufficient for transactions under \$10,000,000. For larger transactions please see our search requirements

Paid To Closing Arrears to be Paid from closing funds Other (Specify): _____

Not Assessed and an undertaking to readjust has been obtained along with either i) a holdback or ii) a reasonable estimate has been used for statement of adjustment purposes

Over \$10M Transactions: Does the legal description describe the same property as that identified by the assessment roll number (s)? If "No", please provide copy of Tax Certificate. Yes No

2. **Execution Search Results** (search Borrower and/or Vendor, when applicable)

- Clear Execution(s) against current parties being paid out and lifted
- Similar Name Execution(s) Client affidavit being obtained for writs under \$50K
- Solicitor affidavit being obtained for writs over \$50K

3. **Building/Zoning Search Completed?** Yes No If "Yes", are Search Results clear? Yes No

Current use of Property (or intended use if vacant land for development): _____

Have you confirmed that the current use (or intended future use if vacant land for development) is permitted? Yes No

Is the property currently under construction? Yes No If "Yes", has a compliance search been completed for all Subdivision Agreements and Development Agreements on title?

Yes No Will obtain (please advise of any outstanding issues) None on title

4. **Fire Work Order Search** Yes No If "Yes", are Search Results clear? Yes No

5. **WHEN ORDERING A LOAN POLICY – Corporate Borrowing Resolution for the Borrower**
 Obtained Not yet, but will be obtained before closing Not a Corporate Borrower

6. **WHEN ORDERING A LOAN POLICY - I have/will confirmed that the borrower has the authority to enter into this mortgage:** Yes No

7. Has there been a filing within the last 12 months which purports to change any of the officers or directors of the corporation? Yes No
 Newly Incorporated

8. **Current Corporate Certificate of Status / Corporate Profile for the Borrower and/or Vendor**
 Obtained Not obtained, but will be obtained before closing Not Applicable

9. **Utility Search Results** (to the extent that they may form a lien against the property) – *Verbal confirmation from the Municipality, a receipted utility bill, a reference in a vendor's/mortgagor's Statutory Declaration or a Utility Certificate is sufficient for transactions under \$10,000,000. For larger transactions, please refer to our search requirements.*
 Paid To Date Arrears to be Paid using closing funds There are no arrears forming a lien

10. **Unregistered Easements** Yes No If "Yes", are Search Results clear? Yes No

11. **Condominium Status Certificate**
 Clear Certificate Not Clear (Please fax a copy for our review) Not Required: Refinance Under \$2 Million

ADDITIONAL QUESTIONS

1. **FOR ALL TRANSACTIONS**
 Will you be obtaining Canadian/Provincial government issued photo ID of the borrower/purchaser prior to closing and keeping a legible copy in your file? Yes No
Please note – if the purchaser/borrower is a corporation, photo ID must be obtained for the Signing Officer.
 If "No", is the borrower/purchaser a long term client of yours? (ie. Have you known the client for at least 1 year?) Yes No
 If the borrower/purchaser is not a long term client and you have not obtained Canadian/Provincial government issued photo ID please explain: _____
If you are acting for the Lender, you are still required to verify that proper Photo ID has been obtained.

2. **IF PURCHASE**
 Was any portion of the deposit paid DIRECTLY to the Vendor? Yes No
 If "Yes", please explain: _____

3. **IF REFINANCE**
 Are the mortgage proceeds being paid to anyone OTHER than an existing lender or the borrower directly?
 Yes No
 If "Yes", please explain: _____

4. **FOR ALL TRANSACTIONS**
 Have there been any transfers of title or discharges of mortgages registered within the last 6 months?
 Yes No
 If "Yes", please explain: _____

5. **FOR ALL TRANSACTIONS**

Has another title insurance company refused to issue a title insurance policy for this transaction? Yes No

If "Yes", please explain: _____

6. **FOR ALL TRANSACTIONS**

Is a Power of Attorney being used in this transaction? Yes No *If "Yes", please fax a copy of the Power of Attorney to our office for review*

7. **FOR ALL TRANSACTIONS**

Is a Private Lender providing the new mortgage? Yes No

a) Is the subject property mortgage free? (ie. Presently no mortgages on title) Yes No

b) Is the subject property vacant land? Yes No

c) Is the transfer to the borrower for nominal consideration? (If the transfer is an estate conveyance or transfer from trustee to beneficiary, or an inter-family/inter-spousal transfer, please answer "Yes" to this question) Yes No

REPORT ON TITLE (Applicable to transactions up to \$10 million): I have investigated title to the insured land in the manner prescribed by my Law Society, excluding, however, those searches not required by Stewart Title Guaranty Company; and in my opinion, in so far as that investigation revealed each named insured will obtain a good marketable interest in the insured land referred to in Schedule "A" of the Policy. I also confirm the following:

1. I will comply with any and all requirements of the mortgage lender as set out in its Instructions to Solicitor prior to funding;
2. I have disclosed all title matters which would otherwise qualify my opinion on title;
3. I will advise Stewart Title of any additional registrations or matters affecting title, changes to the status of the property and/or the insured's interest prior to closing. If I become aware of any of these circumstances arising after closing but prior to payment remittance, I will advise Stewart Title immediately;
4. I will advise Stewart Title of any changes in the Scheduled Closing Date; and
5. I will disclose all Schedule B exceptions to coverage to the purchaser/mortgagor and mortgagee as applicable.

I understand that Stewart Title Guaranty Company waives any rights of subrogation it may have against me in respect of any and all of the foregoing and I shall be liable to Stewart Title Guaranty Company for any loss resulting from my intentional act or omission or gross negligence and/or any fraudulent act or omission by me.

If this transaction has already closed – please provide the registration information on a separate page. Whenever possible, Stewart Title requires policies be ordered prior to closing. *Please Note: Stewart Title reserves the right to refuse to issue policies that are ordered after closing.*

Solicitor Signature: _____

Dated: _____

The protection of personal information is important to Stewart Title and accordingly we have policies and procedures in place to effectively manage and secure the personal information we receive. Personal information is kept confidential and is used for the purposes set out in our privacy policy, including, but not limited to, managing our business relationships, underwriting and issuing of policies and the administering of claims. From time to time, we transfer personal information, which may include electronic formats such as emails, for administrative, data backup, or processing purposes (including accounting and claims administration) to Stewart Title's parent or related companies or to third party service providers, which may be in another jurisdiction, including the USA. We use contractual or other safeguards to ensure protection of personal information transferred to Stewart Title's parent or related companies or to third party service providers. For a copy of our complete privacy policy, please visit our website at www.stewart.ca or contact our Privacy Officer at privacySTGC@stewart.com or by phone at 1-888-667-5151.

For purposes of the *Insurance Companies Act (Canada)*, this document was issued in the course of Stewart Title Guaranty Company's insurance business in Canada.