

Canada

Province of Prince Edward Island

IN THE MATTER of the *Family Law Act*, Stats. PEI, 1995, Chap.12;

– and –

IN THE MATTER of the *Registry Act*, being Revised Statutes of Prince Edward Island, 1988, Chapter R-11, as amended.

– and –

IN THE MATTER of the *Excise Tax Act*, (Canada)

Affidavit

I, _____, of _____, in _____

County, Province of Prince Edward Island, the proper signing officer of _____

Make oath and say as follows:

1. I was at least eighteen (18) years of age at the time I signed this affidavit and have personal knowledge of the matters hereinafter stated.
2. **THAT** for the purposes of this affidavit:
 - a) "Spouse" has the same meaning as set forth in the *Family Law Act*, Stats. PEI 1995, Chapter 12, Section 1(g) which provides as follows:

"Spouse" means an individual who, in respect of another person,

 - i) is married to the other person, or;
 - ii) has entered into a marriage with the other person that is voidable or void.
 - b) "Family Home" has the same meaning as set forth in the *Family Law Act*, Stats. PEI, 1995, Chapter 12, Section 4(a) which provides as follows:

"Family Home" means a family home under Section 19 and includes property that is a family home under that section at the valuation date. Section 19 provides as follows:

 - i) Every property in which a married person has an interest and that is or, if the spouses are living separate and apart, was at the time of separation ordinarily occupied by the person and his or her spouse as their family residence is their family home.
 - ii) The ownership of a share or shares, or of an interest in a share or shares, of a corporation entitling the owner to occupy a housing unit owned by the corporation shall be deemed to be an interest in the unit for the purposes of subsection (1)
 - iii) If the property that includes a family home is normally used for a purpose other than residential, the family home is only the part of the property that may reasonably be regarded as necessary to the use and enjoyment of the residence.

3. **THAT I** have no former Spouse with a right to possession or other interest in the property described in Schedule "A" hereto (the "Property") by reason of an Order of the Court or a domestic contract pursuant to the *Family Law Act*.
4. I am the proper signing officer of _____, the Grantor herein and,
 - I have read the definition of "Family Home" above. At the time of making this disposition or encumbrance, I was a spouse who was not living separate and apart from my spouse and that the Property referred to in the transaction has never been occupied by me and my Spouse as our Family Home.
 - Neither the ownership of shares nor the ownership of any interest in the shares of the Grantor entitles the owner of such shares or interest to the occupation of any housing unit owned by the Grantor and included in the Property; or.
 - That no shareholder of the Grantor and no person having an interest in a share of the Grantor has occupied with his or her spouse any housing unit owned by the Grantor included in the property.
5. At the time I signed this Affidavit I was a Canadian Citizen.
6. That I am a resident of Canada within the meaning of the *Income Tax Act* (Canada).
7. As Vendor, I hereby certify that the sale of the property described in the foregoing Deed is an exempt supply of property as provided in Sections 2 to 5, 8 and 9 of Part I of Schedule V of *the Excise Tax Act* (Canada).

SWORN before me at

_____, in _____ County, Province of Prince
Edward Island, this _____ day of _____, A.D.,

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A Commissioner for taking Oaths and Affidavits
in the Supreme Court.
