



**NISGA'A MORTGAGES
ADDITIONAL INSTRUCTIONS TO LAWYER FOR FEE SIMPLE LAND**

Applicable to all Nisga'a Residential and Collateral Mortgages
(Province of British Columbia only)

The Specific Instructions will contain information on whether this mortgage is a mortgage on Nisga'a Village lands held in fee simple estate.

These instructions apply to Nisga'a fee simple mortgages and supplement the Mortgagee's standard General Instructions to Lawyer, the Builder/Construction Mortgage Additional Instructions and the RBC Homeline Plan Mortgages Additional Instructions. Please act on the Mortgagee's behalf in this matter to ensure that the Mortgage is prepared in accordance with these instructions, our Specific Instructions and any additional instructions applicable to the transaction. You are to assume sole responsibility for the accuracy and validity of all documents and the preparation and registration of these documents as required by law in the Nisga'a Land Title Office, including, confirming the identity of the Mortgagor(s) and the Covenantor(s)/Guarantor(s), investigating title and performing all searches relating to property on Nisga'a Village lands to ensure that there are no rights or other claims having priority over the Mortgage or otherwise affecting its validity.

GENERAL INSTRUCTIONS TO LAWYER/NOTARY

The following changes are required under our General Instructions in regards to the **Section 3** related to **Mortgage Preparation** in British Columbia (subsection (b)):

Residential Mortgages:

- (i) Obtain and prepare the Nisga'a Land Title Act Form B Mortgage - Part 1 (and Form E Schedule, if required) using the information from our Specific Instructions;
- (ii) Download the applicable Nisga'a Standard Mortgage Terms (Fixed Rate or Variable Rate) from our legal documents web site;
- (iii) At Item 5, please refer to the Specific Instructions to answer all questions. Note that the monthly payment amount and date must be inserted, even if the Mortgagor(s) have selected a non-monthly payment option.
- (iv) At Item 5(b), if the Interest Rate is a variable rate of interest, include the words "Prime Rate" and insert the additional percentage or the rate reduction indicated in the Specific Instructions. If insufficient space, state "See Schedule" and attach schedule in Form E, where you must state "The interest rate for this Mortgage is the Prime Rate (insert the additional percentage or the rate reduction indicated in the Specific Instructions) % per year." For example, if the premium is 0.5%, insert "Prime rate plus 0.5% per year"; if the reduction is 0.5%, insert "Prime rate minus 0.5% per year".
- (v) At Item 5(d), Interest Calculation Period, answer "Monthly, not in advance";

- (vi) At Item 5(j), Assignment of Rents: if this is an Investor Mortgage, select the "Yes" box and insert the registration number of the applicable Standard Mortgage Terms and the page number on which Section 24(6) is found. All other mortgages, select the "No" box.
- (vii) At Item 5(k), Place of Payment, state: "Postal Address in Item 4".
- (viii) At Item 6, select Yes
- (ix) At Item 7, select estate in fee simple
- (x) At Item 8, select Filed Standard Mortgage Terms and insert applicable filing number.
- (xi) At Item 9, Additional or Modified Terms, insert whichever of the following apply:
 - This is a Convertible Mortgage.
 - This is a Closed Mortgage.
 - This is an Open Mortgage.
 - This Mortgage is repayable in blended instalments of principal and interest until the Balance Due Date.
 - The cash back amount applicable to this Mortgage is \$_____ (*insert any cash back amount disclosed in the Specific Instructions*).
- (xii) At Item 10, state "N/A".
- (xiii) Download the Nisga'a Acknowledgement (Form 300190) from our legal documents web site and have it signed by the Mortgagor to acknowledge receipt of all documents.
- (xiv) If there is a guarantor of the mortgage obligations, download the Nisga'a Guarantor's Indemnity and Acknowledgement (Form 300191) from our legal documents web site and have it signed by the Guarantor to acknowledge receipt of all documents.

Collateral / RBC Homeline Plan Mortgages:

- (i) If the Mortgagor is a married person and the Mortgagor's spouse is not or will not be the registered owner of the land, have the unregistered spouse sign a Postponement of Entitlement under the Family Law Act (Form 3950) and, if appropriate, a Solicitor's Certificate of Independent Legal Advice (Form 3949). These documents are available at our legal documents web site
- (ii) Obtain and prepare the Nisga'a Land Title Act Form B Mortgage - Part 1 (and Form E Schedule, if required) using the information from our Specific Instructions;
- (iii) Download the applicable Nisga'a Standard Mortgage Terms (Collateral) from our legal documents web site;
- (iv) At Item 5, please refer to the Specific Instructions to answer all questions. Note that the monthly payment amount and date must be inserted, even if the Mortgagor(s) have selected a non-monthly payment option.
 - At Item 5(d), Interest Calculation, Period, answer "Monthly, not in advance";
 - At Item 5(i), Last Payment Date, answer "N/A";

- At item 5(j), Assignment of Rents: if this is an Investor Mortgage, select the "Yes" box and insert the registration number of the Standard Mortgage Terms and the page number on which Section 15(6) is found. All other mortgages, select the "No" box.
 - At Item 5(k), Place of Payment, state: "Postal Address in Item 4".
 - At Item 5(l), Balance Due Date, answer "On Demand";
- (v) At Item 6, select Yes
- (vi) At Item 7, select estate in fee simple
- (vii) At Item 8, select Filed Standard Mortgage Terms and insert applicable filing number.
- (viii) At Item 9, Additional or Modified Terms, insert the following:
"9.1 The Mortgage Terms forming Part 2 of this Mortgage are amended by deleting Paragraph (2) of Section 1 and replacing it with the following words: "**Customer** means [*insert name of principal debtor*]. The term **Customer** may also include you, if you owe us money and you have agreed that your obligation to repay the money will be secured by the mortgage.
9.2 The Mortgage is payable on demand."
- (ix) At Item 10, state "N/A".
- (x) Download the Nisga'a Acknowledgement (Form 300190) from our legal documents web site and have it signed by the Mortgagor to acknowledge receipt of all documents.

**BUILDER / CONSTRUCTION MORTGAGE ADDITIONAL INSTRUCTIONS AND
RBC HOMELINE PLAN MORTGAGES ADDITIONAL INSTRUCTIONS**

The following change is required under our Builder/Construction Mortgages Additional Instructions and our RBC Homeline Plan Mortgages Additional Instructions: the "**B.C. only**" section is deleted and replaced by the following:

B.C. only

The Builders' Lien Act (BC) does not apply to Nisga'a fee simple land and there is no analogous builders' lien legislation applicable to fee simple lands registered in the Nisga'a Land Titles Office. As such, there are no statutory requirements placed upon the owner to establish a holdback account at this time.