

## TAX SALE REPORTING LETTER

### Tax Sale No. 104

To: The Municipality of the District of Lunenburg

Re: Tax Sale Property Accounts

Date: September 13, 2023

Name: James Robert Smith and Beverly Ann Smith

Assessment Account No: 09873996

Property: PID 60414455, Dean Road, Hebbville, Nova Scotia

Title: I have carried out title investigations on the subject property. The title is not land registered. There is evidence that James Robert Smith and Beverly Ann Smith are the registered interest holders (owners) of the subject property. James Robert Smith and Beverly Ann Smith acquired title to the subject property via deed (appears to be no description of tenancy – so as tenants in common) recorded in Book 757, page 5 at the Lunenburg County Land Registration Office. (see the very last lot in the deed description) The subject property appears to abut the public highway. Beverly Ann Smith is now deceased. The paper title is not marketable without resolving Beverly Ann Smith's estate, which has not yet been probated.

#### Encumbrances:

- 1) There is a Mortgage (from the previous owner) in favour of the Bank of Montreal in the face amount of \$ 39,000.00 and recorded at the Lunenburg County Land Registration office in Book 505 Page 242.
- 2) There is a Mortgage in favour of the Toronto Dominion Bank in the face amount of \$49,478.37 and recorded at the Lunenburg County Land Registration office in Book 757 Page 9.
- 3) There is a judgement in favour of the Toronto Dominion Bank in the face amount of \$5494.24 and registered at the Lunenburg County land Registration office as Document No. 120634341 (2022). This was assigned in 2023 to Canada Mortgage Housing Corporation and registered at the Lunenburg County Land Registration office as Document No. 121989710.

Marital Status: Beverly Ann Smith passed away in 2019. James Robert Smith's marital status at this time is unknown.

Survey: There is no survey on file. Plan 6236 graphically depicts the subject property but is not a survey of the subject lot. The deed description does not conform to modern standards and is subject to a modern survey.

Property Mapping: A copy of the property mapping is attached for your file which will include the address of the assessed owner if available.



J. C. Reddy

**\*\*\*\*This title search and attached materials have been prepared for the benefit of the Municipality of the District of Lunenburg. The Municipality of the District of Lunenburg will not be held responsible for any third party reliance on these materials as they are being provided for informational purposes only. Any interested third parties are cautioned and strongly encouraged to procure their own professional advice (including, but not limited to, legal advice and/or surveying advice) in connection with this and/or any other tax sale property.**

**Property Details**

PID	<b>60414455</b>	Parcel Type	STANDARD PARCEL	Status	ACTIVE
Area	3229.0 SQUARE FEET	Parcel Access		Manag. Unit	MU9933
Lot		Created	Sep 17, 1995 12:00:00AM		
PDCA Status	No Description	Municipal Unit	MUNICIPALITY OF DISTRICT OF LUNENBURG	Manner of Tenure	JOINT TENANTS

Location	County	Primary Location	Source
DEAN ROAD HEBBVILLE	LUNENBURG COUNTY	Yes	Not Assigned by Municipality

Comments  
MAP:0244350064540

Assessment Account	Value	Tax District	Tax Ward	Tax Sub
<b>09873996</b>	\$200 (2023 RESOURCE TAXABLE)	110	000	

[View All Related PIDs History](#)   [Back to Results](#)   [Map View](#)

Owner Name	Interest Holder Type	Qualifier	Province	Country
JAMES ROBERT SMITH BEVERLY ANN SMITH	FEE SIMPLE FEE SIMPLE			

Inst Type	Inst No	Year	Type	Book/Page	Registration System	Registration Date
Document	<b>3392</b> <a href="#">View Doc</a>	2000	MORTGAGE	Book 757 Page 9	REGISTRY OF DEEDS	Jul 04, 2000
Document	<b>3391</b> <a href="#">View Doc</a>	2000	DEED	Book 757 Page 5	REGISTRY OF DEEDS	Jul 04, 2000
Document	<b>2365</b> <a href="#">View Doc</a>	1983	DEED	Book 323 Page 140	REGISTRY OF DEEDS	Jan 01, 1983

Inst Type	Inst No	Year	Type	Plan Name	Drawer Number	Registration Date
Plan	<b>P1</b> <a href="#">View Plan</a>	1972	EXPROPRIATION			Jan 05, 1972
Plan	<b>285</b> <a href="#">View Plan</a>	1900	OTHER	REGISTERED DATE NOT GIVEN		Jan 01, 1900

Inst Type	Inst No	Year	Type	Plan Name	Filing Reference	Instrument Date
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*No Non-Registered Instruments Found*

**Parcel Relationships**

Related PID	Type of Relationship
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*No Related PIDs Found*

[View All Related PIDs History](#)   [Back to Results](#)   [Map View](#)

Non-Land Registration parcels ARE NOT REGISTERED PURSUANT TO THE *Land Registration Act*. As such, ownership and all information in this report is believed to be an accurate reflection of registered documents affecting the parcel of land to which it relates, however, it is not intended to be relied upon by the reader as advice on the current state of any title to land. A search of the records at the appropriate Registry of Deeds office may be required to determine the current owner(s) of the parcel of land under consideration. THESE ARE NOT OFFICIAL RECORDS.

Land Registration parcels ARE REGISTERED PURSUANT TO THE *Land Registration Act*. The registered owner of the registered interest owns the interest defined in this register in respect of the parcel described in the register, subject to any discrepancy in the location, boundaries or extent of the parcel and subject to the overriding interests [*Land Registration Act* subsection 20(1)].

No representations whatsoever are made as to the validity or effect of recorded documents listed in this parcel register. The description of the parcel is not conclusive as to the location, boundaries or extent of the parcel [*Land Registration Act* subsection 21(1)].

[Boundary/Area Problem](#)   [Owner Problem](#)   [General Problem](#)   [Municipal Tax Query](#)

**Property Online version 2.0**

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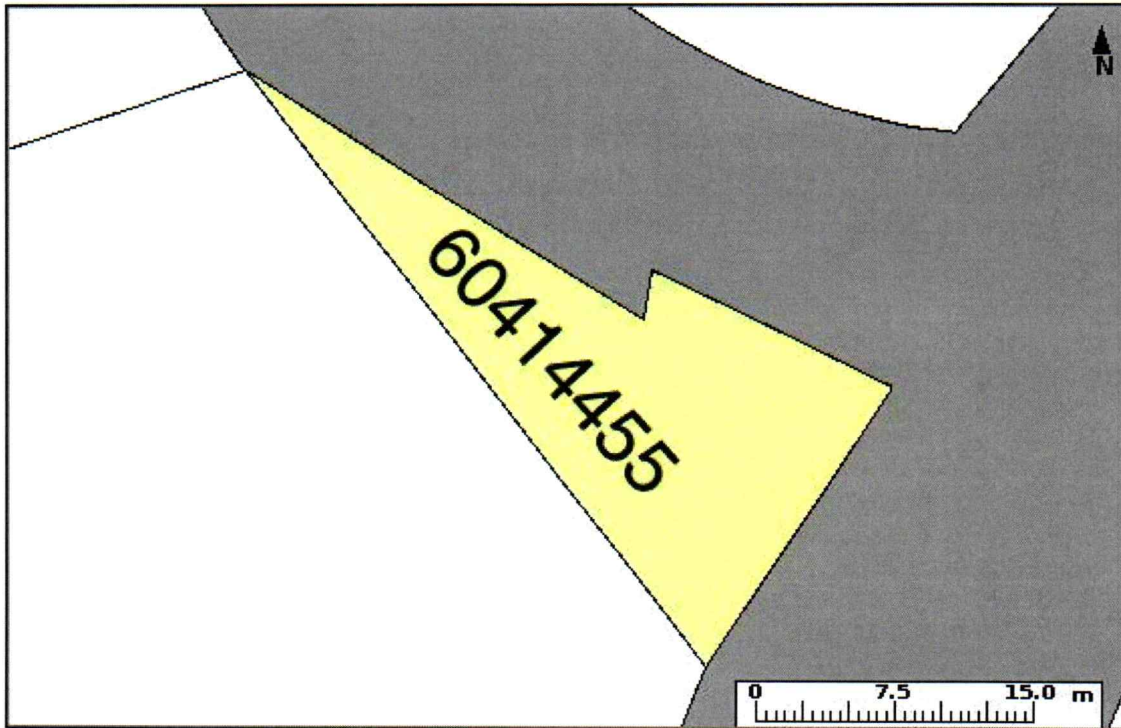
If you have comments regarding our site please direct them to: [propertyonline@gov.ns.ca](mailto:propertyonline@gov.ns.ca)

Please feel free to [Submit Problems](#) you find with the Property Online web site.

Compression: Off

**Property Online Map**

Date: **Oct 16, 2023 10:07:40 AM**



<b>PID:</b> 60414455	<b>Owner:</b> JAMES ROBERT SMITH	<b>AAN:</b> 09873996
<b>County:</b> LUNENBURG COUNTY	BEVERLY ANN SMITH	<b>Value:</b> \$200 (2023 RESOURCE TAXABLE)
<b>LR Status:</b> NOT LAND REGISTRATION	<b>Address:</b> DEAN ROAD HEBBVILLE	

The Provincial mapping is a graphical representation of property boundaries which approximate the size, configuration and location of parcels. Care has been taken to ensure the best possible quality, however, this map is not a land survey and is not intended to be used for legal descriptions or to calculate exact dimensions or area. The Provincial mapping is not conclusive as to the location, boundaries or extent of a parcel [*Land Registration Act* subsection 21(2)]. **THIS IS NOT AN OFFICIAL RECORD.**

**Property Online version 2.0**

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*AMR*

**Form 48B**

**Purpose: To record a judgment-related document (documents other than judgments or partial or full discharges) in the judgment roll and parcel register, if applicable**

Registration district: Lunenburg  
 Submitter's user number: 14820  
 Submitter's name: Luke C. Godin

For Office Use

**LUNENBURG COUNTY LAND REGISTRATION OFFICE**  
 I certify that this document was registered or recorded as shown here.  
 Rebecca Bond, Registrar

*[Signature]*  
*[Signature]*

121989710  
Document #

LR  ROD

FEB 01 2023  
MM DD YYYY

10:18  
Time

**1. Recording in the judgment roll (selection of one box is mandatory):**

**I request that the document indicated below, which is attached to this form, be recorded in the judgment roll:**

- statutory declaration respecting judgments;
- assignment of judgment;
- postponement of judgment;
- partial release of judgment;
- judgment amendment;
- order for judgment;
- order to set aside judgment;
- assignment of bankruptcy;
- discharge of bankruptcy

**Dated at Dartmouth, in the County of Halifax, Province of Nova Scotia, the 31 day of January, 2023.**

*Signature of submitter*

Name: Luke C. Godin

Address: BOYNECLARKE LLP  
P.O. Box 876 Dartmouth Main  
Halifax Regional Municipality  
NS B2Y 3Z5

Phone: (902) 460-3404

E-mail: lgodin@boyneclarke.ca

Fax: (902) 463-7500

**ASSIGNMENT**

THIS ASSIGNMENT made this <sup>JANUARY 2023</sup> 24 day of ~~November, 2022,~~

BETWEEN:

**THE TORONTO-DOMINION BANK**

(the "Assignor")

- and -

**CANADA MORTGAGE AND HOUSING CORPORATION**

(the "Assignee")

**WHEREAS** the Assignor, on or about May 12, 2022, recovered a Judgment in the Supreme Court of Nova Scotia under Hfx No. 494036, against James Robert Smith for the sum of \$5,494.24 (the "Judgment"), which is registered in the office of the Registrar of Deeds for Lunenburg County, Nova Scotia, as Document No. 120634341 on May 24, 2022;

**AND WHEREAS** the Assignor has agreed to assign the Judgment wherever registered and all benefits derived thereunto to the Assignee;

**NOW THIS INDENTURE WITNESSETH** that in consideration of the premises and the sum of One Dollar (\$1.00) and other good and valuable consideration paid by the Assignee to the Assignor, the receipt whereof is hereby acknowledged, the Assignor hereby assigns and sets over absolutely unto the Assignee all of the interest of the Assignor in the Judgment, and every sum of money now due and hereafter due by virtue thereof, for principal, interest and costs, and all benefits to be derived therefrom.

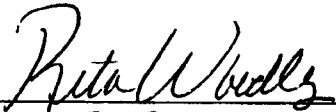
The Assignor covenants that it has not previously assigned the Judgment nor delivered a Release to the Judgment Debtor of any obligations under the Judgment and, save as aforesaid, the Assignor does not make any other covenant or representation with respect to the Judgment.

The Assignor covenants that it will, upon request and at the cost of the Assignee, do, perform and execute every act necessary for further assuring the assignment of the Judgment to the Assignee, as the Assignee may require.


This Indenture shall be binding upon and shall enure to the benefit of the parties hereto and their respective successors and assigns.

**IN WITNESS WHEREOF** the Assignor has caused this Indenture to be duly executed as of the day and year first above written.

**SIGNED, SEALED AND DELIVERED**  
in the presence of:

  
Witness **RITA WOODLEY**

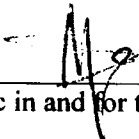
**THE TORONTO-DOMINION BANK**

Per:   
~~Bradley Mark~~  
**Bradley Mark**

Per: \_\_\_\_\_

PROVINCE OF ONTARIO

**I HEREBY CERTIFY THAT** on the <sup>JANUARY 2023</sup> ~~24~~ day of <sup>Jan</sup> ~~November~~, <sup>2023</sup> ~~2022~~, The **Toronto-Dominion Bank**, one of the parties hereto, caused the same to be executed in its name and on its behalf and its corporate seal to be hereunto affixed by its proper officer(s) in my presence and I have signed as a witness to such execution.

  
A Notary Public in and for the Province  
of Ontario

**SyMa Andy-Nwanze Thomas,**  
a Commissioner, etc., Province of Ontario,  
for The Toronto-Dominion Bank,  
Expires August 27, 2024.



ORIGINAL

Form 46

Purpose: To record a judgment in the judgment roll by recording a Certificate of Judgment executed by the prothonotary

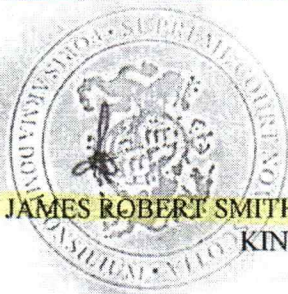
(Instrument code: 707)

For Office Use

Registration district: Lunenburg  
 Submitter's user number: 14820  
 Submitter's name: Luke C. Godin

*NMK*  
 # 120634341  
 2022/05/24

Court file #	Hfx No. 494036
Name of court	Supreme Court of Nova Scotia



THE TORONTO-DOMINION BANK

Plaintiff

and

JAMES ROBERT SMITH AND THE ESTATE OF BEVERLY ANN SMITH, AS REPRESENTED BY STEPHEN KINGSTON, IN HIS CAPACITY AS PERSONAL REPRESENTATIVE

Defendants

**Judgment creditor information**

Company name: The Toronto-Dominion Bank

Address (must include a valid Canada Post mailing address where judgment creditor can be served, and must include the civic address if available):

<b>Mailing address:</b>						Court Administration MAY 12 2022 Halifax, N.S.
	PO Box:	876	Town	Dartmouth		
	Province	Nova Scotia		Postal Code	B2Y 3Z5	
<b>Civic address: (if different from mailing address)</b>	Street name and number		600-99 Wyse Road			
	Town Dartmouth		Province	Nova Scotia		

Name of lawyer (must be included if the creditor is/was represented): Luke C. Godin

Other information (must include at least one other piece of information that tends to distinguish the judgment creditor from all others): 902-469-9500

**Judgment debtor information**

Name (must include first and last name; must include middle name or initial if available):  
(first) James (middle) Robert (last) Smith

Address (must include a valid Canada Post mailing address where judgment debtor can be served, and must include the civic address if available):

<b>Mailing address:</b>				
	PO Box:		Town	
	Province		Postal Code	B4V 6W5
<b>Civic address: (if different from mailing address)</b>	Street name and number	2 Dean Road		
	Town Hebbville	Province	Nova Scotia	

Name of lawyer (must be included if the debtor is/was represented):  
n/a


Other information (must include at least one other piece of information that tends to distinguish the judgment debtor from all others): Date of Birth: February 25, 1954

<b>Debt</b>	\$ 5,494.24
<b>Interest</b>	\$ 0.00
<b>Costs</b>	\$ 0.00
<b>Judgment</b>	\$ 5,494.24

I hereby certify that judgment has been entered in the above-noted action for the (select one and insert name of judgment creditor) plaintiff/defendant The Toronto-Dominion Bank against the (select one and insert name of judgment debtor) defendant/plaintiff James Robert Smith, for (insert amount of debt) \$5,494.24 and pre-judgment interest of \$0.00 and \$0.00 costs of suit, amounting in all to \$5,494.24.

I further certify that the foregoing is a true abstract of the original judgment in the above-noted action, entered in the records of the court at Halifax, Nova Scotia, which judgment was duly signed on May 12, 2022.

Given under seal of the Court at Halifax, Nova Scotia on May 12, 2022.



Signature of (Deputy) Prothonotary

**JEAN GOSLING**  
Deputy Prothonotary

*(Insert name, address and contact information for lawyer/individual recording the judgment.)*

<i>Name:</i>	Luke C. Godin
<i>Address:</i>	99 Wyse Road, Suite 600 Dartmouth, NS B3A 4S5
<i>Phone:</i>	(902) 469-9500
<i>E-mail:</i>	lgodin@boyneclarke.ca
<i>Fax:</i>	(902) 463-7500

757/5

003391

LUNenburg COUNTY REGISTRY OF DEEDS	3391	757	5-8
I certify that this document was registered as shown here.	Document #	Book	Page
Joan Plunkett Registrar	JUL - 4 2000		3:56 PM
	MM DD YYYY		Time

THIS WARRANTY DEED made this 28<sup>th</sup> day of June,  
 A.D., 2000.

BETWEEN:

IAN W. MACLEOD and CATHERINE LYNN MACLEOD  
 husband and wife, both of Bridgewater, in the County of Lunenburg  
 and Province of Nova Scotia;

(hereinafter called the "GRANTOR")

- and -

JAMES ROBERT SMITH and BEVERLY ANN SMITH,  
 husband and wife, both of Hebbville, in the County of  
 Lunenburg and Province of Nova Scotia;

(hereinafter called the "GRANTEE")

WITNESSETH THAT in consideration of One Dollar and other good and valuable consideration;

THE GRANTOR hereby conveys to the GRANTEE the lands described in Schedule "A" to this Warranty Deed and hereby consents to this disposition, pursuant to the Matrimonial Property Act of Nova Scotia.

THE GRANTOR covenants with the GRANTEE that the GRANTEE shall have quiet enjoyment of the lands, that the GRANTOR has good title in fee simple to the lands and the right to convey them as hereby conveyed, that the lands are free from encumbrances, and that the GRANTOR will procure such further assurances as may be reasonably required.

IN THIS WARRANTY DEED the singular includes the plural and the masculine includes the feminine, with the intent that this WARRANTY DEED shall be read with all the appropriate changes of number and gender.

IN WITNESS WHEREOF the Grantors have hereunto set their hands and affixed their seals the day and year first above written.

SIGNED, SEALED & DELIVERED  
- in the presence of -

[Signature]

) [Signature]  
 ) IAN W. MACLEOD  
 )  
 ) [Signature]  
 ) CATHERINE LYNN MACLEOD  
 )  
 )

PROVINCE OF NOVA SCOTIA  
COUNTY OF LUNENBURG

ON THIS 28<sup>th</sup> day of June, A.D., 2000 before me, the subscriber personally came and appeared, G. F. Philip Romney, a subscribing witness to the foregoing Indenture, who having been by me duly sworn made oath and said that Ian W. MacLeod and Catherine Lynn MacLeod, of the parties thereto, signed, sealed, and delivered the same in his presence.

Loren D. Smith

LOREN D. SMITH  
A Commissioner of the Supreme  
Court of Nova Scotia

AFFIDAVIT OF STATUS

CANADA  
PROVINCE OF NOVA SCOTIA  
COUNTY OF LUNENBURG

We, Ian W. MacLeod and Catherine Lynn MacLeod, make oath and say as follows:

1. THAT we are the Grantors, in the foregoing Indenture and are of the full age of nineteen (19) years.
2. THAT we are now and intend to be at the date of closing, residents of Canada within the meaning of the Income Tax Act (Canada).
3. THAT for the purpose of this my Affidavit, "spouse" means either of a man or a woman who:
  - (1) are married to each other;
  - (11) are married to each other by marriage that is voidable and has not been annulled by a declaration of nullity; or
  - (111) have gone through a form of marriage with each other, in good faith, that is void and are cohabitating or have cohabited within the preceding year.
4. THAT as of the date hereof, we are the spouses of each other as defined herein.

SWORN TO at Bridgewater, in  
the County of Lunenburg, and  
Province of Nova Scotia, this  
28<sup>th</sup> day of June,  
A. D., 2000, before me,

G. F. Philip Romney

G. F. PHILIP ROMNEY  
A BARRISTER OF THE SUPREME  
COURT OF NOVA SCOTIA

)  
)  
) Ian W. MacLeod  
) IAN W. MACLEOD

)  
) Catherine Lynn MacLeod  
) CATHERINE LYNN MACLEOD

SCHEDULE "A"

"BEGINNING at a stake and stones on the side of the road leading to Hebb's Mills;

"THENCE running North three degrees West (N 03° W) twelve (12) chains to an Ash Stump;

"THENCE North Eighty-two degrees West (N 82° W) to Jacob Hebb's line and the Sucker Brook (so called);

"THENCE Southwardly the several courses of said Brook to Abraham Hebb's line and the mill yard;

"THENCE Eastwardly along said Abraham Hebb's line to a road;

"THENCE Southwardly on said road to the road aforesaid leading from Hebb's Mills;

"THENCE Eastwardly along the said Mill Road to the place of beginning. Saving and reserving the right-of-way through the above-described premises the road now opened as per Deed from C. Edwin Kaulback, Executor of the Estate of the late John Henry Kaulback, deceased, bearing date the 19th day of May, A.D. 1890 and registered in Liber 45 folio 335 will more fully appear."

EXCEPTING, however, thereout and therefrom such parts thereof as have been conveyed by Deeds recorded up to the date of this Deed by Drucilla Hebb and by her two descendants in title, namely, Beatrice Hebb and Evelyn May Croft.

SECOND LOT:

That real property which was conveyed by Rupert C. S. Kaulback, sole surviving Executor, Estate of C. Edwin Kaulback, to Stannage Hebb by Deed dated May 8th, 1930 and recorded on October 27th, 1930 in Book 99, at Page 250, under Number 377 and which is therein particularly described thus: "That certain piece or parcel of land situate near Hebb's Mills, in the County of Lunenburg and bounded as follows: viz- Northeastwardly by lands at present in the occupation of Aaron Hebb; Southeastwardly by Conquerall Lake; Southwestwardly by lands formerly owned by Abraham Hebb and Northwestwardly by Hebb's Lake, being a tract of land lately occupied by Stephen Hebb and Elias Hebb jointly, this being the Northeastern half, containing in said half one hundred and thirty (130) acres, more or less." EXCEPTING, however, thereout and therefrom such parts thereof as have been conveyed by Stannage Hebb and by his two descendants in title, namely, Beatrice Hebb and Evelyn May Croft, prior to the date of this Indenture.

Stannage Hebb died intestate on or about December 6th, 1950 survived as his sole heirs-at-law and next of kin by his two daughters, Beatrice Hebb and Evelyn May Croft. Beatrice Hebb died intestate on or about August 28th, 1967 survived by Evelyn May Croft as her sole heir-at-law and next of kin.

Drucilla Hebb, wife of Stannage Hebb, died intestate in the year 1939 survived by the said Evelyn May Croft and Beatrice Hebb as her sole heirs-at-law.

Beatrice Hebb died intestate on the 28th day of August, 1967 survived by Evelyn May Croft as her sole heir-at-law.

*J.W.M.  
C.A.M.  
h*

SAVING AND EXCEPTING THEREFROM the following pieces of land -

That land conveyed to Wayne Kent Naugler by a Deed dated the 6th of July, 1971 recorded at the Registry of Deeds at Bridgewater on the 22nd day of August, 1979 in Book 272, at Page 585.

Also that land conveyed to David Lawrence Oickle by a Deed dated the 24th of August, 1971 and recorded at Bridgewater in Book 118, at Page 209 on the 26th day of August, 1971.

Also that piece of land conveyed to Barry Lohnes by a Deed dated the 27th of June, 1975 and recorded at Bridgewater on the 8th day of July, 1976 in Book 224, at Page 821.

Also that land conveyed to David Naugler by a Deed as yet unrecorded.

The land herein conveyed being more particularly described as follows:

All the property contained within the following boundaries:  
Northwardly by property of Barry Lohnes, Eastwardly by Public Highway No. 103; Southwardly by Old Public Highway No. 3, commonly known as "Walter Hebb Road"; and Westwardly by listed Public Highway leading to property of Andrew E. Hebb, known as the "Drum Road".

ALSO a triangular shape lot of land lying at the Eastern intersection of the aforesaid Old Public Highway No. 3, known as the Walter Hebb Road with the listed Public Highway leading to property of Andrew E. Hebb, commonly known as the Drum Road, and bounded Westwardly by property now or formerly of the late Russell Bond.

I.W.M.  
C.D.M.  
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003392

759/9

CMHC 1002 8/94  
Nova Scotia  
Mortgage

NMC

# Mortgage

Reference 6407927

This Indenture, made (in duplicate) the 30<sup>th</sup> day of June

~~One Thousand Nine Hundred and~~ two thousand.

IN PURSUANCE OF THE ACT RESPECTING SHORT FORMS OF CONVEYANCES  
and of the NATIONAL HOUSING ACT

BETWEEN:

JAMES ROBERT SMITH and BEVERLY ANN SMITH, husband and wife,  
both of Hebbville, in the County of Lunenburg and Province  
of Nova Scotia;

(hereinafter called the Mortgagor)

OF THE FIRST PART:

-and-

THE TORONTO-DOMINION BANK;

(hereinafter called the Mortgagee)

OF THE SECOND PART:

-and-

(spouse of the Mortgagor)

OF THE THIRD PART:

Witnesseth that in consideration of the sum of (\$49,478.37)

Forty Nine Thousand Four Hundred Seventy Eight Dollars and Thirty Seven --dollars of lawful money

of Canada, now paid by the Mortgagee to the Mortgagor, the receipt whereof is hereby acknowledged, the Mortgagor (who conveys as beneficial and sole owner) doth grant and mortgage unto the Mortgagee and the successors and assigns of the Mortgagee forever,

All and singular that certain parcel or tract of land and premises situate, lying and being

in the Community of Hebbville in the County of Lunenburg  
and being composed of the property described in Schedule "B" attached hereto.

LUNENBURG COUNTY REGISTRY OF DEEDS			3392	757	9-17
I certify that this document was registered as shown here.			Document #	Book	Pages
Joan Plunkett Registrar			JUL - 4 2000	3:56 AM	Time
			MM DD YYYY		

Together with all and singular the buildings, tenements, hereditaments and appurtenances to the same belonging, or in anywise appertaining, with the reversion and reversions, remainder and remainders, rents, issues and profits thereof and all the estate, right, title, interest, claim, property and demand both at law and in equity of the Mortgagor of, in, to or out of the same and any part thereof.



SAVING AND EXCEPTING THEREFROM the following pieces of land -

That land conveyed to Wayne Kent Naugler by a Deed dated the 6th of July, 1971 recorded at the Registry of Deeds at Bridgewater on the 22nd day of August, 1979 in Book 272, at Page 585.

Also that land conveyed to David Lawrence Oickle by a Deed dated the 24th of August, 1971 and recorded at Bridgewater in Book 118, at Page 209 on the 26th day of August, 1971.

Also that piece of land conveyed to Barry Lohnes by a Deed dated the 27th of June, 1975 and recorded at Bridgewater on the 8th day of July, 1976 in Book 224, at Page 821.

Also that land conveyed to David Naugler by a Deed as yet unrecorded.

The land herein conveyed being more particularly described as follows:

All the property contained within the following boundaries:  
Northwardly by property of Barry Lohnes, Eastwardly by Public Highway No. 103; Southwardly by Old Public Highway No. 5, commonly known as "Walter Hebb Road"; and Westwardly by Listed Public Highway leading to property of Andrew E. Hebb, known as the "Dume Road".

ALSO a triangular shape lot of land lying at the Eastern intersection of the aforesaid Old Public Highway No. 5, known as the Walter Hebb Road with the Listed Public Highway leading to property of Andrew E. Hebb, commonly known as the Dume Road, and bounded Westwardly by property now or formerly of the late Russell Bond.

CANADA  
PROVINCE OF NOVA SCOTIA

COUNTY OF LUNENBURG

S.S.

On this 30th day of June, 2000 xlx before me the subscriber personally

came and appeared

*for: D. Smith*

a subscribing witness to the foregoing instrument who, having been by me duly sworn, made oath and said that

James Robert Smith

and

Beverly Ann Smith

the parties thereto signed, sealed and delivered the same in her

presence.

*Bard L. Hatt*

A Commissioner of the Supreme Court of Nova Scotia

AFFIDAVIT AS TO AGE AND SPOUSAL STATUS **BARD L. HATT**  
A COMMISSIONER OF THE SUPREME COURT OF NOVA SCOTIA

We James Robert Smith and Beverly Ann Smith of the Community of Hebbville in the County of Lunenburg MAKE OATH AND SAY:

When we executed the attached mortgage,

we were at least nineteen years old,

and within the meaning of Section 2(g) of the *Matrimonial Property Act*.

Strike out inapplicable clauses ~~xxxxxx was xxxxxxxx xxxxxxxx~~

~~xxxxxx~~

~~xxxxxx xxxxxxxx~~

c) We were spouses of one another.

. Not a matrimonial home, etc. see footnote

(SEVERALLY) SWORN before me at the Town of Bridgewater in the County of Lunenburg and Province of Nova Scotia;

this 30th day of June, 2000 xlx

*Lou D. Smith*  
COMMISSIONER

*James R. Smith*  
JAMES ROBERT SMITH  
*Beverly Ann Smith*  
BEVERLY ANN SMITH

**LOU D. SMITH**  
A Commissioner of the Supreme Court of Nova Scotia

. Where spouse does not join in or consent, see Section 8 of the *Matrimonial Property Act* (or complete separate affidavit).

006107

24.2

505/242

NMR

# This Mortgage

made this 19th day of July, A.D. 1991

## Between

IAN W. MacLEOD and CATHERINE L. MacLEOD, of Hebbville, in the County of Lunenburg and Province of Nova Scotia;

hereinafter called the "MORTGAGOR"

OF THE ONE PART

— and —

BANK OF MONTREAL, a chartered bank, with head office at Montreal, in the Province of Quebec, and a branch office at Bridgewater, Nova Scotia, hereinafter called the "MORTGAGEE"

OF THE OTHER PART

— and —

hereinafter called the "RELEASOR"

WHEREAS the said mortgagors are the owners of the lands hereinafter described and have consented to mortgage the same to the Mortgagee for the purpose of indemnifying the mortgagee with respect to the payment of a promissory note, a copy of which is attached hereto and marked, or any part thereof, or any note or notes which may hereafter be given by way of renewal of the said note, or of any interest to accrue thereunder or otherwise howsoever;

WITNESSETH that in consideration of the sum of Thirty-nine Thousand Dollars (\$39,000.00),

the Mortgagor hereby mortgages to the Mortgagee the lands described in the Schedule "A" hereto annexed.

PROVIDED THIS MORTGAGE SHALL BE VOID upon payment to the Mortgagee of the said full sum of Thirty-nine Thousand Dollars

with interest at Eleven and Three-Quarters per centum (11.75) per annum, in the manner and at the times mentioned and provided in said note

Delete, if blended payments

a true copy of which is hereunto appended and marked Schedule "B" and do also perform all the terms and covenants herein provided to be performed by the mortgagors, their heirs, executors and administrators or any of them.

Province of Nova Scotia  
County of Lunenburg  
I hereby certify that the within instrument was recorded in the Registry of Deeds Office at Bridgewater in the County of Lunenburg, N.S. at 2:29'clock P.M., on the 31st day of July A.D. 1991 in Book No. 505 at pages 242-250 as Document Number 6107  
Registrar of Deeds for the Registration District of Lunenburg County

SAVING AND EXCEPTING THEREFROM the following pieces of land -

That land conveyed to Wayne Kent Naugler by a Deed dated the 6th of July, 1971 recorded at the Registry of Deeds at Bridgewater on the 22nd day of August, 1979 in Book 272, at Page 585.

Also that land conveyed to David Lawrence Oickle by a Deed dated the 24th of August, 1971 and recorded at Bridgewater in Book 148, at Page 209 on the 26th day of August, 1971.

Also that piece of land conveyed to Barry Lohnes by a Deed dated the 27th of June, 1975 and recorded at Bridgewater on the 8th day of July, 1976 in Book 224, at Page 821.

Also that land conveyed to David Naugler by a Deed as yet " unrecorded.

The land herein conveyed being more particularly described as follows:

All the property contained within the following boundaries; Northwardly by property of Barry Lohnes, Eastwardly by Public Highway No. 103; Southwardly by Old Public Highway No. 3, commonly known as "Walter Road"; and Westwardly by listed Public Highway leading to property of Andrew E. Hebb, known as the "Dame Road".

ALSO a triangular shape lot of land lying at the Eastern intersection of the aforesaid Old Public Highway No. 3, known as the Walter Road with the listed Public Highway leading to property of Andrew E. Hebb commonly known as the Dame Road, and bounded Westwardly by property now formerly of the late Russell Bond.

ALSO EXCEPTING AND RESERVING THEREFROM a parcel of land conveyed to David Naugler by deed dated September 24, 1985 and recorded at the Office of the Registry of Deeds at Bridgewater, N. S., on September 25, 1985 in Book 369, Page 229, No. 8221.

PROVINCE OF NOVA SCOTIA  
COUNTY OF LUNENBURG

WE, IAN W. MacLEOD and CATHERINE L. MacLEOD, make oath and say as follows:

- 1. THAT we the mortgagors in the foregoing Mortgage and are of the full age of nineteen years;
- 2. THAT we are now, and intend to be at the date of closing, resident of Canada within the meaning of the Income Tax Act (Canada);
- 3. THAT for the purpose of this our Affidavit "spouse" means either of a man or a woman who:
  - (a) are married to each other;
  - (b) are married to each other by a marriage that is voidable and has not been annulled by a declaration of nullity; or
  - (c) have gone through a form of marriage with each other, in good faith, that is void and are cohabiting or have cohabited within the preceding year;

DELETE  
WHICHEVER  
NUMBER 4  
IS NOT  
APPLICABLE

- 4. THAT we are the spouses of each other and we have no other spouse, as defined herein.
- ~~4. THAT as of the date hereof, I am not a spouse.~~
- 4. THAT the property described in the within Indenture is the matrimonial home of myself and my spouse, and my said spouse has released all his or her rights with respect thereto pursuant to the Matrimonial Property Act by executing a Separation Agreement or Marriage Contract to that effect and I have no other spouse as defined herein.
- 4. THAT the property described in the within Indenture has never been occupied by me and my spouse, as our matrimonial home and I have no other spouse as defined herein.
- 4. THAT an instrument executed by myself and my spouse, designating property not described in the within Indenture as our matrimonial home dated the day of , 19 is registered pursuant to Section 7 of the Matrimonial Property Act (Nova Scotia) at the Registry of Deeds in Book Page and has not been cancelled and the property described in this Indenture has not been designated by myself and my said spouse and I have no other spouse as defined herein.
- 4. THAT the within disposition was authorized or the property has been released as a matrimonial home by order of the court dated the day of , 19 and recorded at the Registry of Deeds in at Book Page

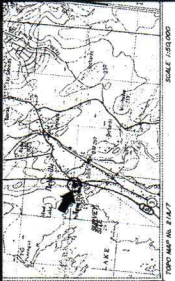
SWORN TO at Bridgewater in the County of Lunenburg Province of Nova Scotia, this 19th day of July, 1991, before me,

*Ian W. MacLeod*  
IAN W. MacLEOD

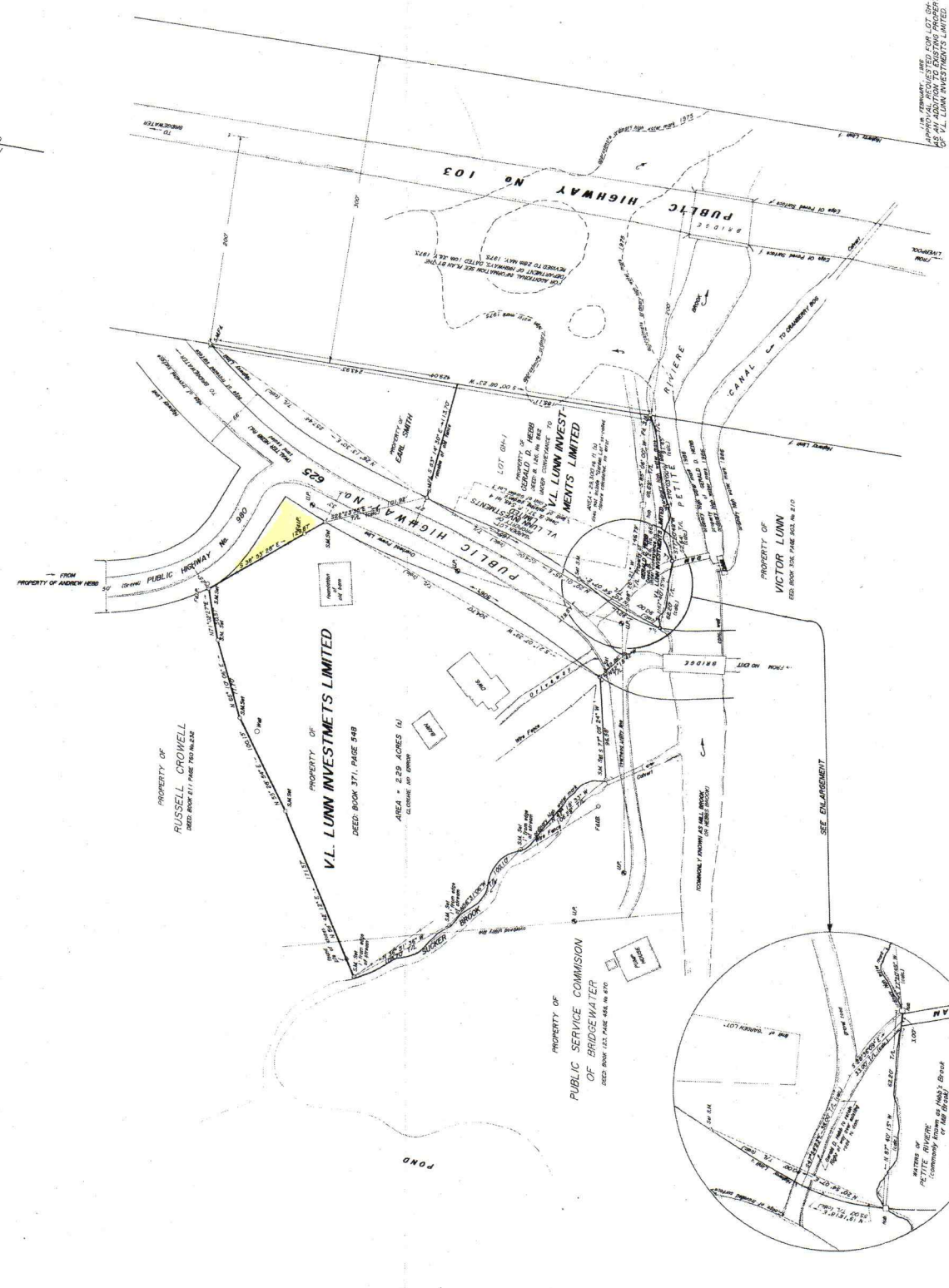
*Gertrude S. Snyder*  
A Barrister of the Supreme Court of Nova Scotia

*Catherine L. MacLeod*  
CATHERINE L. MacLEOD

GERTRUDE S. SNYDER  
A COMMISSIONER OF  
THE SUPREME COURT OF NOVA SCOTIA



NOVA SCOTIA  
GRID NORTH



**186161 APPROVED**  
DATE 28 AUG 1986

6234  
005397  
AUG 28 1986

**PLAN OF SURVEY**

SHOWING PROPERTY OF V.L. LUNN INVESTMENTS LIMITED AT HEBBVILLE, LUNN CO., NOVA SCOTIA AND PROPERTY OF GERALD D. HEBB UNDER CONVEYANCE TO V.L. LUNN INVESTMENTS LIMITED, LOT 6H-1.

SAVED BY: 28A 19A NOVEMBER 1985  
DRAWN BY: DEBORAH SETTLE

**SURVEYOR'S CERTIFICATE**

DEBORAH SETTLE, Nova Scotia Land Surveyor, No. 1255, is a duly qualified and licensed surveyor under the Nova Scotia Land Surveyors Act and the regulations made thereunder. She is the author of this plan and was present at the time of the survey and the information made hereon.

Date this Plan: 1/18/86 By: [Signature] N.S.L.S. No. 2

**HEBB TURNER HIMMELMAN**  
LAND SURVEYORS LIMITED  
NOVA SCOTIA, CANADA

PLAN NO. **L-177**

#6234