

IN THE COURT OF QUEEN'S BENCH OF ALBERTA  
JUDICIAL DISTRICT OF [CITY]

BETWEEN:

[PLAINTIFF]

Plaintiff

- and -

[DEFENDANT]

Defendant

AFFIDAVIT

I, [DEPONENT], of \_\_\_\_\_, [occupation], **HEREBY MAKE OATH AND SAY AS FOLLOWS:**

1. I am a [relationship to parties and action] and as such have personal knowledge of all matters hereinafter deposed to and can swear positively to the facts, except where otherwise stated to be based upon information and belief, in which case I do verily believe the same to be true.

2. By Memorandum of land mortgage (the "Mortgage") dated the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ the Defendant [or the then registered owner of the lands in question herein] (the "Mortgagor") mortgaged the lands in question herein (the "Lands") to the Plaintiff to secure the sum of \$\_\_\_\_\_ together with interest as provided in the Mortgage, a true photocopy of which is attached as Exhibit "A" to this my Affidavit.

[3. **if applicable** – By the terms of paragraph \_\_\_\_ of the Mortgage, the Plaintiff is entitled to collect the rents and profits from the Lands and to make leases on such conditions as it thinks proper.]

[#. **if applicable** - Subsequent to the execution of the Mortgage, the said mortgagor assigned all its right, title and interest in and to the Lands to [assignee], who in turn assigned all its right, title and interest in and to the Lands to the Defendant, and the Defendant is the registered owner thereof.]

#. By the terms of the Mortgage, the Defendant agreed to repay the balance owing on the Mortgage, together with interest thereon at the rate of \_\_\_\_\_ percent (\_\_\_%) per annum, by monthly instalments of \$\_\_\_\_\_, commencing on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

#. Default has been made in payment of the principal sum and payment of the interest pursuant to the terms of the Mortgage as set out below and the Defendant has neglected and/or refused to pay the sum or any portion of it due to the Plaintiff pursuant to the Mortgage.

#. As of the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, there was justly and truly owing to the Plaintiff under and by virtue of the Mortgage, the sum of \$\_\_\_\_\_, being \$\_\_\_\_\_ principal balance outstanding as of the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, accrued interest from [date] to [date], and a property tax account balance of \$\_\_\_\_\_, excepting solicitor-client fees and other such charges.

#. I am informed by [name], who attended at the subject premises and do verily believe that the premises which are located upon and form part of the Lands are occupied by tenants.

#. I have read the Affidavit of [name], filed herein, and do verily believe that the forced sale value of the Lands is \$\_\_\_\_\_.

#. I make this Affidavit in support of the Plaintiff's application for the appointment of a receiver of the rents and profits from the Lands.

**SWORN BEFORE ME** at the \_\_\_\_\_  
of \_\_\_\_\_, in the Province of  
Alberta, this \_\_\_\_ day of March, 2009.

\_\_\_\_\_  
A Commissioner for Oaths in and  
for the Province of Alberta

\_\_\_\_\_  
[DEPONENT]

**THIS IS A 9-PAGE PACKAGE OF FORMS.**