

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 made under the *Land Titles Act* dated the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ and registered at the Land Titles Office for the [South/North] Alberta Land Registration District on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ as Instrument No. [no.] (the "Mortgage"), the Defendant (the "Mortgagor") mortgaged to the Plaintiff the following lands:

[legal description]

[the "Mortgaged Premises"]

for securing the payment of the sum of \$\_\_\_\_\_ and interest both before and after maturity at \_\_\_\_\_ percent (\_\_\_%) per annum.

3. The sum of \$\_\_\_\_\_ was actually advanced by the Plaintiff to the order of the Mortgagor.

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

[#. **if applicable** - Subsequent to the execution of the Mortgage, by transfer registered in the Land Titles Office for the [South/North] Alberta Land Registration District on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, the said mortgagor assigned all its right, title and interest in and to the

Mortgaged Premises to the Defendant, who by agreement dated the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, agreed to assume the obligations of the said mortgagor under the Mortgage.]

#. 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 Mortgaged Premises and do verily believe that the Mortgaged Premises are occupied by tenants.

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

#. I make this Affidavit in support of an application that [Receiver] be appointed Receiver-Manager of the Mortgaged Premises herein in order to:

- (a) attach revenues generated from the Mortgaged Premises to be applied against the outstanding mortgage balance after appropriate deductions;
- (b) to foster and maintain goodwill between the Plaintiff, through the Receiver-Manager to be appointed, and the existing tenants and any new tenants that may be found;
- (c) to make all reasonable efforts to lease currently vacant space to new tenants;
- (d) to maintain, repair and insure the Mortgaged Premises while the foreclosure action is being prosecuted by the Plaintiff.

**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]

**Action No:** \_\_\_\_\_ **A.D. 2009**

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OF ALBERTA  
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**BETWEEN:**

**[PLAINTIFF]**

**Plaintiff**

**- and -**

**[DEFENDANT]**

**Defendant**

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**AFFIDAVIT**

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(law firm address  
phone no.  
fax no.  
email  
name of lawyer)

**File No.**

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