

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

BETWEEN:

[PLAINTIFF]

**Plaintiff**

- and -

[DEFENDANT]

**Defendant**

**AFFIDAVIT**

I, [deponent], of the City of [city], in the Province of Alberta, [occupation], MAKE OATH AND SAY THAT:

1. I am [relationship to Defendant] and as such have full knowledge of the matters hereinafter deposed to, save where stated to be on information and belief, and where so stated I do verily believe the same to be true.
2. The Defendant owns the property located at [municipal address] and legally described as [legal description].
3. Annexed hereto as Exhibit "A" to this my Affidavit is the most recent copy of the Certificate of Title of the said lands.
4. There are currently [list instruments to be discharged/postponed] registered against title to the said lands, namely: *(details of registration)*
5. [set out specific details leading up to the application, i.e. actions brought by encumbrancers to enforce their security]
- #. As part of a refinancing package, the Defendant has arranged for new financing with [lender] in the sum of \$\_\_\_\_\_ with respect to the said lands. Annexed hereto as Exhibit "\_\_\_" to this my Affidavit is a copy of the financing agreement between the Defendant and [lender].
- #. As part of the refinancing, it is necessary to obtain a postponement of the [instrument(s)] filed by [parties].

#. The Defendant has requested that the [parties] grant the postponement in order that the financing may be completed. Annexed hereto as Exhibit(s) " \_\_\_ " to this my Affidavit is a copy / are copies of [a letter / letters] which the Defendant prepared and sent to [parties] requesting the postponement.

#. To date the [parties] have refused to provide the necessary postponement.

#. I do verily believe that unless the postponement is obtained, the [lender] will not fund the \$\_\_\_\_\_ refinancing.

#. [set out grounds for belief that the postponement is not prejudicial] I do verily believe that granting a postponement of the [instrument(s)] to the [lender's] mortgage involves no prejudice to either [parties].

#. I make this Affidavit in support of an application pursuant to Section 140 of the *Land Titles Act* that this Honourable Court direct the postponement of [instrument(s)] to the following:

- (a) [lender's mortgage and any other security that is required to be registered against title to secure the mortgage]

DATED at [city], Alberta, this \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ .

SWORN BEFORE ME at the City of [city],  
in the Province of Alberta, this  
\_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

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

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

My commission expires:

**THIS IS A 7-PAGE PACKAGE OF FORMS.**