



Hotsheet

Obtaining Purchase Policies where Mortgage not to be Insured under TitlePLUS® Policy¹

If the lawyer is retained to act on a purchase with one or more mortgages, where not all lenders are to be insured under the TitlePLUS policy for their mortgage² and the lawyer still wishes to insure the purchaser's interest in the property (and the interest of another mortgage lender (if any)), please follow these instructions to obtain a TitlePLUS policy on titleplus.lawyerdonedeal.com.³

1. Where the mortgage **not** to be insured under the TitlePLUS policy is a **first** mortgage:
 - a. Under the heading "Due Diligence/Certificate of Title," under "New Mortgages," choose "None."
 - b. Choose "Other" from the "Action List." A free text box will appear. Insert the following:
"First mortgage in favour of (name of first mortgage lender) registered as Instrument No. (instrument no. of first mortgage; complete after registration) on (date of registration of first mortgage; complete after registration) securing the face principal amount of (amount) at an interest rate of (rate) maturing (specify date, or insert 'on demand')."
 - c. Under "Action," choose "Remain outstanding."
2. Where the mortgage **not** to be insured under the TitlePLUS policy is a **second** mortgage:
 - a. Under the heading "Due Diligence/Certificate of Title," under "New Mortgages," choose "See Below," and complete the particulars of the first mortgage to be insured under the TitlePLUS policy.
 - b. Choose "Other" from the "Action List." A free text box will appear. Insert the wording in bold letters above, changing the word "First" to "Second."
 - c. Under "Action," choose "Remain outstanding."
3. Complete the rest of the application as you otherwise would.

These instructions will generate an exception on the second page of Schedule "A" to the policy, describing the uninsured mortgage using the wording you have provided. The name of the uninsured mortgage lender will not appear on the cover page of the policy, or in the "Insurance Particulars" on the first page of Schedule "A," since the lender is not insured under the policy.

If you have a transaction in which you wish to insure the purchaser(s) and a new second mortgage but not a new first mortgage under the TitlePLUS policy, please contact the TitlePLUS Customer Service Centre.

¹ The TitlePLUS policy is underwritten by Lawyers' Professional Indemnity Company.

² A TitlePLUS policy obtained in accordance with these instructions provides no coverage of any kind (including Legal Services Coverage⁴) for the uninsured mortgage lender.

³ These instructions do not apply to assumed or vendor take-back mortgages, which are never insured by the TitlePLUS Program. For these types of mortgages, choose "VTB/Assumed Mortgage" from the Action List and follow the instructions provided on the website.

⁴ TitlePLUS policies issued with respect to properties in Québec and OwnerEXPRESS® policies do not include legal services coverage.

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