

**THE LAND TITLES OFFICE DOES NOT PROVIDE LEGAL ADVICE.
LTO STAFF CAN'T ASSIST CUSTOMERS WITH FILLING OUT FORMS.
THESE FORMS MAY NOT BE SUITABLE FOR YOUR CIRCUMSTANCES.
THE PURCHASE AND SALE OF LAND HAS SIGNIFICANT LEGAL
CONSEQUENCES. THE LAND TITLES OFFICE STRONGLY RECOMMENDS
THAT BUYERS AND SELLERS OBTAIN INDEPENDENT LEGAL ADVICE.**

**TRANSFER OF LAND BY ONE OR MORE INDIVIDUALS
HOW TO FILL OUT THESE FORMS**

WHAT'S INCLUDED IN THIS PACKAGE?

- The first 7 pages of this package contain information and instructions on how to fill out the forms.
- The package also contains forms that are designed to be used in several different situations:
 1. Transfer, to be signed by the transferor,
 2. Affidavit of witness, to be signed by the witness to the transferor's signature and by a notary public,
 3. Affidavit re family home, to be signed by the transferor and by a notary public. The transferor must choose the correct form:
 - a. Affidavit #1, to be used when the transferors are married to each other, or
 - b. Affidavit #2, to be used when the transferor has a spouse who is not a registered owner and the property is a family home
 - i. ***The spouse who is not a registered owner must sign and swear the Consent to Disposition of the Family Home included***
 - c. Affidavit #3, to be used when the transferor is not a spouse. **If there are two transferors and they are not married to each other, each transferor must swear a separate affidavit**
 - d. Affidavit #4, to be used when a transferor has a spouse who is not a registered owner, and the property is not a family home.
 4. Affidavit of declared value, to be signed by the transferee and by a notary public. The transferee must choose the correct form:
 - a. Affidavit #1, to be used where the transferee is paying the transferor the fair market value of the property in an arms-length transaction; or
 - b. Affidavit #2, to be used in all other cases.

The parties must choose from different forms depending on their own circumstances. If you need help filling out these forms, you should seek legal advice. Do not use these forms to transfer land if you are the personal representative of a deceased person's estate or if the owner is a body corporate (a limited company), as there are different requirements for those kinds of transfer.

For an explanation of legal terms used in the transfer, see our Guide to filling out a Transfer of Land.

Access to Information and Protection of Privacy Act: The information in these forms is being collected under the authority of section 165 of the *Land Titles Act, 2015* for the purpose of registering an instrument or caveat against the certificate of title. Under section 210 of the *Land Titles Act, 2015*, the ATIPP Act does not apply to the records kept by the Registrar of Land Titles. This form may be made available to other government offices and to the public. For further information, contact the Registrar at (867) 667-5612.

INFORMATION PAGES

HOW TO FILL OUT THE TRANSFER

Name of owner and type of ownership

Name of owner: _____

being registered owner of (*select only one*):

- ☐ an estate in fee simple
- ☐ a leasehold estate, Lease Interest Registration Number _____; and
- ☐ a life estate, Life Estate Interest Registration Number _____,

- Print the name of the transferor, as well as tenancy type, exactly as shown on the certificate of title.
- If the tenancy type is tenants-in-common, include the fractional ownership share of each transferor.
- If you require more space to enter the names of all the transferors and their ownership interests, print "See Schedule" and attach a separate page setting out the names of all the transferors and their ownership interests.
- The information about whether the owner has a fee simple, leasehold or life estate is shown on the certificate of title.

Parcel number or legal description

of the following land:

Parcel No. _____

Legal Description: _____

- The parcel number and legal description are found on the certificate of title.
- If the transferors are transferring more than one parcel, do a separate transfer for each parcel.
- Insert the parcel number and complete legal land description shown on certificate of title (Lot, Portion, Block, Quad, Group, Subdivision, City, Plan number as well as Yukon).
- Include any descriptions or particulars shown in Registrar's Notes on the certificate of title.

Interest Registration numbers

subject to section 59 of the *Land Titles Act, 2015* and the following encumbrances and interests as of the date of this transfer:

Interest Register number:

- This information is on the certificate of title under the heading Registered Interests starting on the second page of the certificate of title.
- List the Interest Register numbers, not the names of encumbrance holders.
- List registration numbers of all charges, writs, liens and interests shown on the certificate of title and, if no encumbrances, state "None".

Consideration

In consideration of the sum of

☐ \$ _____

Or \$1.00 and other good and valuable consideration

- The consideration may be the actual price paid, or may be expressed as a nominal amount (e.g. "\$1.00 and other good and valuable consideration").
- Enter the dollar value in numbers. Do not use words and numbers.

Identify the transferee

paid by the transferee, the receipt of which sum is hereby acknowledged, transfer all my estate and interest in the land to the transferee:

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- Print the name of the individual or body corporate to whom the property is being transferred. This is the name that will go on the new certificate of title. The transferee must provide this information.

Tenancy type

If more than one transferee, choose tenancy type:

- ☐ as Joint Tenants; or
- ☐ as Tenants-in-Common - specify the ownership interest as a fraction (e.g. $\frac{1}{4}$, $\frac{1}{2}$, etc.) and calculate title value based on each transferee's proportionate share of the declared value:

<i>Transferee's Name</i>	<i>Fraction</i>	<i>Title value</i>
<i>Total must equal:</i>	<i>1.0</i>	<i>Total declared value</i>

- If there is only one transferee, no tenancy type is required.
- If there is more than one transferee, the choices are "joint tenants" or "tenants-in-common". The transferee must provide this information.
- If the tenancy type is tenants-in-common, include the fractional ownership share and fraction of the total declared value for each transferee's interest.

Transferee's mailing address

The transferee's mailing address to be shown on the new certificate of title is:

If more than one transferee with different addresses,

Transferee's name

Address to be shown on title:

- The transferee must provide this information to the transferor.

Date

Signed by the transferor on _____, 20____

- When the transferor signs the transfer, fill in this date, which should be the date the transfer is actually signed by the transferor.
- If more than one transferor will sign on different dates, fill in the different dates by each transferor's signature.

Sign and witness

Signed by the transferor	) in the presence of:
_____) _____
(Signature of transferor)	) (Signature of witness)
_____) _____
(Name of transferor)	) (Name of witness)
_____) _____
(Signature of transferor)	) If more than one transferor, witness as to both
_____	) signatures
(Name of transferor))

- The transferor should sign the transfer with their normal signature in the presence of a witness, and print their name below their signature.
- The name printed below the transferor signature must match the owner's name on the certificate of title.
- If there is more than two transferors, and they must each sign separately or on different dates and times, then each transferor may sign a separate signing page. If you need assistance to complete this section, please seek advice from a legal professional.

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- An individual must witness the transferor's signature, sign their usual signature and print their name below their signature.

HOW TO FILL OUT THE AFFIDAVIT OF WITNESS

Identify the person who signed the document

I SWEAR / AFFIRM THAT

1) I was personally present and did see

- Fill in the transferor's name.
- The name shown here must match the name shown on the Transfer and on the certificate of title.

Personal knowledge or identification

(select one) ☐ who is personally known to me to be **OR**
☐ who, on the basis of identification provided to me, I believe to be
the person named in the within instrument, duly sign the instrument.

- Choose an option depending on whether the transferors are personally known to the witness, or whether they showed the witness photo identification to prove their identity.
- The witness does not have to fill in the type of identification provided but it would be prudent for the witness to make a record of this information.

Sign and notarize

SWORN / AFFIRMED BEFORE ME)	_____
at _____ in _____	)	(Signature of Witness)
on the ____ day of _____, 20____)	_____
_____	)	(print name)
(Signature of Notary or Commissioner))	_____
_____	)	Print mailing address of witness:
(print name))	_____
_____)	_____
Notary Public in and for Yukon;)	_____
or Notary Public or Commissioner for Oaths in)	_____
and for _____)	_____
My commission expires: _____)	_____

- The witness must sign the Affidavit in front of a Notary Public or Commissioner for taking affidavits, and print their name below their signature.
- The witness's name must match the name of the witness as shown on the transfer form signature page.
- If the document is signed outside the Yukon, the witness must fill in their address.
- The Notary or Commissioner will fill in, date and sign the section to the left of the witness's signature.
- All Notaries and Commissioners must print or stamp their name, address and qualifications as well as the expiry date of their commission, or indicate that their commission does not expire.
- All Notaries outside of the Yukon must affix their seal.

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HOW TO FILL OUT THE AFFIDAVIT RE FAMILY HOME

An Affidavit re Family Home must be completed by each transferor, whether or not the transferor is a spouse.

Read the instructions carefully. The transferor must choose from different Affidavits depending on their own circumstances. **LTO STAFF CAN'T ASSIST CUSTOMERS WITH FILLING OUT FORMS.**

- Affidavit #1 is to be completed by transferors who are married to each other
- Affidavit #2 is to be completed by a transferor who has a spouse who is not a registered owner and the property is a family home
 - ***The spouse who is not a registered owner must sign and swear the Consent to Disposition of the Family Home included in the form***
- Affidavit #3 is to be completed by a transferor who is not a spouse. **If there are two transferors and they are not married to each other, each transferor must swear a separate affidavit.**
- Affidavit #4 is to be completed by a transferor who has a spouse who is not a registered owner, and the property is not a family home.

Identify the person who is swearing the Affidavit

We, _____,
(print name of Transferor as shown on certificate of title)

- The name of the transferor must be the same as the name shown on the certificate of title, printed at the beginning of the transfer form and below the transferor's signature on the transfer form signature page.

Sign and notarize

SWORN / AFFIRMED BEFORE ME)	
at _____ in _____)	
on the ____ day of _____, 20____	)	(Signature of Transferor)
_____)	
(Signature of Notary or Commissioner)	)	(print name)
_____)	
(print name))	
Notary Public in and for Yukon;	)	(Signature of Transferor)
or Notary Public or Commissioner for Oaths in)	
and for _____	)	(print name)
(My commission expires: _____))	

- The transferor should sign with their normal signature, and print their name below their signature, in the presence of the notary.
- The name printed below the transferor signature must match the owner's name on the certificate of title, and printed below their signature on the transfer signing page.
- The Notary or Commissioner will fill in, date and sign the section to the left of the transferor's signature.
- All Notaries and Commissioners must print or stamp their name, address and qualifications as well as the expiry date of their commission, or indicate that their commission does not expire.
- All Notaries outside of the Yukon must affix their seal.

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HOW TO FILL OUT AFFIDAVIT #1 OF DECLARED VALUE

The Affidavit of Declared Value must be sworn by the transferee or an agent for the transferee who is familiar with the land and the circumstances of the transfer.

Read the instructions carefully. If you do not know whether the property is being purchased at arms-length, obtain legal advice. **LTO STAFF CAN'T ASSIST CUSTOMERS WITH FILLING OUT FORMS.**

IF THE DECLARED VALUE IS NOT THE FAIR MARKET VALUE AND IS NOT ACTUAL AMOUNT PAID BY THE TRANSFEE TO THE TRANSFEROR IN AN ARM-LENGTH TRANSACTION, DO NOT USE THIS FORM. USE AFFIDAVIT OF DECLARED VALUE #2 INSTEAD.

Parcel number or legal land description

Re: _____
(Parcel number or legal description)

- The parcel number and legal land description are found on the certificate of title.
- If the transferors are transferring more than one parcel, do a separate Affidavit for each parcel.
- Insert the parcel number or complete legal land description shown on certificate of title: Lot number; Portion number; Block, Quad or Group number; Subdivision name; Community name; YT; and Plan number.
- If you use the parcel number, then you do not have to include any descriptions or particulars shown in Registrar's Notes on the certificate of title.

Identify the person swearing the affidavit

I am the (select one)

- ☐ transferee / one of the transferees named in the attached transfer of land.
☐ agent of the transferee(s) named in the attached transfer of land and I am authorized to make this affidavit. I know the land and the circumstances of the transfer.

- Check the box to indicate whether the person swearing the affidavit is the transferee or an agent for the transferee.
- If the transferee is a body corporate, then the authorized representative is signing as an agent for the transferee.
- If the affidavit is sworn by an agent for the transferee, that person must have personal knowledge of the declared value of the land and the circumstances of the transfer.

Declared value

The declared value of the land is \$ _____ which is the actual amount paid by the transferee to the transferor in an arms-length transaction.

- The transferee is swearing that
 - the price paid for the property is its fair market value; and
 - the transaction is between unrelated parties.
- **If those facts are not true, do not use this Affidavit. Use Affidavit #2.**
- Fill in the purchase price.

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Sign and notarize

SWORN / AFFIRMED BEFORE ME)	_____
at _____ in _____)	(Signature)
on the ____ day of _____, 20____)	_____
_____	)	(print name)
(Signature of Notary or Commissioner))	
_____)	
(print name))	
)	
Notary Public in and for Yukon;)	
or Notary Public or Commissioner for Oaths in)	
and for _____)	
My commission expires: _____)	

- The person swearing the affidavit must sign the Affidavit in front of a Notary Public or Commissioner for taking affidavits, and print their name below their signature.
- If the transferee is the person swearing the affidavit, they must print their name as it will be shown on the Certificate of Title. Check the first page of the Transfer to make sure the names match.
- The Notary or Commissioner will fill in, date and sign the section to the left of the witness's signature.
- All Notaries and Commissioners must print or stamp their name, address and qualifications as well as the expiry date of their commission, or indicate that their commission does not expire.
- All Notaries outside of the Yukon must affix their seal.

HOW TO FILL OUT AFFIDAVIT #2 OF DECLARED VALUE

Use Affidavit #2:

- When the purchase price of the property is not the fair market value, or
- When the parties are not at arms-length, or
- When there has been a decrease in value since the date of the last transfer.

If you do not know which of these circumstances apply, obtain legal advice.

The instructions to fill out Affidavit #2 are contained within the body of the affidavit.

TRANSFER OF LAND BY INDIVIDUAL

(s. 97, *Land Titles Act, 2015*)

Name of owner:

being registered owner of (*select only one*):

- ☐ an estate in fee simple
☐ a leasehold estate, Lease Interest Registration Number _____; or
☐ a life estate, Life Estate Interest Registration Number _____,

of the following land:

Parcel No. _____

Legal Description: _____

subject to section 59 of the *Land Titles Act, 2015* and the following encumbrances and interests as of the date of this transfer:

Interest Register number:

In consideration of the sum of

☐ \$ _____

or

☐ \$1.00 and other good and valuable consideration

paid by the transferee, the receipt of which sum is hereby acknowledged, transfer all my estate and interest in the land to the transferee:

If more than one transferee, choose tenancy type:

- ☐ as Joint Tenants; or
☐ as Tenants-in-Common - specify the ownership interest as a fraction (e.g. $\frac{1}{4}$, $\frac{1}{2}$, etc.) and calculate title value based on each transferee's proportionate share of the declared value:

<i>Transferee's Name</i>	<i>Fraction</i>	<i>Title value</i>
		\$
		\$
		\$
		\$
<i>Total must equal:</i>	<i>1.0</i>	\$

		<i>Total declared value</i>
--	--	-----------------------------

The transferee's mailing address to be shown on the new certificate of title is:

If more than one transferee with different addresses,

Transferee's name

Address to be shown on title:

Signed by the transferor on _____, 20__

Signed by the transferor

) in the presence of:

)

)

(Signature of transferor)

)

) _____
(Signature of witness)

(Name of transferor)

)

)

) _____
(Name of witness)

(Signature of transferor)

)

) If more than one transferor, witness as to both
) signatures

(Name of transferor)

)

)

AFFIDAVIT OF WITNESS

(s. 47(2))

I SWEAR / AFFIRM THAT

1. I was personally present and did see

(select one) ☐ who is personally known to me to be **OR**
☐ who, on the basis of identification provided to me, I believe to be

the person named in the within instrument, duly sign the instrument.

2. I believe the person whose signature I witnessed to be at least 19 years of age.

3. I am not

(a) a party to this instrument; or

(b) a spouse, within the meaning of the Yukon *Family Property and Support Act*, of a party to this instrument.

SWORN / AFFIRMED BEFORE ME

at _____ in _____

on the ____ day of _____, 20____

(Signature of Notary or Commissioner)

(print name)

Notary Public in and for Yukon;
or Notary Public or Commissioner for Oaths in
and for _____

My commission expires: _____

) _____

) (Signature of witness)

) _____

) _____

) (print name)

) _____

) Print mailing address of witness:

) _____

) _____

) _____

) _____

) _____

) _____

) _____

) _____

*** All notaries and commissioners must print or stamp their name and qualifications as well as the expiry date of their commission, or indicate that their commission does not expire; all notaries outside of the Yukon must affix their official seal (subsection 61(3), Yukon Evidence Act).**

AFFIDAVIT #1 RE FAMILY HOME
Transferors are spouses of each other
(s. 23, *Family Property and Support Act*)

We, _____,
(print name of transferors as shown on certificate of title)

SWEAR/AFFIRM THAT:

1. In this Affidavit:
 - a. The word "property" means the property described in the attached instrument;
 - b. The words "spouse" and "family home" are defined in section 1 and section 21 respectively of the *Family Property and Support Act*, 2002, c 83 (the "Act").
2. When we executed the attached instrument, we were spouses of one another.

SWORN / AFFIRMED BEFORE ME)	
at _____ in _____)	
on the ____ day of _____, 20____	)	(Signature of transferor)
)	
_____)	
(Signature of Notary or Commissioner)	)	(print name)
)	
_____)	
(print name))	
)	
Notary Public in and for Yukon;)	
or Notary Public or Commissioner for Oaths in)	
and for _____	)	(print name)
(My commission expires: _____))	
)	

*** All notaries and commissioners must print or stamp their name and qualifications as well as the expiry date of their commission, or indicate that their commission does not expire; all notaries outside of the Yukon must affix their official seal (subsection 61(3), Yukon Evidence Act).**

AFFIDAVIT #2 RE FAMILY HOME
Transferor has a spouse who is not a registered owner
and property is a family home
(s. 21 and 23, *Family Property and Support Act*)

I, _____,
(*print name of Transferor as shown on certificate of title*)

SWEAR/AFFIRM THAT:

1. In this Affidavit:
 - a. The word "property" means the property described in the attached instrument;
 - b. The words "spouse" and "family home" are defined in section 1 and section 21 respectively of the *Family Property and Support Act*, 2002, c 83 (the "Act").
2. When I executed the attached instrument, I was a spouse and the property was a family home.
3. My spouse has consented to the disposition of the property.

SWORN / AFFIRMED BEFORE ME)	
at _____ in _____)	
on the ____ day of _____, 20____	)	(<i>Signature of Transferor</i>)
)	
_____)	
(<i>Signature of Notary or Commissioner</i>)	)	(<i>print name</i>)
)	
_____)	
(<i>print name</i>))	
)	
Notary Public in and for Yukon;)	
or Notary Public or Commissioner for Oaths in)	
and for _____)	
(My commission expires: _____))	
)	

*** All notaries and commissioners must print or stamp their name and qualifications as well as the expiry date of their commission, or indicate that their commission does not expire; all notaries outside of the Yukon must affix their official seal (subsection 61(3), Yukon Evidence Act).**

IF THE TRANSFEROR SWEARS THIS AFFIDAVIT #2, THEIR SPOUSE MUST PROVIDE A CONSENT IN THE ATTACHED FORM

CONSENT TO DISPOSITION OF A FAMILY HOME
THIS CONSENT MUST BE INCLUDED WITH AFFIDAVIT #2
(s. 21 and 23, *Family Property and Support Act*)

I, _____
[*name of consenting spouse*]

SWEAR / AFFIRM THAT

1. In this Affidavit:
 - a. The word "property" means the property described in the attached instrument;
 - b. The words "spouse" and "family home" are defined in section 1 and section 21 respectively of the *Family Property and Support Act*, 2002, c 83 (the "Act");
2. I am the spouse of _____
(*print name of transferor as shown on certificate of title*)
3. I consent to the transaction disposing of the transferor's interest in the property which is our family home.

SWORN / AFFIRMED BEFORE ME)	
at _____ in _____)	_____
on the ____ day of _____, 20____	)	(<i>Signature of consenting spouse</i>)
)	
_____)	_____
(<i>Signature of Notary or Commissioner</i>)	)	(<i>print name</i>)
)	
_____)	
(<i>print name</i>))	
)	
Notary Public in and for Yukon;)	
or Notary Public or Commissioner for Oaths in)	
and for _____)	
(My commission expires: _____))	
)	

*** All notaries and commissioners must print or stamp their name and qualifications as well as the expiry date of their commission, or indicate that their commission does not expire; all notaries outside of the Yukon must affix their official seal (subsection 61(3), Yukon Evidence Act).**

AFFIDAVIT #3 RE FAMILY HOME
Transferor is not a spouse
(s. 23, *Family Property and Support Act*)

I, _____,
(print name of Transferor as shown on certificate of title)

SWEAR/AFFIRM THAT:

1. In this Affidavit:
 - a. The word "property" means the property described in the attached instrument;
 - b. The words "spouse" and "family home" are defined in section 1 and section 21 respectively of the *Family Property and Support Act*, 2002, c 83 (the "Act").
2. When I executed the attached instrument, I was not a spouse and I do not have a spouse or former spouse who has any right to possession, or interest in the property by virtue of it being a family home.

SWORN / AFFIRMED BEFORE ME)	
at _____ in _____)	
on the ____ day of _____, 20____	)	(Signature of transferor)
)	
_____)	
(Signature of Notary or Commissioner)	)	(print name)
)	
_____)	
(print name))	
)	
Notary Public in and for Yukon;)	
or Notary Public or Commissioner for Oaths in)	
and for _____)	
(My commission expires: _____))	
)	

*** All notaries and commissioners must print or stamp their name and qualifications as well as the expiry date of their commission, or indicate that their commission does not expire; all notaries outside of the Yukon must affix their official seal (subsection 61(3), Yukon Evidence Act).**

AFFIDAVIT #4 RE FAMILY HOME
Transferor has a spouse who is not a registered owner
and property is not a family home
(s. 23, *Family Property and Support Act*)

I, _____,
(print name of transferor as shown on certificate of title)

SWEAR/AFFIRM THAT:

1. In this Affidavit:
 - a. The word "property" means the property described in the attached instrument;
 - b. The words "spouse" and "family home" are defined in section 1 and section 21 respectively of the *Family Property and Support Act*, 2002, c 83 (the "Act").
2. When I executed the attached instrument, I was a spouse.
3. The property has not been occupied by myself and my spouse as our family home.

SWORN / AFFIRMED BEFORE ME)	
at _____ in _____)	
on the ____ day of _____, 20____	)	(Signature of transferor)
)	
_____)	
(Signature of Notary or Commissioner)	)	(print name)
)	
_____)	
(print name))	
)	
Notary Public in and for Yukon;)	
or Notary Public or Commissioner for Oaths in)	
and for _____)	
(My commission expires: _____))	
)	

*** All notaries and commissioners must print or stamp their name and qualifications as well as the expiry date of their commission, or indicate that their commission does not expire; all notaries outside of the Yukon must affix their official seal (subsection 61(3), Yukon Evidence Act).**

**AFFIDAVIT #1 OF DECLARED VALUE –
INCREASE IN VALUE AND ACTUAL AMOUNT PAID
IN ARMS-LENGTH TRANSACTION**
(Land Titles Tariff of Fees Regulation, s. 1(2))

TO THE REGISTRAR:

Re: _____
(Parcel number or legal description)

I SWEAR/AFFIRM THAT:

1. In this affidavit,
 - **“declared value”** means the dollar amount in Canadian dollars for which the land described in the attached transfer of land might be expected to sell, if it were sold effective the registration date of the attached transfer, on the open market, by a willing seller to a willing buyer in an arms-length transaction; and
 - **“land”** means the land described in the attached transfer of land and includes all buildings and all other improvements affixed to the land on the date of the attached transfer.
2. I am the *(select one)*
 - ☐ transferee / one of the transferees named in the attached transfer of land.
 - ☐ agent of the transferee(s) named in the attached transfer of land and I am authorized to make this affidavit. I am familiar with the land and the circumstances of the transfer.
3. The declared value of the land is \$ _____ which is the actual amount paid by the transferee to the transferor in an arms-length transaction.

SWORN/AFFIRMED BEFORE ME)	
at _____ in _____)	_____
on the ____ day of _____, 20____	)	<i>(Signature)</i>
)	
_____)	_____
<i>(Signature of Notary or Commissioner)</i>	)	<i>(print name)</i>
)	
<i>(print name)</i>)	
Notary Public in and for Yukon;)	
or Notary Public or Commissioner for Oaths in)	
and for _____)	
My commission expires _____)	
<input type="checkbox"/> I am a lawyer		

All notaries and commissioners must print or stamp their name and qualifications as well as the expiry date of their commission, or indicate that their commission does not expire; all notaries outside of the Yukon must affix their official seal (subsection 61(3), Yukon Evidence Act).

Note: If the interest being transferred in the attached transfer is less than the whole of the interests of all registered owners, such as the transfer of the interest of one tenant-in-common, the declared value of the land must be expressed as the value of the transferor's fractional interest. You may state that "The declared value of the transferor's $\frac{1}{2}$ interest in the land as a tenant-in-common is \$_____." Or "The declared value of the land is \$_____, as to a $\frac{1}{2}$ interest."

**AFFIDAVIT #2 OF DECLARED VALUE -
NOT AN ARMS-LENGTH TRANSACTION
OR NO INCREASE IN VALUE**
(Land Titles Tariff of Fees Regulation, s. 1(2))

TO THE REGISTRAR:

Re: _____
(Parcel number or legal description)

I SWEAR/AFFIRM THAT:

1. In this affidavit,
 - a. **“declared value”** means the dollar amount in Canadian dollars for which the land and improvements described in the attached transfer of land might be expected to sell, if it were sold effective the registration date of the attached transfer, on the open market, by a willing seller to a willing buyer in an arms-length transaction; and
 - b. **“land”** means the land described in the attached transfer of land and includes all buildings and all other improvements affixed to the land on the date of the attached transfer.

2. I am the (*select one*)

☐ transferee / one of the transferees named in the attached instrument. The declared value of the land is \$ _____.

☐ agent of the transferee(s) named in the attached instrument and I am authorized to make this affidavit. I am familiar with the land and the circumstances of the transaction in which this affidavit is sworn. The declared value of the land is \$ _____.

If the declared value has increased since the date of the last transfer, no explanation is required, even if the parties are not at arms-length. However, if the Registrar is of the opinion that the declared value is not reasonable based on reference sources, the Registrar may require evidence to support the Affidavit.

Optional clauses for explaining decrease or no increase in declared value – see Note below.

3. ☐ The declared value is the value determined in a court-ordered or court-approved sale of the land.

If the declared value is the value determined in a court-ordered or court-approved sale, no further explanation is required regardless of whether the declared value has increased or decreased since the date of the last transfer. If the court order is a vesting order and clearly states the value, an Affidavit of Value is not required.

Whether or not the parties are at arms-length, if there has been a decrease or no increase in value since the date of the last transfer, the transferee must provide a reasonable explanation. For example:

4. ☐ The value of the land has not increased since the date of the last transfer because
 - ☐ the buildings and other structures have been removed from the land

- ☐ the buildings and other structures remain on the land but have been
 - ☐ destroyed by fire, or
 - ☐ condemned by the authority having jurisdiction over occupancy, or
 - ☐ are no longer fit for occupancy, or
 - ☐ have been demolished.
- ☐ [another reason]

SWORN/AFFIRMED BEFORE ME)	
at _____ in _____)	_____
on the ____ day of _____, 20____	)	(Signature)
)	
_____)	_____
(Signature of Notary or Commissioner)	)	(print name)
)	
_____)	
(print full name))	
Notary Public in and for Yukon;)	
or Notary Public or Commissioner for Oaths in)	
and for _____)	
My commission expires _____ or)	
<input type="checkbox"/> I am a lawyer)	

All notaries and commissioners must print or stamp their name and qualifications as well as the expiry date of their commission, or indicate that their commission does not expire; all notaries outside of the Yukon must affix their official seal (subsection 61(3), Yukon Evidence Act).

Notes:

- If the interest being transferred in the attached transfer is less than the whole of the interests of all registered owners, such as the transfer of the interest of one tenant-in-common, the declared value of the land must be expressed as the value of the transferor's fractional interest. You may state that "The declared value of the transferor's ½ interest in the land as a tenant-in-common is \$_____. Or "The declared value of the land is \$_____, as to a ½ interest."
- Do not submit an Affidavit with a declared value at or below the current title value without an explanation. If you do not provide an explanation, your instrument will be rejected and you will not be able to correct your Affidavit.
- The list of possible responses are examples only. There are potentially many other reasons why the land may not have increased in value.
- Good reference sources to determine value are the Yukon Real Estate Reports and the Annual Statistical Review of the Yukon Bureau of Statistics, which contain quarterly values, numbers and average values of real estate transactions. The transferee may swear that the declared value is based on the average increase (or decrease) in value of similar land, as published in the most recent volume of a Yukon Real Estate Report or Annual Statistical Review.