

# *The Homesteads Forms Regulations*

*being*

Chapter H-5.1 Reg 1 (effective December 1, 1989) as amended  
by Saskatchewan Regulations [81/2001](#).

**NOTE:**

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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**CHAPTER H-5.1 REG 1**  
*The Homesteads Act, 1989*

**Title**

- 1 These regulations may be cited as *The Homesteads Forms Regulations*.

**Interpretation**

- 2 In these regulations:

- (a) “**Act**” means *The Homesteads Act, 1989*;
- (b) “**Form**” means the appropriate form as set forth in the Appendix to these regulations.

10 Nov 89 cH-5.1 Reg 1 s2.

**Forms prescribed**

- 3(1) Form A is prescribed as the form for the consent of a non-owning spouse for the purposes of section 6 of the Act.
- (2) Form B is prescribed as the form for the certificate for the purposes of subsection 7(3) of the Act.
- (3) Form C is prescribed as the form for the certificate for the purposes of subsection 7(4) of the Act.
- (4) Form D is prescribed as the form for the affidavit for the purposes of subsection 8(1) of the Act.
- (5) Form E is prescribed as the form for the caveat for the purposes of section 14 of the Act.
- (6) Form F is prescribed as the form for the affidavit of the personal representative of the registered owner for the purposes of subsection 19(4) of the Act.

10 Nov 89 cH-5.1 Reg 1 s3.

**APPENDIX**

**FORM A**

*(section 6 of the Act)*

**CONSENT OF NON-OWNING SPOUSE**

I, \_\_\_\_\_, non-owning spouse of \_\_\_\_\_, consent to the above/attached disposition. I declare that I have signed this consent for the purpose of relinquishing all my homestead rights in the property described in the above/attached disposition in favour of \_\_\_\_\_ to the extent necessary to give effect to this \_\_\_\_\_ .  
(type of document)

\_\_\_\_\_  
Signature of Non-owning Spouse

10 Nov 89 cH-5.1 Reg 1.

**FORM B**

*(subsection 7(3) of the Act)*

**CERTIFICATE OF ACKNOWLEDGMENT**

I, \_\_\_\_\_, \_\_\_\_\_, certify that I have  
(indicate capacity)  
examined \_\_\_\_\_, non-owning spouse of \_\_\_\_\_, the owning spouse, in the above/attached \_\_\_\_\_  
(type of document)

separate and apart from the owning spouse. The non-owning spouse acknowledged to me that he or she:

- (a) signed the consent to the disposition of his or her own free will and consent and without any compulsion on the part of the owning spouse; and
- (b) understands his or her rights in the homestead.

I further certify that I have not, nor has my employer, partner or clerk, prepared the above/attached \_\_\_\_\_ and that I am not, nor is my  
(type of document)

employer, partner or clerk, otherwise interested in the transaction involved.

\_\_\_\_\_  
Signature

10 Nov 89 cH-5.1 Reg 1.

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FORM C  
*(subsection 7(4) of the Act)*  
 CERTIFICATE OF SOLICITOR

I, \_\_\_\_\_, a solicitor legally entitled to practise law in \_\_\_\_\_, certify that I have explained to \_\_\_\_\_, non-owning spouse of \_\_\_\_\_, the owning spouse named in the above/attached transfer/quit claim deed, separate and apart from the owning spouse and that the non-owning spouse understands the purpose and effect of the transfer/quit claim deed.

I further certify that I have not, nor has my employer, partner or clerk, prepared the above/attached transfer/quit claim deed and that I am not, nor is my employer, partner or clerk, otherwise interested in the transaction involved.

\_\_\_\_\_  
 Practising Solicitor

10 Nov 89 cH-5.1 Reg 1.

FORM D  
*(subsection 8(1) of the Act)*

AFFIDAVIT

I, \_\_\_\_\_ of \_\_\_\_\_, make oath and say that:

1. I am the/a transferor (*lessor, mortgagor or as the case may be*) or \_\_\_\_\_  
 \_\_\_\_\_.

*(state capacity in which person acts on behalf of the owner, e.g. agent acting under power of attorney)*

2. My spouse and I (*or The transferor, lessor, mortgagor or as the case may be and his or her spouse*) have not occupied the land described in this disposition as our (*or their*) homestead at any time during our (*or their*) spousal relationship.

- or -

2. I have (*or The transferor, lessor, mortgagor or as the case may be has*) no spouse.

- or -

2. My spouse (*or The spouse of the transferor, lessor, mortgagor or as the case may be*) is a registered owner of the land that is the subject matter of this disposition and a co-signator of this disposition.

- or -

2. My spouse and I (*or The transferor, lessor, mortgagor or as the case may be and his or her spouse*) have entered into an interspousal agreement pursuant to *The Family Property Act* in which my spouse (*or his or her spouse*) has specifically released all his or her homestead rights in the land that is the subject matter of this disposition.

- or -

2. An order has been made by the Court of Queen’s Bench pursuant to *The Family Property Act* declaring that my spouse (or the spouse of the transferor, lessor, mortgagor or as the case may be) has no homestead rights in the land that is the subject matter of this disposition and (the order has not been appealed and the time for appealing has expired) or (all appeals from the order have been disposed of or discontinued).

– or –

2. My spouse (or The spouse or the transferor, lessor or mortgagor or as the case may be) is the transferee (or lessee, mortgagee or as the case may be) named in this disposition.

Sworn before me at \_\_\_\_\_  
in the Province of \_\_\_\_\_  
this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_

\_\_\_\_\_

16 Nov 2001 SR 81/2001 s2.

FORM E  
(section 14 of the Act)

CAVEAT

To the Registrar of Titles.

Take notice that I, \_\_\_\_\_ of \_\_\_\_\_ in the Province of Saskatchewan, non-owning spouse of \_\_\_\_\_, claiming a right to \_\_\_\_\_, pursuant to *The Homesteads Act, 1989*,  
(here describe the land and refer to the title)

forbid the registration of any transfer or other interest affecting the land or the granting of a title to it except subject to the claim set forth in this caveat.

My address for service in Saskatchewan is:

Dated this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_

\_\_\_\_\_  
(Signature of caveator or agent)

I, \_\_\_\_\_, non-owning spouse (or agent for the non-owning spouse) of \_\_\_\_\_ make oath and say:

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1. That the allegations in the above caveat are true in substance and in fact, to the best of my knowledge, information and belief.

Sworn before me at \_\_\_\_\_

in the Province of \_\_\_\_\_

this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_

\_\_\_\_\_  
(Signature)

\_\_\_\_\_

16 Nov 2001 SR 81/2001 s2.

FORM F  
(subsection 19(4) of the Act)  
AFFIDAVIT OF PERSONAL REPRESENTATIVE

I, \_\_\_\_\_, of \_\_\_\_\_, make oath and say that:

1. I am the executor of the last will and testament (or the administrator of the estate, or as the case may be) of \_\_\_\_\_, deceased, and as such a signator to the above/attached disposition.

2. No part of the land described in this disposition was occupied by the said \_\_\_\_\_, deceased, and his or her spouse as their homestead at any time during their spousal relationship.

– or –

2. The said \_\_\_\_\_, deceased, had no spouse at the time of his or her death.

– or –

2. The said \_\_\_\_\_, deceased, had a spouse at the time of his or her death but the said spouse died prior to the time of the execution of this disposition.

– or –

2. The land described in this disposition was occupied by the said \_\_\_\_\_, deceased, and his or her spouse as their homestead during their spousal relationship, but no part of the land is in the use and enjoyment of the surviving non-owning spouse of the said \_\_\_\_\_, deceased, and the land is not necessary for the maintenance and support of the surviving non-owning spouse or any children of the said \_\_\_\_\_, deceased.

– or –

2. The said \_\_\_\_\_, deceased, and his or her spouse had entered into an interspousal agreement pursuant to *The Family Property Act* in which the non-owning spouse specifically released all his or her homestead rights in the land that is the subject matter of this disposition.

– or –

2. An order has been made by the Court of Queen’s Bench pursuant to *The Family Property Act* declaring that the spouse of the said \_\_\_\_\_ , deceased, has no homestead rights in the land that is the subject matter of this disposition and (*the order has not been appealed and the time for appealing has expired*) or (*all appeals from the order have been disposed of or discontinued*).

– or –

2. I am (or \_\_\_\_\_ ,*an executor of the last will and testament or an administrator of the estate of \_\_\_\_\_ , deceased, is*) the surviving non-owning spouse of the said \_\_\_\_\_ , deceased.

– or –

2. The surviving non-owning spouse of the said \_\_\_\_\_ , deceased, is the transferee (*or lessee, mortgagee or as the case may be*) named in this disposition.

Sworn before me at \_\_\_\_\_  
in the Province of \_\_\_\_\_  
this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_

\_\_\_\_\_

16 Nov 2001 SR 81/2001 s2.