

**SINGLE FAMILY RESIDENTIAL REAL ESTATE SALE CHECKLIST**

Developed by Brenda Rice-Thomson

*(This checklist is to be used as a guideline or resource only and is not intended to create or replace a standard.)*

**INTAKE INFORMATION**

File number: \_\_\_\_\_ Lawyer: \_\_\_\_\_

New Client:

Existing Client:

If existing client, old file retrieved?:

**Conflict Check:**

Is there a conflict?

Yes

No

How resolved:

\_\_\_\_\_

Date File Opened: \_\_\_\_\_ Closing Date: \_\_\_\_\_

Property Address:

\_\_\_\_\_

PID: \_\_\_\_\_ Assessment Account: \_\_\_\_\_

Client Name(s): \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Phone: (H) \_\_\_\_\_ (W) \_\_\_\_\_ (C) \_\_\_\_\_

Email: \_\_\_\_\_

Marital Status: Single

Married

Common Law

Separated

Domestic Partner or former Domestic Partner   
(registered or unregistered)

If separated, is there a written signed separation agreement?:

No

Yes  (If yes, copy obtained/reviewed?):

Is property a matrimonial home:

Yes

No

Buyer's Lawyer/Firm:

\_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_

Realtor Name/Company:

\_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_

### **FRAUD PREVENTION/DETECTION**

Occupation of Client(s): \_\_\_\_\_

Is there another party (•Spouse of Grantor, etc.) who is not a client, and if so, is verification of identification required?:

\_\_\_\_\_

Are funds being received or transferred to or from a third party other than:

- a) a public company or financial institution
- b) another lawyer in trust
- c) a public official acting in that capacity;
- d) pursuant to an Order or a settlement
- e) pursuant only to fees, disbursements, expenses or bail

Yes  No

Will client bring identification documents to my office or do I have to make arrangements with a Guarantor for this purpose?

\_\_\_\_\_

Is the client or third party an organization? \_\_\_\_\_

**If so, complete Identification Requirements for Organizations form.**

### **FRAUD ALERTS**

- If the Agreement of Purchase and Sale provides that the lawyer is holding the deposit, be sure to collect the entire deposit amount. The deposit should not be released until closing.

- If the Seller instructs you that the Buyer is making a payment to the Seller, other than adjusted purchase price disclosed in the Agreement of Purchase and Sale, **this is a red flag.**
- Does this transaction involve other parties who have recently or regularly been involved in property transactions with each other? **This is a red flag.**
- Has the property been flipped, or is it about to be flipped? **These are red flags.**
- Be particularly careful if dealing with a private (non-realtor) Long Term Agreement of Purchase and Sale / Rent to Own document. Among other inquiries, check to see if the Seller owned the property as of the date appearing on the Agreement of Purchase and Sale?
- Has the Seller instructed you to make the proceeds of sale payable to third parties with no apparent connection to the transaction or entitlement to the funds?
- Has there been a substantial escalation in the sale price over a short period of time? **This is a red flag.**

## **PRELIMINARY WORK**

### **Use of Property**

Single family     Rental     Condo     Vacant land     Commercial

Other: \_\_\_\_\_

### **Review of Agreement of Purchase and Sale**

Date received: \_\_\_\_\_

Expiry Date lawyer review: \_\_\_\_\_

Date reviewed: \_\_\_\_\_

Are the correct Part II & all appropriate Schedules attached?:      Yes       No

Is the PID correct in Agreement?:      Yes       No

Are all PIDs included?:      Yes       No

Does the Seller's name agree with registered owner on POL?: Yes  No

Do any closing or condition dates fall on weekends or holidays?: Yes  No

Do all conditions have expiry dates?: Yes  No

Are the dates realistic?: Yes  No

Will there be sufficient time to complete migration, if not already done?:  
Yes  No

Is deposit too high? (a possible fraud alert): Yes  No

Too low?: Yes  No

Is the type of deed correct?: Yes  No

Is HST properly addressed in the Agreement?: Yes  No

Are the implications of the HST status understood by the client?: Yes  No

Are all pages signed and initialed as appropriate?: Yes  No

Have all unfilled blanks been completed?: Yes  No

Are there any provisions crossed out?: Yes  No

Are there betterment charges?: Yes  No

If there are betterment charges, does Seller understand he/she must pay charges out at closing?: Yes  No

Are there any inconsistencies or ambiguities?: Yes  No

Is there anything contrary to information received from client?: Yes  No

Other substantive objections: \_\_\_\_\_

Objections Sent: \_\_\_\_\_

How Resolved: \_\_\_\_\_

Review with the client the obligation to disclose issues which might negatively impact marketability/use and enjoyment: Yes  No

**Conditions**

Expiry Date for Other Conditions: \_\_\_\_\_

Conditions Satisfied: Yes  No

**Migration**

Ensure Parcel Register is printed. Has Property been migrated: Yes  No

If not migrated, date migration must be completed: \_\_\_\_\_

Client contacted to provide quote and obtain authorization? Yes  No

Migration Fee Quote to client? Yes  No

Fees \$ \_\_\_\_\_ Disbursements: \$ \_\_\_\_\_ Total \$ \_\_\_\_\_

Migration forms prepared?: Yes  No

Signed by client?: Yes  No

Date search ordered: \_\_\_\_\_ Date search due: \_\_\_\_\_

**Follow migration checklist**

**Parcel Register**

Checked for judgments against Buyer and Seller?: Yes  No

Results: \_\_\_\_\_

Has there been a name change?: Yes  No

**If so, check judgments against old and new names.**

Check how title held?: Yes  No

Results: \_\_\_\_\_

Are any owners deceased?: Yes  No

Did they hold as joint tenants?: Yes  No

If joint tenants, do you have death certificate?: Yes  No

**Prepare and File Form 21**

If not joint tenants, has probate been granted and filed at Registry?: Yes  No

Check for outstanding mortgages (by seller or prior owner)?: Yes  No

Results: \_\_\_\_\_

### Contact Client

Request information (location certificate, mortgage particulars, heating, suppliers)

Provide Sale Fee Quote to client

Fees \$ \_\_\_\_\_ Disbursements: \$ \_\_\_\_\_ Total \$ \_\_\_\_\_

Opening letter to client sent?

Will clients sign documents at your office?: Yes  No

If no, where will documents be signed?: \_\_\_\_\_

Date attestation for ID verification Prepared: \_\_\_\_\_ Received: \_\_\_\_\_

Will clients be in town on closing date?: Yes  No

(If not, obtain contact information: \_\_\_\_\_

Are clients non-residents of Canada?: Yes  No

If yes, who is preparing s. 116 application for certificate of compliance?:  
\_\_\_\_\_

Adjusted Cost Base Information:  
\_\_\_\_\_

See Canada Revenue Agency information on Non-Resident Disposition of Taxable Canadian Property: <http://www.cra-arc.gc.ca/E/pub/tp/ic/72-17r6/README.html>

### Survey Information

Is location certificate in an existing file?: Yes  No

If not, does client or realtor have location certificate?: Yes  No

If yes: Date requested: \_\_\_\_\_ Date received: \_\_\_\_\_

**Rental Unit Information**

Are there rental units?: Yes  No

How many units?: \_\_\_\_\_

Are they legal units?: Yes  No

Does Seller have written confirmation from municipality as to legal status?:  
Yes  No

Are there written leases?: Yes  No

**If so, obtain copies of leases.**

Monthly Rental: \$\_\_\_\_\_ Amount of Security Deposit: \$\_\_\_\_\_

Lease Commencement date: \_\_\_\_\_ Interest on security deposit \$\_\_\_\_\_

Are there any oral leases?: Yes  No

If so, what are the terms?:  
\_\_\_\_\_

See: <http://www.gov.ns.ca/snsmr/access/land/residential-tenancies/security-deposit-interest-calculator.asp>

**PERMISSION TO USE PROPERTY**

Has the client given anyone permission to use the property  
(i.e. permission not documented on the public record)? Yes  No

If so, what are the details of the arrangement?:  
\_\_\_\_\_

**PROCESSING FILE**

**Contact Buyer's Lawyer**

Date opening letter prepared: \_\_\_\_\_ Sent: \_\_\_\_\_

Migration deadline: \_\_\_\_\_ Date migration info sent to lawyer: \_\_\_\_\_

Title instructions received:  
\_\_\_\_\_

Names:  
\_\_\_\_\_

Joint tenants:  Tenants in common:  Single:  Body corporate:

**Outstanding mortgage(s) to be paid out.**

Prior mortgage(s) to be paid out?: Yes  No

Mortgagee: \_\_\_\_\_ Mortgage #: \_\_\_\_\_

Contact: \_\_\_\_\_ Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Payout Statement Requested: \_\_\_\_\_ Received: \_\_\_\_\_

Does the Payout Statement Request contain language indicating that this is needed for mortgage discharge purposes?: Yes  No

Outstanding mortgage(s) to be assumed: \_\_\_\_\_

Prior mortgage(s) to be assumed: Yes  No

Mortgagee: \_\_\_\_\_ Mortgage #: \_\_\_\_\_

Contact person:  
\_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Assumption Statement Requested: \_\_\_\_\_ Received: \_\_\_\_\_

Will seller be released from mortgage covenants?: Yes  No

Is consent of the Mortgagee required?: Yes  No



Has such consent been obtained?: Yes  No

### Outstanding judgments

**If judgments against name similar to Seller, contact Seller to determine if they are against Seller.**

Seller's Response:

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(If judgments are similar name but not Seller, prepare statutory declaration for execution and recording.)

If judgments are against Seller, was Seller bankrupt?: Yes  No

Has Seller been discharged from bankruptcy?: Yes  No

**If so, obtain documentation.**

Whether or not the Seller was discharged, has the Trustee disclaimed or conveyed, and is such disclaimer or conveyance registered/recorded at the LRO?: Yes  No

If judgments are against Seller and Seller not bankrupt, obtain contact information:

Judgment Creditor: \_\_\_\_\_

Contact: \_\_\_\_\_ Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Payout Statement Requested: \_\_\_\_\_ Received: \_\_\_\_\_

### Utilities

Water:  Municipal  Well (if Well, water condition test?): Yes  No

Sewer:  Municipal  Septic (if Septic, to be pumped?): Yes  No

Septic Invoice Received?: Yes  No

Heat:  Electric  Oil  Propane  other: \_\_\_\_\_

Oil/Propane to be topped up?: Yes  No

Service provider for oil/propane: \_\_\_\_\_

Size of tank: \_\_\_\_\_ Price per litre: \$ \_\_\_\_\_

Has the top-up slip been received?: Yes  No

**Leased Equipment:**

Assumed by Buyer?: Yes  No

Paid out by Seller?: Yes  No

Written confirmation received that lease has been assumed? Yes  No

Type of Equipment: \_\_\_\_\_ Service provider for leased equipment: \_\_\_\_\_

Is the Lessor's consent required?: Yes  No

If so, has such consent been obtained?: Yes  No

Is electric utility municipally owned?: Yes  No  If yes, are there liens?: Yes  No

**Property Taxes**

Municipality: \_\_\_\_\_ Date checked: \_\_\_\_\_

Current Year's Taxes: \$ \_\_\_\_\_ Paid?: Yes  No

Amount paid so far this year: \$ \_\_\_\_\_

Tax Arrears?: \$ \_\_\_\_\_ Interest to date of closing: \$ \_\_\_\_\_

Prior Year's Taxes: \$ \_\_\_\_\_ Paid?: Yes  No

Amount paid last year: \$ \_\_\_\_\_

Betterments?: Yes  No

Details: \_\_\_\_\_

Tax Certificate required?: Yes  No

If Certificate required: Date ordered: \_\_\_\_\_ Date received: \_\_\_\_\_

Uncapped Assessment: \$ \_\_\_\_\_ Capped Assessment: \$ \_\_\_\_\_

**Adjustments**

Purchase Price: \$ \_\_\_\_\_ Deposit: \$ \_\_\_\_\_

Additional Credits: \$ \_\_\_\_\_

Is deposit amount same as what is shown on the Commission statement?: Yes  No

Amount of Commission: \$ \_\_\_\_\_

Date Invoice received: \_\_\_\_\_ Dated Math checked: \_\_\_\_\_

Fees Quoted Sale: \$ \_\_\_\_\_ Disbursements: \_\_\_\_\_

Fees Quoted Migration: \$ \_\_\_\_\_ Disbursements: \_\_\_\_\_

Adjustments prepared: \_\_\_\_\_ Sent to lawyer: \_\_\_\_\_ Confirmed: \_\_\_\_\_

Trust Statement prepared: \_\_\_\_\_ Given to client on closing: \_\_\_\_\_

Rental adjustment: \$ \_\_\_\_\_ Security Deposit adjustment: \$ \_\_\_\_\_ Interest \$ \_\_\_\_\_

**Condominiums**

Condo documents due: \_\_\_\_\_ Obtained: \_\_\_\_\_ Sent to lawyer: \_\_\_\_\_

Contact information for Estoppel Certificate:  
\_\_\_\_\_

Date Certificate required: \_\_\_\_\_ Date ordered: \_\_\_\_\_ Received: \_\_\_\_\_

Monthly condo fees: \$ \_\_\_\_\_

Paid to closing?: Yes  No  Arrears: \$ \_\_\_\_\_

Cost of Estoppel Certificate: \$ \_\_\_\_\_

Is Estoppel Certificate valid until closing?: Yes  No

If no, need update?: Yes  No

## **Documents**

Deed and Direction & Authorization prepared: \_\_\_\_\_

HST Certificate prepared: \_\_\_\_\_ HST Exempt?: Yes  No

Any other closing documents required. Specify (for example, Assignment of Lease, Assignment of Service Contract, Bill of Sale/general conveyance, Non-Canadian Resident Disposition compliance certificate?):

\_\_\_\_\_

Closing letter to Buyer's lawyer prepared: \_\_\_\_\_

Payout letters prepared: \_\_\_\_\_

## **PRECLOSING**

### **Documentation Review**

File to lawyer to review: \_\_\_\_\_ Date reviewed: \_\_\_\_\_

### **Closing appointment with client**

Date: \_\_\_\_\_ Time: \_\_\_\_\_

If clients signing out of province, where to send:

\_\_\_\_\_

Sent: \_\_\_\_\_ Received: \_\_\_\_\_ Checked: \_\_\_\_\_

### **Meeting with client**

Adjustments, mortgage payout, commission invoice reviewed with client: \_\_\_\_\_

Deed, HST Certificate, Direction signed: \_\_\_\_\_

Keys obtained: \_\_\_\_\_ Top up slips obtained: \_\_\_\_\_

ID obtained (if not previously obtained): \_\_\_\_\_



## Funds

Funds received from Buyer's lawyer: \_\_\_\_\_ Lawyer contacted: \_\_\_\_\_

Confirmation of lease assumption received: \_\_\_\_\_

Mortgages to be paid?: Yes  No  Paid

Date diarized for follow-ups on Mortgage Release (or release of other recorded interests?): \_\_\_\_\_

Real Estate Commission to be paid?: Yes  No  Paid

Delivery of balance to client?:  Client contacted: \_\_\_\_\_

## Reporting

Final report prepared: \_\_\_\_\_ Sent to client: \_\_\_\_\_

## POST CLOSING

### Holdbacks

Amount: \$ \_\_\_\_\_ Purpose: \_\_\_\_\_

Held by: Seller's lawyer  Buyer's lawyer

Follow-ups on Holdbacks: \_\_\_\_\_

Date Released: \_\_\_\_\_

### Undertakings

By: Seller's lawyer  Buyer's lawyer

Details: \_\_\_\_\_

Follow-ups on Undertakings: \_\_\_\_\_ When satisfied: \_\_\_\_\_

## Mortgage Releases

Mortgage Protocol Date (180 days from closing): \_\_\_\_\_

Bank: \_\_\_\_\_ Recording Particulars: \_\_\_\_\_

Follow up letters to Bank (if required): \_\_\_\_\_

Date Release recorded: \_\_\_\_\_ Recording Particulars: \_\_\_\_\_

Buyer's lawyer notified: Yes  No