

## **SINGLE FAMILY RESIDENTIAL REAL ESTATE SALE CHECKLIST**

*(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

If separated, is there a written signed separation agreement:

No  Yes  (If yes, copy obtained?):

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 (including all or any part, short or long-term)
- 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?: Yes  No
- Too low?: Yes  No
- Is the type of deed correct?: 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: \_\_\_\_\_

### 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 name.**

Checked 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

Checked 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/ic72-17r6/README.html>

### Survey Information

Is location certificate in your old file?: Yes No

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

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

**Rental Unit Information**

Is there any part of the property used as a short-term rentals (e.g. Airbnb)? Yes No

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 \$\_\_\_\_\_

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

**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: \_\_\_\_\_

Outstanding mortgage(s) to be assumed:

Prior mortgage(s) to be assumed:  Yes  No

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

Contact person:

\_\_\_\_\_

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

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

Will seller be released from mortgage covenants?: Yes  No

**Outstanding judgments**

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

Seller's Response:

\_\_\_\_\_

(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.**

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

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

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

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



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 on the Commission statement: Yes  No

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

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

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

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

### **PRECLOSING**

#### **Documentation Review**

Date 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:  No  Yes (Paid? )

Date diarized for follow-ups on Mortgage Release: \_\_\_\_\_

Real Estate Commission to be paid:  No  Yes (Paid? )Delivery of balance to client?:  Date client contacted: \_\_\_\_\_**Reporting**

Date final report prepared: \_\_\_\_\_ Date 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: \_\_\_\_\_

Followups 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