



INDIGENOUS LANDS SUPPLEMENTARY ORDER FORM

Commercial Over \$10 Million

National

Date: Tel No.: 289-562-5216 / 1-888-868-4853
Email: commercialtitle@ctic.ca Fax No.: 289-562-2478 / 1-866-214-1953

Closing Date: CTIC Policy No.:
Your File No.:

Copies of the following documents must be submitted with your order for review:

- Agreement of purchase and sale (if a purchase transaction);
- Head lease from the Crown or the Indigenous group, as the case may be;
- Draft sublease transferring the interest to the insured owner/borrower;
- Title search from either The Indian Lands Registry System; The First Nations Land Registry System or The Self Governing First Nations Land Register;
- **[DESIGNATED LAND ONLY]** Copy of the Order-In-Council issued by the Governor General of Canada; and
- **[LAND CODE/CONSTITUTION ONLY]** Sections of the Land Code/Constitution dealing with granting of interests and mortgaging land.

***We may require additional information or clarification in order to issue a policy on Indigenous land.

1. There are known disputes within the Indigenous group or elsewhere which could potentially develop into litigation or other challenges to the validity of the interest to granted or mortgaged.

Yes No*

*Please provide details:

2. A zoning compliance certificate has been obtained from the Band Council or other applicable authority confirming the current use of the Land complies with the Designation, Land Code or Constitution (whichever is applicable).

Yes No*

*Please provide details:

3. An estoppel certificate has been obtained from the Crown and/or the Band Council (whichever is applicable) confirming the head lease and any subleases are in good standing and there no adverse matters.

Yes No*

*Please provide details:

4. Confirmation has been obtained from the Band Council or other applicable authority that all agreements, restrictive covenants and conditions affecting the Land have been complied with to date.

Yes No*

*Please provide details:

5. **[FOR LOAN POLICIES ONLY]** Confirmation has been obtained from the Band of Council or other applicable authority that there are no work orders affecting the Land.

Yes No*

*Please provide details:

Complete **ONLY** the section below, which corresponds to the type of Indigenous land being insured.

IF DESIGNATED LAND:

1. An Order-In-Council has been issued by the Governor General of Canada accepting a designation pursuant to Section 38 of the *Indian Act* with respect to the Land.

Yes No*

*Please provide details:

2. The head lease and sublease comply with the terms of the Order-In-Council.

Yes No*

*Please provide details:



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3.

The sublease to the Insured complies with the terms and limitation of the head lease from the Crown.

Yes

No*

*Please provide details:
4.

All required consents have been obtained under the terms of the head lease and the sublease with respect to the granting of the interest in the Land and any mortgages from the:

a. The Crown

Yes

No*

*Please provide details:

b. The Band Council

Yes

No*

*Please provide details:
5.

[FOR LOAN POLICIES ONLY] The head lease and sublease permit the insured lender to exercise default remedies, which would allow the transfer of Land to a third party after a default by the borrower.

Yes

No*

*Please provide details:

IF LAND CODE/CONSTITUTION/SELF GOVERNMENT:

1.

The Land Code or Constitution was created on:
2.

A legal opinion has been rendered regarding the validity of the rules enacted under the Land Code or Constitution and the powers of the Indigenous group to govern their own land.

Yes*

No

*If yes, provide a copy of such for review.
3.

The head lease and any sublease to the Insured complies with the terms and conditions of the Land Code or Constitution.

Yes

No*

*Please provide details:
4.

All required consents have been obtained under the provisions of the Land Code or Constitution with respect to the granting of the interest in the Land and any mortgages.

Yes

No*

*Please provide details:
5.

[FOR LOAN POLICIES ONLY] The Land Code or Constitution permits the insured lender to exercise default remedies, which would allow the transfer of the Land to a third party after a default by the borrower.

Yes

No*

*Please provide details

IF ALLOTTED/LOCATEE LAND:

1.

Please select the authority pursuant to which the band member was granted possession of the Land through either a certificate of possession, certificate of occupation, notice of entitlement, or location ticket from the Crown or the Band, as the case may be:

a. Section 20 of the *Indian Act*

b. Land Code

*

*If Land Code, the Land Code created on:
2.

All required consents been obtained with respect to the granting of the interest in the Land and any mortgages from:

a. The Crown

Yes

No*

*Please provide details:

b. The Band Council

Yes

No*

*Please provide details:
3.

[FOR LOAN POLICIES ONLY] The head lease, sublease and/or Land Code (if applicable) permits the insured lender to exercise default remedies, which would allow the transfer of the Land to a third party after a default by the borrower.

Yes

No*

*Please provide details:

Submit