

Guide to Affidavits of Identity

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Guide to Affidavits of Identity

Affidavit of Surviving Joint Tenant

Pursuant to Section 70 of *The Land Titles Regulations, 2001*, [The Affidavit of Surviving Joint Tenant](#) must always be provided when surviving owner(s) are submitting an application for transfer to surviving joint tenant(s).

The Affidavit of Surviving Joint Tenant serves two purposes. It is proof to the Registrar:

- That the person named in the death certificate is the same person as the deceased joint tenant on the title. And
- That the applicant is the surviving joint tenant or one of the surviving joint tenants.

The reason for this caution is due to the extraordinary nature of an application by the surviving joint tenant, which allows someone to become the registered owner of land without the consent of the heirs of the deceased.

A death certificate issued by Vital Statistics is the best available evidence in support of the application and because of the importance of the integrity of the information in the Land Titles Registry this is what is required.

A copy of the death certificate issued by Vital Statistics, Saskatchewan Health for the deceased joint tenant must be attached. The Registrar will not accept a Funeral Directors Death Certificate. A Funeral Directors Death Certificate is not provided under any legislation and is therefore not a legal source of proof of death. A death certificate issued by Vital Statistics is the best available evidence in support of the application and because of the importance of the integrity of the information in the Land Titles Registry this is what is required.

This Affidavit must be completed by one of the surviving joint tenants. This Affidavit cannot be taken by someone on behalf of the surviving joint tenant, such as a solicitor.

The Affidavit of Identity along with the accompanying Death Certificate act as the Authorization for the application. As such, the Affidavit must comply with the requirements of s. 13 of *The Land Titles Regulations, 2001*, (the "Regulations") which requires that the authorization be completed by the registered owner. Section 13(5) of the Regulations states where a person other than the registered owner or interest holder authorizes an application the authorization must include evidence,

satisfactory to the Registrar, to prove that person's legal authority to authorize the application.
In the event the surviving joint tenant is also deceased, then this Affidavit would be taken by the survivor's executor/administrator and must be accompanied by the Letters Probate/Letters of Administration.

The affidavit must be sworn or affirmed in accordance with Sections 24 - 29 of *The Land Titles Regulations, 2001* (see procedure under [Authorizations](#) on Web site).

Name Discrepancies in Surviving Joint Tenant Applications

In the event there is a discrepancy between the name of the deceased on the Death Certificate and the Title, this discrepancy must be dealt with in the Affidavit of Surviving Joint Tenant.

Below are some examples of name discrepancies and an excerpt from the required Affidavit to demonstrate how the name discrepancy should be dealt with.

For example:

Middle Name

Deceased Joint Owner's Name on Title: Jane Doe
Name on Death Certificate: Jane Lynn Doe

Then Affidavit states:

_____ Jane Doe _____ who is the deceased joint registered owner of Title Number
(Name as on title)
_____, is the same person as _____ Jane Lynn Doe _____ named on
(Name as on Death Certificate)
the attached Certificate of Death # _____ issued by Vital Statistics.

Deceased Joint Owner's Name on Title: Jane Lynn Doe
Name on Death Certificate: Jane Doe

Then Affidavit states:

Jane Lynn Doe who is the deceased joint registered owner of Title
(Name on Title)
Number _____, is the same person as Jane Doe named on
(Name on Death Certificate)
the attached Certificate of Death # _____ issued by Vital Statistics.

Initial in Middle Name

Deceased Joint Owner's Name on Title: Jane L. Doe
Name on Death Certificate: Jane Lynn Doe

Then Affidavit states:

Jane L Doe who is the deceased joint registered owner of Title
(Name on Title)
Number _____, is the same person as Jane Lynn Doe named
(Name on Death Certificate)
on the attached Certificate of Death # _____ issued by Vital Statistics.

Deceased Joint Owner's Name on Title: Jane L Doe
Name on Death Certificate: Jane Doe

Then Affidavit states:

Jane L Doe who is the deceased joint registered owner of Title
(Name on Title)
Number _____, is the same person as Jane Doe named
(Name on Death Certificate)
on the attached Certificate of Death # _____ issued by Vital Statistics.

Name Correction

This confirmation of identity is required to explain the discrepancy in names to ensure that the person on the death certificate is the same person as the title owner.

Deceased Joint Owner's Name on Title: Jane Lyn Doe
 Name on Death Certificate: Jane Lynn Doe

When an error in the deceased title owner's name was made by the customer or the person submitting the application on behalf of the customer The Affidavit of Identity would state:

_____ Jane Lyn Doe _____ who is the deceased joint registered owner of Title
 (Name on Title)
 Number _____, is the same person as _____ Jane Lynn Doe _____ named
 (Name on Death Certificate)
 on the attached Certificate of Death # _____ issued by Vital Statistics.
 .

**NOTE**

Generally, Affidavits dealing with name corrections cannot be submitted in a packet, because of the auto attach function of Writs of Execution and the concern that a spelling error may have prevented a Writ from attaching when it should have. However, in an application for transfer to surviving joint tenant any writs of execution against the name of the deceased alone are removed from title so the same concern doesn't exist.

Deceased Different Last name

Deceased Joint Owner's Name on Title: Jane Lynn Doe
 Name on Death Certificate: Jane Lynn Smith

The deceased joint registered owner was married after the title was issued and never changed the title to reflect her married name.

Another Affidavit (Affidavit of Change of Name) would need to be attached or additional paragraphs included in the Affidavit of Surviving Joint Tenant. This confirmation is required to explain the discrepancy in names to ensure that the person on the death certificate is the same person as the title owner.

For example:

<p><u>Jane Lynn Doe</u> who is the deceased joint registered owner of Title (Name on Title) Number _____, is the same person as <u>Jane Lynn Smith</u> named _____ (Name on Death Certificate) on the attached Certificate of Death # _____ issued by Vital Statistics.</p> <p>On the _____ day of _____, _____ at, _____, Saskatchewan, Jane Lynn Doe was married and as a result of that marriage, she elected to use as her legal surname Smith.</p>

Discrepancy in name of Surviving Joint Tenant

If the surviving joint tenant making the Application for Transfer to Surviving Joint Tenant held title with an initial in his/her name or has had some other name change, a Change of Name Application would need to be submitted prior to submitting the packet for the Transfer to Surviving Joint Tenant. This is because title processors cannot change a name on an existing title.



NOTE

The above process must be followed even if in the same packet the Survivor is transferring the title to a third party.

For example if Jane L. Doe and John J. Doe held title as joint tenants and John submits an Application for transfer to Surviving Joint Tenant, in the packet he can provide the Affidavit of Surviving Joint Tenant dealing with Jane's middle initial however the new title in his name alone cannot have the middle initial. John would have to complete a Change of Name Application along with an Affidavit of Identity stating that John Jacob Doe is one and the same as John J. Doe, recorded in the Land Registry as one of the Registered Owners of Title Number _____.

Once this is processed the title will read Jane L. Doe and John Jacob Doe. John can then submit the Application for Transfer to Surviving Joint Tenant with the required Affidavit of Surviving Joint Tenant and Jane's Vital Statistics Certificate of Death and when registered the new Title will be issued in the sole name of John Jacob Doe.

*The Change of Name
Application can be found on the
forms page at www.isc.ca under
Client and Account
Management.*

*An application for a Change of
Name should be sent to e-
business to be processed, by
e-mail, fax or post.*

Affidavit of Identity with Application for Transmission to Personal Representative

There are two situations where an Affidavit of Identity would be submitted with an Application for Transmission to a personal representative. The first is if the Letters Probate, Letters of Administration ("Letters") or Local Registrars Certificate ("Certificate") issued by the Court or the Certificate of the Public Guardian and Trustee do not show the correct name of the Personal Representative. The second is if any of the above documents do not show the correct name of the deceased or there is a discrepancy between how the deceased is named in the above documents and on the title.

This Affidavit of Identity is only required with the application for transmission when there is name discrepancy.

For either of the above situations the Affidavit can be completed by the executor/administrator of the estate and would need to be accompanied by Letters Probate/Letters of Administration. This Affidavit of Identity is only required with the application for transmission when there is name discrepancy and is therefore governed by section 30 of the Regulations which permits someone to swear on behalf of the registered owner, such as a solicitor. The sample Affidavit provided would need to be amended accordingly.



NOTE

A Personal Representative cannot be identified on title with an initial unless proof is provided that the initial is their proper name. For example if Letters Probate are issued to Douglas G. Black, this name cannot be used on the Application for Transmission. Therefore the Affidavit of Identity - Transmission to Personal Representative must be provided to explain the discrepancy between the Letters and the personal representative's name in the Application.

Name Discrepancy of Personal Representative

Where the reason for the discrepancy in the name is obvious and apparent (such as spelling error, missing middle name, middle initial, short form name), the sample [Affidavit](#) with no further documents for the name discrepancy or explanation is sufficient.

For example:

Short Form of Name

Personal Representative's name as set
out in the Certificate or Letters:
Personal representative's correct
legal name:

Tom Doe.

Thomas Doe.

Affidavit would state:

Make oath and say that:

The above documents name me as the personal representative of the estate of the Deceased and identifies me by the name Tom Doe. My correct legal name is Thomas Doe.

Middle Name

Personal Representative's name as set
out in the Certificate or Letters:
Personal representative's correct
legal name:

Thomas Doe

Thomas James Doe

Affidavit would state:

Make oath and say that:

The above documents name me as the personal representative of the estate of the Deceased and identifies me by the name Thomas Doe. My correct legal name is Thomas James Doe.

Name Correction

Personal Representative's name
as set out in the Certificate or Letters:
Personal representative's
correct legal name:

Micheal Smith

Michael Smith

Affidavit would state:

Make oath and say that:

The above documents name me as the personal representative of the estate of the Deceased and identifies me by the name Micheal Smith. My correct legal name is Michael Smith.

Different Last Name

If the name is completely different such as a change in last name due to marriage or a legal change of name, then further explanation and evidence to explain the discrepancy is required.

For example:

Personal Representative's name
as set out in the Certificate or Letters: Lisa Jones

Lisa marries and changes her name after the Court issued the Letters Probate but prior to submitting the Application for Transmission

Personal representative's
correct legal name: Lisa Klassen

Affidavit would state:

Make oath and say that:

1. The above documents name me as the personal representative of the estate of the Deceased and identifies me by the name Lisa Jones. My correct legal name is Lisa Klassen.
2. On the 21 day of July 2004, at Regina, Saskatchewan, I was married and as a result of that marriage, I have elected to use as my legal surname Klassen.

Name Discrepancy of Deceased

If the Letters Probate or Letters of Administration or Local Registrars Certificate or Public Guardian and Trustee Certificate identify the deceased differently than the deceased is named on the title, then the personal representative will need to complete an [Affidavit of Identity – Transmission to Personal Representative](#) and submit with the Court documents and the application for Transmission.

If the discrepancy involves a middle initial or middle name the personal representative would need to submit an Affidavit of Identity – Transmission to Personal Representative to state that the person named in the documents is the same person as the registered title owner.

For example:

Short Form of Name

Deceased's name as set out in the Title: Mike Stone

Deceased's name as set out in the Letters and Certificate: Michael James Stone

The Affidavit would state:

The Deceased Mike Stone, is the registered owner of Title Number(s) _____, and is one and the same person as the Deceased identified by the name Michael James Stone in the above documents.

Deceased's name as set out in the Title:

Vikki Jones

Deceased's name as set out in the Letters and Certificate:

Victoria Jones

Affidavit would state:

The Deceased Vikki Jones, is the registered owner of Title Number(s) _____, and is one and the same person as the Deceased identified by the name Victoria Jones, in the above documents.

If the deceased is named on title as:

Alex Foster

Letters Probate identify the title owner as:

Alex Foster

Local Registrars Certificate identifies the title owner as:

Alexander Foster

Affidavit would state:

The Deceased, Alex Foster, is the registered owner of title number(s) # _____, and is one and the same person as the Deceased identified by the name Alexander Foster, in the above documents.

Initial in Middle Name

Deceased's name as set out in the
 Title: Mike J. Stone
 Deceased's name as set out in the
 Letters and Certificate: Michael James Stone

Affidavit would state:

The Deceased Mike J. Stone, is the registered owner of Title Number(s) _____, is one and the same person as the Deceased identified by the name Michael James Stone in the attached Letters Probate and Local Registrar's Certificate.

If the Letters Probate identify the name differently than the Local Registrars Certificate then the Affidavit of Identity – Transmission to Personal Representative should be provided.

Different Last Name

If the name discrepancy involves the last name of the deceased or a legal change of name, it is strongly recommended that the title be updated to reflect the deceased's proper name.

To change the name on title an application for Change of Name with the appropriate Affidavit completed by the personal representative must be submitted. Once the Change of Name request is processed the packet with the Application for Transmission can be submitted.

If the Personal Representative chooses not to change the deceased's name on title, then an additional paragraphs would need to be added to the Affidavit of Identity – Transmission to Personal Representative.

For example:

1. The Deceased, Jane Lynn Doe, is the registered owner of title number(s) # _____ is one and the same person as the Deceased identified by the name Jane Lynn Smith, in the above documents.
2. The deceased was married on September 25, 2004, at Saskatoon, in the Province of Saskatchewan, and elected to use as her legal surname Smith.

**NOTE**

The Change of Name Application can be found on the forms page at www.isc.ca under Client and Account Management.

An application for a Change of Name should be sent to e-business to be processed, by e-mail, fax or post.

The deceased's name will not be changed on title with the submission of the Affidavit of Identity – Transmission to Personal Representative in the packet with the application for Transmission. The Affidavit allows the title processor to process the application by providing the evidence needed for the name discrepancy.

If the personal representative would like the title to be changed to have the same correct name for the deceased as the Court documents, an application for Change of Name with the appropriate Affidavit would need to be submitted.

**NOTE**

Once an Application for Transmission has been processed the deceased's client number becomes inactive. Therefore there is no way to change the deceased's name on title after the Application for Transmission has been submitted.

Affidavit of Identity (Individual Registered Owner or Interest Holder)

Confirmation of identity is required when there is some uncertainty whether the individual executing an Authorization is in fact the individual entitled to do so according to the information on title.

Confirmation of identity is required when there is some uncertainty whether the individual executing an Authorization is in fact the individual entitled to do so according to the information on title.

Affidavit of Identity

The [Affidavit of Identity](#) pursuant to section 30 of *The Land Titles Regulations, 2001* is required in situations where the name of the individual executing is similar but not identical with the name of the registered owner or interest holder on title.

This Affidavit would be used in situations where the discrepancy involves a middle initial or missing middle name or a shortened version of a name. For example where the title has Bob J. Black and the Transfer Authorization has Bob John Black.

Change of Name

If the name is different because of a name change pursuant to The Change of Name Act, 1995, such as due to marriage or a legal name change, then the [Affidavit of Identity for Individual Change of Name](#) pursuant to section 80 of *The Land titles Regulations, 2001* needs to be provided. It is not sufficient to provide an Affidavit of Identity that says Jane Smith the registered owner of Title Number _____ is one and the same as Jane Klassen named as registered owner of the above title.

If the name has been changed as evidenced by a Certificate of Change of Name issued by the Director of Vital Statistics the Change of Name Affidavit will need to be submitted and the Certificate will need to be attached to the Affidavit.

Name Correction

*Errors in name must be corrected **prior to** submitting an application to deal with a title or interest.*

If the name is different due to an error, regardless of whether it is an error caused by the customer or a data entry error by ISC, the error in the name must be corrected prior to transferring a title or prior to discharging or dealing with an interest.

For more information on how to correct a name error, please refer to Change of Name Application Instruction Sheets on the Website under Forms – Client and Account Management Forms.

If the error was caused by an ISC data entry error, please call ISC Customer Support Services at 1-866-275-4721.

The reason that spelling errors can not be dealt with in a packet, is that it must be determined whether a writ of execution should have attached, but did not because of the error in the spelling of the name.

Which Affidavits of Identity can be included in a packet and which cannot?

Affidavit of Surviving Joint Tenant

- All packets containing an Application for Transfer to Surviving Joint Tenant must contain an Affidavit of Surviving Joint Tenant because it is the Authorization for the Application.
- If there is an error in the name of the deceased joint tenant or any other name discrepancy for the name of the **deceased** joint tenant can be explained in an Affidavit and submitted with the application in the packet.
- Any change to the name of a **surviving** joint tenant(s) must be corrected internally before the application can be submitted.

Affidavit of Identity – Transmission to Personal Representative

- If the Personal Representative's name is incorrect or incomplete in the Court documents or Public Guardian and Trustee Certificate, the correct name should be in the Application for Transmission and an Affidavit can be submitted in the packet.
- If the Deceased Title Owner's name is incorrect or incomplete in the Court documents or Public Trustee Certificate an Affidavit of Identity can be submitted with the packet to explain the discrepancy between how the deceased is identified in the Court documents and how he/she appears on title.



NOTE

This will not change how the deceased appears on title therefore it is recommended that the name be changed prior to the submission of the Application for Transmission to Personal Representative.

***Affidavit of Identity –
Registered Owner or Interest Holder***

- Discrepancy between title information and authorization executed due to an initial in the name or missing middle name, the **Affidavit of Identity** may be submitted with a packet to allow the registration of the application.
- Discrepancy between title information and authorization executed due to a Legal Name Change or change due to an election under *The Change of Name Act*, such as marriage, may be submitted with a packet depending on whether a change needs to be made to an existing title or not. If the application is a transfer of title or an interest discharge where the incorrect name is coming off the title the **Affidavit of Identity – Change of Name** may be submitted with the packet to provide the evidence needed to confirm that the person executing the authorization is in fact the person entitled to, based on the title information.
- A change that needs to be made in the Land Titles Registry and reflected on the title cannot be submitted with a packet. These changes must be submitted with a Change of Name Application accompanied by the appropriate Affidavit.
- Incorrect or incomplete information for a registered owner or interest holder on title due to a customer error or data entry error by the Land Registry cannot be corrected by submitting an **Affidavit of Identity – Name Correction** with the packet nor can an application be processed with a Name Correction Affidavit in the packet.

*Errors in name must be corrected **prior to** submitting an application to deal with a title or interest.*



NOTE

See [Guide for Name Corrections](#) for more information on correcting names.

Sample Affidavits of Identity

Figure 1 Affidavit of Surviving Joint Tenant

**Information
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of Saskatchewan

Affidavit of Surviving Joint Tenant

I, _____, of _____ in the Province of _____, make oath and say that:

1. _____ (Name of deceased as on Title) who is the deceased joint registered owner of Title# _____, is the same person as _____ (Name of Deceased as on Death Cert.) named on the attached Certificate of Death # _____ issued by Vital Statistics.
2. I am one of the registered owners of the above Title, which is the subject of the attached application.
3. I make this Affidavit in support of an application to transfer the above Title into the name(s) of _____ (list all the surviving joint tenants) and for no improper purpose.

Sworn before me at _____

in the Province of _____

on _____
Date (day, month, year)

Signature

A Commissioner for Oaths in and for Saskatchewan
OR Notary Public for the Province of _____

My commission/appointment expires _____

Date (day, month, year) **OR** Being a Solicitor

ISC-LTR-AST0002-2005 01 06

**Figure 2 Affidavit of Identity Transmission to Personal Representative
Name Discrepancy -- page 1**



**Information
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***Affidavit of Identity - Name
Discrepancy - Transmission
to Personal Representative***
Page 1 of 2

I, _____, of _____ in the
Province of _____,

_____ make oath and say that:

1. I am the personal representative of the estate of
(the "Deceased"), who passed away on _____ (date).
2. A copy of the Local Registrar's Certificate, Letter Probate, Letters of Administration, Letters of
Administration with Will Annexed or Letters of Administration de Bonis Non, (please indicate) as
issued or resealed (please indicate) by the Court Of Queen's Bench of Saskatchewan, or Public
Guardian and Trustee Certificate is included as part of the attached application.
3. The above documents name me as the personal representative of the estate of the Deceased
and identifies me by the name _____ (enter name as it
appears in court documents). My correct legal name is
(enter correct legal name).

-or-

The Deceased _____, (enter name as it appears on title) is the
registered owner of Title Number(s) _____, and
is one and the same person as the Deceased identified by the name
(enter name as it appears in court documents) in the above documents (or specify the particular document(s) that
has the name discrepancy).

**Figure 3 Affidavit of Identity Transmission to Personal Representative
Name Discrepancy -- page 2**

Affidavit of Identity - Name Discrepancy - Transmission to Personal Representative Page 2 of 2	
<hr/> <p>1. I make this Affidavit in support of an application to have the above Title(s) transmitted to myself, as personal representative of the estate of the Deceased and for no improper purpose.</p>	
<p>Sworn before me at _____</p> <p>in the Province of _____</p> <p>on _____</p> <p style="text-align: center; font-size: small;">Date (day, month, year)</p>	<p>_____ Signature</p>
<p>A Commissioner for Oaths in and for Saskatchewan OR Notary Public for the Province of _____</p>	
<p>My commission/appointment expires _____</p> <p style="text-align: center; font-size: small;">Date (day, month, year)</p>	
<p style="text-align: center;">_____ OR Being a Solicitor</p>	
<hr/> <p>ISC-LTR-TPR0002-2005 01 05</p>	

Figure 4 Affidavit of Identity Individual Change of Name -- page 1

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Affidavit for Individual Change of Name And Client Number Amalgamation

Page 1 of 2

I, _____, of _____ in the
Province of _____,
_____, make oath and say that:

1. I am the client identified in Section A of the attached Individual Change of Name and Client Number Amalgamation Application ("Application").
2. I am one and the same person as _____, recorded in the Land Registry as the Registered Owner/Interest Holder (indicate one) of Title/Interest (indicate one) Number(s) _____.
3.
 - a. I have changed my name to _____ as shown on the attached Certificate of Change of Name from Vital Statistics.

-or-
 - b. I was married on _____ (date: month/day/year) at _____, in the Province of _____, and have now elected to use as my legal surname _____.

-or-
 - c. I am cohabiting in a spousal relationship and have filed a Joint Declaration with respect to the spousal relationship with the Director of Vital Statistics and have now elected to use as my legal surname _____.


-or-
 - d. I had previously elected to use the surname _____, which is the surname of my spouse/ former spouse (indicate one) but I have now elected to use as my legal surname _____, which is my birth name/previous surname (indicate one).

-or-

Figure 5 Affidavit of Identity Individual Change of Name -- page 2

<i>Affidavit for Individual Change of Name And Client Number Amalgamation</i> <i>Page 2 of 2</i>	
<hr style="border: 1px solid black;"/>	
1. I make this affidavit in support of an application to make the requested changes to the Land Titles Registry and for no improper purposes.	
Sworn before me at _____	
in the Province of _____	
on _____	_____
Date (day, month, year)	Signature
A Commissioner for Oaths in and for Saskatchewan OR Notary Public for the Province of _____	
My commission/appointment expires _____	
_____ OR Being a Solicitor	
Date (day, month, year)	
<hr style="border: 1px solid black;"/>	
ISC-LTR-INC0002-2005 01 06	

Figure 6 Affidavit of Identity



**Information
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Affidavit of Identity

(S. 30 – Used for discrepancy in name other than Change of Name or Name Correction, such as middle initial)

I, _____, of _____ in the Province of _____, make oath and say that:

1.
 - a. I am the registered owner of the land described in Title Number(s) _____.
 - or-**
 - b. I am the holder of the interest described in Interest Number(s) _____.
2. I _____ (enter name as it appears on Authorization) am one and the same person as _____ (enter name as it appears on Title) named the registered owner or interest holder (indicate one) of the above Title or Interest (indicate one).
3. I make this Affidavit in support of the attached application dealing with the above Title or Interest (indicate one) and for no improper purpose.

Sworn before me at _____

in the Province of _____

on _____

Date (day, month, year)

Signature

A Commissioner for Oaths in and for Saskatchewan
OR Notary Public for the Province of _____

My commission/appointment expires _____

Date (day, month, year) **OR** Being a Solicitor

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