

1960

c 34 Bills of Sale and Chattel Mortgages Act

Ontario

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CHAPTER 34

The Bills of Sale and Chattel Mortgages Act**1. In this Act,**Interpre-
tation

- (a) "actual and continued change of possession" means such change of possession as is open and reasonably sufficient to afford public notice thereof;
- (b) "creditors" includes creditors of the mortgagor or bargainor suing on behalf of themselves and other creditors, an assignee in insolvency or trustee in bankruptcy of a mortgagor or bargainor, the liquidator of a company in a winding up proceeding under the *Winding-up Act* (Canada), and an assignee for the general benefit of creditors, as well as creditors having executions against the goods and chattels of the mortgagor or bargainor in the hands of a sheriff or other officer; R.S.C. 1952, c. 296
- (c) "debentures" includes debentures, debenture stock, notes, bonds or other securities that contain or are entitled to the benefit of a mortgage charge or floating charge on the personal assets of any company;
- (d) "mortgage" includes a conveyance intended to operate as a mortgage and any deed or instrument by which a charge or floating charge is created upon personal property; (*See also sections 19 and 20.*)
- (e) "rolling stock" means any locomotive, engine, motor car, tender, snow plough, flanger, and every description of car or of railway equipment designed for movement on its wheels over or upon the rails or tracks of a railway. R.S.O. 1950, c. 36, s. 1.

2. This Act does not apply to an assignment for the general benefit of creditors to which *The Assignments and Preferences Act* applies. R.S.O. 1950, c. 36, s. 2, *amended*. Assignment for benefit of creditors excepted R.S.O. 1960, c. 25

3. This Act does not apply to mortgages of vessels registered under any Act in that behalf. R.S.O. 1950, c. 36, s. 3. Mortgages of registered vessels excepted

Registration
of mortgages
of goods
not attended
with change
of possession

4. Every mortgage of goods and chattels in Ontario that is not accompanied by an immediate delivery and an actual and continued change of possession of the things mortgaged shall be registered as provided in this Act, together with,

- (a) the affidavit of an attesting witness thereto of the due execution of such mortgage, which affidavit shall also state the date of the execution of the mortgage; and
- (b) the affidavit of the mortgagee that the mortgagor therein named is justly and truly indebted to the mortgagee in the sum mentioned in the mortgage, that the mortgage was executed in good faith and for the express purpose of securing the payment of money justly due or accruing due and not for the purpose of protecting the goods and chattels mentioned therein against the creditors of the mortgagor, or of preventing the creditors of such mortgagor from obtaining payment of any claim against him or, in cases falling within section 5, the affidavit therein prescribed. R.S.O. 1950, c. 36, s. 4.

Mortgage.

5. Where a mortgage of goods and chattels is made,

to secure
future
advances or
endorse-
ments

- (a) to secure the mortgagee for advances made in pursuance of an agreement in writing to make future advances for the purpose of enabling the borrower to enter into or to carry on business with such advances, the time of repayment thereof not being longer than one year from the making of the agreement; or

to secure
against
liability
as surety

- (b) to secure the mortgagee against the endorsement of any bill of exchange or promissory note or other liability by him incurred for the mortgagor, such liability not extending for a longer time than one year from the date of the mortgage,

the affidavit of the mortgagee shall state that the mortgage truly sets forth the agreement and truly states the extent and amount of the advances intended to be made or liability intended to be created by the agreement and covered by the mortgage, and that the mortgage is entered into in good faith and for the express purpose of securing the mortgagee repayment of his advances or against the liability intended to be created, as the case may be, and not for the purpose of securing the goods and chattels mentioned therein against the

creditors of the mortgagor nor to prevent such creditors from recovering any claims that they may have against the mortgagor. R.S.O. 1950, c. 36, s. 5.

6. If for any reason it is shown to be necessary or expedient, the county judge may permit a copy verified by affidavit to be registered in lieu of the original mortgage. R.S.O. 1950, c. 36, s. 6. When verified copy may be registered

7. If the mortgage and affidavits are not registered as by this Act provided, the mortgage is absolutely null and void as against creditors of the mortgagor and as against subsequent purchasers or mortgagees in good faith for valuable consideration. R.S.O. 1950, c. 36, s. 7. Effect of non-registration

8. Every sale of goods and chattels, not accompanied by an immediate delivery and followed by an actual and continued change of possession of the goods and chattels sold, shall be in writing, and such writing shall be a conveyance under this Act, and such conveyance, accompanied by an affidavit of an attesting witness thereto of the due execution of the conveyance and an affidavit of the bargainee that the sale is *bona fide* and for good consideration, as set forth in the conveyance, and not for the purpose of holding or enabling the bargainee to hold the goods mentioned therein against the creditors of the bargainor, shall be registered as hereinafter provided; otherwise the sale is absolutely null and void as against the creditors of the bargainor and as against subsequent purchasers or mortgagees in good faith. R.S.O. 1950, c. 36, s. 8. Requirements of sale of goods not attended with delivery

9. A mortgage or conveyance is not invalidated by reason only of clerical errors or omissions therein or in the affidavits of execution and *bona fides* unless such errors or omissions are calculated to mislead or deceive or have the effect of misleading or deceiving. R.S.O. 1950, c. 36, s. 9. When defects not to invalidate

10. Where a mortgage or conveyance is not duly registered within the time prescribed by this Act, the judge of the county or district court may permit it to be registered at a later date upon being satisfied by affidavit, or affidavits, that the failure to register arose from misadventure, ignorance or some other cause that constitutes a reasonable excuse and that the parties have acted and are acting in good faith, but in such case the mortgage or conveyance shall, as against creditors of the mortgagor, or as against subsequent purchasers or mortgagees in good faith for valuable consideration, be deemed to have been executed and to be effective only from the date of registration. R.S.O. 1950, c. 36, s. 10. Registration after statutory period

Where
Crown
mortgagee

11. Where the Crown is mortgagee or bargainee, the provisions of this Act as to an affidavit of *bona fides* do not apply. R.S.O. 1950, c. 36, s. 11.

When
mortgage to
take effect

12. Every such mortgage or conveyance operates and takes effect upon, from and after the day and time of the execution thereof. R.S.O. 1950, c. 36, s. 12.

Manner of
describing
property in
mortgages,
etc.

13. Every mortgage and every conveyance or agreement required to be registered under this Act shall contain such sufficient and full description of the goods and chattels that they may be thereby readily and easily known and distinguished. R.S.O. 1950, c. 36, s. 13.

Mortgages,
etc., of
goods not in
possession of
mortgagor or
intended for
future
delivery

14. This Act extends to a mortgage or sale of goods and chattels that may not be the property of or in the possession, custody or control of the mortgagor or bargainor or any person on his behalf at the time of the making of the mortgage or sale, and notwithstanding that such goods or chattels may be intended to be delivered at some future time, or that they may not at the time of the making of the mortgage or sale be actually procured or provided or fit or ready for delivery, or that some act may be required for the making or completing of such goods and chattels or rendering them fit for delivery. R.S.O. 1950, c. 36, s. 14.

Who may
make affi-
davits of
bona fides
and on
renewal of
mortgage

15.—(1) Every affidavit of *bona fides* required by this Act and every affidavit required upon the renewal of a chattel mortgage may be made by one of two or more bargainees or mortgagees, or by his or their agent if aware of all the circumstances and properly authorized in writing to take the conveyance or to take or renew the mortgage, or in the case provided for by section 5, to make the agreement and to take the mortgage.

In the case
of a
corporation

(2) If the mortgage or conveyance is made to a corporation, the affidavit may be made by the president, vice-president, manager, assistant manager, secretary, or treasurer, or by any other officer or agent thereof authorized to do so by resolution of the directors.

Affidavits
made by
agents or
officers

(3) Where the affidavit is made by the agent of the mortgagee or bargainee, or by an officer or agent of a corporation, it shall state that the deponent is aware of all the circumstances connected with the mortgage or conveyance and has personal knowledge of the facts deposed to.

(4) If the mortgage or conveyance is made to a corporation having branches, agencies or offices opened pursuant to statutory authority, the affidavit may be made by the manager, assistant manager or accountant of any such branch, agency or office without being authorized so to do by resolution of the directors and the affidavit shall state that the deponent is aware of all the circumstances connected with the mortgage or conveyance and has personal knowledge of the facts deposed to. R.S.O. 1950, c. 36, s. 15.

Branch managers, etc., may make affidavit of *bona fides* or on renewal

16. The authority in writing referred to in section 15, or a copy of such authority, shall be attached to and filed with the mortgage or conveyance. R.S.O. 1950, c. 36, s. 16.

Agent's authority to be attached to mortgage

17. Any affidavit by this Act required to be made by the mortgagee or by the bargainee may in the case of his death be made by any of his next of kin or by his executor or administrator or, if the mortgage has been assigned, by his assignee. R.S.O. 1950, c. 36, s. 17.

Affidavit of executor, administrator, next of kin or assignee

18. An authority to take a conveyance or to take or renew a mortgage may be a general one to take all or any conveyances to the bargainee, or to take and renew all or any mortgages to the mortgagee. R.S.O. 1950, c. 36, s. 18.

General authority to take or renew mortgages

19. Every covenant, promise or agreement to make, execute or give a mortgage of goods and chattels shall be in writing, and shall be deemed to be a mortgage within the meaning of this Act. R.S.O. 1950, c. 36, s. 19.

Effect of contract to give a chattel mortgage

20. Every covenant, promise or agreement to make a sale of goods and chattels shall be in writing and shall be deemed to be a sale of goods and chattels within the meaning of this Act. R.S.O. 1950, c. 36, s. 20.

Effect of contract to make a sale

21.—(1) Except in the case of the Provisional County of Haliburton, the instruments mentioned in the preceding sections shall be registered in the office of the clerk of the county or district court of the county or district in which the property mortgaged or sold is at the time of the execution thereof.

Where instruments to be registered

(2) Where the property is situate in the Provisional County of Haliburton, the instrument shall be registered in the office of the clerk of the county court of the County of Victoria.

Haliburton

(3) In the case of a county the instrument shall be registered within five days from the execution thereof.

Limitation of time for registration

Haliburton
and
districts

(4) In the case of the Provisional County of Haliburton and of a district, the instrument shall be registered within ten days from the execution thereof.

Filing and
endorsing

(5) The clerk shall file the instrument and endorse thereon the time of receiving it.

Certificate of
registration

(6) The clerk shall give to the person registering an instrument a certificate of its registration if so requested.

Computation
of time for
registration

(7) Where there are more mortgagors or grantors than one, the time shall be computed from the execution of the instrument by the last mortgagor or grantor. R.S.O. 1950, c. 36, s. 21.

Procedure
when mort-
gaged goods
are removed

22. In the event of the permanent removal of the goods and chattels from the county, provisional county or district in which the goods and chattels were at the time of the execution of the mortgage to another county, provisional county or district before the payment and discharge of the mortgage, a copy of the mortgage and of the affidavits, documents, instruments and statements relating thereto, certified under the hand of the clerk in whose office it was registered, and under the seal of the court, shall be filed with the proper officer as mentioned in section 21, of the county, provisional county or district to which the goods and chattels are removed within two months from such removal, otherwise the mortgage is null and void as against creditors of the mortgagor and as against subsequent purchasers and mortgagees in good faith for valuable consideration. R.S.O. 1950, c. 36, s. 22.

Manner of
registration

23. The clerk shall number every instrument or copy filed in his office, and shall enter in alphabetical order in a book to be provided by him the names of all the parties thereto, with the number endorsed thereon opposite to each name, and such entry shall be repeated alphabetically under the name of every party thereto. R.S.O. 1950, c. 36, s. 23.

Renewal of
mortgages

24.—(1) Except as provided in subsection 2 and subject to section 28, every mortgage registered in pursuance of this Act ceases to be valid, as against the creditors of the person making it and as against subsequent purchasers and mortgagees in good faith for valuable consideration, after the expiration of one year from the day of the registration thereof unless, within thirty days next preceding the expiration of such term of one year, a statement (Form 1), exhibiting the interest of the mortgagee, his executors, administrators or assigns in the mortgaged property, and showing the amount still due for principal and interest thereon, is registered in

the proper office, as mentioned in section 21, of the county, provisional county or district in which the mortgage was registered, with an affidavit of the mortgagee that the statement is true and that the mortgage has not been kept on foot for any fraudulent purpose. R.S.O. 1950, c. 36, s. 24 (1); 1954, c. 5, s. 1.

(2) Where there has been a permanent removal of the goods and chattels, as mentioned in section 22, and a certified copy of the mortgage has been registered as required by that section, the statement and affidavit shall be registered in the office in which the certified copy is registered, and the period of one year shall be reckoned from the date of the registration of the certified copy. Case of permanent removal of goods

(3) Where the two months mentioned in section 22 have not expired when the period of one year mentioned in subsection 1 expires, and a certified copy of the mortgage has not been registered as provided by section 22, the statement and affidavit may be registered in the office in which the mortgage was registered. Idem

(4) If any *bona fide* error or mistake is made in the statement, either by the omission to give any credit or by any miscalculation in the computation of interest or otherwise, the statement and the mortgage therein referred to are not invalidated if the mortgagee, his executors, administrators or assigns, within two weeks after the discovery of the error or mistake, registers an amended statement and affidavit referring to the former statement and clearly pointing out the error or mistake therein and correcting the same. Remedying error or mistake made in statement

(5) If before the registration of such amended statement and affidavit any creditor or purchaser or mortgagee in good faith for valuable consideration has made any *bona fide* advance of money or given any valuable consideration to the mortgagor, or has incurred any costs in proceedings taken on the faith of the amount due on the mortgage being as stated in the renewal statement and affidavit as first registered, the mortgage, as to the amount so advanced or the valuable consideration given or costs incurred by such creditor, purchaser or mortgagee, is, as against such creditor, purchaser or mortgagee, good only for the amount mentioned in the renewal statement and affidavit first registered. Advances made in good faith protected

(6) The statement and affidavit shall be deemed one instrument and shall be registered and entered as provided by section 23. Manner of registering

Annual
registration
of renewals

(7) Another statement in accordance with subsection 1, verified as required by that subsection, shall be registered in the proper office according to section 21 or subsection 2 of this section, as the case may be, within thirty days next preceding the expiration of one year from the day of the registration of the statement required by subsection 1, otherwise the mortgage ceases to be valid as against the creditors of the mortgagor, and as against subsequent purchasers and mortgagees in good faith for valuable consideration, and so on from year to year, that is to say, another verified statement shall be registered within thirty days next preceding the expiration of one year from the day of the registration of the former statement, otherwise the mortgage ceases to be valid as aforesaid.

By whom
affidavits on
renewals
may be
made

(8) If the affidavit is made by an assignee, or by any of his next of kin, or by his executor or administrator, the assignment or the several assignments through which he claims shall be registered with the statement and affidavit, unless they have been already registered.

Assignment
for benefit
of creditors
excepted
R.S.O. 1960,
c. 25

(9) Subsection 8 does not apply to an assignment for the benefit of creditors under *The Assignments and Preferences Act*, or any other Act of Ontario or of Canada relating to assignments for the benefit of creditors, if the assignment is referred to in the statement and notice thereof has been given in manner required by law.

Affidavit by
trustee in
bankruptcy

(10) Where a mortgagee has become bankrupt, the affidavit may be made by the trustee in bankruptcy who shall report to the court upon knowledge, information and belief.

Registration
of renewals
after
statutory
period

(11) Where a statement of renewal is not duly registered within the time prescribed by this section, the judge of the county or district court may permit it to be registered at a later date upon being satisfied by affidavit, or affidavits, that the failure to register arose from misadventure, ignorance or some other cause that constitutes a reasonable excuse, and that the parties have acted and are acting in good faith, but in such case the renewal statement shall, as against creditors of the mortgagor or as against subsequent purchasers or mortgagees in good faith for valuable consideration who have purchased or have given credit after the expiry of the mortgage but before registration, be deemed to have been executed and to be effective only from the date of registration, and, for the purposes of registration of any further statement of renewal, such statement of renewal shall be deemed to have been registered upon the actual date of registration. R.S.O. 1950, c. 36, s. 24 (2-11).

25. Where a new county or district is formed or territory is added to a county or district, every mortgage that under this Act would otherwise require to be renewed in the county or district of which the territory forming or added to the new county or district was part shall be renewed in the office of the proper officer of the county or district so formed or to which such territory is added, and upon such renewal a copy of the mortgage, certified under the hand of the officer in whose office it was registered and the seal of the court, shall be registered with the renewal statement and affidavit. R.S.O. 1950, c. 36, s. 25.

Mortgages where county or district boundaries altered

26. Sections 24 and 25 do not apply where the mortgage is made to the Crown. R.S.O. 1950, c. 36, s. 26.

Crown not affected

27. A mortgage or sale declared by this Act to be void or that under section 24 has ceased to be valid as against creditors and subsequent purchasers or mortgagees shall not by the subsequent taking of possession of the goods and chattels mortgaged or sold by the mortgagee or bargainee be thereby made valid as against persons who became creditors, purchasers or mortgagees before such taking of possession. R.S.O. 1950, c. 36, s. 27.

When subsequent possession not to validate mortgage or sale otherwise void

28.—(1) In the case of a mortgage of goods and chattels made by a corporation to a bondholder or to a trustee for the purpose of securing the bonds or debentures of the corporation, it is sufficient if the affidavit of *bona fides* is to the effect that the mortgage was executed in good faith and for the express purpose of securing the payment of the bonds or debentures referred to therein, and not for the purpose of protecting the goods and chattels mentioned therein against the creditors of the mortgagors, or of preventing the creditors of such mortgagors from obtaining payment of any claim against them.

Affidavits of *bona fides* where mortgage given by corporation to secure bonds or debentures

(2) Where the head office of the corporation is not within Ontario, the mortgage may be registered within thirty days instead of five days, as provided by section 21. R.S.O. 1950, c. 36, s. 28 (1, 2).

Where head office not in Ontario

(3) Any such mortgage may be renewed in the manner and with the effect provided by section 24 by the filing of a statement by the mortgagee or one of the mortgagees exhibiting the interest of the mortgagee or mortgagees in the property claimed by virtue of the mortgage, and showing the amount of the bond or debenture debt that it was made to secure, and showing the extent or amount of the liability still secured by the mortgage, together with an affidavit of the person

Renewal of mortgages

making such statement that the statement is true to the best of his knowledge, information and belief, and that the mortgage has not been kept on foot for any fraudulent purpose, and such statement shall be filed instead of the statement required by section 24. R.S.O. 1950, c. 36, s. 28 (3); 1954, c. 5, s. 2.

Renewal of mortgages given to secure debentures of corporations

(4) Where the mortgage is made as a security for bonds or debentures and the by-law authorizing the issue of the bonds or debentures as a security for which the mortgage was made, or a copy thereof certified under the hand of the president or vice-president and secretary of the corporation and verified by an affidavit thereto attached or endorsed thereon and having the corporate seal attached thereto, is registered with the mortgage, it is not necessary to renew the mortgage, but it shall in such case continue to be as valid as if it had been duly renewed as in this Act provided. R.S.O. 1950, c. 36, s. 28 (4).

Mortgage of rolling stock

29.—(1) In the case of a mortgage securing bonds made by a corporation on rolling stock owned by it, it is sufficient for the purposes of this Act if the mortgage or a copy thereof and the affidavit, referred to in subsection 1 of section 28, is filed in the office of the Provincial Secretary within the time limited by this Act for registering a mortgage to secure bonds or debentures of a corporation.

Where renewals to be filed

(2) The office of the Provincial Secretary is the place for filing the renewal statements of any such mortgage of rolling stock where renewal thereof is necessary under this Act. R.S.O. 1950, c. 36, s. 29.

Mortgage to secure bonds, etc., on leased rolling stock

30.—(1) In the case of a mortgage, hypothec or other instrument made by a corporation securing bonds, debentures, notes or other securities on any rolling stock that is subject to any lease, conditional sale or bailment to a railway corporation, it or a copy thereof may be filed in the office of the Provincial Secretary within twenty-one days from the execution thereof, and if so filed is as valid as against creditors of such corporation and subsequent purchasers as if it had been registered pursuant to this Act.

Notice in Gazette

(2) Notice of the filing shall forthwith thereafter be given in *The Ontario Gazette*.

Application of ss. 28, 30 R.S.O. 1960, c. 70

(3) Sections 28 and 29 and this section do not apply to any instrument registered under *The Corporation Securities Registration Act*. R.S.O. 1950, c. 36, s. 30.

31. A copy of any instrument or document registered under this Act and of any endorsement thereon certified under the hand of the officer with whom it is registered and under the seal of the court, or where it is filed in the office of the Provincial Secretary under the hand of the Provincial Secretary or Deputy Provincial Secretary, shall be received as evidence by all courts that the instrument or document was received and registered or filed according to the endorsement thereon. R.S.O. 1950, c. 36, s. 31.

Proof of registration

32. A mortgage registered under this Act may be discharged by registering in the office in which the mortgage is registered a certificate (Form 2), signed by the mortgagee, his executors, administrators or assigns. R.S.O. 1950, c. 36, s. 32.

Discharge

33.—(1) The officer with whom the mortgage is registered upon receiving such certificate, proved by the affidavit of a subscribing witness, shall, at each place where the number of the mortgage has been entered, with the name of any of the parties thereto, in the book kept by him under section 23, or where otherwise in such book the mortgage has been entered, write the words "Discharged by Certificate No. (*stating the number of the certificate*)", and to such entry the officer shall subscribe his name, and he shall also endorse the fact of the discharge upon the instrument discharged, and shall subscribe his name to the endorsement.

Entering certificates of discharge

(2) Where a mortgage has been renewed under section 24, the endorsement or entries required by subsection 1 need only be made upon the statement and affidavit filed on the last renewal, and at the entries of the statement and affidavit in such book.

Entries of renewal

(3) A certificate of discharge by an assignee shall not be registered unless the assignment is registered.

When to be registered

(4) The assignment shall, upon proof by the affidavit of a subscribing witness, be registered, numbered and entered in such book in the same manner as a mortgage. R.S.O. 1950, c. 36, s. 33.

Entry of assignment of mortgages

34.—(1) Every person shall, on payment of the proper fees, have access to and be entitled to inspect the books containing records or entries of mortgages, conveyances or assignments registered.

Inspection of books recording instruments

(2) A person desiring such access or inspection shall not be required, as a condition to his right thereto, to furnish the names of the persons in respect of whom such access or inspection is sought.

Idem

Production of instruments

(3) The clerk shall, upon demand, produce for inspection any such mortgage, conveyance, assignment or copy thereof registered in his office. R.S.O. 1950, c. 36, s. 34.

Schedule of fees

35. For services under this Act the officers are entitled to the following fees:

- 1. For registering an instrument or a copy thereof or a renewal statement or an assignment or a certificate of discharge..... \$1.00
- 2. For a search..... .50
- 3. For a certificate of registration of an instrument..... .50
- 4. For copies of an instrument or document and certifying it, for every 100 words..... .20
- 5. For production and inspection of an instrument or document..... .10

R.S.O. 1950, c. 36, s. 36; 1953, c. 8, s. 1.

FORM 1

(Section 24)

RENEWAL STATEMENT

Statement exhibiting the interest of..... in the property mentioned in the mortgage dated the..... day of....., 19....., made between..... of..... and..... of..... and registered in the office of the Clerk of the..... Court of the..... of....., on the..... day of....., 19....., and of the amount due for principal and interest thereon.

The said..... is still the mortgagee of the property and has not assigned the mortgage (*or*..... is the assignee of the mortgage by virtue of an assignment thereof from..... to him dated the..... day of....., 19.....) (*or as the case may be*).

The amount still due for principal and interest on the mortgage is \$.....

A.B.
(Signature of Mortgagee or Assignee)

County (*or* District) of..... }
To wit,

I,..... of the..... of..... in the..... of..... the mortgagee named in the mortgage mentioned in the foregoing (*or* annexed) statement (*or* assignee of the mortgage named in the mortgage mentioned in the foregoing [*or* annexed] statement) (*as the case may be*), make oath and say:

- 1. That the foregoing (*or* annexed) statement is true.
- 2. That the mortgage mentioned in the statement has not been kept on foot for any fraudulent purpose.

Sworn before me, etc.

A.B.

FORM 2
(Section 32)

DISCHARGE OF MORTGAGE

To the Clerk of the Court of the of

I, of do certify that has satisfied all money due or to grow due on a certain mortgage made by to which mortgage bears date the day of 19....., and was registered (or in case the mortgage has been renewed was last renewed), in the office of the Clerk of the Court of the of on the day of 19....., as No. (here mention the date of registration of each assignment thereof and the names of the parties, or mention that the mortgage has not been assigned, as the fact may be); and that I am the person entitled by law to receive the money; and that the mortgage is therefore discharged.

Witness my hand this day of 19.....

Witness

..... C.D. A.B.
(Signature of Mortgagee or Assignee)

R.S.O. 1950, c. 36, Form 2.

