

Instruction Sample of Easement
under Section 65 of
The Water Security Agency Act

THIS AGREEMENT MADE BETWEEN:

< Insert full name of Grantor >

OF **< Insert address of Grantor >**

hereinafter called the “Grantor”,

- and -

< Insert full name of Grantee >

OF **< Insert address of Grantee >**

hereinafter called the “Grantee”.

WHEREAS the Grantor is the owner of an estate _____
(here state nature of interest)

in the following described land, situated in the Province of Saskatchewan:

< Insert legal description of land constituting the servient tenement >

hereinafter called the “Grantor’s lands”;

AND WHEREAS the Grantee is the owner of an estate _____
(here state the nature of interest)

in the following described land, situated in the Province of Saskatchewan;

< Insert legal description of land constituting the dominant tenement >

hereinafter called the “Grantee’s lands”;

AND WHEREAS the Grantee has applied for an approval under *The Water Security Agency Act* to construct and operate works described as follows:

< Insert a description of the works and include the filed plan number >

AND WHEREAS the said _____ works are or will be located partly or entirely on the Grantee's lands;

AND WHEREAS it appears that the said _____ works will affect the Grantor's lands;

NOW THEREFORE in consideration of

< Insert amount of compensation to be paid and any special considerations attached to this easement >

the Grantor hereby grants to the Grantee an easement in the following terms and subject to the conditions contained in this easement or attached to this easement:

1. The Grantor consents and agrees to the construction and operation of the _____ works;
2. The Grantor agrees that the _____ works may affect the Grantor's lands in the following manner:

< State the manner in which the Grantor's lands may be affected by the works >

3. The Grantor consents to the effect on the Grantor's lands stated in paragraph 2 and to any other effect of the works on the Grantor's lands that might reasonably be expected;

4. The Grantee shall not operate the _____ works except in accordance with *The Water Security Agency Act* and the regulations under that *Act* and the approval to construct and operate the _____ works;
5. The easement created by this agreement is declared to be appurtenant to and for the benefit of the Grantee's lands;
6. A Certificate may be registered against the Grantor's lands and the Grantee's lands, pursuant to Section 65 of *The Water Security Agency Act*.

IN WITNESS WHEREOF the Grantor and Grantee hereunto set their hands this

_____ day of _____, 20_____.

Signed by the above named

_____	}	_____
in the presence of		

_____		(Signature)
(Signature of witness)		

Signed by the above named

_____	}	_____
in the presence of		

_____		(Signature)
(Signature of witness)		

Consent of Non-Ownning Spouses
(Declaration A)

< This declaration is required only where the Grantor has a non-owning spouse and the spouse has ever lived on the land affected.

Strike out if spouse's signature is not required >

I, _____, the non-owning spouse of
_____, consent to this Instrument.

I declare that I have signed this consent for the purpose of relinquishing all my homestead rights
in the property described in this Instrument in favour of _____
_____ to the extent
necessary to give effect to this Instrument.

Signature of Non-Ownning Spouse

The Homesteads Act - Certificate of Acknowledgement
(Certificate B)

< This certificate may be executed by a Judge or Registrar of the Court of King's Bench, or by any Solicitor, Justice of the Peace or Notary Public >

I, _____, _____
(indicate capacity)

certify that I have examined _____ the non-owning spouse of _____ the owning spouse in this Instrument, separate and apart from the owning spouse. The non-owning spouse acknowledged to me that he or she:

- (a) signed the consent to this Instrument of his or her own free will, and without any compulsion on the part of the owning spouse; and,
- (b) understands his or her rights in the homestead.

I further certify that I have not, nor has my employer, partner or clerk, prepared this Instrument, and that I am not, nor is my employer, partner or clerk, otherwise interested in the transaction involved.

Signature

Notes

1. Declaration A, on page 3, must be signed by the non-owning spouse of the Grantor if he or she has ever lived on the land affected. The non-owning spouse must then appear before a proper official to be examined separate and apart from the owning spouse and the official must execute Certificate B on this page.

OR

2. If the Grantor has no spouse, or has a spouse who has never lived on the land affected, instead of (1) above, the Grantor must execute the Homestead Affidavit under *The Homesteads Act*, on page 5.

**Homestead Affidavit
(Affidavit D)**

< If Declaration A and Certificate B do not apply, this affidavit must be signed by the Grantor before a Commissioner for Oaths or other officials capable of taking affidavits. Paragraphs (2) which do not apply should be deleted and initialled by the Grantor and official >

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

1. I am Grantor, named in the within Instrument.
2. My spouse and I have not occupied the land described within this Instrument as our homestead at any time during our marriage.
2. I have no spouse.
2. My spouse is a registered owner of the land that is the subject matter of this Instrument and a co-signator of the within Instrument.
2. My spouse and I have entered into an interspousal agreement pursuant to *The Matrimonial Property Act*, in which my spouse has specifically released his or her homestead rights in the land that is the subject matter of this Instrument.
2. An order has been made by His Majesty's Court of King's Bench for Saskatchewan/Unified Family Court pursuant to *The Matrimonial Property Act* declaring that my spouse has no homestead rights in the land that is the subject matter within this Instrument and (the order has not been appealed and the time for appealing has expired) or (all appeals from the order have been disposed of or discontinued).
2. My spouse is the Grantee named within this Instrument.

SWORN BEFORE ME AT _____

in the Province of _____

this _____ day of _____, 20____

}

(Signature of Grantor)

I, _____

a _____ in and for Saskatchewan.

My appointment expires _____, 20____

}

(Signature)

Affidavit of Execution
(To be completed by the Witness)

I, _____ of _____
in the Province of _____,

(occupation)

make oath and say as follows:

1. THAT I was personally present and did see _____, named in the within Instrument who is personally known to me to be the person named therein, duly sign and execute the same for the purposes named therein.
2. THAT the same was executed at _____ in the Province of _____, on the _____ day of _____, 20____, and that I am the subscribing witness thereto.
3. THAT I know the said _____ and he/she is in by belief of the full age of eighteen years.

SWORN BEFORE ME AT _____
in the Province of _____
this _____ day of _____, 20____

} _____
(Signature of Witness)

I, _____
a _____ in and for Saskatchewan.
My appointment expires _____, 20____

} _____
(Signature)

Affidavit of Execution
(To be completed by the Witness)

I, _____ of _____
in the Province of _____,

(occupation)

make oath and say as follows:

1. THAT I was personally present and did see _____, named in the within Instrument who is personally known to me to be the person named therein, duly sign and execute the same for the purposes named therein.
2. THAT the same was executed at _____ in the Province of _____, on the _____ day of _____, 20____, and that I am the subscribing witness thereto.
3. THAT I know the said _____ and he/she is in by belief of the full age of eighteen years.

SWORN BEFORE ME AT _____
in the Province of _____
this _____ day of _____, 20____ } _____
(Signature of Witness)

I, _____
a _____ in and for Saskatchewan. } _____
My appointment expires _____, 20____ } _____
(Signature)

Affidavit of Execution
(To be completed by the Witness)

I, _____ of _____
in the Province of _____,

(occupation)

make oath and say as follows:

1. THAT I was personally present and did see _____, named in the within Instrument who is personally known to me to be the person named therein, duly sign and execute the same for the purposes named therein.
2. THAT the same was executed at _____ in the Province of _____, on the _____ day of _____, 20____, and that I am the subscribing witness thereto.
3. THAT I know the said _____ and he/she is in by belief of the full age of eighteen years.

SWORN BEFORE ME AT _____
in the Province of _____
this _____ day of _____, 20____ } _____
(Signature of Witness)

I, _____
a _____ in and for Saskatchewan. } _____
My appointment expires _____, 20____ } _____
(Signature)