# DOWER ACT AFFIDAVITS

**\*\*\* NOTE\*\*\***

**Dower Act Affidavits are only necessary when there is only one individual listed as the owner of a property.**

**Either form A and C together or form B alone.**

**As Advised by Southern Alberta Land Titles Office**

**FORM A**

***DOWER ACT***

(Sections 4 and 6)

**CONSENT OF SPOUSE**

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, being married to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, the person named in the within \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, do hereby give my consent to the disposition of our homestead made in this instrument and I have executed this document for the purpose of giving up my life estate and other dower rights in the property given to me by the *Dower Act* to the extent necessary to give effect to the disposition.

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

*(Signature of Spouse)*

**FORM B**

***DOWER ACT***

(Section 4)

**AFFIDAVIT**

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, of the City of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, in the Province of Alberta, make oath and say:

1. That I am the person named in the within \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

2. 🞏 That I am not married.

***- OR -***

🞏 That neither myself nor my spouse has resided on the within mentioned land at any time since our marriage.

***- OR -***

🞏 That I am married to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ being the person who executed the release of dower rights registered in the Land Titles Office on \_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_, as instrument number \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

***- OR -***

🞏 That a judgment for damages was obtained against me by my spouse and was registered in the Land Titles Office on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_ as instrument number \_\_\_\_\_\_\_\_\_\_\_\_\_.

**Sworn Before Me** at the City of )

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, in the )

Province of Alberta this \_\_\_\_\_\_\_ day of )

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_. ) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

) Signature

)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ )

Signature of Commissioner for Oaths in and for Alberta

Print Name of Commissioner: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Commission Expires: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**FORM C**

***DOWER ACT***

(Sections 5, 6 and 9)

**CERTIFICATE OF ACKNOWLEDGMENT BY SPOUSE**

1. This document was acknowledged before me by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ apart from her husband (or his wife).
2. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ acknowledged to me that she (or he):
3. is aware of the nature of the disposition (or agreement),
4. is aware that the *Dower Act* gives her (or him) a life estate in the homestead and the right to prevent disposition of the homestead by withholding consent,
5. consents to the disposition (or agreement) for the purpose of giving up the life estate and other dower rights in the homestead given to her (or him) by the *Dower Act*, to the extent necessary to give effect to the said disposition (or agreement),
6. is executing the document freely and voluntarily without any compulsion on the part of her husband (or his wife).

DATED at the City of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, in the Province of Alberta this \_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_.

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Barrister and Solicitor