## Independent Legal Advice Checklist SAMPLE FORM

| Date:  |                      |          | Start Time: |             | Finish Time:   |  |
|--|----------------------|----------|-------------|-------------|----------------|--|
| Client's Full Name   |                      |          |             | Occupation: |                |  |
| Home Address:  |                      |          |             |             |                |  |
| City:  |                      |          | Province:   |             | Postal Code:   |  |
| Business Address:  |                      |          |             |             |                |  |
| City:  |                      |          | Province:   |             | Postal Code:   |  |
| Telephone - Home   |                      | Business |             |             | Cell / Mobile: |  |
| E-Mail   |                      |          |             |             | Fax:           |  |
| Spoken Languages:  |                      |          |             |             | Written:       |  |
| Family Status:   |                      |          |             |             | Age:           |  |
| Referred by:   |                      |          |             |             |                |  |
| Reasons for independe  |                      |          |             |             |                |  |
| Security requested by  | lending institution: |          |             |             |                |  |
| The client has limited facility with English, so I obtained an interpreter whose name was: |                      |          |             |             |                |  |
| Also present during our meeting was:   |                      |          |             |             |                |  |
| I reviewed the following   |                      |          |             |             |                |  |
|  |                      |          |             |             |                |  |
|  |                      |          |             |             |                |  |
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|  |                      |          |             |             |                |  |
|  |                      |          |             |             |                |  |
| Certificate of Independ  | ent Legal Advice:    | □ Yes    |             |             |                |  |

| Part A - I explained the following to the client   |  |  |  |  |
|--|--|--|--|--|
| The nature and consequences of a mortgage  |  |  |  |  |
| The nature and consequences of a guarantee   |  |  |  |  |
| The effect of power and sale / judicial sale and foreclosure   |  |  |  |  |
| The effect of an action on the covenant and the liability for an insufficiency   |  |  |  |  |
| The consequences of his or her spouse's or principal borrower's default  |  |  |  |  |
| The possible consequences of failure to hour the financial obligations (los of her or his house, business and all other property)  |  |  |  |  |
| The possibility of obtaining security for the financial obligations  |  |  |  |  |
| Than an indemnity will be worthless if the spouse or principal borrower declares bankruptcy  |  |  |  |  |
| The risk to the client if there is a breakdown of the marriage   |  |  |  |  |
|  |  |  |  |  |
| Part B - The Client  |  |  |  |  |
| I reviewed the current state of the client's marriage  |  |  |  |  |
| I reviewed the current state of the client's health  |  |  |  |  |
| I asked about domestic violence and was told:  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |
| The client said that the reason for his or her consent to this transaction or agreement was:   |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |
| I satisfied myself that the client was not subject to duress of undue influence and that the client was signing relevant documents freely and voluntarily, without pressure from anyone: |  |  |  |  |
| I accepted payment from the client only, and not from anyone adverse in interest to the client:  |  |  |  |  |
|  |  |  |  |  |
| Part C - If the independent legal advice relates to a domestic contract  |  |  |  |  |
| I obtained complete financial disclosure from both my client and the other side  |  |  |  |  |
| I determined that the document was sufficiently well-drafted to accomplish my client's objectives  |  |  |  |  |
| I ensured that the terms of the agreement were both certain and enforceable  |  |  |  |  |
| I ensured that, if the agreement is to be filed against property or as an order of the court, the statutory requirements for filing have been met  |  |  |  |  |
| I explained the nature of the agreement  |  |  |  |  |
| I reviewed the risks and consequences of the agreement   |  |  |  |  |
| I discussed the effect of the agreement upon the client if her or his spouse dies first  |  |  |  |  |
| I explained all the clauses of the agreement and the client indicated that he or she understood same   |  |  |  |  |
| I witnessed the client's signature on these documents  |  |  |  |  |

| Part D - When the client signs contrary to advice  |  |  |  |  |
|--|--|--|--|--|
| I advised the client against sighing the documents, but the client wished to proceed contrary to my advice                     |  |  |  |  |
| I explained my advice in the presence of a witness, whose name was:  |  |  |  |  |
| The client singed an acknowledgement, in the presence of a witness, that she or he was signing the documents against my advice |  |  |  |  |
| I declined to witness the client's execution of the documents  |  |  |  |  |
|  |  |  |  |  |
| Part E - File management   |  |  |  |  |
| I opened a file  |  |  |  |  |
| I followed client identification and verification procedures   |  |  |  |  |
| I placed this form, a copy of the document and my notes in the general independent legal advice file                           |  |  |  |  |
| I took notes of my meeting(s) with the client and retained these   |  |  |  |  |
| I recorded the time spent advising the client  |  |  |  |  |
| I sent a reporting letter outlining the terms of the agreement of obligation assumed, together with my account                 |  |  |  |  |
| My advice was verbal only and I sent no reporting letter   |  |  |  |  |
| Notes  |  |  |  |  |
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