

INSTRUCTIONS Grant of Easement Form

PAGE 1

THIS GRANT OF EASEMENT made as of **1** , 20 **2**

BETWEEN:

[insert company name or individual owner(s) here]
(the "Grantor") **3**

- and -

NOVA SCOTIA POWER INCORPORATED,
a body corporate

("NSPI")

WHEREAS:

1. The Grantor is the owner of a ce**5** property located at **4** ,
in the County of **5** , Province of Nova Scotia as described
in the deed recorded in Book **6** at Page **7** or as Document number
 8 and more particularly identified as Property Identification Number (PID)
 9 (the "Lands").
2. NSPI wishes to secure a distribution easement over a portion of the Lands.

WITNESSETH that in consideration of the sum of One Dollar (\$1.00) of lawful money of Canada and other good and valuable consideration, the sufficiency and receipt of which is hereby acknowledged, the parties agree as follows:

1. The Grantor hereby grants to NSPI the free and uninterrupted right, privilege, liberty and easement in perpetuity over, under and through a _____ (_____) foot wide strip across the Lands as *[outlined on the sketch attached hereto as OR as described in OR outlined on the sketch attached hereto and as described]* Schedule "A" (the "Easement") to do the following:
 - (a) inserting, laying, erecting and maintaining a line or lines of poles, towers, and wires with all necessary foundations, excavations, anchors and guy wires (collectively the "Distribution Line"), for the purpose of conveying electric power and energy in all forms, as well as any and all other communication or other signals capable of being transferred over, under, through and across the Easement;

1 Day and month you are signing the easement, i.e. April 15th.

2 Year you are signing the easement.

3 Name(s) of the people who own the property. All people who are listed on the deed must be listed as the owner(s) of the property.

4 The civic address of the property (i.e. 123 Power Lane).

5 The county where the property is located.

6 & 7 & 8 Insert the book, page and document number of the deed for the property. If you acquired your property since 2004 you may only have a document number for your deed. If you only have a document number, put a hyphen (-) through the space for the book and page numbers since those references are not applicable to your deed. If you do not know where to find this information your lawyer can provide this information to you.

9 The property identification number (PID). This is not your civic address. Your property has a civic address and a PID number assigned to it. The PID number is reference to your property in the province's online database (i.e. the PID for Power Plant Road, Trenton, NS is 65186249). If you do not know what your PID number is your lawyer can confirm this information for you.

INSTRUCTIONS Grant of Easement Form

PAGE 3

use of the Distribution Line within the Easement.

5. This Agreement shall enure to the benefit of and be binding upon the parties hereto, other persons authorized from time to time by NSPI, and all parties' respective heirs, administrators, executors, successors and assigns.
6. This Agreement shall be read with all change of number and gender required by the context.

IN WITNESS WHEREOF the Grantor has duly executed this Grant of Easement the day and year first above written.

	10)		11
Witness)	[Insert Name of Owner]	
)		
)		
)		
)		
)		
)		
)		
)		
	10)		11
Witness)	[Insert Name of Owner]	
)		
)		

- 10** A witness must sign beside each signature.
- 11** Signature of the people who own the property (print names below each signature).

INSTRUCTIONS Grant of Easement Form

AFFIDAVITS OF EXECUTION (Individual shown)

INDIVIDUAL

PROVINCE OF NOVA SCOTIA
COUNTY OF _____ **12**

ON THIS **13** day of _____ **14**, 20**15** before me, the subscriber personally came and appeared, _____ **16**, a subscribing witness to the forgoing Grant of Easement, who having been by me duly sworn, made oath and said that _____ **17**, one of the parties thereto, duly executed and delivered the same in h_____ **18**nce.

_____ **19**
A Commissioner of the Supreme
Court of Nova Scotia

PROVINCE OF NOVA SCOTIA
COUNTY OF _____

I HEREBY CERTIFY that on _____ day of _____, 20____, _____, one of the parties of the foregoing Grant of Easement signed and delivered the same in my presence and I have signed as a witness to the same.

_____ **19**
A Commissioner of the Supreme
Court of Nova Scotia

An affidavit must be completed by a commissioner of oaths or a lawyer. If the owners of the property do not live in Nova Scotia then a notary public must execute this affidavit.

Please fill out the appropriate affidavit. If a company owns the property, a **CORPORATE** must be completed. If a person(s) owns the property, fill out the affidavit titled **INDIVIDUAL**.

12 County where affidavit is signed.

13&14&15 Date the easement was signed.

16 Printed name of the witness. The witness must swear that he or she saw the owner(s) sign the easement document.

17 Name(s) of the people who own the property.

18 Pronoun describing witness i.e. his or her
(INDIVIDUAL Affidavit only).

19 Signature and stamp or seal of the commissioner of oaths, lawyer or notary.*

*If the document is witnessed by the commissioner or notary then he/she should complete the second affidavit where it states that on a certain day the notary signed as a witness.

FOR DOCUMENTS SIGNED OUTSIDE OF CANADA: The notary public must complete the affidavits or the document may not be able to be registered at the Land Registration Office. If the document is rejected a new document must be completed which will result in a delay in providing electrical service as an easement is required to be registered prior to NS Power's equipment being placed on your property.

INSTRUCTIONS Grant of Easement Form

Page 8 - Drawing the sketch:

A sketch of the property depicting the easement area must be attached to the easement. NS Power recommends hiring a professional land surveyor to complete the sketch as land surveyors are the only profession who can certify boundaries of properties.

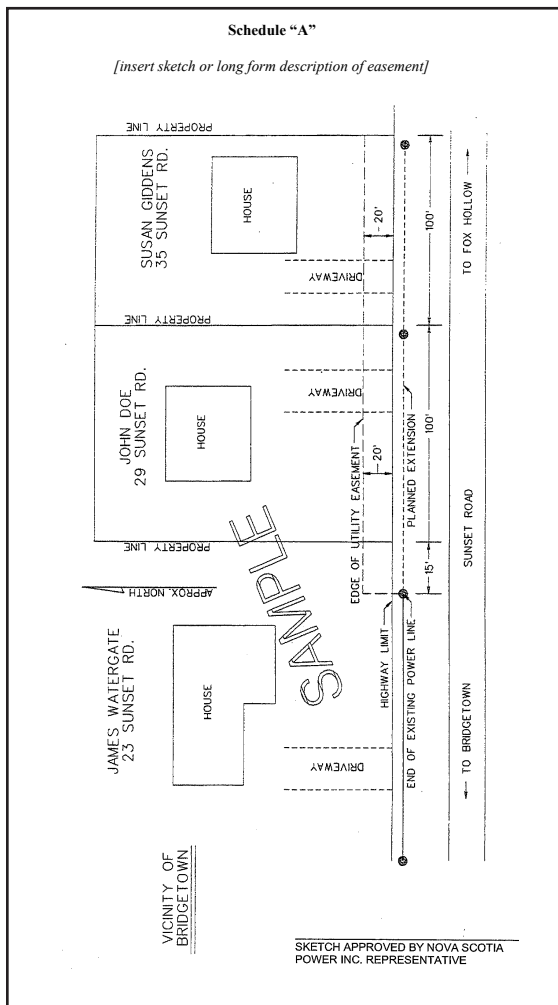
Often times a location certificate is obtained when purchasing a property. It may be helpful to contact the surveyor who prepared the location certificate to prepare another location certificate that includes the easement and that can be attached to the easement.

A list of land surveyors can be found on the website for the Association of Nova Scotia Land Surveyors at www.ansls.ca.

Every sketch must be submitted to the NS Power field representative who visited the property for approval and must have the signature of the NS Power field representative approving the sketch. If the NS Power approval signature is not on the sketch then the Land Registration Office will not register the easement.

In a limited number of circumstances a non-professional may prepare a sketch to be attached to the easement. All sketches must include the following information:

- Sketched on legal or letter size paper
- Label sketch Schedule "A"
- Show a graphic representation of the property including the size, shape, driveways, and house
- The civic address of the property, including the town or village name
- Property identification number (PID)
- The owner(s) name(s)
- Location of the existing power line and the location of the proposed new power line
- The width of the easement
- Approximate length of the easement
- Approximate distances from the center line of the power line to a fixed object on the property (e.g. house)
- Indicate the north direction.



FREQUENTLY ASKED QUESTIONS

1. WHAT IS AN EASEMENT?

An easement is the right to use another persons' land without actually owning it. The right forms an interest in the land itself. This means if you sell the land the easement remains with the land. The new owner essentially "inherits" the easement.

2. WHAT IS THE DIFFERENCE BETWEEN AN EASEMENT AND OWNERSHIP OF LAND?

An easement allows one person to access land owned by another person. However the owner of the property retains his or her ownership of the land and has an absolute right to enjoyment of that property.

Nova Scotia Power obtains easements so its equipment may be placed on a property that it does not own.

There are many types of easements and ownership interests in property that occur overtime. If you have any specific questions about your property, please contact your legal counsel.

3. WHAT IS A RIGHT OF WAY?

It is a right to pass over the land of another or make use of a designated strip of land to run pipes, wires or cable. An easement is commonly described as a right of way.

4. WHAT DOES IT MEAN WHEN YOU SAY THAT "EASEMENTS RUN WITH THE LAND"?

The benefit of an easement is that it is attached to and remains with the land. If a landowner sells the property the easement is transferred to the new owner. Unless released at some point, the easement will always run with and bind the land.

5. HOW DO I REGISTER THE EASEMENT DOCUMENT AT THE LAND REGISTRATION OFFICE?

After the easement is completed and the sketch has been signed by a Nova Scotia Power representative, you will need to register the easement at the Land Registration Office.

Today, Nova Scotia records and manages land ownership and interests in an online database. Before the online registry system, the documents were filed in books with page numbers and document numbers.

Once a property has been migrated into the land registration system the title to the property and all documents are searchable online.

a) What does it mean if my property is not part of the Land Registration System?

If your property has been migrated into the Land Registration System only an authorized lawyer can record the easement document on title to your property using an approved form.

If your property has not been migrated into the Land Registration System you can record the document using a form 44. The registration district is the county. A copy of the form 44 can be found at www.gov.ns.ca/snsnr/pdf/property/Prescribed_Forms_2009.pdf You must scroll down to the form 44 as all of the forms that the Land Registration Office uses are found in one document.

The form 44 must be attached when submitting the easement document and the correct fee must also be attached in order for the easement document to be registered. The package must be sent to the Land Registration Office in the county where the property is located.

FREQUENTLY ASKED QUESTIONS

b) *If I sign an easement will I have to have my property “migrated” into the Land Registration System?*

No. There are certain circumstances where you are required to migrate your property into the Land Registration System, such as when you sell or refinance your property or subdividing the property into three or more lots. Entering into an easement agreement does not require you to have your property migrated into the Land Registration System.

c) *How much does it cost to record the easement document at the Land Registration Office?*

As of January 1, 2010, the fee to record an easement at the Land Registration Office is \$85.18. These fees are subject to change without notice.

d) *Where are the land registration offices in Nova Scotia?*

A list of land registration office locations can be found at www.gov.ns.ca/snsmr/offices.asp. Under “select a service”, choose “Land Registration” and select an office location nearest you.

6. MORE INFORMATION

Easement Package:

Please contact your NS Power planner or our Customer Care Centre at 1-800-428-6230 if you have any questions on how to complete the easement document.

Land Registration System:

More information on the Land Registration System can be found at www.servicens.ca/property/landreg

Mailing Address:

Land Programs Strategy, Integration and Registries
Service Nova Scotia and Municipal Relations
P.O. Box 1523
Halifax, NS B3J 2Y3
Phone: 1-866-518-4640 (toll-free)
Fax: 1-902-424-0639
Email: propertyonline@gov.ns.ca

THIS GRANT OF EASEMENT made as of _____, 20

BETWEEN:

[insert company name or individual owner(s) here]
(the "Grantor")

- and -

NOVA SCOTIA POWER INCORPORATED,
a body corporate

("NSPI")

WHEREAS:

1. The Grantor is the owner of a certain property located at _____, in the County of _____, Province of Nova Scotia as described in the deed recorded in Book _____ at Page _____ or as Document number _____, and more particularly identified as Property Identification Number (PID) _____ (the "Lands").
2. NSPI wishes to secure a distribution easement over a portion of the Lands.

WITNESSETH that in consideration of the sum of One Dollar (\$1.00) of lawful money of Canada and other good and valuable consideration, the sufficiency and receipt of which is hereby acknowledged, the parties agree as follows:

1. The Grantor hereby grants to NSPI the free and uninterrupted right, privilege, liberty and easement in perpetuity over, under and through a _____ (_____) foot wide strip across the Lands as [*outlined on the sketch attached hereto as OR as described in OR outlined on the sketch attached hereto and as described*] Schedule "A" (the "Easement") to do the following:
 - (a) inserting, laying, erecting and maintaining a line or lines of poles, towers, and wires with all necessary foundations, excavations, anchors and guy wires (collectively the "Distribution Line"), for the purpose of conveying electric power and energy in all forms, as well as any and all other communication or other signals capable of being transferred over, under, through and across the Easement;
 - (b) to clear or remove in any manner deemed expedient by NSPI, all vegetation, brush, trees, and other obstructions and impediments to construction, excavation, and maintenance of the Distribution Line upon the Easement and to use any method deemed expedient to keep the Easement clear of trees, vegetation, brush, or other obstructions, and to remove any such trees, vegetation or brush beyond

the limits of the Easement that are deemed a potential hazard to or affect the Distribution Line or the purposes of the Easement;

- (c) to enter upon and across the Easement from time to time with vehicles, machinery, equipment and materials as deemed expedient for any purpose whatsoever to fulfill the privileges granted herein;
- (d) to enter upon any portion of the Lands, immediately adjacent to the Easement, from time to time to access the Easement and as may be reasonably required by NSPI to carry out any of its rights and privileges as herein granted;
- (e) to generally to do all acts necessary to exercise the rights and privileges granted herein together with all rights and privileges necessarily ancillary thereto.

2. The Grantor hereby covenants and agrees with NSPI that it **will not:**

- (a) excavate, drill, install, erect, construct, or permit to be excavated, drilled, installed, erected, or constructed on, under or over the Easement, any foundation, building or other structure or installation, pile material or plant any growth upon the Easement that, in the opinion of NSPI, may interfere with or endanger the Distribution Line;
- (b) disturb or otherwise interfere with the Distribution Line or the Easement;
- (c) plant or establish within the Lands, including the Easement, any trees, shrubs or other vegetation which could encroach and interfere with the Distribution Line or the Easement at any time unless previously consented to by NSPI; or
- (d) remove, damage or retard in anyway, any vegetation established within the Easement as part of the management of the Easement without prior written permission from NSPI;

provided that it is acknowledged by the Grantor herein that should it be in breach of any of the foregoing that NSPI, in its discretion, shall be entitled to remedy the breach at the sole cost of the Grantor.

- 3. The Grantor represents and warrants to NSPI that the Grantor has good title in fee simple to the Lands and that the right to grant the Easement as hereby granted. The Grantor will procure any such further assurances as may be reasonably required.
- 4. The Grantor agrees that NSPI may authorize any other utility, service provider, or communications distributor, including without limiting, cable television undertakings or telecommunications carriers, to exercise the easement rights hereby granted and to share the use of the Distribution Line within the Easement.
- 5. This Agreement shall enure to the benefit of and be binding upon the parties hereto, other

persons authorized from time to time by NSPI, and all parties' respective heirs, administrators, executors, successors and assigns.

- 6. This Agreement shall be read with all change of number and gender required by the context.

IN WITNESS WHEREOF the Grantor has duly executed this Grant of Easement the day and year first above written.

)	
)	
_____)	_____
Witness)	[Insert Name of Owner]
)	
)	
)	
_____)	_____
Witness)	[Insert Name of Owner]
)	

AFFIDAVITS OF EXECUTION
[Please complete the appropriate affidavit]

CORPORATE

PROVINCE OF NOVA SCOTIA
COUNTY OF

ON THIS day of , 20 , before me, the subscriber personally came and appeared, , a subscribing witness to the forgoing Grant of Easement, who having been by me duly sworn, made oath and said that , caused the foregoing Indenture to be executed in its name and on its behalf by its proper officer in my presence.

A Commissioner of the Supreme
Court of Nova Scotia

PROVINCE OF NOVA SCOTIA
COUNTY OF

I HEREBY CERTIFY that on day of , 20 , , one of the parties of the foregoing Grant of Easement caused the foregoing easement to be executed in its name and on its behalf by its proper officer in my presence signed and delivered the same in my presence and I have signed as a witness to the same.

A Commissioner of the Supreme
Court of Nova Scotia

INDIVIDUAL

**PROVINCE OF NOVA SCOTIA
COUNTY OF**

ON THIS day of , 20 , before me, the subscriber personally came and appeared, , a subscribing witness to the forgoing Grant of Easement, who having been by me duly sworn, made oath and said that , one of the parties thereto, duly executed and delivered the same in h__ presence.

A Commissioner of the Supreme
Court of Nova Scotia

**PROVINCE OF NOVA SCOTIA
COUNTY OF**

I HEREBY CERTIFY that on day of , 20 , , one of the parties of the foregoing Grant of Easement signed and delivered the same in my presence and I have signed as a witness to the same.

A Commissioner of the Supreme
Court of Nova Scotia

MATRIMONIAL PROPERTY ACT STATEMENT
[Please complete the appropriate statement]

CORPORATION

PROVINCE OF NOVA SCOTIA)
COUNTY OF HALIFAX SS)

I, [Insert name of Officer of Company], of , in the County
of , Province of Nova Scotia, MAKE OATH AND SAY AS FOLLOWS THAT:

1. I am the President [if not President insert office here] of [insert Company's name here] ("Company"), and as such have personal knowledge of the matters herein deposed to.
2. I am authorized by the Company to execute the attached Grant of Easement on behalf of the Company and thereby bind the Company.
3. For the purposes of this my Affidavit, matrimonial home means the dwelling and real property occupied by a person and that person's spouse as their family residence.
4. The Easement is not occupied as a matrimonial home by any of the shareholders of Company, nor does ownership of a share entitle any shareholder to an ownership interest in the Easement.

EXECUTED at , Province of))
Nova Scotia, this day of ,))
20 , before me:))
))
))
_____))
witness))
))

[Insert Name of Officer]

INDIVIDUAL

PROVINCE OF NOVA SCOTIA)
COUNTY OF HALIFAX SS)

I/We [AMEND AS APPLICABLE] of Province of Nova Scotia,
CONFIRM AS FOLLOWS THAT:

1. *I am /*We are the Owner/grantor in the foregoing Grant of Easement and *am/*are of the full age of nineteen (19) years.

2. For the purpose of this our Affidavit, "spouse" includes:

- (a) Either two persons who;
 - (i) are married to each other;
 - (ii) are married to each other by a marriage that is voidable and has not been voided by a declaration of nullity; or
 - (iii) have gone through a form of marriage with each other, in good faith, that is void and are cohabiting or have cohabited within the preceding year;

or

- (b) An individual who is a party to a registered domestic-partner declaration made in accordance with Section 53 of the *Vital Statistics Act* (a "domestic partner"), but does not include a former domestic partner.

3. We are the spouses of each other. Neither of us has any other spouse nor any former domestic partner with the rights contemplated by section 55 of the *Vital Statistics Act*, or any former spouse with rights under the *Matrimonial Property Act*.

** IF ONLY 1 PERSON USE #3 below and strike out #3 above

3. I am not a spouse, as defined herein, and with respect to the within Lands, have no former domestic partner with the rights contemplated by section 55 of the *Vital Statistics Act*, or a former spouse with rights under the *Matrimonial Property Act*.

EXECUTED at _____, Province of _____)
 Nova Scotia, this _____ day of _____,)
 20____, before me:)
)
)
)
 _____)
 witness)
)

Schedule "A"

[insert sketch or long form description of easement]