

Lawyer/notary's role in the reverse mortgage funding process

First Canadian Title's MMS Program (two lawyer process)

The purpose of this document is to highlight the key roles and responsibilities of the lawyers providing Independent Legal Advice¹ and mortgage closing services in connection with the provision of an EQ Bank Reverse Mortgage.

On behalf of EQ Bank, First Canadian Title (FCT) will engage the closing lawyer by sending an instructions package.

Your responsibilities as a closing lawyer/notary

Facilitate the closing of the mortgage transaction, including:

- Fulfilling all conditions and requirements as outlined in the instructions package
- Verifying identification
 - Where a lender-approved Power of Attorney is in place, the lender will complete identity verification of the underlying Borrower in accordance with its AML policies, prior to instruction. The Closing Lawyer is responsible for verifying the identity and authority of the attorney-in-fact, including face-to-face verification where required. No face-to-face identity verification of the underlying Borrower is required solely due to the existence of a Power of Attorney.
- Sending the Credit Agreement and Statement of Disclosure (SOD) to the client's selected Independent Legal Advice (ILA) lawyer
- Providing all executed documents, as outlined in the Solicitor Instruction Package, to FCT. This includes, but not limited to, the signed Credit Agreement and ILA certificate(s) received from the ILA lawyer. This should be completed at least 3 days prior to the funding date.
- Receiving funds and disbursing same in accordance with the Solicitor Instructions
- Registering the Collateral Charge
- Reviewing Property Insurance
- Submitting the Final Report

Key responsibilities as an ILA lawyer/notary¹

Facilitate the ILA and Document Review process, including:

- Ensuring all parties receive an explanation of the nature and effect of the mortgage documents
- Reviewing and executing the Credit Agreement and Statement of Disclosure (SOD) with the clients to ensure they understand the terms and conditions and are not being pressured to sign the mortgage documents
- Confirming that there are no concerns with the judgement and mental soundness of the client that might impact their ability to understand and execute the mortgage documents
- Flag any concerns of possible elder financial abuse
- Providing all executed documents to the closing lawyer, along with signed **ILA certificate(s)**²
- ILA for each borrower with a wet signature
- ILA for each non-title holder, if applicable, with a wet signature
- ILA lawyer reselection not permitted

EQ Bank is a trade name of Equitable Bank.

¹ Some law firms recognize this collection of services as Independent Legal Representation (ILR)

² An ILA certificate template, if needed, is available for borrowers and non-title holders