



Request Form – Quebec RH Registration (e.g. Security Agreement; Chattel Mortgages)

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Search & Registration Services
Toronto Phone: (416) 595-7177 Toll: 1-800-668-8208
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SECURED PARTY:	DATE ORDERED:	REQUESTED BY:	
		FAX NUMBER:	TELEPHONE NUMBER:
		YOUR REFERENCE:	ACCOUNT NUMBER:

<input type="checkbox"/> NEW REGISTRATION	years	#	Sum of Hypothec:	Expiry Date: dd / mm / yyyy
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<input type="checkbox"/> Conventional hypothec without delivery	<input type="checkbox"/> Floating hypothec	<input type="checkbox"/>
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Date of Signature: Place or District:	Form of Act: <input type="checkbox"/> Private Writing <input type="checkbox"/> Other (specify) :
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GRANTOR 1	COMPANY / FIRST NAME / MIDDLE NAME / LAST NAME: <small>(If client has no middle initial then "NMI" must be stated here.)</small>	DATE OF BIRTH: <small>dd / mm / yyyy</small>
	ADDRESS / CITY / PROVINCE:	POSTAL CODE:
GRANTOR 2	COMPANY / FIRST NAME / MIDDLE NAME / LAST NAME: <small>(If client has no middle initial then "NMI" must be stated here.)</small>	DATE OF BIRTH: <small>dd / mm / yyyy</small>
	ADDRESS / CITY / PROVINCE:	POSTAL CODE:

VEHICLES	YEAR / DESCRIPTION	V.I.N. #	CLASS (*)
		#	
		#	

(*) List of Vehicle types by class: (01) Passenger vehicle – (02) Motorcycle – (03) Taxi – (04) Emergency vehicle – (05) Bus – (06) Minibus – (07) Commercial vehicle – (08) Trailer net weight > 900kg. – (09) Motor Home – (10) Snowmobile After 1988 – (11) All terrain vehicle.

OTHER PROPERTY	<input type="checkbox"/> General Collateral Text Attached (can include a caravan or "fifth-wheel" - a mobile home - a boat - a personal watercraft - an aircraft)
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DO YOU WISH TO RECORD A NOTICE OF ADDRESS ON BEHALF OF SECURED PARTY?
<input type="checkbox"/> YES <input type="checkbox"/> NO

Dear valued client,

Enclosed you find excerpts from the Quebec Civil Code pertaining to the types of rights for which registration can be requested on the above form RD/RZ. All you have to do is click the highlighted text in the “RIGHTS INFO” box provided for in said document. This will take you to the relevant sections of the Code which pertain to the selected right.

The enclosed excerpts have been retrieved via the internet. We have inserted hyperlinks which will enable you to “jump” straight to the internet site from which the texts were retrieved. Should you prefer to search the Civil Code yourself, the following internet address will bring you to the English version of the Code:

<http://www.droit.umontreal.ca/doc/ccq/en/index.html> .

This document is a WORD for OFFICE 97 version. Should the hyperlinks and bookmarks not function properly, simply go to the aforementioned web address to consult the sections that interest you.

ATTENTION: The enclosed excerpts are provided for reference purposes only. They are meant to help you determine the type of right that best reflects the security you seek to register in Quebec. Dye & Durham Co. Inc. and C.R.A.C. Ltd. do not provide any legal advice or opinions in connection with Security Registrations. Therefore, Dye & Durham Co. Inc and C.R.A.C. Ltd. accepts no liability resulting from incorrect information, or errors that may exist in said excerpts or in the interpretation that you may arrive at with the help of same. If you remain in doubt as to the nature of the right, we strongly recommend that you seek legal advice prior to making your decision.

Thank You

Rosanna Conteduca
Dye & Durham Co. Inc

Thérèse Fredette
C.R.A.C. Ltd.

Civil code of Québec : Book six - Prior claims and hypothecs : Title three - Hypothecs : Chapter 1 - General provisions :

Section I - Nature of hypothecs

2660.

A hypothec is a real right on a movable or immovable property made liable for the performance of an obligation. It confers on the creditor the right to follow the property into whosever hands it may be, to take possession of it or to take it in payment, or to sell it or cause it to be sold and, in that case, to have a preference upon the proceeds of the sale ranking as determined in this Code.

2661.

A hypothec is merely an accessory right, and subsists only as long as the obligation whose performance it secures continues to exist.

2662.

A hypothec is indivisible and subsists in its entirety over all the charged properties, over each of them and over every part of them, even where the property or obligation is divisible.

2663.

The hypothecary rights conferred by a hypothec may be set up against third persons only when the hypothec is published in accordance with this Book or the Book on Publication of Rights.

Section II - Kinds of hypothec

2664.

Hypothecation may take place only on the conditions and according to the formalities authorized by law.

A hypothec may be conventional or legal.

2665.

A hypothec is movable or immovable depending on whether the object charged is movable or immovable property or a universality of movable or immovable property.

A movable hypothec may be created with or without delivery of the movable hypothecated. Where it is created with delivery, it may also be called a pledge.

Section III - Object and extent of hypothecs

2666.

A hypothec is a charge on one or several specific corporeal or incorporeal properties, or on all the properties included in a universality.

2667.

A hypothec secures the capital, the interest accrued thereon and the legitimate costs incurred for recovering or conserving the charged property.

2668.

Property exempt from seizure may not be hypothecated.

The same rule applies to movable property belonging to a debtor which furnishes his main residence and which is used by and is necessary for the life of the household.

2669.

A hypothec granted on the bare ownership does not extend to the full ownership upon extinction of the dismemberment of the right of ownership.

2670.

A hypothec on the property of another or on future property begins to affect it only when the grantor acquires title to the hypothecated right.

2671.

A hypothec extends to everything united to the property by accession.

2672.

Movables charged with a hypothec which are permanently physically attached or joined to an immovable without losing their individuality and without being incorporated with the immovable are deemed, for the enforcement of the hypothec, to retain their movable character for as long as the hypothec subsists.

2673.

A hypothec subsists on the new movable resulting from the transformation of property charged with a hypothec and extends to property resulting from the mixture or combination of several movables of which some are so charged. A person acquiring ownership of the new property, particularly through application of the rules on movable accession, is bound by such hypothecs.

2674.

A hypothec on a universality of property subsists but extends to any property of the same nature which replaces property that has been alienated in the ordinary course of business of an enterprise.

A hypothec on an individual property alienated in the same way extends to property that replaces it, by the registration of a notice identifying the new property.

If no property replaces the alienated property, the hypothec subsists but extends only to the proceeds of the alienation, provided they may be identified.

2675.

A hypothec on a universality of property subsists notwithstanding the loss of the hypothecated property where the debtor or the grantor replaces it in a reasonable time, having regard to the quantity and nature of the property.

2676.

A hypothec on a universality of claims does not extend to the new debts of the person granting the hypothec when such debts result from the sale of his other property by a third person exercising his rights.

Nor does it extend to a claim under an insurance contract on the other property of the grantor.

2677.

A hypothec on shares of the capital stock of a legal person subsists on the shares or other securities received or issued on the purchase, redemption, conversion or cancellation or any other transformation of the hypothecated shares, provided the registration of the hypothec is renewed against the shares or other securities received or issued.

The creditor may not object to the transformation on the ground of his hypothec.

2678.

Where what is owed to the creditor is the object of a tender or deposit in accordance with this Code, the court may, following an application by the debtor making the tender or deposit, authorize the extension of the hypothec on the property tendered or deposited, and it may allow the amount initially registered to be reduced.

Once the reduction of the initial amount is entered in the appropriate register, the debtor is no longer entitled to withdraw his tender or the property deposited.

2679.

A hypothec on an undivided share of a property subsists if the grantor or his successor preserves rights over some part of the property by partition or other act declaratory or act of attribution of ownership, subject to the Book on Successions.

If the grantor does not preserve any rights over the property, the hypothec nevertheless subsists and extends, according to its rank, to the price of transfer payable to the grantor, to the payment resulting from the exercise of a right of redemption or a first refusal agreement, or to the balance payable to the grantor.

2680.

In the case of distribution or collocation among several hypothecary creditors, the creditor of an indeterminate, unliquidated or conditional claim is collocated according to his rank, but subject to the conditions prescribed in the Code of Civil Procedure.

Civil code of Québec : Book six - Prior claims and hypothecs : Title three - Hypothecs : Chapter 2 - Conventional hypothecs : Section I - Grantor of a hypothec

Sections [2681 to 2723](#) (...)

(Floating Hypothecs)

Civil code of Québec : Book six - Prior claims and hypothecs : Title three - Hypothecs : Chapter 2 - Conventional hypothecs : Section V - Floating hypothecs

Sections [2715 to 2723](#)

2715.

A hypothec is a floating hypothec when some of the effects are suspended until, the debtor or grantor having defaulted, the creditor provokes crystallization of the hypothec by serving a notice of default and crystallization of the hypothec on the debtor or grantor.

The floating character of the hypothec shall be expressly stipulated in the act.

2716.

A floating hypothec has effect only if it was published beforehand and, if immovable properties are charged, only if it was registered against each of them.

It may not be set up against third persons except by registration of the notice of crystallization.

2717.

Any condition or restriction stipulated in the constituting act in respect of the right of the grantor to alienate, hypothecate or dispose of the charged property has effect between the parties even before crystallization.

2718.

A floating hypothec on more than one claim has effect in respect of the debtors of hypothecated claims, upon registration of the notice of crystallization, provided the notice has been published in a newspaper circulated in the locality of the last known address of the grantor of the floating hypothec or, where he carries on an enterprise, in the locality where the enterprise has its principal establishment.

The notice need not be published if the hypothec and the notice of crystallization may be set up against the debtors of the hypothecated claims in the same way as an assignment of claim.

2719.

By crystallization, a floating hypothec has all the effects of a movable or immovable hypothec in respect of whatever rights the grantor may have at that time in the charged property; if the property includes a universality, the hypothec also charges properties acquired by the grantor after crystallization.

2720.

The sale of an enterprise by the grantor may not be set up against the holder of a floating hypothec. The same applies to a merger or reorganization of an enterprise.

2721.

The creditor holding a floating hypothec on a universality of property may, from registration of the notice of crystallization, take possession of the property to administer it in preference to any other creditor having published his hypothec after the date of registration of the

floating hypothec.

2722.

Where there are several floating hypothecs on the same property, crystallization of one of them enables the creditors holding the others to register their own notice of crystallization at the registry office.

2723.

Where the default of the debtor has been remedied, the creditor requires the registrar to cancel the notice of crystallization.

The effects of crystallization cease with the cancellation, and the effects of the hypothec are again suspended.

(END)