

# DUE DILIGENCE SEARCHES FROM CYBERBAHN

## DUE DILIGENCE SEARCHES JUST GOT FASTER AND EASIER

Our Due Diligence solution intelligently structures your search requirements through an enhanced interface. Take advantage of improved searching and new automated tasks. Request numerous reports over multiple jurisdictions – all within the same transaction – and save time and increase accuracy. Don't have time to search? Call us and one of our expert law clerks will assist you with all your searching needs.

**Fast, efficient public due diligence searches are available in the following areas:**

### **Address Searches**

Investigative searches as they relate to current address information.

### **Bank Act (Canada), s. 427**

Determines whether any notices of intention to give security have been filed with the Bank of Canada against a corporation, business or individual. This search will disclose whether any banks have taken a security interest in the inventory and/or equipment of the corporation, business or individual.

### **Bankruptcy and Insolvency Act (Canada)**

Determines whether there is a record of any bankruptcy or insolvency proceedings involving corporations, businesses or individuals registered with the Office of the Superintendent of Bankruptcy in Ottawa (includes information for all of Canada). This search will indicate whether a corporation, business or individual is or has been bankrupt or whether an assignment, proposal to creditors, or receiving order has been made against it.

### **Bulk Sales Act (Ontario only)**

Determines whether there are any bulk sales affidavits registered against a corporation, business or individual in the Superior Court of Justice in the municipality where it carries on business. This search will indicate whether a corporation, business or individual has made a substantial sale of its inventory out of the usual course of business.

### **Business Names Reports**

Displays current information on the public record for registered business names. A corporation or individual that carries on business or identifies himself/herself by a name other than its corporate or his/her name must register trade names. (available for U.S. businesses)

**Canadian Environmental Protection Act** – to determine whether there are any prosecutions, proceedings, or outstanding cleanup orders against a target entity.

**Certificate of Status/Compliance/Good Standing**  
Provides the current status of the corporation.

### **Corporate Searches**

Confirms status and determines corporate information on public government registries such as current corporate name, any French form of the name, any former names, any predecessors' names, any current registered business names, its registered office address, and directors' and officers' information, document lists, and expired business names. (available for U.S. businesses).

**Employment Standards Act** – a search of the Employment Standards branch will determine whether there are outstanding claims against the corporation or business.

### **Execution Act**

Determines whether there are any writs of execution, extent, or certificates of lien filed against a corporation, business or individual in the Sheriff's office in the municipality where it carries on business, which affects the real or personal property of the corporation, business and individual. This search will indicate whether a judgment creditor has filed an execution or writ against a company, business, or individual for an unpaid judgment in the sheriff's office in the municipality where it carries on business. In Ontario, you can also conduct an Ontario Wide Execution search which will search all of the municipalities.

### **Federal Court**

Determines if there are any litigation actions involving a corporation, business or individual under the Federal Statute.

## Intellectual Property Searches

Intellectual property and information technology searches (patent, copyright, industrial design, trade-mark plant breeders' rights, integrated circuit topography searches) ensure that the intellectual property rights being purchased have been properly registered and actually owned by the vendor, and that the rights remain in order and may be properly assigned to the purchaser.

**Occupational Health and Safety Act** – to determine whether hazardous substances on the site are handled in accordance with the Act and whether there are any outstanding orders against the property.

## Personal Property Security Act (PPSA)

Determines whether there are any registrations made against the target company (liens, debentures) under the various personal property registry systems across Canada. The search will indicate whether the personal property of a corporation, business or individual is encumbered and subject to the security interests of secured creditors. The search should be conducted in the jurisdiction(s) where property or assets are owned.

## Provincial Litigation

Determines whether there are any litigation actions filed in the Superior Court of Justice against a corporation, business or individual in the municipality where it resides or carries on business.

## Real Property

Determines the status and nature of a company's title to real property and whether there are any encumbrances, mortgages, or other changes registered against a real property.

## Superintendent of Bankruptcy/Official Receiver

Searches for any record of bankruptcies or petitions filed at the Office of the Superintendent of Bankruptcy, and proposals filed in Canada from 1978 to date. It also displays all private and court-appointed receiverships filed in Canada from 1993 to date. This search is valid for all of Canada.

## Universal Commercial Code (UCC)

Equivalent to PPSA searches, UCC searches are conducted in the U.S.

## Writs of Execution, including Ontario Writs Locator (OWL)\*

Searches for writs registered against a debtor by a judgment creditor, which creates the right to seize the debtor's goods.

\* Ontario Writs Locator and OWL are trademarks of Teranet Enterprises Inc.

## New Features and Benefits

**Nationwide name lookup feature** – Search with confidence. Lookup features searches for existing corporate and business names across key databases in Canada. This allows you to quickly view a name that may be registered in multiple jurisdictions and compare any similar names that may also need searching.

**Enhanced Smart Search** – Our custom algorithm for optimized searching – reviews results taken from multiple databases and organizes them to meet your specific needs.

**Access to shortcuts and recommendations** – Search requirements are suggested for your particular transaction based on differing requirements for deal types – for example, merger and acquisition transactions versus financing transactions.

**Post-date your searches across Canada** – Structure your deal ahead of time. To help organize your due-diligence needs, we provide an opportunity to pre-request all of your searches for when you need them.

**Update your searches across Canada** – Request updated searches with one click. Completed your first round of searches and now need to order updates? Our new solution allows you to request all the updates you need easily through a one-click option.

**Search summaries (Enhanced Search Report) and additional searches** – Available across Canada after viewing search results. Receive all of your corporate due-diligence searches summarized in one concise, comprehensive report. Limit the need to access all of the original searches and work from a single document that is easy to review, forward, and amend to your liking. Merge multiple searches across multiple jurisdictions in one comprehensive report.

**Express workflow and bulk order feature** – A simplified and time saving process for ordering the most requested searches.

**Request numerous reports over multiple jurisdictions** – All are available within the same transaction.

## New Due Diligence Searches Added

**Litigation searches across Canada** – Determine whether there are any litigation actions filed in the various Courts of Justice across Canada against a corporation, business or individual. Searches can be conducted in various jurisdictions or municipalities. Actions today may be commenced in various jurisdictions, therefore searching multiple courts may be necessary.

**Provincial Bankruptcy** – Searches for any record of bankruptcies or petitions at the Superior Court level.

For more information  
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