

Fariborz Khasha



A Satirical Journey to the Notarland

*From the Notebook of a Sleepless Notarial
Candidate on the Eve of the 2004 Exams*



So you're lost, eh?" asked the husky voice.

"You might say so," uttered the troubled candidate. "Long time ago, I embarked on this journey to the Notarland, and from what I know, after many months of roving and wandering through rough terrains, now I shouldn't be too far away from its gates. But for the last little while, it seems as if I'm going in circles . . ."

"What do you mean?" interrupted the voice, "why are you going in circles?"

"Well, because. You see, these multitudes of confusing signs and arrows pointing to different directions don't help at all. The Notarland is somewhere beyond this complex maze of Doctrines and Maxims, I'm sure, but how does one get out of this mysterious labyrinth?"

"Certainly you don't expect to be handed a clear-cut blueprint of sorts, do you?" objected the voice. "That wouldn't sit well with the Custodians of the Notarland—Lord Braid and all."

"What I can do to help," the voice went on, "is to call to your attention the six most significant milestones along the way to the Notarland, the ones all voyagers in these terrains must pass through. And I'll say this: once you've put the sixth landmark behind you, the open gates of the Notarland will be within your sight and reach."

"I'm all ears," said the anxious candidate, mindful of the ticking of time and the approach of the closing date beyond which the faithful Notarland gatekeepers would firmly close the gates for the next full four seasons. "What are those six milestones?"

The gruff voice began enumerating. "The first one is the Valley of *Nemo Dat*—the landmark that gives not what it has not!"

"Do not expect me to show you the exact path to the valley, but if you move forward along the Common Law trail and, whenever encountering a dead-end, take the alternate route of Equity, you shall eventually find yourself standing on the edge of the *Nemo Dat*. And one more useful hint: avoid being 'steered' into commission of anything resembling a Tort, a Negligence, or some other such thing, because those who have not, in the past, kept away from these pitfalls have not experienced a happy journey."

“What comes next?” asked the startled candidate.

“The second milestone is the Garden of Torrens,” the voice went on. “To reach this lush plot of land, you must focus on all signs and arrows bearing words or symbols of, among other things, Estate, Indefeasibility, Notice, and Redemption. Pitfalls to be avoided along this path are signs pointing to Statutory Easements and whatever else you may associate in your tired mind with the sacred interests of the Crown, of course.”

“The third milestone—and you had better memorize the sequence of their appearances—is the Cascade of LTO, a waterfall, the path to which is permeated with procedural twists and turns, relentless searches, and a keenness to diligence in completion of entry forms, some in alphabetical order, others numeric. Pitfalls: what you see here is not always what you get; beware of those Interests and *Caveats* Pending Registration . . . you know what I mean.”

“Yes, I do,” said the sleepless candidate. “Looks like we’re halfway there. What should I be looking for next?”

“The Whirlpool of Wills is the fourth milestone you need to put behind you. Here, your best bet would be an unflinching attentiveness to road signs pointing to Capacity, Intent, and Absence of Undue Influence. Be mindful of any Trust detour signs, unless the Notarial Route 18 is also indicated on the sign. There are lots of

pitfalls to avoid on the way to this milestone. I’ll just name a few: Codicil, Invalid Execution, Issue, *Per Stirpes*, and those alluring Secret Trusts. Also beware of bandits in the vicinity of the Whirlpool of Wills, armed with *WVA* and ready to launch an attack. Just try to get the hell out of the fourth as quickly as you can.”

“What is the next milestone?” the now manifestly impatient and overexcited candidate asked.

“The Dark, Deep Well of the Statutes, my friend,” said the voice with a somewhat empathizing ring. “This is where you have to get your act together by not confusing the Acts. Prepare yourself for descending into this bottomless well, expecting what you thought would be a provision of one Act might have nothing to do with that Act and everything to do with another Act. All I can say to you at this late stage of the game with respect to this milestone is: Good Luck, Candidate!”

“And the sixth?”

“The sixth and last milestone is the Notarial Procedure Peak, a bumpy, hilly path of Bylaws, Rules, Codes and Undertakings to climb, one imbued with a hefty entrance and fees charged at almost every step of the way toward the top. On the top of this peak, you will be placed in a vantage point with an eagle’s-eye view of the Notarland, a territory inhabited by some 300 dedicated worriers guarding the interests of the general populace. Once there, you’ll find yourself in good company, I’m sure.” ▲

The above humorous depiction of the six Notarial Statutory Exams was originally posted on the Notary students’ Website, one of several valuable and well-used educational forums made available to the students by The Society of Notaries of BC.

When this article was written, **Fariborz (Fred) Khasha** had completed the Notary Preparatory Course, had written the Spring 2004 Statutory Exams, and was on the way to becoming commissioned as a BC Notary Public.

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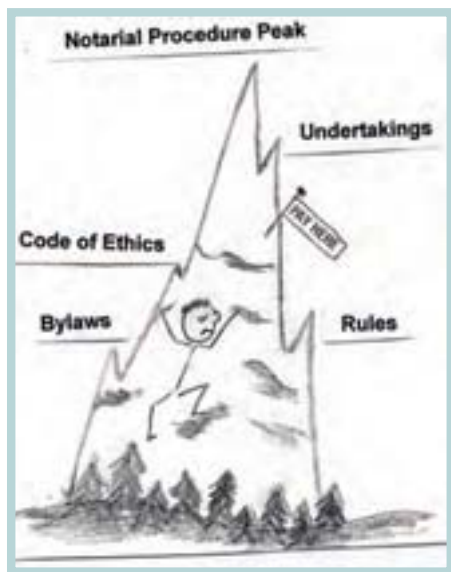


Illustration: Pat Psaila

Editor's

Thanks to *The Scrivener* Magazine Committee, Wayne Braid, and Vancouver Notary Carolynne Maguire for their input for this issue.

Next Issue Fall 2004 First Nations II



Photo: Alastair Bird

Our Fall issue will feature articles by and about First Nations people in BC. Bob Reid, our Cover Story personality, teaches our graduating BC Notaries and is a member of the Notary Board of Examiners. Bob retired June 2003 from the Faculty of Law at UBC where he was Assistant Dean of Admissions and Career Placement and an Associate Professor.

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