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Civil Enforcement

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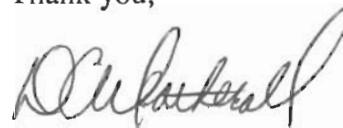
October 1, 2005

**To: Civil Enforcement Procedure Manual Subscribers**

Enclosed is an update to the Civil Enforcement Procedure Manual along with an instruction sheet on what to remove and insert.

Please contact me at (780) 427-4270 (or dial 310-0000 for toll-free access in Alberta) if you have any questions or need more information.

Thank you,



Dwayne C. Weatherall  
Sheriff - Civil Enforcement

enclosure



# Civil Enforcement Procedure Manual

## Update Instruction Sheet

### October 1, 2005

\*Asterisk in the left margin indicates where changed or new text appears.

Section	Delete	Substitute	Change
Table of contents	All	All	Reflects amendments
General Information	1.3-1.6	1.3-1.6	1.3 Added material 1.5 Typo corrected
Legislation	Cover page Inside cover page 13-14, 51- 54, 57-58	Cover page Inside cover page 13-14, 51- 54, 57-58	Changes to the Act June 2 and October 1, 2005
Regulations	All	All	Changes to the Regulation
Seizure	All	All	5.2 Added material
Writ Seizure	6.25-6.34	6.25-6.34	6.25 Updated form 6.27 Updated form 6.30 Updated form 6.32 Updated form 6.33 Updated form
Contractual / PPSA Seizure	7.21-7.22 7.27-7.28	7.21-7.22 7.27-7.28	7.22 Updated form 7.27 Updated form 7.28 Updated form
Landlord's Distress	8.11-8.12 8.25-8.26 8.29-8.32	8.11-8.12 8.25-8.26 8.29-8.32	8.11 Wording changed 8.26 Updated form 8.29 Updated form 8.31 Updated form 8.32 Updated form
Statutory Distress Seizure	9.27-9.30 9.33-9.34	9.27-9.30 9.33-9.34	9.28 Updated form 9.29 Updated form 9.33 Updated form 9.34 Updated form
Circulars	16.5-16.10	16.5-16.10 16.15	16.5-16.9 Corrected pagination 16.15 New memo: Bailiffs Acting as Agents for Creditors
Index	18.1-18.2	18.1-18.2	Reference to memo "Bailiffs acting as Agents for Creditors" included.



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Civil enforcement Bailiffs are considered "Officers of the Court" and are obligated to act judicially when making decisions, such as debtor exemptions. As well, Bailiffs have a duty to disclose all facts in court when required. The Court of Queen's Bench Act includes civil enforcement bailiffs under "Duties of Sheriff" and says that they shall give assistance to and comply with the directions of the court and the judges in the exercise of the Court's jurisdiction.

## Identification

A Bailiff must always identify themselves when effecting a seizure. The Bailiff should be prepared to show their badge and identification card and other related documents if requested.

## Code of Conduct

A Code of Conduct for Civil Enforcement Agencies and Civil Enforcement Bailiffs have been established and regulated to provide guidelines for Civil Enforcement Agencies and Bailiffs. Contravention of these Codes may result in disciplinary action and/or termination of the Agency's agreement or the Bailiff's appointment.

An Agency shall use only Bailiffs who have been appointed by the Sheriff for the purposes of carrying out seizures, removing seized property, carrying out evictions, and enforcing orders of the Court. A Bailiff's authority to perform these functions is found in section 10(1) of the Civil Enforcement Act.

*Agency staff and Bailiffs must refrain from giving any legal advice. To do so may result in a law suit.*

## Provision of Services

Pursuant to section 12(c) of the Civil Enforcement Act and subject to the regulations, the Agency may require reasonable security or indemnification and payment or satisfactory arrangements for payment of fees and expenses before carrying out a duty or function as instructed in writing.

\* Civil Enforcement Agencies must not accept instructions from a bailiff or a bailiff's company on behalf of a creditor and Bailiffs must not give instructions in their individual capacity or through their own company, to an Agency on behalf of a creditor (client). For more information see the Sheriff's June 17, 2002 Notice in Section 16 "Circulars."

## Costs

Bailiffs must take care to avoid unnecessary costs. If there is reason to believe that excessive costs will be incurred, consult the instructing party before proceeding.

## Execution of Bailiff Duties

The Civil Enforcement Bailiff's conduct should be above reproach. The Bailiff must discharge his duties impartially, with integrity, and showing no favouritism. The Criminal Code of Canada provides for protection as follows:

### *Offences Relating to Public or Peace Officer*

#### *129. Every one who*

- (a) resists or wilfully obstructs a public officer or peace officer in the execution of his duty or any person lawfully acting in aid of such an officer,*
- (b) omits, without reasonable excuse, to assist a public officer or peace officer in the execution of his duty in arresting a person or in preserving the peace, after having reasonable notice that he is required to do so, or*
- (c) resists or wilfully obstructs any person in the lawful execution of a process against lands or goods or in making a lawful distress or seizure,*

*is guilty of*

- (d) an indictable offence and is liable to imprisonment for a term not exceeding two years, or*
- (e) an offence punishable on summary conviction.*

The Criminal Code also provides for prosecution if duties are not discharged properly.

### *Misconduct of Officers Executing Process*

#### *128. Every peace officer or coroner who, being entrusted with the execution of a process, wilfully*

- (a) misconducts himself in the execution of the process, or*
- (b) makes a false return to the process,*

*is guilty of an indictable offence and is liable to imprisonment for a term not exceeding two years.*

## Threats of Violence

If a Bailiff comes in to contact with a debtor who threatens violence, he should assess the situation; **do not force matters**. Withdraw quietly and report the facts fully to the Civil Enforcement Agency and/or the police. For more information see Circular #3/98 in section 16 "Circulars.

## Communication

Your daily responsibilities will include the use of a variety of communication skills, for example:

**Verbal Communication** - You will be expected to deal effectively with many individuals and companies, from a wide range of educational and ethnic backgrounds. Your listening skills, speaking ability, level of language, negotiation skills and telephone technique will be tested daily.

**Non-Verbal Communication** - An awareness of non-verbal signals (body language) is a valuable tool in the assessment of situations and diffusing potential hostilities. Awareness of the signals you are giving by your non-verbal actions is extremely important.

Be aware of cultural differences. For example, if you are dealing frequently with a specific ethnic group, an awareness of that group's culture would be an asset.

**Written Communication** - Written reports must be clear and concise. As they may be used in court, they should be factual without any speculations or opinions. Specific details should be included.

**Professionalism** - The image you present to creditors, debtors, and members of the public is critical to your effectiveness and credibility in the execution of your duties. Personal confidence, commitment to your goal, impartiality and calmness can be great assets in completing your duties. The ability to complete tasks within designated timelines is crucial to your success.

**Confidentiality** - The ability to preserve confidentiality is vital to carrying out bailiff work. Using discretion in gaining and disclosing information are important aspects of the work.

## Networking

There is an obligation under the Civil Enforcement Act for the Agency to act in good faith and in a commercially reasonable manner. Due to the complexity of the business, Agencies should ensure they have access to legal advice, accounting expertise and appraisal experts in order to fulfil their legislated obligation and to provide optimum service to clientele. Developing cooperative relationships with contacts is also important to your success. Your ability to give concise, explicit instructions and directions to these resource contacts can ensure that your duties are completed quickly and efficiently. Potential contacts are:

1. Law Enforcement Agencies
2. Towing Companies
3. Moving Companies
4. Heavy Equipment or Specialty Moving Companies
5. Locksmiths
6. Storage Firms
7. Auction/sale Companies
8. Veterinarians
9. Livestock and Brand Inspectors
10. Health Officials, including Occupational Health and Safety Officials
11. Alberta Registry Firms
12. Other Bailiffs/Civil Enforcement Agencies
13. Municipality Offices

## Occupational Health and Safety

Agencies and Bailiffs must comply with the Occupational Health and Safety Act. Hazardous materials may be encountered in the conduct of seizures.

Biohazards are biological substances present in, or arising from the work environment. A person may become infected through direct contact with infectious persons, animals, animal or human blood, blood by-products, body fluid secretions and excretions. As a result, all job-related injuries such as scratches, bites, puncture wounds and exposure to a known or suspected source of infected blood, blood products or body fluids must be recorded.

## Seizure

Seizure is the act of taking possession of personal property. Section 9(3) of the Civil Enforcement Act authorizes a Civil Enforcement Agency to effect seizure unless otherwise provided under another statute. Subsection (4) requires the Civil Enforcement Agency to use only Civil Enforcement Bailiffs for the purpose of carrying out seizures.

There are two basic categories of seizure: writ and distress.

### Writ Seizure

Writ Seizure is a seizure of non-exempt personal property to enforce a money judgment pursuant to writ proceedings authorized by the Civil Enforcement Act.

Upon obtaining a judgment and entering it in the Court of Queen's Bench a creditor may prepare and file a Writ of Enforcement with the Clerk of the Court of Queen's Bench in the Judicial District in which the judgment was issued. This writ authorizes enforcement proceedings and must be registered with Personal Property Registry before enforcement can be initiated.

A Writ of Enforcement authorizes enforcement proceedings by a Civil Enforcement Bailiff in accordance with the Civil Enforcement Act for the purpose of enforcing a money judgment.

### Distress Seizure

Distress seizure is a seizure of personal property to enforce the payment of certain claims that do not form part of a judgment issued by the Court.

A Distress Warrant is the document by which a creditor requests an Agency to effect a seizure and is the authorization under which the Agency acts.

Section 1(1)(m) of the Civil Enforcement Act sets out the rights of distress. The following are the most common:

- |     |                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|-----|--------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (1) | Contractual - PPSA | Seizure under the Personal Property Security Act arising from a default on a contractual agreement between two parties, i.e. security agreement.                                                                                                                                                                                                                                                                                                       |
| (2) | Landlord Distress  | Seizure by a landlord for arrears in rent.                                                                                                                                                                                                                                                                                                                                                                                                             |
| (3) | Statutory Distress | Seizure under a specific statutory provision allowing for the enforcement of a claim that does not form part of a court ordered judgment. Some Acts specifically incorporate the provisions of the Civil Enforcement Act for their distress procedure. Others specifically exclude the provisions of the Civil Enforcement Act and the Civil Enforcement Agency must be careful in dealing with these to ensure that it follows the correct procedure. |

\* Unless otherwise ordered by the court, a seizure or eviction or a removal of seized property that is carried out at a residence in accordance with the Civil Enforcement Act shall be carried out only between the hours of 6:00 a.m. and 10:00 p.m. For more information see Circular #1/97 in section 16 "Circulars".

## Costs

Keep in mind that the costs incurred by you in the performance of your duties will eventually be applied to the debt. Therefore, care must be taken to avoid all unnecessary costs. If you have reason to believe that excessive costs will be incurred in carrying out the instructions, advise the instructing party before proceeding.

Form 1  
Civil Enforcement Regulation

00-00000  
Civil Enforcement Agency File Number

\*

# Warrant

(Writ of Enforcement)

TO: We Seize Ltd.  
406 Replevin Road, Edmonton, Alberta T5J 2N5  
Name and Address of Civil Enforcement Agency

950804

A Writ of Enforcement has been registered at Personal Property Registry as Registration Number \_\_\_\_\_  
You are hereby instructed to seize the personal property of

Joe Debtor  
13 Badluck Road, Edmonton, Alberta  
Name and Address of Debtor

in order to realize the sum of \$ 4,694.00 owing to Ima Creditor and  
Amount Owing as Registered at P.P.R. Name of Creditor  
the total amount of all related writs plus costs.

Location of personal property if different from the debtor's address

Dated at Edmonton, Alberta, on January 12 2003

*Ima Creditor*

Signature of Instructing Creditor or Authorized Agent

Ima Creditor  
Print Name of Instructing Creditor or Authorized Agent

6942 Broad Valley Edmonton  
Address of Instructing Creditor or Authorized Agent City

Alberta T5K 1L3 444-4444 444-5555  
Province Postal Code Telephone Number Fax Number

**RELATED WRITS – SEE REVERSE OR ATTACHED SEARCH RESULTS.**

AMOUNT OWING THIS WRIT .....	\$4694.00
PLUS TOTAL OF Related Writs .....	\$7000.00
PLUS Seizure Fees and Costs .....	\$
<b>TOTAL \$</b>	

\*

Oct 5/04



Form 5  
Civil Enforcement Regulation

00-00000  
Civil Enforcement Agency File Number

### Notice of Seizure of Personal Property

TO: Joe Debtor  
13 Badluck Road, Edmonton Alberta  
Name and Address of Debtor

Take notice that to satisfy a claim against you for the sum \$4694.00 plus costs and related Writs, if  
Ima Creditor  
6942 Broad Valley, Edmonton, Alberta T5K 1L3  
Name and Address of Creditor

has caused the following personal property and personal property listed in the addendum to be seized:

1	1979 Camaro, Red S/N 1GM54C761M0G59
1	Kenwood Stereo Receiver S/N 11879, attached Sticker Number 0001 to the Receiver

Addendum attached listing additional property.  Yes  No

Notice of Objection applicable to this seizure.  Yes  No

\* STRIKE OUT IF NOT APPLICABLE | **If you object to the seizure, you must deliver the Notice of Objection to the Civil Enforcement Agency listed below within 15 days from the day that the seizure documents were served.**

Dated at Edmonton, Alberta, on January 15, 1996,

P. Bailiff P. Bailiff  
Bailiff's Signature Print Name  
We Seize Ltd.

Name of Civil Enforcement Agency		Edmonton	
406 Replevin Road			
Address of Civil Enforcement Agency		City	
Alberta	T5J 2N5	422-2696	422-7777
Province	Postal Code	Telephone Number	Fax Number

Notice: If you have concerns about the way that this seizure was conducted, contact the Civil Enforcement Agency listed above. If you are unable to resolve your concerns with the Civil Enforcement Agency, you may contact the Sheriff - Civil Enforcement at (780)422-2481.

\* Jun 8/05

Page 1 of \_\_\_\_\_



Form 6  
Civil Enforcement Regulation

00-00000

Civil Enforcement Agency File Number

## Notice of Objection to Seizure of Personal Property

TO: We Seize Ltd, 406 Replevin Road, Edmonton, Alberta T5J 2N5 FAX: 422-7777

Name, Address and Fax Number of Civil Enforcement Agency

**This Notice of Objection to Seizure of Personal Property will not be accepted if a reason for the objection is not provided.**

I object to the seizure of the personal property mentioned in the Notice of Seizure of Personal Property for the following reason(s):

The stereo that was seized belongs to my girlfriend; besides, Ima Creditor told me it was okay if

I missed the last two rent payments because I was short of cash. I want my stuff back.

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(IF ADDITIONAL SPACE REQUIRED, PLEASE WRITE ON REVERSE.)

**IF YOU OBJECT TO THE SEIZURE OF PERSONAL PROPERTY, THIS NOTICE MUST BE DELIVERED TO THE ABOVE NOTED CIVIL ENFORCEMENT AGENCY WITHIN 15 DAYS OF THE DATE ON WHICH THE SEIZURE DOCUMENTS WERE SERVED.**

**If there is no valid reason for objecting to the seizure of the personal property, the sending of this notice may result in increased costs to you.**

**Dated at** Edmonton, **Alberta on** January 20, 1996

THE FOLLOWING MUST BE COMPLETED:

<u>Joe Debtor</u>		Joe Debtor	
Signature of Debtor		Print Name	
<u>13 Badluck Road</u>		Edmonton	
Mailing Address of Debtor		City	
Alberta	T5B 4L5	423-6789	N/A
Province	Postal Code	Telephone Number	Fax Number

Oct. 01/95

Form 7  
Civil Enforcement Regulation

### Information for Debtor

#### READ THIS DOCUMENT IMMEDIATELY

Your property has been seized under the Civil Enforcement Act either to satisfy a judgment against you or to satisfy a landlord's claim for unpaid rent ("landlord's distress"). This document sets out the exemptions to seizure to which you are entitled. Please note that, if the seizure is to satisfy another kind of claim, you may not be entitled to exemptions.

**Caution:** This document is not intended to provide legal advice. You should seek legal advice if you have any questions regarding your rights and obligations.

#### CIRCUMSTANCES WHERE EXEMPTIONS DO NOT APPLY

The exemptions listed below do not apply in the following circumstances:

1. If you are not an individual (e.g. you are a corporation).
2. If the judgment against you is for the payment of maintenance or alimony.
3. If you have abandoned the seized property.
4. If the judgment arises out of an act for which you have been convicted of an offence under the Criminal Code.

#### EXEMPTIONS

Except where anyone of the above circumstances apply, the following property is exempt from seizure:

	WRITS	LANDLORD DISTRESS
1. Food required by you and your dependants during the next 12 months.		
2. Clothing which is necessary for you and your dependants up to a value of .....	\$4,000	\$4,000
3. Household furnishings and appliances up to a value of .....	\$4,000	\$1,000*
4. One motor vehicle up to a value of .....	\$5,000	Not exempt
5. Medical and dental aids required by you or your dependants.		
6. If your principal source of income is from farming, personal property necessary for the proper and efficient running of your farm for the next 12 months.		
7. If item 6 does not apply to you, personal property required by you to earn income from your occupation up to a value of .....	\$10,000	\$10,000 - in the case of Residential Premises
8. Money payable by the Agricultural Financial Services Corporation in respect of a claim for loss or damage to crops.		

#### \*FOR LANDLORD DISTRESS PURPOSES ONLY

Household Furnishings and appliances means one washing machine and dryer; one kitchen suite; bedroom suites and bedding; kitchen appliances including one each of a stove, a microwave, a refrigerator and a freezer; kitchen utensils; and, carriages, strollers, cradles and cribs necessary for the use of the debtor's children.

#### NOTICE OF OBJECTION

- If you believe that there is a valid reason why the property that has been seized should not have been seized you must serve the Notice of Objection that has been provided to you on the Civil Enforcement Agency that made the seizure.
- The Civil Enforcement Agency must receive the Notice of Objection from you within 15 days of the day that the seizure documents were served on you or an adult member of your household. Your Notice of Objection will be void if the Civil Enforcement Agency receives it after the 15 day period has expired or if you do not give a reason for your objection.
- The address of the Civil Enforcement Agency to which you must deliver your Notice of Objection is indicated at the top of the Notice of Objection.

**Warning:** If your objection to seizure is not based on valid reasons you could be required to pay legal costs resulting from your objection.

**Notice:** If you have concerns about the way that this seizure was conducted, contact the Civil Enforcement Agency shown on the Notice of Seizure of Personal Property. If you are unable to resolve your concerns with the Civil Enforcement Agency, you may contact the Sheriff - Civil Enforcement at (780) 422-2481.

Jun 8/05

Form 8  
Civil Enforcement Regulation

00-00000

Civil Enforcement Agency File Number

## Bailee's Undertaking

In consideration of the seized personal property listed in the attached Notice of Seizure of Personal Property being left in my possession, I agree to act as Bailee for the Civil Enforcement Agency and keep the said personal property in good condition at:

13 Badluck Road

Edmonton, Alberta

Address or Land Location Where Personal Property Will Be Stored.

and deliver it to the Civil Enforcement Agency whenever and wherever it may be required.

***I understand that non-delivery or conversion of the personal property may result in a conviction under the Criminal Code for which a term of imprisonment may be imposed.***

Dated at Edmonton, Alberta, on January 15 1996.

<b>Bailee:</b>	<i>Joe Debtor</i>	Joe Debtor		
	Signature of Bailee	Print Name		
	13 Badluck Road	Edmonton	Alberta	
	Address of Bailee	City	Province	
	T5B 4L4	423-6789	N/A	
	Postal Code	Telephone Number	Fax Number	
<b>Witness:</b>	<i>P. Bailiff</i>	P. Bailiff		
	Signature of Witness	Print Name		
	406 Replevin Road	Edmonton	Alberta	
	Address of Witness	City	Province	
	T5J 2N5	422-2699	422-7777	
	Postal Code	Telephone Number	Fax Number	

We Seize Ltd.

Name of Civil Enforcement Agency		Edmonton	
406 Replevin Road			
Address of Civil Enforcement Agency	City	Province	
Alberta	T5J 2N5	422-2696	422-7777
Province	Postal Code	Telephone Number	Fax Number

NOTE: ATTACH TO EACH COPY OF THE NOTICE OF SEIZURE OF PERSONAL PROPERTY.

Oct.01/95



Form 9.1  
Civil Enforcement Regulation

00-00000  
Civil Enforcement Agency File Number

\*

### Bailiff's Report – Addendum

**Comments - continued**

a seizure was conducted leaving goods with the debtor on a Bailee's Undertaking. Be advised that Mr. Debtor was served with notice to vacate the premises by midnight January 31, 2003, and plans to move to #12 Goodluck Rd. Edmonton.

[Lined area for additional comments]

*P. Bailiff*

Signature of Bailiff

PAGE 2 of 2

\*

Oct 5/04

Seizure Sticker

IDENTIFICATION NO. <b>0001</b>	CIVIL ENFORCEMENT AGENCY FILE NO. <b>00-00000</b>
-----------------------------------	------------------------------------------------------

**UNDER SEIZURE**

THIS ITEM IS UNDER SEIZURE BY

***We Seize Ltd.***

Name of Civil Enforcement Agency

***406 Replevin Road, Edmonton 422-2696***

Address

Telephone No.

***422-7777******January 15, 1996***

Fax No.

Date

***P. Bailiff******P. Bailiff***

Bailiff's Signature

Print Name

## **Register Seizure / Surrender**

Pursuant to the provisions of the Civil Enforcement Regulation the Agency must register details of all seized property and pertinent information such as the condition/location of the seized property at Personal Property Registry within 3 days of seizure being effected. If the property was surrendered, the surrender information should be entered in the free format portion of the seizure registration screen.

## **Notice of Objection to Seizure of Personal Property**

Do not accept a Notice of Objection. There is no provision for objection to a seizure made pursuant to the P.P.S.A. The debtor must make application to the Court.

## **Third Party Claims, Received After Seizure Effected**

Do not accept a third party claim on P.P.S.A. seizures. The claimant must make application to the Court.

Form 4  
Civil Enforcement Regulation

950307-000000

Previous P.P.R. Registration Number

00-00000

Civil Enforcement Agency File Number

# Warrant

(Personal Property Security Act)

TO: We Seize Ltd.

406 Replevin Road, Edmonton, Alberta T5J 2N5

Name and Address of Civil Enforcement Agency

A security agreement was entered into on March 5, 1995 between

Date (M/D/Y)

Joe Debtor

13 Badluck Road, Edmonton, Alberta

Name and Address of Debtor

as debtor, and

Ima Creditor

6942 Broad Valley, Edmonton, Alberta

Name and Address of Secured Party

as the secured party.

This security agreement is now in default and you are therefore instructed to seize the following personal property which is the subject-matter of the agreement:

Describe Personal Property to be seized. 1979 Camaro, Red S/N1GM54C761M0G59

The personal property is located at 13 Badluck Road

Edmonton, Alberta

Seizure is instructed to realize the sum of \$ 1,010.00 owing under the security agreement plus costs.

Dated at Edmonton, Alberta, on January 12, 1996

*Ima Creditor*

Signature of Instructing Creditor or Authorized Agent

Ima Creditor

Print Name of Instructing Creditor or Authorized Agent

6942 Broad Valley

Address of Instructing Creditor or Authorized Agent

Edmonton

City

Alberta

Province

T5K 1L3

Postal Code

444-4444

Telephone Number

444-5555

Fax Number

Oct 5/04

Form 9  
Civil Enforcement Regulation

00-0000  
Civil Enforcement Agency File Number

### Bailiff's Report (STATUTORY DECLARATION)

CREDITOR Ima Creditor

DEBTOR Joe Debtor

I, P. Bailiff of the City/Town of Edmonton, Alberta  
Name of Bailiff

hereby solemnly declare that on the 15 day of January 2003 I,

effected seizure     attempted to effect seizure     made removal     attempted to make removal

at 13 Badluck Road, Edmonton, Alberta by serving the  
Address / Land Description where Seizure / Removal / Attempt Made

- Warrant (if applicable)
- Notice of Seizure of Personal Property
- Information for Debtor Form
- Notice of Objection to Seizure of Personal Property
- on the debtor(s) or adult member of the debtor's household,
- by attaching the documents to the seized personal property / posting in a conspicuous place.

The seized personal property was:  
 Left on a Bailee's Undertaking at:     Removed to:

Location

**COMMENTS**  
On January 15, 1996 at 2:00 pm, attended 13 Badluck Road, Edmonton, Alberta and seized one 1979 Red Camaro  
S/N 1GM54C761M0G59. The seized vehicle was surrendered to Ed's Towing Company at 2:15 p.m. Edward Driver, the driver for Ed's Towing Company signed the Notice of Surrender. A copy of the Notice of Seizure was given to the debtor. I concluded the file at 2:30 p.m.

Addendum Attached of \_\_\_\_\_ pages, each of which is incorporated in this Statutory Declaration and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

DECLARED BEFORE ME at Edmonton

Alberta, on January 16, 2003

*P. Bailiff*

Bailiff

*Idid Swear*  
A Commissioner for Oaths / Notary Public

Idid Swear Sept. 30/2003  
Print Name and Expiry Date

<b>Ima Creditor</b>			
Name of Instructing Party			
<u>6942 Broad Valley</u>		<u>Edmonton</u>	
Address of Instructing Party		City	
<u>Alberta</u>		<u>T5K 1L3</u>	
Province		Postal Code	
<b>We Seize Ltd.</b>			
Name of Civil Enforcement Agency			
<u>406 Replevin Road</u>		<u>Edmonton</u>	
Address		City	
<u>Alberta</u>	<u>T5J 2N5</u>	<u>42202696</u>	<u>422-7777</u>
Province	Postal Code	Telephone No.	Fax No.

CIVIL ENFORCEMENT AGENCY FEES	
Filing	\$
Seizure / Settlement / Removal/Attempt	\$
Kilometres Travelled	\$
Hours	\$
Phone Calls	\$
Other	\$
G.S.T.	\$
<b>TOTAL</b>	\$

\*

Oct 5/04

PAGE 1 of 2



## **Negotiated Settlement**

If the debtor and instructing party negotiate some other form of settlement, any directions to discontinue the seizure action must be received directly from the instructing party.

## **Seizure**

If settlement is not made, proceed to seize the personal property in accordance with the warrant/letter of instructions. The Bailiff must physically see and be able to lay his hands on the personal property being seized in order to effect a proper seizure.

Seizure must be made on the personal property situated on the rented premises and only to a value sufficient to cover the arrears of rent and costs. There is an old common law right which still exists giving a landlord the right to follow personal property of the tenant for a period of 30 days after its removal. This must be in the form of a sworn Affidavit of Clandestine provided to the Agency by the instructing party. Note: In order to seize a vehicle belonging to a tenant, that vehicle must be located on the rented premises.

Under section 104 of the Civil Enforcement Act, you may seize:

- property on the premises which was given or sold by the tenant to someone other than the tenant
- \* - property that is subject to writ proceedings against the tenant
- property claimed by a relative of the tenant if such relative lives on the premises as a member of the tenant's family, or
- property identified on the Information for Debtor form that is not exempt from distress proceedings.

## Complete the Notice of Seizure of Personal Property

The Bailiff should:

- (1) Describe the personal property seized on the Notice of Seizure of Personal Property and an Addendum, if necessary. The description should include the quantity, serial number, make, model, year and colour, if applicable, and any other information to help identify the property.
- (2) Ensure the form indicates whether a Notice of Objection to Seizure of Personal Property was applicable to the seizure.
- (3) Date and sign his name at the bottom before serving or attaching. (See example of form in this section).
- (4) If an addendum is used, indicate so by checking the box Addendum Attached and number the pages 1 of \_\_ , 2 of \_\_ , etc.
- (5) Ensure that the following are indicated on the addendums:
  - Civil Enforcement Agency file number, and
  - Date and signature.(See example of form in this section).

## Seizure Stickers

To be attached to the personal property seized only when the property cannot be readily identified, e.g. because it has no serial number. (See example of form in this section).

Do not use the stickers on property obviously exempt or likely belonging to a third party. Careless or improper use of the stickers would defeat their purpose.

- (1) Write an identification number on the sticker.
- (2) Write the Civil Enforcement Agency file number on the sticker.
- (3) Ensure all blanks are properly completed.
- (4) The Bailiff MUST sign the sticker.
- (5) Note the following in the Bailiff report:
  - the sticker identification number
  - the personal property it was attached to, and
  - where on the personal property it was attached.

**TABLE OF SEIZURES**

DESCRIPTION	TYPE
Agriculture Financial Services Act	AFS
Bank Act	BAN
Landlord Distress	LRO
Municipal Government Act	MGA
Woodmen's Lien Act	WLA
Workers' Compensation Act	WCB
Other	OTH

Form 5  
Civil Enforcement Regulation

00-00000  
Civil Enforcement Agency File Number

### Notice of Seizure of Personal Property

TO: Joe Debtor  
13 Badluck Road, Edmonton, Alberta  
Name and Address of Debtor

Take notice that to satisfy a claim against you for the sum of \$ 4,694.00 plus costs and related Writs, if applicable.  
Ima Creditor  
6942 Broad Valley, Edmonton, Alberta T5K 1L3  
Name and Address of Creditor

has caused the following personal property and personal property listed in the addendum to be seized:

1	1979 Camaro, Red S/N 1GM54C761M0G59
1	Kenwood Stereo Receiver S/N 11879, attached Sticker Number 0001 to the Receiver

Addendum attached listing additional property.  Yes  No

Notice of Objection applicable to this seizure.  Yes  No

STRIKE OUT IF NOT APPLICABLE If you object to the seizure, you must deliver the Notice of Objection to the Civil Enforcement Agency listed below, within 15 days from the day that the seizure documents were served.

Dated at Edmonton, Alberta, on January 15, 1996

P. Bailiff  
Bailiff's Signature P. Bailiff  
Print Name

We Seize Ltd.  
Name of Civil Enforcement Agency

406 Replevin Road  
Address of Civil Enforcement Agency Edmonton  
City

Alberta T5J 2N5 422-2696 422-7777  
Province Postal Code Telephone Number Fax Number

**Notice: If you have concerns about the way that this seizure was conducted, contact the Civil Enforcement Agency listed above. If you are unable to resolve your concerns with the Civil Enforcement Agency, you may contact the Sheriff – Civil Enforcement at (780) 422-2481.**

Jun 8/05

Form 7  
Civil Enforcement Regulation

**Information for Debtor**

**READ THIS DOCUMENT IMMEDIATELY**

Your property has been seized under the Civil Enforcement Act either to satisfy a judgment against you or to satisfy a landlord's claim for unpaid rent ("landlord's distress"). This document sets out the exemptions to seizure to which you are entitled. Please note that, if the seizure is to satisfy another kind of claim, you may not be entitled to exemptions.

**Caution:** This document is not intended to provide legal advice. You should seek legal advice if you have any questions regarding your rights and obligations.

**CIRCUMSTANCES WHERE EXEMPTIONS DO NOT APPLY**  
The exemptions listed below do not apply in the following circumstances:

1. If you are not an individual (e.g. you are a corporation).
2. If the judgment against you is for the payment of maintenance or alimony.
3. If you have abandoned the seized property.
4. If the judgment arises out of an act for which you have been convicted of an offence under the Criminal Code.

**EXEMPTIONS**

Except where anyone of the above circumstances apply, the following property is exempt from seizure:

	<b>WRITS</b>	<b>LANDLORD DISTRESS</b>
1. Food required by you and your dependants during the next 12 months.		
2. Clothing which is necessary for you and your dependants up to a value of .....	\$4,000	\$4,000
3. Household furnishings and appliances up to a value of .....	\$4,000	\$1,000*
4. One motor vehicle up to a value of .....	\$5,000	Not exempt
5. Medical and dental aids required by you or your dependants.		
6. If your principal source of income is from farming, personal property necessary for the proper and efficient running of your farm for the next 12 months.		
7. If item 6 does not apply to you, personal property required by you to earn income from your occupation up to a value of .....	\$10,000	\$10,000 - in the case of Residential Premises
8. Money payable by the Agricultural Financial Services Corporation in respect of a claim for loss or damage to crops.		

**\*FOR LANDLORD DISTRESS PURPOSES ONLY**

Household Furnishings and appliances means one washing machine and dryer; one kitchen suite; bedroom suites and bedding; kitchen appliances including one each of a stove, a microwave, a refrigerator and a freezer; kitchen utensils; and, carriages, strollers, cradles and cribs necessary for the use of the debtor's children.

**NOTICE OF OBJECTION**

- If you believe that there is a valid reason why the property that has been seized should not have been seized you must serve the Notice of Objection that has been provided to you on the Civil Enforcement Agency that made the seizure.
- The Civil Enforcement Agency must receive the Notice of Objection from you within 15 days of the day that the seizure documents were served on you or an adult member of your household. Your Notice of Objection will be void if the Civil Enforcement Agency receives it after the 15 day period has expired or if you do not give a reason for your objection.
- The address of the Civil Enforcement Agency to which you must deliver your Notice of Objection is indicated at the top of the Notice of Objection.

**Warning:** If your objection to seizure is not based on valid reasons you could be required to pay legal costs resulting from your objection.

Notice: If you have concerns about the way that this seizure was conducted, contact the Civil Enforcement Agency shown on the Notice of Seizure of Personal Property. If you are unable to resolve your concerns with the Civil Enforcement Agency, you may contact the Sheriff - Civil Enforcement at (780) 422-2481.

Jun 8/05

Form 8  
Civil Enforcement Regulation

00-00000

Civil Enforcement Agency File Number

**Bailee's Undertaking**

In consideration of the seized personal property listed in the attached Notice of Seizure of Personal Property being left in my possession, I agree to act as Bailee for the Civil Enforcement Agency and keep the said personal property in good condition at:

13 Badluck Road

Edmonton, Alberta

Address or Land Location Where Personal Property Will Be Stored.

and deliver it to the Civil Enforcement Agency whenever and wherever it may be required.

**I understand that non-delivery or conversion of the personal property may result in a conviction under the Criminal Code for which a term of imprisonment may be imposed.**

Dated at Edmonton, Alberta, on January 15, 1996

<b>Bailee:</b>	<i>Joe Debtor</i> Signature of Bailee	Joe Debtor Print Name	
	13 Badluck Road Address of Bailee	Edmonton City	Alberta Province
	T5B 4L4 Postal Code	423-6789 Telephone Number	N/A Fax Number
	<i>P. Bailiff</i> Signature of Witness	P. Bailiff Print Name	
	406 Replevin Road Address of Witness	Edmonton City	Alberta Province
	T5J 2N5 Postal Code	422-2696 Telephone Number	422-7777 Fax Number

We Seize Ltd.

Name of Civil Enforcement Agency

406 Replevin Road

Address of Civil Enforcement Agency

Edmonton

City

Alberta

Province

T5J 2N5

Postal Code

422-2696

Telephone Number

422-7777

Fax Number

NOTE: ATTACH TO EACH COPY OF THE NOTICE OF SEIZURE OF PERSONAL PROPERTY.

Oct.01/95

Form 9  
Civil Enforcement Regulation

00-00000  
Civil Enforcement Agency File Number

**Bailiff's Report**  
(STATUTORY DECLARATION)

CREDITOR Ima Creditor

DEBTOR Joe Debtor

I, P. Bailiff of the City/Town of Edmonton, Alberta  
Name of Bailiff

hereby solemnly declare that on the 15 day of January, 1996, I,

effected seizure  attempted to effect seizure  made removal  attempted to make removal

at 13 Badluck Road, Edmonton, Alberta, by serving the

Address / Land Description where Seizure / Removal / Attempt Made

Warrant (if applicable)

Notice of Seizure of Personal Property

Information for Debtor Form

Notice of Objection to Seizure of Personal Property

on the debtor(s) or adult member of the debtor's household,

by attaching the documents to the seized personal property / posting in a conspicuous place.

The seized personal property was:

left on a Bailee's Undertaking at:  Removed to:

13 Badluck Road, Edmonton, Alberta

Location

**COMMENTS**

2 attempts: 23 kms; 1 hour; 1 cellular call

Attended debtor's residence at 7:00 p.m. and effected seizure as per attached Notice of Seizure. Mr. Debtor gave me a non-certified cheque payable to the creditor in the amount of \$500.00 which is enough to cover

Addendum Attached of 1 pages, each of which is incorporated in this Statutory Declaration and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

DECLARED BEFORE ME at Edmonton

Alberta, on January 16, 1996.

*P. Bailiff*  
Bailiff

*Idid Swear*

A Commissioner for Oaths / Notary Public

Idid Swear September 30, 98  
Print Name and Expiry Date

<u>Ima Creditor</u> <small>Name of Instructing Party</small>			
<u>6942 Broad Valley</u> <small>Address of Instructing Party</small>		<u>Edmonton</u> <small>City</small>	
<u>Alberta</u> <small>Province</small>		<u>T5K 1H3</u> <small>Postal Code</small>	
<u>We Seize Ltd.</u> <small>Name of Civil Enforcement Agency</small>			
<u>406 Replevin Road</u> <small>Address</small>		<u>Edmonton</u> <small>City</small>	
<u>Alberta</u> <small>Province</small>	<u>T5J 2N5</u> <small>Postal Code</small>	<u>422-2696</u> <small>Telephone No.</small>	<u>422-7777</u> <small>Fax No.</small>

CIVIL ENFORCEMENT AGENCY FEES	
Filing	\$ _____
Seizure / Settlement / Removal/Attempt	\$ _____
Kilometres Travelled	\$ _____
Hours	\$ _____
Phone Calls	\$ _____
Other	\$ _____
G.S.T.	\$ _____
<b>TOTALS</b>	<b>\$ _____</b>

Form 9 - Bailiff's Report (Statutory Declaration)

\*



**TABLE OF SEIZURES**

<b>DESCRIPTION</b>	<b>TYPE</b>
Agriculture Financial Services Act	AFS
Bank Act	BAN
Landlord Distress	LRO
Municipal Government Act	MGA
Woodmen's Lien Act	WLA
Workers' Compensation Act	WCB
Other	OTH

Form 3 - Warrant (Garage Keepers' Lien Act)

Form 3  
Civil Enforcement Regulation

00-00000

Civil Enforcement Agency File Number

**Warrant**  
(Garage Keepers' Lien Act)

TO: We Seize Ltd.

406 Replevin Road, Edmonton, Alberta

Name and Address of Civil Enforcement Agency

You are hereby instructed to seize the following vehicle:

Make 1979 Model Camero, Red

Serial Number 1GM54C761MOG59 Licence Number BLJ 327

the property of Joe Debtor

13 Badluck Road, Edmonton, Alberta

Name and Address of Owner

now in the possession of Pete's Auto Repair

11473 - 67 Street, Edmonton, Alberta

Name and Address of Party in Possession

This vehicle is subject to a garage keeper's lien registered in the Personal Property Registry on the 5 day of

August, 1995 as Registration Number 950805-000011 Seizure is instructed to realize

the sum of \$ 295.85 plus costs claimed by Pete's Auto Repair for

Name of Creditor

(Please indicate with an X the reason for the claim.)

- storage of motor vehicle or farm vehicle or a part of a motor vehicle or a farm vehicle
- repair of a motor vehicle or farm vehicle or a part of a motor vehicle or a farm vehicle
- maintenance of a motor vehicle or farm vehicle or a part of a motor vehicle or a farm vehicle
- price of accessories or parts furnished for a motor vehicle or farm vehicle or a part of a motor vehicle or a farm vehicle
- Possession of the motor vehicle or farm vehicle was surrendered to the owner or owner's agent on \_\_\_\_\_.
- Repairs were completed to the motor vehicle, farm vehicle or part of a motor vehicle or a farm vehicle where the vehicle was not at the time of repair in the possession of the garage keeper on \_\_\_\_\_.
- Accessories or parts were furnished to the motor vehicle or farm vehicle on \_\_\_\_\_.

Dated at Edmonton Alberta, on January 12 1996

*Pete Mechanic*

Signature of Instructing Creditor or Authorized Agent

Pete Mechanic, Pete's Auto Repair  
Print Name of Instructing Creditor or Authorized Agent

11473 - 67 Street Edmonton  
Address of Instructing Creditor or Authorized Agent City

Alberta T5M 2P4 423-3333 424-6666  
Province Postal Code Telephone Number Fax Number

Oct 5/04

Form 5  
Civil Enforcement Regulation

00-00000  
Civil Enforcement Agency File Number

### Notice of Seizure of Personal Property

TO: Joe Debtor  
13 Badluck Road, Edmonton Alberta  
Name and Address of Debtor

Take notice that to satisfy a claim against you for the sum \$279.85 plus costs and related Writs, if applicable  
Pete's Auto Repair  
11473 - 67 Street, Edmonton, Alberta  
Name and Address of Creditor

has caused the following personal property and personal property listed in the addendum to be seized:

1	1979 Camaro, Red S/N 1GM54C761M0G59

Addendum attached listing additional property.  Yes  No

Notice of Objection applicable to this seizure.  Yes  No

\* **STRIKE OUT IF NOT APPLICABLE** If you object to the seizure, you must deliver the Notice of Objection to the Civil Enforcement Agency listed below within 15 days from the days that the seizure documents were served.

Dated at Edmonton, Alberta, on January 15, 1996

P. Bailiff P. Bailiff  
Bailiff's Signature Print Name

We Seize Ltd.  
Name of Civil Enforcement Agency  
406 Replevin Road Edmonton  
Address of Civil Enforcement Agency City  
Alberta T5J 2N5 422-2696 422-7777  
Province Postal Code Telephone Number Fax Number

Notice: If you have concerns about the way that this seizure was conducted, contact the Civil Enforcement Agency listed above. If you are unable to resolve your concerns with the Civil Enforcement Agency, you may contact the Sheriff - Civil Enforcement at (780) 422-2481.

\* **Jun 8/05**



Form 9  
Civil Enforcement Regulation

00-00000

Civil Enforcement Agency File Number

**Bailiff's Report**  
(STATUTORY DECLARATION)

CREDITOR Pete's Auto Repair

DEBTOR Joe Debtor

I, P. Bailiff of the City/Town of Edmonton, Alberta  
Name of Bailiff

hereby solemnly declare that on the 15 day of January, 1996, I,

effected seizure  attempted to effect seizure  made removal  attempted to make removal  
at 11473 - 67 Street, Edmonton, Alberta, by serving the  
Address / Land Description where Seizure / Removal / Attempt Made

Warrant (if applicable)  Notice of Seizure of Personal Property  
 Information for Debtor Form  Notice of Objection to Seizure of Personal Property  
 on the debtor(s) or adult member of the debtor's household,  by attaching the documents to the seized personal property / posting in a conspicuous place.

The seized personal property was:  
 left on a Bailee's Undertaking at:  Removed to:  
Pete's Auto Repair, 11473 - 67 Street, Edmonton, Alberta  
Location

**COMMENTS**

Seized vehicle as per instructions. NOTE: Serial Number on vehicle does not match Lien or Warrant. Second last digit should be an "S" not a "5" (five). A Court Order amending serial number will be required prior to removal and sale of this unit. 14 kms: 1 cellular call

Addendum Attached of \_\_\_\_\_ pages, each of which is incorporated in this Statutory Declaration and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

DECLARED BEFORE ME at Edmonton

Alberta, on January 16, 1996

*P. Bailiff*  
Bailiff

*Idid Swear*

A Commissioner for Oaths / Notary Public

Idid Swear September 30, 98  
Print Name and Expiry Date

<b>Ima Creditor</b>			
Name of Instructing Party			
<u>6942 Broad Valley</u>		<u>Edmonton</u>	
Address of Instructing Party		City	
<u>Alberta</u>		<u>T5K 1J3</u>	
Province		Postal Code	
<b>We Seize Ltd.</b>			
Name of Civil Enforcement Agency			
<u>406 Replevin Road</u>		<u>Edmonton</u>	
Address		City	
<u>Alberta</u>	<u>T5J 2N5</u>	<u>422-2696</u>	<u>422-7777</u>
Province	Postal Code	Telephone No.	Fax No.

CIVIL ENFORCEMENT AGENCY FEES	
Filing	\$ _____
Seizure / Settlement / Removal/Attempt	\$ _____
Kilometres Travelled	\$ _____
Hours	\$ _____
Phone Calls	\$ _____
Other	\$ _____
G.S.T.	\$ _____
<b>TOTALS</b>	<b>\$ _____</b>

\*



June 08, 2000

## **CIRCULAR #7/2000**

**TO: All Civil Enforcement Agencies**

**SUBJECT: Livestock Identification Services (LIS)  
Assistance to Civil Enforcement Agencies and Bailiffs**

For your information, attached is a copy of LIS's policy regarding the circumstances under which LIS will provide assistance to civil enforcement agencies in the seizure and sale of livestock, and the procedure to be followed in such cases.

Please ensure that all of your staff and bailiffs are made aware of this policy.

Yours truly,

Dwayne C. Weatherall  
Sheriff of Alberta

Attachment

DCW:daq

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## **LIVESTOCK IDENTIFICATION SERVICES POLICY RE ASSISTANCE TO CIVIL ENFORCEMENT AGENCIES AND BAILIFFS**

### **Objective:**

The purpose of this policy is to set out the circumstances under which LIS will provide assistance to civil enforcement agencies in the seizure and sale of livestock, and the procedure to be followed in such cases.

### **I. SEIZURE OF LIVESTOCK**

#### **A. Role of LIS**

LIS will provide assistance to civil enforcement agencies and bailiffs who are carrying out a seizure of livestock, on a fee-for-service basis. This assistance will consist of: providing an LIS employee to accompany the bailiff who is performing the seizure; identifying the brands on any livestock located at the premises where the seizure is occurring; and advising the bailiff of the name of the person or persons who are the registered owners of the brands.

LIS and its employees will not assist in capturing or removing the livestock.

#### **B. Protocol**

1. All requests for assistance with a seizure of livestock must be made in writing by a civil enforcement agency to the LIS General Manager. If the request is made to a brand inspector or other employee of LIS, the employee will direct the person making the request to contact the General Manager.
2. The written request must be accompanied by documents evidencing the seizing creditor=s entitlement to carry out a seizure, as follows:
  - in the case of an enforcement creditor, a copy of the writ of enforcement, together with evidence that the writ has been registered at the Personal Property Registry;

- 2 -

- in the case of a secured creditor who has obtained judgement against the debtor, a copy of the writ of enforcement or notice of seizure pursuant to s. 51 of the Civil Enforcement Act, together with evidence that the writ or the notice has been registered at the Personal Property Registry; or
  - in the case of a secured creditor who has not obtained a judgement against the debtor, a copy of the warrant delivered to the civil enforcement agency, together with any other documentation required by the civil enforcement agency (but not including any indemnity or bond required by the civil enforcement agency from the creditor).
3. The General Manager will accept the request only if LIS has been provided with a form of indemnity satisfactory to LIS executed by the civil enforcement agency requesting the seizure. The General Manager will also advise the civil enforcement agency of the fee to be charged by LIS for its assistance.
  4. If the General Manager accepts the request, he will assign a senior brand inspector or supervisor to accompany the civil enforcement bailiff and perform the necessary brand inspections.

### **C. Confidentiality of Requests**

1. Subject to (3) below, all requests for assistance with seizures will be treated as confidential.
2. Employees of LIS will not discuss a request with anyone other than the General Manager (including other employees of LIS) unless instructed to do so by the General Manager.
3. When the General Manager receives a request for assistance from more than one civil enforcement agency in respect of seizure of the same livestock, he will advise each agency that another request has been made. He will not disclose any further information about the respective requests, such as the name of the other civil enforcement agency or civil enforcement bailiff, the name of the instructing creditor, or the time or date of the proposed seizure. LIS will render assistance to civil enforcement agencies in the sequence that the requests were received.

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## II. SALE OF LIVESTOCK FOLLOWING SEIZURE

### A. Legislative Context

Pursuant to the Livestock Identification and Brand Inspection Act, all livestock brought to an auction market for sale must be accompanied by a livestock manifest and inspected by a brand inspector. If the name shown on the livestock manifest as contributor of the livestock is different from the name of the registered owner of the last brand on the livestock, the brand inspector has two options: to place a hold on the sale itself, or to allow the sale to proceed but place a hold on the sale proceeds.

There is nothing in the Livestock Identification and Brand Inspection Act which permits a brand inspector to accept a livestock manifest which shows a civil enforcement agency or bailiff, or a seizing creditor, as contributor of the livestock without placing a hold on the sale proceeds. The following protocols have been developed in order to permit seizing creditors to take advantage of the provisions of the Civil Enforcement Act and the Personal Property Security Act so as to complete the livestock manifest in the name of the civil enforcement agency or seizing creditor without risk of a hold on the sale proceeds.

### B. Enforcement Creditors

LIS will not require any documentation in addition to that required prior to assistance with the seizure, i.e., a copy of the writ of enforcement and evidence that the writ of enforcement has been registered at the Personal Property Registry.

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**C. Secured Creditors - With Judgement**

Where a secured creditor has filed a writ of enforcement pursuant to a judgement against the debtor, paragraph B above applies. If the secured creditor has elected instead to file a notice of seizure under s. 51 of the Civil Enforcement Act, in addition to a copy of the notice of seizure and evidence that the notice has been registered at the Personal Property Registry (which may already have been provided to LIS prior to the seizure), LIS will require an affidavit verifying service of the notice of seizure on the enforcement debtor.

**D. Secured Creditor - Without Judgement**

In addition to a copy of the warrant (which may already have been provided to LIS prior to the seizure), LIS will require a copy of the Notice of Intention pursuant to s. 60(4) of the Personal Property Security Act, together with an affidavit verifying service of the Notice on all persons entitled to receive the Notice.

**E. Advance Notice of Intended Sale**

In all cases, the civil enforcement agency should advise the General Manager of the proposed sale at least 24 hours in advance, and preferably 48 hours in advance, so that the General Manager can make the necessary arrangements with the local brand inspector.

**F. Fees**

The fee charged by LIS in respect of the sale of seized livestock will be the standard brand inspection fee of \$1.00 per head of livestock plus GST.

**Sent by Fax**

October 16, 2001

**CIRCULAR #5/2001**

**TO: All Civil Enforcement Agencies**

**SUBJECT: Canadian Cattle Identification Program**

The above program, developed by the cattle industry, came into effect January 1, 2001.

The program's main purpose is to identify cattle that leave their original herd and be able to trace those cattle if a reportable disease is found. This is achieved by requiring cattle producers to purchase ear tags that are unique to each animal.

A bailiff removing cattle may encounter a situation where the cattle are not properly tagged. The Canadian Cattle Identification Agency, the office that looks after this program, has indicated to us that it is not the bailiff's responsibility to apply tags or to force the producer to purchase tags before removing the cattle. However, it would be very helpful to the success of the program if bailiffs would inform the producer at the time of seizure about the requirement to tag the cattle and that there are penalties for failing to do so under this program. You may want to develop a policy within your office on how you want to handle these cases.

Please contact me if you need more information or you may contact the Canadian Cattle Identification Agency directly at:

#230, 6715 - 8th St. NE  
Calgary AB T2E 7H7

Phone 1-877-909-2333 (toll free)  
Fax 403-275-1668  
email [ccia@cattle.ca](mailto:ccia@cattle.ca)  
web [www.cattle.ca/ccia](http://www.cattle.ca/ccia)

Yours truly,

Dwayne C. Weatherall  
Sheriff of Alberta

DCW:daq

## Bailiffs Acting as Agents for Creditors



Office of the Sheriff  
Civil Enforcement

5th floor North  
John E. Brownlee Building  
10365 - 97 Street  
Edmonton, Alberta  
Canada T5J 3W7



Telephone 780/422-2481  
Fax 780/422-3011  
Sheriff-Civil.Enforcement@gov.ab.ca

June 17, 2002

**To:** All Civil Enforcement Agencies and Bailiffs  
**Subject:** Bailiffs Acting as Agents for Creditors

I understand that some bailiffs, in their individual capacity or through their own company, are, or may be thinking of, acting as agents for creditors by giving seizure instructions to a civil enforcement agency and arranging with the agency to have the file assigned to that bailiff to handle, for one set fee. This seems similar to acting as a "Broker" on behalf of a client and doing the work for a fixed price.

This is to inform you that the Sheriff does not approve of this sort of activity, and, it may, in fact, be a contravention of the *Civil Enforcement Act* and put the agency's licence and the bailiff's appointment at risk. The privatized civil enforcement system is based on the responsibility of agencies to satisfy certain criteria prescribed under the *Civil Enforcement Act* and by the Sheriff, and it is totally inappropriate for bailiffs to engage in the activities assigned to civil enforcement agencies without having obtained the necessary authority to operate a civil enforcement agency.

Civil Enforcement Agencies must not accept instructions from a bailiff or a bailiff's company on behalf of a creditor, and Bailiffs must not give instructions, in their individual capacity or through their own company, to an Agency on behalf of a creditor (client). The Agency's invoicing cannot be directed to the Bailiff or the Bailiff's company, but must be directed to the instructing creditor (client). All billing for bailiff activities to the creditor (client) must be directed through the Civil Enforcement Agency.

Civil Enforcement Agencies must not collaborate in allowing this sort of activity.

Please contact me if you have any questions or need more information.

Yours truly,

Dwayne C. Weatherall  
Sheriff of Alberta

DCW:daq



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