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Office of the Sheriff  
Civil Enforcement

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Canada T5J 3W7

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November 1, 2006

**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

### November 1, 2006

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

Section	Delete	Substitute	Change
Writ Seizure	6.5-6.6	6.5-6.6	6.5 Under "1. Bankruptcy," text deleted referring to bankruptcies not filed with QB or before Jan 1/96
Contractual / PPSA Seizure	7.5-7.6	7.5-7.6	7.5 Section 105.1 changed to 48.1; Under "1. Bankruptcy," text deleted referring to bankruptcies not filed with QB or before Jan 1/96
Landlord's Distress	8.3-8.4	8.3-8.4	8.4 Under "1. Bankruptcy," text deleted referring to bankruptcies not filed with QB or before Jan 1/96
Statutory Distress Seizure	9.7-9.8 9.33-9.34	9.7-9.8 9.33-9.34	9.7 Under "1. Bankruptcy," text deleted referring to bankruptcies not filed with QB or before Jan 1/96 9.34 Bailiff's Report Addendum – Comments deleted.
Distribution	11.1-11.2 11.5-11.6	11.1-11.2 11.5-11.6	11.2 Under "2. Bankruptcy," text deleted referring to bankruptcies not filed with QB or before Jan 1/96 11.6 "Garagemen's" changed to "Garage Keeper's"
Release of Seizure	12.1-12.6	12.1-12.6	12.2 Section 105.1 changed to 48.1 12.3 Section 105.1 changed to 48.1 12.5 Section 105.1 changed to 48.1 12.6 Section 105.1 changed to 48.1
Court Orders	14.21-14.22	14.21-14.22	14.21 Added material: Anton Piller (Pillar) Orders
Glossary	17.5-17.6	17.5-17.6	17.6 "Warrant" definition updated.





## Completion of Warrant

Once you have determined who the creditors and related writ holders are, complete the amount owing portion of the warrant.

## Required Documents for Bailiff

In order to effect seizure, the Bailiff must be provided with a copy of the warrant, a copy of the letter of instructions and the following documents:

- Notice of Seizure of Personal Property, sufficient copies to allow service of one on each debtor, one for each bailee and return of the original to the Agency
- Notice of Objection to Seizure of Personal Property, sufficient copies to allow service of one on each debtor and return of the original to the Agency
- Information for Debtor form, sufficient copies to allow for service of one on each debtor
- Bailee's Undertaking, sufficient copies to provide a copy to each bailee and return original to the Agency
- Bailiff's Report
- Other documents as required.

## Searches

- A distribution seizure ("DS") search should be conducted at Personal Property Registry to determine if there are any seizures against the same property of the debtor that is identified in the security agreement. If there is a seizure against the property, under section 48.2 (2) of the Civil Enforcement Act you must have a court order to seize. (See examples of searches in section 4 - Searches).
- \*

The distribution seizure search should be reviewed and discussed with the instructing creditor for further instructions, prior to effecting seizure to determine other priority registrations and if the seizure will be viable.

Examine the search to determine any proceedings which may stay enforcement. The following are proceedings that may stay enforcement action:

### 1. **Bankruptcy**

If a debtor is in bankruptcy, determine whether a stay of proceedings is in effect.

If the searches show that the debtor is in bankruptcy, contact the Trustee in Bankruptcy to determine if seizure can be effected for the instructing party. Advise the instructing party if unable to effect seizure OR proceed to seizure if the Trustee in Bankruptcy advises, in writing, to do so.

- \* The only way to determine conclusively whether a bankruptcy exists is to conduct a search of the records of the Superintendent of Bankruptcy. For information on these searches refer to section 4 - Searches.

### 2. **Court Ordered Stays**

This is an order granted by the Court to stay one or more matters until the time specified in the order.

If the searches show that a court ordered stay affecting the instructing party's action has been registered, the seizure cannot be effected. Advise the instructing party and await further instructions.

If you become aware that a stay has been granted by the court that affects the instructing party's action, even if it is not registered at the Personal Property Registry, you should not proceed with seizure.

## Required Documents for Bailiff

In order to effect seizure, the Bailiff must be provided with a copy of the warrant, copy of the letter of instructions, and the following documents:

- Notice of Seizure of Personal Property - sufficient copies to allow service of one on each debtor, one for each bailee, and return of the original to the agency.
- Notice of Surrender, if applicable - sufficient copies to allow service of one on each debtor and creditor or designated agent and return original to the agency.
- Bailee's Undertaking - sufficient copies to provide a copy to each bailee and return original to the agency.
- Bailiff's Report
- Other documents as required.

## Notice of Seizure of Personal Property

This form is used to describe in detail the items seized and to notify all affected parties of the seizure of personal property. Sufficient copies are required to allow service of one notice on each debtor, and return of the original to the Agency. (See example of form in this section).

The following must be completed by the Agency:

- (1) Agency file number
- (2) Name and address of debtor
- (3) Amount owing; this is the amount shown on the warrant
- (4) Name and address of creditor
- (5) "NO" box completed for Notice of Objection to Seizure of Personal Property applicable to this seizure. Strike out applicable section on this form. There are no provisions for an objection under the Personal Property Security Act.
- (6) Agency's name, address, telephone number and fax number.

Pursuant to Section 17 of the PPSA, the agency shall use reasonable care in the custody and preservation of the collateral in his possession.

## Letter of Instructions

In addition to the warrant, a letter of instructions should also be received. The letter of instructions could provide additional information such as:

- (1) Any urgency associated with the file
- (2) Any unusual circumstances which might be anticipated
- (3) Whether removal of the seized personal property is required
- (4) Form of indemnification as requested by the Agency
- (5) Whether the creditor is aware of any legal impediments to seizure such as stays or third party claims as applicable to the specific property.

If removal is instructed, you may wish to consider and discuss with the instructing party the following issues with regard to the removal of seized personal property:

- (1) Since the debtor has 15 days in which to object to the seizure, additional costs would be incurred for removal and storage; the debtor may be deprived use of the seized property within the objection period
- (2) The location of the property to be seized, as removal may be costly in a remote area
- (3) The condition or value of the property to be seized, as the cost of seizure may outweigh the money which may be realized from a sale of the property or the money realized may not significantly reduce the debt
- (4) The type of property required to be removed including where and how to conduct the removal of unique or special items
- (5) Any stays that may be in existence. If there is a stay in effect, you may be liable for an improper seizure and for removal costs. A stay is in existence whether or not it has been registered at Personal Property Registry. Therefore, check out any information that may come to light at the time of seizure
- (6) The removal may put the debtor out of business or cause severe hardship and if there is a responsible person available, you should consider leaving the property with that person (often the debtor) under a Bailee's Undertaking.

## Searches

Once the warrant and letter of instructions have been reviewed, the next step is to examine the distribution seizure ("DS") search from Personal Property Registry provided by the instructing party. The search should be recent. If the search is not provided, the Agency must conduct the searches. (See examples in section 4 - Searches).

The distribution seizure ("DS") search should be reviewed and, if necessary, discussed with the instructing creditor prior to effecting seizure. It is extremely important to determine the existence of any prior interests, such as Workers' Compensation Board, prior security interests, etc., and whether seizure is viable. The reasons for this are: firstly, the costs priority given under section 99(3) of the Civil Enforcement Act does not apply as against these interests: and, secondly, there is no right to sell the property unless there is equity existing after these priority interests are paid out. If the property to be seized is already under seizure then you cannot seize without a Court Order. Also, under section 104 of the Civil Enforcement Act, there is no right to exercise a landlord's distress against property that is subject to a purchase money security interest (PMSI). So if the search shows a security agreement registration, you should check it out to see if it is a PMSI prior to effecting seizure.

As well, examine the search to determine any proceedings which may stay enforcement. The following are proceedings that may stay enforcement action:

### 1. Bankruptcy

If a debtor is in bankruptcy, determine whether a stay of proceedings is in effect.

If the searches show that the debtor is in bankruptcy, contact the Trustee in Bankruptcy to determine if seizure can be effected for the instructing party. Advise the instructing party if unable to effect seizure OR proceed to seizure if the Trustee in Bankruptcy advises, in writing, to do so.

\* The only way to determine conclusively whether a bankruptcy exists is to conduct a search of the records of the Superintendent of Bankruptcy. For information on these searches refer to section 4 - Searches.

## Searches

A distribution seizure ("DS") search should be conducted at Personal Property Registry. (See examples in section 4 - Searches).

The distribution seizure search should be reviewed and discussed with the instructing creditor for further instructions, prior to effecting seizure to determine other priority registrations and if the seizure will be viable. Also, if the property to be seized is already under seizure then it cannot be seized without a court order.

Examine the search to determine any proceeding which may stay enforcement. The following are proceedings that may stay enforcement action:

### 1. Bankruptcy

If a debtor is in bankruptcy, determine whether a stay of proceedings is in effect.

If the searches show that the debtor is in bankruptcy, contact the Trustee in Bankruptcy to determine if seizure can be effected for the instructing party. Advise the instructing party if unable to effect seizure OR proceed to seizure if the Trustee in Bankruptcy advises, in writing, to do so.

- \* The only way to determine conclusively whether a bankruptcy exists is to conduct a search of the records of the Superintendent of Bankruptcy. For more information on how to request these searches refer to section 4 - Searches.

### 2. Court Ordered Stays

This is an order granted by the Court to stay one or more matters until the time specified in the order.

If the searches show that a court ordered stay that affects the instructing party's action has been registered, the seizure cannot be effected. Advise the instructing party and await further instructions.

If you become aware that a stay has been granted by the court affecting the instructing party's action, even if it is not registered at the Personal Property Registry, you should not proceed with seizure.

## Required Documents for Bailiff

In order to effect seizure, the Bailiff must be provided with a copy of the warrant, a copy of the letter of instructions, and the following documents:

- Notice of Seizure of Personal Property. Sufficient copies to allow service of one on each debtor, one for each bailee and return of the original to Agency.
- Notice of Objection to Seizure of Personal Property (only when it is specified as a requirement pursuant to the Act that authorizes the seizure, e.g. Garage Keepers' Lien Act). Sufficient copies to allow for service of one on each debtor, and return of original to Agency.
- Bailee's Undertaking - sufficient copies to provide a copy to each bailee and return original to the Agency.
- Bailiff's Report
- Other documents as required.

## Notice of Seizure of Personal Property

This form is used to describe in detail the items seized and to notify all affected parties of the seizure of personal property. Sufficient copies are required to allow service of one notice on each debtor, and return of the original to the Agency. (See example of form in this section).

The following must be completed by the Agency:

- (1) Agency file number
- (2) Name and address of debtor
- (3) Amount owing as shown on the warrant
- (4) Name and address of creditor
- (5) "NO" box completed for Notice of Objection to Seizure of Personal Property applicable to this seizure, with the exception of seizures where a Notice of Objection is specified as a requirement pursuant to the Act that authorizes the seizure. Strike out applicable section on the form.
- (6) Agency's name, address, telephone number and fax number.

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>

\*



## Distribution

Part 11 of the Civil Enforcement Act gives the Civil Enforcement Agency authority to distribute monies received by the Agency as a result of enforcement proceedings. The Civil Enforcement Regulation contains guidelines applicable to distribution.

Money received becomes a distributable fund upon receipt, with the exception of money received as a result of enforcement of an Attachment Order. If the money was received as a result of an Attachment Order, the money is to be distributed normally (ie. only to writholders) in the absence of any specific provision in the Attachment Order. It would be wise if the Civil Enforcement Agency is acting for the Attachment Order creditor to bring it to the attention of the Attachment Order creditor that the money will be distributed only to writholders, unless the Attachment Order creditor obtains a court order under section 24(2) entitling the Attachment Order creditor to share in the proceeds.

In the case of writ proceedings, the Agency must, within 30 days from the day the money becomes a distributable fund, serve a proposed distribution, and in the case of distress proceedings, the Agency must actually distribute the proceeds within 30 days of receipt.

A search must be conducted upon the money becoming a distributable fund.

## Searches

Conduct a distribution seizure ("DS") search against the debtor at Personal Property Registry (see example form in this section). Only those claims registered at Personal Property Registry at the time the money becomes a distributable fund may share in the distribution. (See example searches in this section).

If the personal property contains a serial number also conduct a serial number search at Personal Property Registry (see example in this section) to determine if there are any other claims against the property that would not be revealed in any other search. (See example search in this section).

Examine the searches to determine any proceedings which may stay distribution. The following are proceedings that may stay distribution:

### 1. Provincial Court Civil Claim Appeal

An appeal stays enforcement of the appealed writ only. Unless an order directs otherwise, you must proceed with the distribution. Prepare a Notice of Proposed Distribution, enter the stayed writ marking it "stayed" and enter the distribution amount as "nil".

### 2. Bankruptcy

If the debtor is in bankruptcy, all, or a portion of the distribution, subject to the rights of a secured creditor or WCB may be stayed. Contact the Bankruptcy Trustee to determine if the distribution of funds can proceed. Advise the instructing party if you are unable to dispose of the funds OR proceed to distribution if the Trustee advises you to do so.

\* The only way to determine conclusively whether a bankruptcy exists is to conduct a search of the records of the Superintendent of Bankruptcy. For information on these searches refer to section 4 - Searches.

### 3. Court Ordered Stays

A court ordered stay may stay distribution of all or part of the distributable fund. Review the search or search the Court of Queen's Bench where the stay originated to determine if distribution should proceed. Follow the terms of the order. If the order is silent as to distribution, prepare a Notice of Proposed Distribution, enter the stayed writ marking it "stayed" and enter the distribution amount as "nil". If you have any doubt as to the meaning of the order, you should consult your legal counsel.

- 
- (1) The amount of the exemption, as applicable to the property that resulted in the funds, is paid to the debtor, except in the following circumstances:
1. Where the exemptions do not apply by statute (for example a maintenance writ or judgment arising out of an act for which the debtor has been convicted under the Criminal Code).
  2. When a non-PMSI security interest is subordinate to writs registered prior to the security interest. In this instance the exemption would go to pay the priority claimant or security interest first to a maximum of the exemption applicable or the value of the security interest. Any balance remaining is paid to the debtor.
  3. Where there are no funds remaining after payment to priority creditors and claimants against whom the exemption does not apply. (See: (3) - Priority Claimants)

Section 98 gives details as to how to deal with money derived from exempt property.

See the examples at the end of this Unit for further direction on distribution when funds are realized on exempt property.

- (2) Crop harvesting expenses.

(3) Priority Claimants - divided into classes as follows:

Exemptions are not applicable to any of the Priority Claimants listed in (3) unless specifically stated.

- |         |  |
|---------|--|
| Class A | Agriculture Financial Services Act (section 46(3), crop insurance claims).   |
| Class B | Workers' Compensation Board - subject to Employment Standards claims to a maximum of \$7,500 and Employment Pension claims to a maximum of \$5,000. The balance of the Employment Standards or Employment Pension claim, if any, would share in the pro rata distribution.   |
| Class C | Garage Keeper's Lien - providing the lien is properly registered and the personal property that resulted in the fund was the subject of the lien. A Garage Keeper's Lien will not have priority over a security interest (Class D or Class H) in a situation where the security interest is created during the period between the creation of the Garage Keeper's Lien and its registration. |
| Class D | Purchase Money Security Interest (commonly referred to as a PMSI) if registered within 15 days of the debtor obtaining possession of the personal property where the loan was for the acquisition of personal property that is listed in the security agreement which subsequently resulted in the fund.   |
| Class E | Employment Standards (to a maximum of \$7,500)<br>Employment Pension Plans (to a maximum of \$5,000)<br>If both have an interest they would both share pro rata. The balance of the claim, if any, would share in the pro rata distribution as indicated in (9) below.   |
| Class F | Municipal Government Act (section 348) - only if the personal property was seized under this Act.  |
| Class G | Section 427, Bank Act (federal) - the priority between a Bank Act interest and any security interest (including a PMSI) is based on whichever arose first.   |

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# Release of Seizure

## Releasing a Seizure

Pursuant to section 47(1) of the Civil Enforcement Act, once personal property is seized, that property remains under seizure until the Agency:

- sells or otherwise disposes of the property,  
or
- releases the property from seizure.

Seizure can be released in the following situations:

- (1) On instructions received from the instructing creditor only. It is recommended that you obtain these instructions in writing.
- (2) By court order. Consult your legal advisor if you have any questions regarding the interpretation of the order.
- (3) When seized property has been under seizure for at least 90 days and there has been no subsequent instruction.  
s. 47(2), Civil Enforcement Act
- (4) Property which was seized and not surrendered.  
s. 58(6) P.P.S.A.
- (5) Upon receipt of a copy of an assignment or a receiving order, under the Bankruptcy and Insolvency Act, certified by the trustee as a true copy. In this situation, the seized property is released to the Trustee in Bankruptcy.
- (6) Under a third party claim.  
Rule 458(5) Alberta Rules of Court

## Instructing Creditor Requests Release

### (Situation #1)

- (1) Check to ensure that the seizure was effected by your Agency. If the seizure was not conducted by your Agency, refer the party to the Agency who seized the personal property.
- (2) Conduct a related writ search at Personal Property Registry.
- (3) Review the searches to determine if there are other related writs, or notice given to the agency under section 48.1.

\*

If there are no other creditors:

- Check that all outstanding charges, including storage costs have been paid.
- Release seizure by sending the debtor a release letter. Send a copy of the letter to the instructing party. If a Bailee's Undertaking exists, send a copy of the letter to the bailee relieving the bailee of his undertaking. (See example of form in this section).
- Register the release of seizure at Personal Property Registry within 10 days from the day the seizure is released.

If there are enforcement creditors with related writs:

- A notice of the release must be served on all enforcement creditors shown on the search results and on any person who has given notice to the agency under section 48.1. The notice must be served at least 30 days before the date on which the seizure is to be released. (See example of form in this section).
- If the enforcement creditors wish to have the seizure continued on their behalf, they must provide you with written instructions (within 30 days of being served with the notice) requesting that the seizure be continued and should provide you with an indemnification.
- If more than one creditor instructs that the proceedings continue, the creditor whose instructions were first received by the Agency is deemed to be the instructing creditor.  
s. 7(3), Civil Enforcement Act
- Re-register the seizure identifying the new instructing creditor's registration at Personal Property Registry and register the release of seizure identifying the originating seizure registration.

If no creditor replies to the notice within the 30 day period:

- Check that all outstanding charges, including storage costs have been paid.
- Release seizure by sending the debtor a release letter. Send a copy of the letter to the instructing party. If a Bailee's Undertaking exists, send a copy of the letter to the bailee relieving the bailee of his undertaking. (See example of form in this section).
- Register the release of seizure at Personal Property Registry within 10 days from the day the seizure is released.

## **Release of Seizure By Court Order**

### **(Situation #2)**

- (1) Check to ensure that you have a copy of a court order directing the release.
- (2) Check to ensure that the seizure was effected by your Agency. If the seizure was not conducted by your Agency, refer the party to the Agency who seized the personal property.
- (3) Check that all outstanding charges, including storage costs have been paid.
- (4) Release seizure by sending the debtor a release letter. Send a copy of the letter to the instructing party. If a Bailee's Undertaking exists send a copy of the letter to the bailee relieving the bailee of his undertaking. (See example of form in this section).
- (5) Register the release of seizure at Personal Property Registry within 10 days from the day the seizure is released.

## Property Under Seizure For More Than 90 Days (Situation #3)

Pursuant to section 47(2) of the Civil Enforcement Act, if personal property has been under seizure for at least 90 days, the Agency may give 30 days notice of an intention to release the seizure to every enforcement creditor, who at the time the notice was given, has a related writ against the enforcement debtor, and to any person who has given notice to the agency under section 48.1.

\*

- (1) Check your file to ensure that 90 days have elapsed since the date of seizure.
- (2) Conduct a related writ search at Personal Property Registry.
- (3) Review the searches to determine if there are other related writs.
- (4) Check your file for any notice given to the agency under section 105.1.

If there are no other creditors:

- Serve a notice of intention to release on the instructing party. If no response is received within 30 days of service of the notice, proceed to release of seizure. (See example of form in this section).
- Check that all outstanding charges, including storage costs, have been paid.
- Release seizure by sending the debtor a release letter. Send a copy of the letter to the instructing party. If a Bailee's Undertaking exists send a copy of the letter to the bailee relieving the bailee of his undertaking. (See example of form in this section.)
- Register the release of seizure at Personal Property Registry within 10 days from the day the seizure is released.

If there are enforcement creditors with related writs:

- A notice of intention to release must be served on all enforcement creditors shown on the search results and on any person who has given notice to the agency under section 48.1. (See example of form in this section). The notice must be served at least 30 days before the date on which seizure is to be released.
- If the enforcement creditors wish to have the seizure continued on their behalf, they must provide you with written instructions (within 30 days of being served with the notice) requesting that the seizure be continued and should provide you with an indemnification.
- If more than one creditor instructs that the proceedings continue, the creditor whose instructions were first received by the Agency is deemed to be the instructing creditor.  
s. 7(3) Civil Enforcement Act
- Re-register the seizure identifying the new instructing creditor's registration at Personal Property Registry and register the release of seizure identifying the originating seizure registration.

If creditors do not reply to the notice within the 30 day period:

- Check that all outstanding charges, including storage costs have been paid.
- Release seizure by sending the debtor a release letter. Send a copy of the letter to the instructing party. If a Bailee's Undertaking exists, send a copy of the letter to the bailee relieving the bailee of his undertaking. (See example of form in this section).
- Register the release of seizure at Personal Property Registry within 10 days from the day the seizure is released.

## Maintenance Orders

The Director of Maintenance Enforcement can register a maintenance order with Personal Property Registry and when registered is deemed to be a Writ of Enforcement.

The Director of Maintenance Enforcement may provide instructions to an Agency to effect seizure to collect the arrears owing under a maintenance order registered at Personal Property Registry.

Refer to section 6 - Writ Seizures and follow the procedures set out.

\*

## Anton Piller (Pillar) Orders

The purpose of this type of order is to protect material, such as documents and property, from possible destruction. The order should specify any and all powers or instructions a civil enforcement agency and civil enforcement bailiff will require.

Upon receipt of the court order and a letter of instructions, check:

- (1) That the order is directed to an Agency
- (2) Comply with the conditions set out in the order.

Replevin Order

IN THE COURT OF QUEEN'S BENCH OF ALBERTA  
JUDICIAL DISTRICT OF EDMONTON

BETWEEN:

**Jane Doe** Plaintiff  
- and -  
**John Buck** Defendant

BEFORE THE HONOURABLE ) AT Edmonton, ALBERTA,  
MASTER J. M. A. Master ) ON Monday, THE 15th  
(IN CHAMBERS) ) DAY OF January A.D., 19 96

### Replevin Order

UPON the application of the Plaintiff; AND UPON hearing read the Affidavit of Jane Doe filed; AND UPON hearing Counsel for the Plaintiff;

IT IS ORDERED that the Civil Enforcement Agency We Seize Ltd  
406 Replevin Road, Edmonton, Alberta

Name and Address

cause the following to be replevied and delivered to the Plaintiff:

**1 Kenwood Stereo Receiver S/N 11897**

the Plaintiff alleges the value of \$ 1,000. The Defendant has unjustly detained the personal property, the Plaintiff may have remedy in as a result;

AND IT IS FURTHER ORDERED that the Plaintiff shall keep the personal property for production to the Court as may be required;

AND IT IS FURTHER ORDERED that the Civil Enforcement Agency execute forthwith this Order, and make a return to the Clerk of the Court at Edmonton.

AND IT IS FURTHER ORDERED that the Plaintiff shall have the right to apply to vary the within Order as provided in the Rules of Court.

J. M. A. Master

Master, Court of Queen's Bench

ENTERED THIS 16th day of  
January A.D., 19 96

J. B. Clerk  
CLERK OF THE COURT

**S**

Sale By Tender	Sale by sealed bids of seized personal property.
Seizure	The act of taking possession of personal property.
Statement of Claim	The pleading by which a plaintiff commences an action against a defendant.
Stay of Proceedings	The suspending of proceedings by the court.
Style of Cause	The name of the plaintiff and the defendant (creditor/debtor) as it appears on a document.
Substitutional Service	Service that is authorized by the Court, other than personal service or service as was otherwise prescribed by a statute or other legislative enactment, e.g. the Court may allow service upon a defendant by serving his wife.
Surrender	To turn over personal property seized from a debtor to a creditor.

**T**

Taxation	Procedure by which officers of the Court (Taxing Officers) review and adjust costs or fees allowed in an action or by a solicitor against his client.
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**W**

* Warrant	A legal document authorizing those to whom it is addressed to do an act in the administration of justice, for example, seize personal property.
Writ	A direct command of the Court to carry out the mandate of the writ. On any Writ, so long as the necessary documentation is provided, the civil enforcement agency is under statutory duty to carry out the Writ's mandate.
Writ of Enforcement	A document issued by the Court authorizing civil enforcement proceedings.
Writ of Possession	A document issued by the Court directed to a Civil Enforcement Agency to take possession of land.
Writ Proceedings	Any action, step or measure authorized by the Civil Enforcement Act to be taken for the purpose of enforcing a money judgment.