



# Getting and Enforcing Your Judgment in Alberta

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# Part II

## Enforcing Your Judgment in Alberta

### Introduction

You have been successful in obtaining a Judgment of Provincial Court Civil or the Court of Queen's Bench and you would like to collect on it from the defendant/enforcement debtor. This can be a difficult process and you may consider seeing a lawyer. If you decide to act on your own behalf, this brochure outlines the procedures and forms required by the Court of Queen's Bench Clerk's office. It is for information only, and is not to be interpreted as the law. Forms are available on the Alberta Courts web site at [www.albertacourts.ab.ca](http://www.albertacourts.ab.ca) or can be purchased from the Queen's Printer.

### Glossary

Before reading further, you may wish to review the glossary in order to familiarize yourself with legal terminology in the text that follows.

**Attached** — Term used when personal property is taken and in some way legally bound.

**Defendant** — A person against whom a law suit is commenced. This includes companies, corporations or individuals.

**Enforce** — To use the legal process to collect monies owing under a Judgment.

**Encumbrance** — A lien or charge on property.

**Enforcement Creditor** — A person who is owed money under a Judgment.

**Enforcement Debtor** — A person who owes money under a Judgment.

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Fiat — An Order of a Judge or Master endorsed on a document usually supported by an Affidavit, a written statement confirmed by oath.

Garnishee Process — A process where the enforcement creditor obtains authority pursuant to the Civil Enforcement Act to have a third party (e.g. an employer or bank) pay monies into court to pay off the debt of an enforcement debtor.

Indemnity — Security or guaranteed compensation for damage or loss.

Instructing Creditor - The enforcement creditor on whose instructions enforcement is commenced or continued.

Judgment — A decision of the court, usually awarding money.

Lien — The right to hold the property of another as security for performance of an obligation.

Plaintiff — A person who begins a lawsuit.

Pro Rata Distribution — Proportionate distribution of monies paid into court in accordance with the Civil Enforcement Act and the amount of the debt owed to each enforcement creditor.

Related Writ — A Writ of Enforcement against the same enforcement debtor that is active at Personal Property Registry.

Service — To provide a document to a debtor/defendant/garnishee, either by personal delivery or other means set out in a statute or regulation.

Substitutional Service — To convey a document by a means other than personal delivery or a means set out in a statute or regulation as authorized by the Court. The Court may also dispense with service.

Writ of Enforcement — A document issued by the Clerk of the Court of Queen's Bench and registered with the Personal Property Registry by which a Judgment or Order is enforced.

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## **Court Judgment**

A Court Judgment is valid for 10 years from the date of Judgment and may be renewed for an additional 10 years on application to and by Order of the Court of Queen's Bench or by the Provincial Court, depending on where the order originated. This application must be made prior to the expiry of the Judgment. As Enforcement Creditor, it is your responsibility to collect the debt. You should try to obtain payment directly from the Enforcement Debtor. If you are not successful in this, enforcement processes are available to you, including:

- ♦ Garnishment and/or
- ♦ Seizure

The first step in all of these processes is to file your Judgment at the Court of Queen's Bench in the Judicial District where the Judgment was obtained. If you have obtained your Judgment in Provincial Court Civil, a certified copy will be mailed to you and to the debtor. You must file the Certificate of Judgment with the Court of Queen's Bench if you wish to use either of these enforcement processes. You then prepare a Writ of Enforcement.

If you have obtained your Judgment at a Provincial Court office that is not located in a Queen's Bench Judicial Centre, or if you have obtained your Judgment in a different Judicial District from the one in which you reside, at your request, the Clerk's office will allow you to fax file your Judgment and Writ of Enforcement to the Queen's Bench Clerk's office. There is a required fax filing fee that must be paid prior to the Clerk providing this service. This procedure will save you the time and expense of travelling or mailing your documents to the Clerk's office.

## **Writ of Enforcement**

A Writ of Enforcement (Writ) is a document filed with the Clerk of the Court of Queen's Bench and then registered with the Personal Property Registry (PPR) which entitles you to enforce your Judgment. It also entitles you to share in money paid to the Clerk of the Court as a result of garnishment proceedings, or a Civil Enforcement Agency as a result of seizure proceedings commenced by other Enforcement Creditors.

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The Writ and Addendum must be completed accurately because, once it has been issued by the Clerk of the Court, most corrections cannot be made except by an Order of the Court of Queen's Bench.

You will require four copies of the Writ.

**Things to watch for: (See form on page 7)**

1. Court location — Write the court location where Judgment was entered.
2. Court file number — Write the file number given to your Judgment at the time of filing with the Court of Queen's Bench.
3. Full name of debtor — Write the full name of the debtor listed in the Judgment against whom you wish to initiate enforcement proceedings, the debtor's address, and whether the debtor is an individual. When the debtor is an individual, you must identify the sex, and, if known, the occupation and date of birth. Each debtor must be listed separately.
4. Full name of creditor — Write the full name of the creditor listed in the Judgment, the creditor's address, PPR party code (the creditor will not have a PPR party code unless they have previously registered something at PPR), and whether the creditor is an individual.

Note: Use an Addendum page and attach it to the Writ of Enforcement where more than one creditor and/or debtor is involved. (See form on page 8.)

5. Date of Judgment — Write the date of Judgment as shown on the Certificate of Judgment.
6. Total amount of Judgment — Write the total amount of the Judgment, including interest awarded at the time of Judgment as shown on the Certificate of Judgment.

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7. Post-judgment interest — Write any post-judgment interest which may have accrued since the date of Judgment.
  8. Taxed costs — Write any taxed costs (these are specifically ordered by the court) as shown on the Certificate of Judgment.
  9. Current amount owing — Write the current amount owing as of the date of filing the Writ. This amount is obtained by adding the amounts from items 6, 7 and 8 and subtracting any payments or funds received.
  10. Date the Writ will be issued — Write the date the Writ will be issued by the Clerk of the Court of Queen's Bench.
  11. Registering party — Write the name, PPR party code, address, telephone and fax number of the solicitor, agent, or creditor filing the Writ.

After you have completed the Writ, all copies are filed with the Clerk of the Court of Queen's Bench. As noted earlier, you require a minimum of four copies. The Clerk will retain the original and return three copies to you. It is then your responsibility to register one copy of the Writ with PPR through an Alberta Registries Agent on payment of the prescribed fee.

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## **Status Report**

A Status Report allows changes to be made on the Writ information registered at PPR, without a Court Order. They include the addition of aliases for the debtor, changes to the creditor/debtor particulars, and changes to the current amount owing, costs or post-judgment interest. Registration of a Status Report can be done at an Alberta Registries Agent on payment of the prescribed fees.

It is also your responsibility to register a Status Report at PPR every two years, *prior* to the Writ of Enforcement expiring, in order to keep it active. A creditor is required to register a Status Report whenever the creditor receives payment from the debtor other than from a distribution under the Civil Enforcement Act. A second copy of the Writ can be registered against the debtor's land at the Land Titles office in Calgary or Edmonton on paying the prescribed fee. The addresses and telephone numbers are as follows:

### **Land Titles Offices**

Edmonton

Mezzanine & 3rd Floor, John E. Brownlee Building

10365 - 97 Street

Edmonton AB T5J 3W7

Telephone: (780) 427-2742

Calgary

Alberta Government

Services Building

2nd Floor,

710 - 4th Avenue SW

Calgary AB T2P OK3

Telephone: (403) 297-6511





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## Enforcement Process

Before proceeding with any enforcement, it is advisable to search PPR through an Alberta Registries Agent to determine whether or not any related Writs or Liens are filed against the debtor, by requesting a Distribution Seizure Search. When initiating enforcement proceedings, you must remember that you are taking this action on behalf of all creditors.

Any monies recovered as a result of your enforcement will be paid out as follows:

- ♦ 1st As Instructing creditor, your costs involved in producing the fund, as proven by a taxed Subsequent Bill of Costs.
  
- ♦ 2nd The first \$2000 will go directly to you, unless there are creditors with statutory claims such as the Workers' Compensation Board, Maintenance Enforcement, etc. which will take priority over your claim, or secured creditors who may or may not take priority over your claim.
  
- ♦ 3rd The remaining funds will be divided on a pro-rata basis among all Enforcement Creditors with related writs, including you.

If the Clerk of the Court or a Civil Enforcement Agency is already holding money as a result of enforcement done on behalf of another creditor, you may be entitled to share in the proceeds.

The Clerk of the Court or Civil Enforcement Agency will mail out a Distribution Statement to all parties. There is a procedure to object to the proposed distribution.

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## **Garnishment**

Garnishment is a process whereby money which is owed to the debtor is diverted to his creditors. The person or business owing money to the debtor is called a Garnishee. For example, you can serve a Garnishee Summons on a bank where the debtor has an account. The account can be in the name of the debtor only or can be a joint account: the bank must pay the money in the account up to the amount of all the related Writs into Court. In the case of a joint account, the bank will pay in that portion which is considered to be the debtor's (e.g. two people named on the account, one of whom is the debtor — one-half of the funds would normally be attachable by the Garnishee Summons). You can also garnishee the employer of the debtor. You must accurately complete the documents listed below and file them at the office of the Clerk of the Court of Queen's Bench. Forms are available on the Alberta Courts web site at [www.albertacourts.ab.ca](http://www.albertacourts.ab.ca) or can be purchased from the Queen's Printer.

### **Garnishee Summons**

The Garnishee Summons is addressed to the Garnishee (person or business owing money to the debtor) and directs that the money be paid into court rather than to the debtor.

A Garnishee Summons is in effect for one year from the date of issuance in all instances except where a bank account is garnisheed. In the case of a joint bank account, the Garnishee Summons expires the first time money is paid into court. In the case of all other bank accounts, the Garnishee Summons expires 60 days from the date it is issued. It is effective against money owed at the time the Garnishee Summons is served, as well as future obligations which may arise during the currency of the document.

A Garnishee Summons that is issued for a term of one year can be renewed for a further one year period by filing a Garnishee Summons Renewal Statement within 60 days before the expiry date of the Garnishee Summons. There is no limit to the number of times a Garnishee Summons may be renewed.

You will require five copies of the Garnishee Summons.

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## Things to Watch for: (See form on pages 16-21)

### Page One:

1. Date of Garnishee Summons — Write the date the Garnishee Summons will be issued by the Clerk of the Court.
2. Money owed by the debtor — Write the total amount of money owed by the debtor to you and all related Writ holders. This amount must match the amount shown under Total in the To the Clerk section on page six of the Garnishee Summons form.
3. Type of obligation — Mark the appropriate boxes to identify the type of obligation being garnisheed.
4. Affidavit in Support of Garnishee Summons — In the Affidavit in Support of Garnishee Summons you are stating that a Judgment has been obtained against the debtor and the Writ has been registered at PPR; giving a brief description of the anticipated obligation and stating that the garnishee is within Alberta. The person swearing/affirming the Affidavit in Support should cross out and initial the non-applicable parts of paragraph one.

Complete the blank areas on the Affidavit that are underlined as shown on pages 16 and 17. This is a sworn/affirmed document; you must be sure that all of the facts stated in it are true to the best of your knowledge.

Once you have completed the Affidavit, it must be sworn/affirmed before a Commissioner for Oaths. Commissioners for Oaths are normally available at any Court office.

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**Pages Two to Five:**

1. Instructions — The next two pages are instructions to the Garnishee.
2. Clerk of the Court office address — Complete the Clerk of the Court office address in the middle of page two of the Garnishee Summons.
3. Employment Earnings Exemptions — A portion of employment earnings are exempted from being garnisheed. Details are provided on page three of the Garnishee Summons. For example, if you garnishee a person who receives a net monthly salary of \$2,000, \$590 of this amount would be paid into Court. This is calculated as follows:

Monthly net salary	\$2,000
Minus: Minimum exemption . . . . .	.800
	\$1,200
Minus: Further exemptions . . . . .	.600
	\$ 600
Minus: \$10 garnishee fee . . . . .	.10
<b><i>Amount paid into Court</i></b>	<b><i>\$590</i></b>

**Page Six:**

1. To the Clerk
  - a) Registration number — Write the PPR Writ of Enforcement Registration Number.
  - b) Current amount owing — Write the current amount owing from your Writ of Enforcement.
  - c) Money still owing — Write the amount of money still owing to you as of this date.

- 
- d) Total of any related writs — Write the total of any related writs as indicated on the Distribution Seizure Search from PPR. Do not include your Judgment amount in this total.

Note: See comments concerning the need to obtain a Distribution Seizure Search under Enforcement Process on page 7.

- e) Probable costs — Write any other costs (e.g. service costs, search costs, etc.) to which you may be entitled. Note: Claims for probable costs must later be proven by a taxed and filed Subsequent Bill of Costs.

- f) Sum total — The sum total of amounts c, d, and e noted above.

2. The Certificate of Service on the Debtor will remain blank. This portion of the document should be completed by the Garnishee after service of the Garnishee Summons on the debtor.
3. Complete the upper right hand corner of the backer by inserting the Queen's Bench action number, Judicial District, and party names, addresses and telephone and fax numbers where known.
4. Check the After Judgment box under the document title.
5. Complete your name, address, and telephone number on the bottom of the right hand corner of the page.

You must file all copies of the Garnishee Summons with the Court of Queen's Bench office.

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You will require an original plus four copies of the Garnishee Summons, to be used as follows:

- ♦ Original will be kept by the Clerk's office;
- ♦ Copies one, two and three to be served on the Garnishee (e.g. employer); and
- ♦ Copy four is your file reference copy.

### **Service of Garnishee Summons**

You must first serve three copies of the Garnishee Summons on the Garnishee and provide the Garnishee with an administration fee. The most commonly used methods of service of the Garnishee Summons as set out in Rule 353 of the Alberta Rules of Court are as follows:

When the Garnishee is an individual, by:

- ♦ personal service; or
- ♦ sending by registered mail addressed to the individual at the individual's residence, or to the name and address of any business of the individual.

When the Garnishee is a corporation, by:

- ♦ personal service on an officer or director of the corporation or person in charge of any office or place of business of the corporation; or
- ♦ serving the registered office personally or by registered mail addressed to the registered or head office of the corporation.

The Garnishee is then required to serve the debtor with a copy of the Garnishee Summons and complete the Certificate of Service on the debtor. If the Garnishee is unable to serve the debtor, they must state why in their response to the Clerk. The Garnishee will then forward the money and Certificate of Service to the Clerk of the Court. The Clerk of the Court will advise you by letter if any funds are paid into Court on your Garnishee Summons.

If the Garnishee does not serve the debtor and complete the Certificate of Service, you will also be advised by the Clerk's office. You will then be required to serve a copy of the Garnishee Summons on the debtor either personally or by registered mail. Service of the Garnishee

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Summons by the creditor on the debtor by ordinary mail will not meet service requirements under the Alberta Rules of Court, Rule 353. If you are unable to serve the debtor as noted above, you will be required to apply for a Court Order allowing you to:

- ♦ serve the debtor in a different way; or
- ♦ dispense with service and have the money paid out of Court.

Only the Clerk may distribute garnishee monies.

Form L

**Garnishee Summons**  
**Court of Queen s Bench of Alberta**  
Judicial District of \_\_\_\_\_

**Creditor** \_\_\_\_\_

**Debtor** \_\_\_\_\_

**Garnishee** \_\_\_\_\_

**This Garnishee Summons is issued on** \_\_\_\_\_ **for \$** \_\_\_\_\_  
(The Creditor may adjust the amount by serving a Notice on the Garnishee.)  
date total amount

**The Creditor intends to garnish the Debtors**  **employment earnings**  
 **deposit accounts**  
 **money owing from other sources**

\_\_\_\_\_  
Clerk of the Court

**The judgment is for alimony or maintenance.**   
When employment earnings are garnished for alimony or maintenance, *Maintenance Enforcement Act* employment exemptions apply. Refer to *Maintenance Enforcement Regulation* for more information.

**This summons expires**

1. in the case of a deposit account, 60 days from the date it was issued, unless it is a joint account, in which case this is only a one-time obligation.
2. in all other cases, one year from the date it was issued, unless it has been renewed.

**Supporting Affidavit**

1. I am the creditor or an agent/lawyer for the creditor.
2. According to the judgment or Attachment Order, a Writ of Enforcement or Attachment Order has/has not been registered at the Personal Property Registry.
3. I believe that the proposed Garnishee owes the debtor money now or will owe the debtor money in the future.
4. The proposed Garnishee is in Alberta, or does business in Alberta notwithstanding that its payroll office is outside Alberta.

\_\_\_\_\_  
Creditor or Agent/Lawyer Occupation

Sworn in \_\_\_\_\_, Alberta on \_\_\_\_\_  
Town or city Date

\_\_\_\_\_  
Commissioner for Oaths in Alberta

\_\_\_\_\_  
Commissioner s name and commission s expiry date (please print)

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# Instructions for Garnishee

These instructions will help you to comply with the Garnishee Summons. They are taken from the following pieces of legislation:

*Civil Enforcement Act, RSA 2000, c.C-15*

*Civil Enforcement Regulation, (AR 276/95) sections 39 and 40*

*Alberta Rules of Court, Rule 470 to 481.1*

Make cheques payable to the Minister of Finance and send, along with the required documents, to:

Future payments to the clerk under this Garnishee Summons should be accompanied by a copy of the back page of this Garnishee Summons and an accounting.

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## Garnishee Summons (which does not attach employment earnings)

**Within 15 days from being served with the Garnishee Summons in triplicate with a \$25 compensation fee, you must do the following:**

1. **Serve** a copy of the Garnishee Summons on the debtor (personally or by ordinary mail).
2. **Deliver** to the Clerk of the Court a Garnishee s Response. See below for what this must contain.
3. **Pay** to the Clerk the lesser of
  - (a) the amount indicated on the first page of the Garnishee Summons,
  - or
  - (b) the amount payable by you to the Debtor according to your obligation to the Debtor

minus \$10 as a Garnishee compensation.

Where the Garnishee Summons seeks to affect a **joint entitlement**, you must pay to the Clerk, unless a court orders otherwise, an amount equal to the total amount of the fund divided equally amongst all the people with the joint entitlement. A Garnishee Summons which seeks to attach a joint deposit account only attaches a current obligation as defined in the *Civil Enforcement Act*.

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## Garnishee Summons

(which does not attach employment earnings)

*continued*

The Garnishee s Response must contain as much of the following as is applicable:

1. (a) A Certificate of Service on the Debtor (found on the back of this document) stating that you have delivered a copy of the Garnishee Summons to the Debtor,  
or  
(b) A statement setting out why you could not serve the Garnishee Summons on the Debtor.
2. The amount that you owe under your obligation to the Debtor.
3. The amount that you are paying to the Clerk.
4. If you don t think that you have an obligation to pay the Debtor that can be affected by the Garnishee Summons, please explain why.
5. If you believe that the obligation that the Garnishee Summons is trying to affect is (or may be) owed to someone other than the Debtor, give the reasons for your belief and the name and address of that other person.
6. If you have already received another Garnishee Summons regarding the same obligation and that Garnishee Summons is still in effect, let the Clerk s office know in writing and give the QB Action Number of the other Garnishee Summons. The QB Action Number is on the upper right of the back of the Garnishee Summons.
7. Where the Garnishee Summons seeks to affect a joint entitlement, the Garnishee s Response must contain the name of each person who has the joint obligation with the Debtor and either
  - (a) the address of each person who has the joint obligation with the Debtor,  
or
  - (b) a completed Certificate of Service (found on the back of this document) stating that you have served a copy of this Garnishee Summons on each person who has the joint obligation with the Debtor.

**Note:** If it is a joint account, it is a one-time obligation.

8. Where the Garnishee Summons has attached a future obligation, that is, there is an amount that you must pay the Debtor in the future, the Garnishee s Response must contain the following, if known:
  - (a) the date or dates on which the future obligation, or any part of it, is expected to become payable,
  - (b) the amount expected to be payable on each date set out above, and
  - (c) any conditions that must be met before the future obligation will become payable.

When the future obligation becomes payable, the Garnishee s Response must set out

- (a) the amount that is now payable, and
- (b) the amount that you are paying to the Clerk.

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## **Garnishee Summons (which attaches employment earnings)**

**Within 15 days from being served with the Garnishee Summons in triplicate with a \$25 compensation fee, you must do the following:**

1. **Serve** a copy of the Garnishee Summons on the Debtor (personally or by ordinary mail).
2. **Deliver** to the Clerk of the Court a Garnishee s Response. See below for what this must contain.
3. Within 5 days after the end of the Debtor s last pay period for months affected by the Garnishee Summons, pay to the Clerk the Debtor s net pay less
  - (a) the Debtor s employment earnings exemption (see Employment Earnings Exemptions listed below),  
and
  - (b) \$10 as a Garnishee compensation.

**Net pay** means the Debtor s total earnings minus any amounts you are required to deduct for income tax, Canada Pension contributions, and employment insurance premiums. Any other deductions are taken from the debtor s exemption.

**The Garnishee s Response must contain as much of the following as applicable:**

1. Whether or not you employ the Debtor.
2. How often you pay the Debtor.
3. Either
  - (a) A Certificate of Service on the Debtor (found on the back of this document) stating that you have delivered a copy of the Garnishee Summons to the Debtor,  
or
  - (b) A statement setting out why you could not serve the Garnishee Summons on the Debtor.

**Note:** Send the original Certificate of Service to the Clerk.

4. If you have already received another Garnishee Summons against the Debtor s employment earnings and that Garnishee Summons is still in effect, let the Clerk s Office know in writing and give the QB Action Number of the other Garnishee Summons. The QB Action Number is on the upper right of the back of the Garnishee Summons.

At the end of the Debtor s last pay period for each month during which the Garnishee Summons is in effect, you must deliver to the clerk a written statement setting out:

1. the Debtor s total employment earnings for the pay periods that ended during the month,
2. the amounts deducted from total earnings to calculate the Debtor s net pay for the month,  
  
and
3. the number of the Debtor s dependants.

page 4

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## Employment Earnings Exemptions

Calculate the Debtor's monthly employment earnings exemption by adding together:

1. the Debtor's minimum exemption,  
and
2. half the amount by which the Debtor's net pay exceeds this minimum exemption.

For a Debtor with no dependants, the minimum employment earnings exemption is \$800 and the maximum is \$2400. The minimum and maximum employment earnings exemption increases by \$200 for each dependant.

**A dependant is:**

1. a person identified as a dependant by Court Order,
2. the spouse or adult interdependent partner of the Debtor,
3. any child of the Debtor under 18 who lives with the Debtor,  
or
4. any relative of the Debtor (or of the Debtor's spouse/adult interdependent partner) who lives with the Debtor and, because of mental or physical infirmity, depends financially on the Debtor.

You are entitled to rely on, and act in accordance with, the Debtor's written statement of the number of dependants he or she has.

You can get a worksheet from the Clerk's Office to help you calculate the Debtor's employment earnings exemption.

**When employment earnings are garnished for alimony or maintenance, *Maintenance Enforcement Act* employment exemptions apply. Refer to *Maintenance Enforcement Regulation* for more information.**

**If you pay the Debtor's salary/wage more often than monthly, you can pay the Clerk of the Court at the end of each pay period instead of at the end of each month.**

In this case, calculate the minimum and maximum employment exemption for each pay period as follows:

1. multiply the monthly exemption by the number of days in the pay period,  
and
2. divide this number by 30.

# To the Clerk:

The Creditor has a Judgment/Attachment Order against the Debtor, and a Writ of Enforcement/Attachment Order has been registered at Personal Property Registry

as \_\_\_\_\_  
(II - digit PPR Registration Number)

The amount specified in the Writ of Enforcement/Attachment Order is \$ \_\_\_\_\_  
of which the present balance owing is \$ \_\_\_\_\_  
plus related writs (according to attached search results) \$ \_\_\_\_\_  
plus probable costs \$ \_\_\_\_\_  
**Total** \$ \_\_\_\_\_  
total amount

# Certificate of Service on the Debtor/Joint Oblige

I, \_\_\_\_\_  
Print name of person who served the Garnishee Summons

am the  Garnishee/Agent for the Garnishee.  
 Creditor/Agent for the Creditor.

I certify that on \_\_\_\_\_  
Date of Service of Garnishee Summons

I served \_\_\_\_\_  
Name of Debtor/Joint Oblige  
 personally  
 by ordinary mail with a true copy of the Garnishee Summons according to the *Alberta Rules of Court* and the *Civil Enforcement Act*.

Note: Only the Garnishee may serve a Garnishee Summons on a Debtor/Joint Oblige by ordinary mail unless otherwise ordered by the Court.

Dated \_\_\_\_\_  
\_\_\_\_\_  
Signature of Person who served the Summons

(If there is more than one Debtor/Joint Oblige, please complete an additional Certificate of Service for each Debtor/Joint Oblige.)

QB Action No. \_\_\_\_\_

Court of Queen s Bench of Alberta

Judicial District of
----------------------

Between:  
**Creditor** \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_  
Postal Code

Fax \_\_\_\_\_

**Debtor** \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_  
Postal Code

Fax \_\_\_\_\_

**Garnishee** \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_  
Postal Code

Fax \_\_\_\_\_

<b>Garnishee Summons</b>	
before judgment	<input type="checkbox"/>
after judgment	<input type="checkbox"/>

**Filed by** \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_  
Postal Code

Fax \_\_\_\_\_

File No. \_\_\_\_\_

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## Seizure

In this process, after you have registered your Writ of Enforcement at PPR, you may instruct a Civil Enforcement Agency to seize the property of the debtor, and unless the debtor pays the debt in the meantime, to sell the seized property and divide the proceeds amongst the creditors. A list of Civil Enforcement Agencies can be found under the Sheriff - Civil Enforcement page of the Alberta Courts web site at [www.albertacourts.ab.ca](http://www.albertacourts.ab.ca), or in your local telephone directory's yellow pages, or by contacting the Office of the Sheriff - Civil Enforcement at (780) 422-2481.

## Other Creditors

It is possible that another creditor may have a priority claim against the property you wish to seize. To avoid needless expense, you should conduct a Distribution Seizure Search (for a fee) at PPR through the office of an Alberta Registries Agent before instructing the Civil Enforcement Agency to make the seizure.

You will need to prepare and provide the Civil Enforcement Agency with the following documents:

1. Search — This is a Distribution Seizure Search from PPR which can be obtained through an Alberta Registries Agent. The Distribution Seizure Search contains information that verifies that your Writ of Enforcement has been registered with PPR and that it is active.
2. Warrant — This document authorizes the Civil Enforcement Agency to enforce your Judgment by seizing the property of the debtor. The warrant must be completely filled out and signed by the creditor or his agent with the exception of the Related Writs and Seizure Fees and Costs portion at the bottom of the form (see form on page 22 and 23).
3. Notice of Seizure of Personal Property — You will require four copies. This document is used to notify the debtor of the seizure of property to satisfy the debt. You must write the name and address of the creditor, debtor, and agency, and check off the YES box (see form on page 24). Do not sign this document.

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The Addendum form shown on page 47 is used by the Bailiff to describe additional property seized from the debtor. You do not complete any part of this form.

4. Bailee's Undertaking — This is used by the Bailiff to have a responsible person agree to keep the seized property and deliver it to the Civil Enforcement Agency when instructed to do so (see form on page 26). You do not complete any part of this form.
5. Notice of Objection to Seizure of Personal Property — You will require one copy for each debtor. This is to be used by the debtor to object to the seizure. You must write the name and address of the Civil Enforcement Agency (see form on page 27).

Note: The documents mentioned in items 2 through 5 may be obtained from a Civil Enforcement Agency or may be purchased from the Queen's Printer.

### **Fees**

Contact the Civil Enforcement Agency to determine their requirement regarding deposit for seizure costs and fee amounts.

### **Sale**

The creditor must instruct the Civil Enforcement Agency to conduct a sale of the seized property. The Civil Enforcement Agency can only do so 15 days after the Notice of Seizure of Personal Property and Notice of Objection to Seizure of Personal Property have been served on the debtor.

If the Enforcement debtor serves a Notice of Objection on the agency, a Court Order must be obtained prior to the seized property being sold. This is a somewhat complex process and involves a court hearing. You may want to consult with a lawyer to assist in the preparation of the documents and the court application.

**Warrant**  
(Writ of Enforcement)

TO: \_\_\_\_\_

\_\_\_\_\_  
Name and Address of Civil Enforcement Agency

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

\_\_\_\_\_  
Name and Address of Debtor

in order to realize the sum of \$ \_\_\_\_\_ owing to \_\_\_\_\_ 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 \_\_\_\_\_, Alberta, on \_\_\_\_\_.

\_\_\_\_\_  
Signature of Instructing Creditor or Authorized Agent

\_\_\_\_\_  
Print Name of Instructing Creditor or Authorized Agent

\_\_\_\_\_  
Address of Instructing Creditor or Authorized Agent City

\_\_\_\_\_  
Province Postal Code Telephone Number Fax Number

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

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



# Notice of Seizure of Personal Property

TO: \_\_\_\_\_

\_\_\_\_\_  
Name and Address of Debtor

Take notice that to satisfy a claim against you for the sum of \$ \_\_\_\_\_ plus costs and related Writs, if applicable.

\_\_\_\_\_  
Name and Address of Creditor

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


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 \_\_\_\_\_, Alberta, on \_\_\_\_\_,

\_\_\_\_\_  
Bailliff's Signature Print Name

\_\_\_\_\_  
Name of Civil Enforcement Agency

\_\_\_\_\_  
Address of Civil Enforcement Agency City

\_\_\_\_\_  
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.**



## 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:

\_\_\_\_\_

\_\_\_\_\_  
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 \_\_\_\_\_, Alberta, on \_\_\_\_\_

**Bailee:**

Signature of Bailee \_\_\_\_\_ Print Name \_\_\_\_\_

Address of Bailee \_\_\_\_\_ City \_\_\_\_\_ Province \_\_\_\_\_

Postal Code \_\_\_\_\_ Telephone Number \_\_\_\_\_ Fax Number \_\_\_\_\_

Signature of Witness \_\_\_\_\_ Print Name \_\_\_\_\_

Address of Witness \_\_\_\_\_ City \_\_\_\_\_ Province \_\_\_\_\_

Postal Code \_\_\_\_\_ Telephone Number \_\_\_\_\_ Fax Number \_\_\_\_\_

\_\_\_\_\_  
Name of Civil Enforcement Agency

\_\_\_\_\_  
Address of Civil Enforcement Agency City \_\_\_\_\_

Province \_\_\_\_\_ Postal Code \_\_\_\_\_ Telephone Number \_\_\_\_\_ Fax Number \_\_\_\_\_

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

## Notice of Objection to Seizure of Personal Property

TO: \_\_\_\_\_

\_\_\_\_\_  
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):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(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 \_\_\_\_\_, Alberta, on \_\_\_\_\_**

**THE FOLLOWING MUST BE COMPLETED.**

Signature of Debtor \_\_\_\_\_ Print Name \_\_\_\_\_

Mailing Address of Debtor \_\_\_\_\_ City \_\_\_\_\_

Province \_\_\_\_\_ Postal Code \_\_\_\_\_ Telephone Number \_\_\_\_\_ Fax Number \_\_\_\_\_

Oct. 01/95

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## **Exemptions**

Under the provisions of the Civil Enforcement Act, certain kinds of property cannot be seized by a Civil Enforcement Bailiff. These are specifically set out in the Civil Enforcement Regulations.

## **Alberta Registries**

Alberta Registries has numerous authorized agents throughout Alberta who deliver registry services to the public. Some of these services include civil enforcement searches, corporate registry searches, land titles searches and personal property (lien) searches. The Alberta Registry Agents are listed in your local telephone directory. Further information for accessing these services can be obtained by calling (780) 427-7013 or toll free 310-0000.

## **Civil Enforcement Act**

The Civil Enforcement Act came into force on January 1, 1996. This statute and its regulations contain complete information on the legal procedures for civil enforcement of a Judgment. In order to get a more thorough understanding of your rights as a creditor or debtor, you may wish to obtain and review a copy of this Act and the regulations. Both are available on the Queen's Printer web site at [www.qp.gov.ab.ca](http://www.qp.gov.ab.ca) or can be purchased from the Queen's Printer.

## **Personal Property Security Act**

The Personal Property Security Act came into force on October 1, 1990. This statute contains a number of provisions which affect creditor rights and remedies in Alberta. In order to get a more thorough understanding of your rights as a creditor or debtor, you may wish to obtain and review a copy of this Act which is available on the Queen's Printer web site at [www.qp.gov.ab.ca](http://www.qp.gov.ab.ca) or can be purchased from the Queen's Printer.

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## **A Final Word**

Legal enforcement of a Judgment is often complex and difficult. Many aspects of creditor law and legal procedure have not been explained in this brochure. Court employees are not allowed to give you legal advice. Please consult a lawyer if you have any questions.

At the time of publication of this brochure, Lawyer Referral Service (1-800-661-1095), sponsored by the Law Society of Alberta, allows you to consult a lawyer for 30 minutes at no charge.

Copies of this booklet are available from all Court of Queen's Bench court locations.

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**Alberta**  
Justice  
**Court Services**

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