

FORM 60E.2

NOTICE OF GARNISHMENT
to enforce a forfeited recognizance order or an order imposing a fine
(Sections 14.5 and 14.6 of *The Garnishment Act*)

THE KING'S BENCH
_____ Centre

BETWEEN:

(name) creditor

- and -

(name) debtor

- and -

(name) garnishee

NOTICE OF GARNISHMENT
to enforce a forfeited recognizance order or an order imposing a fine
(Sections 14.5 and 14.6 of *The Garnishment Act*)

TO: (name and address of garnishee)

THE DEBTOR OWES MONEY TO THE CREDITOR pursuant to an order imposing a fine or a forfeited recognizance order. The collection officer, on behalf of the creditor, claims that you owe or will owe a debt** to the debtor. The collection officer, on behalf of the creditor, has directed this Notice of Garnishment to you as garnishee in order to seize certain debts that you owe or will owe to the debtor.

1. YOU ARE REQUIRED TO PAY to the Court of King's Bench (name of judicial centre) at the following address:

(a) WITHIN SEVEN DAYS after this notice is served on you, all debts due at the time of service, from you to the debtor, other than wages**;

(b) WITHIN SEVEN DAYS after they become payable, all debts that are accruing due as of the date of service of this notice on you**; and

(c) WITHIN SEVEN DAYS after they become payable, all wages that become due or payable by you to the debtor within one year after this notice takes effect. Under subsection 4(2) of *The Garnishment Act*, the garnishment of wages takes effect on the first Monday following the day it is served;

subject to the exemptions provided by *The Garnishment Act*. The maximum amount you are required to pay is not to exceed \$_____.

**** ALL MONEY HELD JOINTLY BY THE DEBTOR AND ONE OR MORE OTHER PERSONS, AT THE TIME OF SERVICE OF THIS NOTICE OF GARNISHMENT OR ANY TIME THEREAFTER, IS PRESUMED FOR THE PURPOSE OF THIS NOTICE OF GARNISHMENT TO BE OWNED BY THE DEBTOR.**

A NOTICE OF GARNISHMENT TO ENFORCE MAINTENANCE PAYMENTS TAKES PRIORITY OVER THIS NOTICE OF GARNISHMENT.

THIS NOTICE OF GARNISHMENT TAKES PRIORITY OVER A NOTICE OF GARNISHMENT ISSUED BY A GENERAL CREDITOR OR ANY DEBT OWED BY THE DEBTOR TO YOU.

CHEQUES MUST BE MADE PAYABLE TO THE MINISTER OF FINANCE

2. YOU ARE REQUIRED to file with the court the Garnishee's Statement attached to this notice within seven days after the day of service of this notice if

- (a) there is no money currently owing or payable by you to the debtor;
- (b) you pay an amount that is less than the maximum amount; or
- (c) the monies seized were jointly held by the debtor and one or more other persons.

3. THIS NOTICE OF GARNISHMENT REMAINS IN EFFECT, with respect to garnishment of wages, until the earliest of the following occurs:

- (a) the garnishee pays the amount shown into court;
- (b) this notice is discontinued or revoked by the court;
- (c) the debtor ceases to be employed by the garnishee;
- (d) one year passes from the date this notice takes effect.

4. YOU ARE REQUIRED to deliver or mail a copy of this Notice of Garnishment without delay to each person who held the garnished money jointly with the debtor, if applicable.

IF YOU FAIL TO OBEY THIS NOTICE, THE COURT MAY MAKE AND ENFORCE AN ORDER AGAINST YOU for payment of the amount set out above and the costs of the collection officer on behalf of the creditor.

IF YOU MAKE PAYMENT TO ANY PERSON OTHER THAN AS REQUIRED BY THIS NOTICE, YOU MAY BE LIABLE TO PAY AGAIN.

IF THIS NOTICE OF GARNISHMENT BINDS WAGES AND THE DEBTOR CEASES TO BE EMPLOYED BY YOU, YOU MUST ADVISE THE COURT AND THE COLLECTION OFFICER IN WRITING.

NOTICE WHEN JOINTLY HELD MONEY SEIZED

TO: ANY PERSON WHO HELD MONEY JOINTLY WITH THE DEBTOR

AND TO: THE DEBTOR

A collection officer may enforce a forfeited recognizance order or an order imposing a fine by garnishing money that is held jointly by the debtor and one or more other persons.

The Notice of Garnishment binds all money due or accruing due at the time of service.

All this money is presumed for the purpose of the Notice of Garnishment to be owned by the debtor, but you may apply to the court that issued the Notice of Garnishment for an order that:

- (a) the interest of the debtor in the garnished money is less than the amount garnished; and
- (b) the part of the garnished money in excess of the debtor's interest be distributed to the other joint holder or holders in accordance with their interests.

Notice of an application to the court must be served on the collection officer and each person who held the garnished money jointly within 21 days after the Notice of Garnishment is served on the garnishee.

Any party may make a motion to the court to determine any matter in relation to this Notice of Garnishment.

(date)

Registrar

Address of Court Office

Collection Officer's address

Telephone number _____

DEBTOR'S FULL NAME AND ADDRESS:

