

FORM 60G.2
THE KING'S BENCH (FAMILY DIVISION)

Centre

BETWEEN:

(name)

creditor

- and -

(name)

debtor

- and -

(name)

garnishee

**STATUTORY DECLARATION
OF PENSION BENEFIT CREDIT GARNISHEE**
(Section 14.1 of *The Garnishment Act*)

I, _____, of _____, _____,
(full name of declarant) (city/town) (province/territory),

do solemnly declare that:

Instructions: Complete paragraph 1 and one of paragraphs 2, 3 and 4, strike out the inapplicable paragraphs and make the appropriate modifications.

1. I am the (where the declarant is an officer, director, partner, proprietor, member or employee of the garnishee, set out the nature of the declarant's capacity) garnishee named in the Notice of Garnishment.

Instructions: Complete paragraph 2 when payment is not being forwarded because the named garnishee in the Notice of Garnishment does not meet the definition of "garnishee" in subsection 14.1(1) of *The Garnishment Act*.

2. (The garnishee named herein is not / I am not) a garnishee within the meaning of subsection 14.1(1) of *The Garnishment Act*, in that (the named garnishee is not / I am not) an administrator or trustee of a pension plan in which the debtor has a pension benefit credit, nor (is the named garnishee / am I):
 - (a) an employer who has established or administers a pension plan for employees, of which the debtor is a plan member; or
 - (b) a financial or other institution that issues, underwrites or is a depository of a retirement benefit plan of a type prescribed by regulation under *The Pension Benefits Act*, of which the debtor is the owner.

Instructions: Complete paragraph 3 when less than the amount requested by the Director in the Notice of Garnishment is being remitted.

3. I am concurrently forwarding to the Director, Maintenance Enforcement Program, the sum of \$ _____, which is less than the amount required in the Notice of Garnishment. I am forwarding this amount because:

(a) The debtor's pension benefit credit as of _____ (date of service of notice of garnishment)
was \$ _____.

(b) The debtor's net pension benefit credit is \$ _____, being
the debtor's pension benefit credit less the following deductions allowed and prescribed by
regulation to *The Pension Benefits Act*.

(i) Tax withheld: \$ _____

(ii) Amount of debtor's pension benefit credit owing to another person pursuant
to subsection 31(2) of *The Pension Benefits Act* as of the day of service of
the notice of garnishment (specify amount of fixed entitlement as at day of service):
\$ _____.

(iii) Other deductions as allowed and prescribed by regulation (provide specifics):

\$ _____

\$ _____

\$ _____

\$ _____

Instructions: Complete paragraph 4 when payment as requested in the Notice of Garnishment is not forwarded because the garnishee has received notice a person might be entitled, as of the day of service of the Notice of Garnishment, to a division of the debtor's pension benefit credit pursuant to subsection 31(2) of *The Pension Benefits Act*, and accordingly subsection 14.2(3) of *The Garnishment Act* applies.

4. Payment as requested in the Notice of Garnishment is not being forwarded at this time because (the garnishee has / I have) received notice that a person might be entitled, as of the day of service of the Notice of Garnishment, to a division of the debtor's pension benefit credit pursuant to subsection 31(2) of *The Pension Benefits Act*.

- (A) (i) The name and address of this person are:

(ii) (The garnishee is / I am) not aware of the name and/or address of the person,
but (the garnishee has / I have) made the following efforts to ascertain same:

(B) The particulars of the notice (the garnishee has / I have) received of this person's interest are as follows:

(C) The following efforts have been made by (the garnishee / me) to ascertain whether this person is entitled to a division of the debtor's pension benefit credit:

5. 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
in _____, Manitoba,
this ____ day of _____, ____.

Signature of Declarant

Commissioner for Oaths (or as the case may be)

Note: This form may be modified, if necessary, for use after the court has determined rights and liabilities pursuant to a Notice of Garnishment under section 14.1 of ***The Garnishment Act***.