**THE KING'S BENCH**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Centre**

BETWEEN:

Claimant

-and-

Defendant

**AFFIDAVIT IN SUPPORT OF PAYMENT OUT OF COURT – NOTICE OF GARNISHMENT**

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, of the (City/Town) of\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, in

The Province of Manitoba, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ MAKE OATH AND SAY:

 (occupation)

1. Thatthe appeal period for the judgment has expired and no appeal is pending.
2. The amount of the outstanding debt under the judgment given is in favour of the creditor is in the amount of $\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ inclusive of interest and costs. This is authorization that any surplus funds standing in the court shall be returned to the debtor being garnished.
3. That the amount the garnishee paid into court is no more than the small claims limit (*and add in the case of a small claims proceeding;* any cost ordered by the small claims court officer or judge).
4. That at least 10 days has elapsed since the garnishee has made the payment into court and since the debtor was served with the notice of garnishment.
5. The notice of garnishment dated \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ was served on the debtor

|  |  |  |
| --- | --- | --- |
|  | by |  |
| (debtor being garnished) |  | (indicate manner of service) |
|  | on |  |
| (indicate address served) |  | (indicate date of service) |

1. That no other person has a claim to or interest in the money.

Sworn (or Affirmed) before me at the

\_\_\_\_\_\_\_ of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

in the Province of Manitoba,

this \_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_ , \_\_\_\_\_

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Signature

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

Deputy Registrar for King’s Bench, or \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

A Commissioner for Oaths in and for Print Name

the Province of Manitoba

My Commission expires: \_\_\_\_\_\_\_\_\_\_\_\_\_