**THE KING'S BENCH**

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

BETWEEN:

Garage Keeper,

-and-

Owner

**AFFIDAVIT IN SUPPORT OF PAYMENT OUT OF COURT – TO VEHICLE OWNER**

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

(vehicle owner)

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

(occupation)

1. The amount paid into court is $\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

That the garage keeper has failed to commence an action in the court within 30 days of service of the *Notice of Payment* into court under *The Garage Keepers Act*.

**OR**

That the garage keeper has commenced an action in the court following service of the *Notice of Payment* into court under *The Garage Keepers Act*, of which the action was dismissed, and the appeal period has expired and no appeal is pending.

1. That no other person has a claim to or interest in the moneys paid into court.
2. That the moneys should therefore be paid out to the vehicle owner or his or her nominee.

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: \_\_\_\_\_\_\_\_\_\_\_\_\_