**THE KING'S BENCH**

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

BETWEEN:

plaintiff

and

defendant

**WRIT OF SEIZURE AND SALE**

**FEES**

|  |  |  |
| --- | --- | --- |
| Fee | Item | Officer |
|  | Paid for this writ |  |
|  | Lawyer's fee for issuing writ |  |
|  | First renewal |  |
|  | Second renewal |  |
|  | Third renewal |  |

RENEWAL

|  |  |
| --- | --- |
| Date | Officer |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |

**WRIT OF SEIZURE AND SALE**

|  |  |
| --- | --- |
| Debtor’s Name: |  |
| Debtors Address: |  |
|  |  |
|  |  |
| Creditor’s Name: |  |
| Creditor’s Address: |  |
|  |  |
|  |  |
| Lawyer’s Name: |  |
| Lawyer’s Address |  |
|  |  |
|  |  |

**THE KING'S BENCH**

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

BETWEEN:

plaintiff

and

defendant

**WRIT OF SEIZURE AND SALE**

TO THE SHERIFF AT THE\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ CENTRE:

*(name of judicial centre)*

Under an order of this court made on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20 \_\_\_\_, in favour of

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, YOU ARE DIRECTED to seize and sell the personal property of

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and to realize from the seizure and sell the following sums:

1. $ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and interest at \_\_\_\_\_\_\_\_ percent per year commencing on

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_\_\_;

*(NOTE: Where the writ is for two or more periodic or instalment payments, substitute:)*

Amount of Payment \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Due Date *\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*

(a) $ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and interest at \_\_\_\_\_\_\_\_ percent per year on the payments in

default commencing on the date of default;

1. $ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ for costs together with interest at \_\_\_\_\_\_\_\_ percent per year

commencing on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 20 \_\_\_\_\_ ; and

(c) your fees and expenses in enforcing this writ.

YOU ARE DIRECTED to pay out the proceeds according to law and to report on the execution of this writ if required by the party or lawyer who filed it.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Issued by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date Deputy Registrar

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

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

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

*(address of court office)*

**THE KING'S BENCH**

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

BETWEEN:

plaintiff

and

defendant

**NOTICE TO JUDGMENT DEBTOR**

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

*(name of Judgment debtor)*

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Manitoba.

*(address)*

TAKE NOTICE that your property is being seized for the purpose of paying the judgment

against you for $ \_\_\_\_\_\_\_ entered in favour of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

on the \_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 20 \_\_\_\_ , in the Court of King's Bench, or so much

thereof together with interest and costs as may be outstanding at the date hereof.

AND TAKE NOTICE that you may be entitled to certain exemptions from seizure under subsection 23(1) of The Executions Act which provides as follows:

EXEMPT PROPERTY. 23(1) Except as provided in this act or any other Act, the following personal estate is declared free from seizure by all writs of execution issued by any court in the province, namely:

a) The furniture and household furnishings and appliances of the judgment debtor reasonably necessary for one household but not exceeding in value the aggregate sum of $4,500.00.

b) The necessary and ordinary clothing of the judgment debtor and the members of his family.

c) The food and fuel necessary for the judgment debtor and the members of his family for a period of 6 months, or the cash equivalent thereof.

d) In the case of a judgment debtor who is a farmer, all animals reasonably necessary for the proper and efficient conduct of his agricultural operations for the next ensuing 12 months.

e) In the case of a judgment debtor who is a farmer,

(i) all farm machinery, dairy utensils and farm equipment reasonably necessary for the proper and efficient conduct of his agricultural operation for the next ensuing 12 months, and

(ii) one motor vehicle, if required for the purpose of his agricultural operations.

f) The tools, implements, professional books and other necessaries, not exceeding in value the aggregate sum of $7,500.00 used by the judgment debtor in the practice of his trade, occupation or profession or to carry on his business and, where the judgment debtor requires the use of a motor vehicle in the course of or for the purpose of his employment, trade, occupation, profession or business or for transportation to and from his place of employment or business, one motor vehicle not exceeding in value the sum of $3,000.00.

g) The articles and furniture necessary to the performance of religious services.

h) The seed sufficient to seed all the land of the judgment debtor under cultivation.

i) The health aids, including but without limiting the generality of the foregoing a wheelchair, an air conditioner, an elevator, a hearing aid, eye glasses and prosthetic or orthopedic equipment, that are reasonably necessary for the health or mobility of the judgment debtor or a member of his family; and

j) The chattel property of The City of Winnipeg or of any municipality, local government district, school district, school division or school area in the province.

Signed this \_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 20 \_\_\_\_. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Deputy Registrar