

**FORM 9**

**ENFORCEMENT INSTRUCTION**

*(Enforcement of Money Judgments Act, S.N.B. 2013, c.23, s.42)*

**To:** A sheriff for the Province of New Brunswick

You are instructed to take enforcement action in relation to the following judgment:

Court: \_\_\_\_\_

Date of judgment: \_\_\_\_\_

Court file number: \_\_\_\_\_

Instructing creditor: \_\_\_\_\_

Judgment debtor: \_\_\_\_\_

Amount of judgment: \_\_\_\_\_

plus costs of \_\_\_\_\_ plus interest at \_\_\_\_\_ %

Additional information is provided on the following pages.

\_\_\_\_\_  
*(signature of instructing creditor or instructing creditor's lawyer)*

\_\_\_\_\_  
*(name)*

\_\_\_\_\_  
*(date)*

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
*(address, telephone number, fax number and e-mail address of instructing creditor)*

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
*(name, address, telephone number, fax number and e-mail address of instructing creditor's lawyer, if applicable)*

## A. ENFORCEMENT

*Has the judgment debtor already made payments in respect of the judgment?*

- Yes, the judgment debtor has paid \$ \_\_\_\_\_
- No.

*Is the instructing creditor aware of any court order that affects or limits the enforcement of the judgment?*

- Yes. A copy of the order is attached.
- No.

*Is this the first enforcement instruction delivered by the instructing creditor in relation to the judgment?*

- Yes.
- No. There is a previous enforcement instruction dated \_\_\_\_\_  
The present enforcement instruction is being delivered because *(check all that apply)*:
- The instructing creditor has new information that will assist in enforcing the judgment. (Details are provided in section E.)
  - The judgment debtor has failed to comply with a payment arrangement in reliance on which the previous enforcement instruction was withdrawn or terminated.
  - Two years have passed since the previous enforcement instruction was withdrawn or terminated on \_\_\_\_\_

## B. REGISTRATION

*Registration in the Personal Property Registry*

- The judgment has been registered in the Personal Property Registry. A verification statement and a printed search result are attached.

Date of the registration: \_\_\_\_\_

Expiry date of the registration: \_\_\_\_\_

Date of the printed search result: \_\_\_\_\_

*Has the judgment been registered under the Land Titles Act?*

- Yes. A certificate of registered ownership showing the registration of the judgment is attached.
- No.

*Has the judgment been registered under the Registry Act?*

- Yes. The judgment as endorsed by a registrar of deeds is attached.
- No.

## C. INSTRUCTING CREDITOR

Full legal name of the instructing creditor: \_\_\_\_\_

Name that cheques should be made payable to: \_\_\_\_\_

## D. JUDGMENT DEBTOR

Name of the judgment debtor as stated on the judgment:

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Full legal name of the judgment debtor (if known):

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Other names used by the judgment debtor (if known):

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Date of birth of the judgment debtor (if known):

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Address of the judgment debtor as stated on the judgment:

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Other addresses of the judgment debtor (if known):

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Name, address, telephone number, fax number and e-mail address of the judgment debtor's lawyer (if applicable and known):

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### E. JUDGMENT DEBTOR'S PROPERTY

(If you have any information about the judgment debtor's property or income or any other information that may assist the sheriff in enforcing the judgment, check the relevant boxes, provide the details indicated, if known, and attach copies of any relevant documents.)

- House, mobile home or other buildings or land *(description and location)*
- Vehicles, trailers, boats, etc. *(description and location)*
- Other assets with resale value, except household goods *(description)*
- Business assets or inventory *(description and location)*
- Bank or credit union accounts *(name of bank or credit union and location of branch)*
- Investments or other financial assets *(description; name and location of financial institution)*
- Employment income *(name and location of employer)*
- Money owed to judgment debtor *(name of person or business who owes money)*
- Other *(description and location)*

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### F. INSTRUCTING CREDITOR'S RECOVERABLE EXPENSES

The following expenses have been incurred by the instructing creditor and may form part of the amount recoverable (check all that apply and enter the amounts):

- fee for the registration of a judgment in the Personal Property Registry for a one-year period: \$ \_\_\_\_\_
- fee for a search of the Personal Property Registry: \$ \_\_\_\_\_
- fee for the registration of the judgment under the *Land Titles Act*: \$ \_\_\_\_\_
- fee for the registration of the judgment under the *Registry Act*: \$ \_\_\_\_\_
- fee for initiating enforcement action *(see section G)*: \$ \_\_\_\_\_
- fee for an application for an order to attend an examination: \$ \_\_\_\_\_
- costs ordered to be part of the amount recoverable under subsection 10(4) of the *Enforcement of Money Judgments Act*: \$ \_\_\_\_\_

## G. ATTACHMENTS

The following are attached:

- a certified copy of the judgment or of an abbreviated judgment;
- a verification statement issued under the *Personal Property Security Act* showing the registration of the judgment in the Personal Property Registry;
- a printed search result issued under the *Personal Property Security Act* showing the results of a search of the Personal Property Registry under the name of the judgment debtor;
- the \$120 fee for initiating enforcement action under section 42 of the *Enforcement of Money Judgments Act* (*cheques should be made payable to the Minister of Finance and Treasury Board*);
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

## H. DECLARATION

I believe the information provided in this enforcement instruction to be true. I understand that I may incur liability if any of the information is not given in good faith. I am aware of the requirements of subsection 44(1) of the *Enforcement of Money Judgments Act*, which states:

An instructing creditor shall promptly notify the sheriff or withdraw the enforcement instruction if

- (a) all or any portion of the judgment is discharged by a court order, or is satisfied by a payment of money or transfer of property,
- (b) enforcement of the judgment is stayed by an order of the court, by an agreement or otherwise, or
- (c) the instructing creditor becomes aware of any other material change of circumstances.

\_\_\_\_\_  
(signature of instructing creditor or instructing creditor's lawyer)

\_\_\_\_\_  
(name)

\_\_\_\_\_  
(date)