

JUDGMENTS AND ORDERS

REGISTERING A JUDGMENT

Pursuant to s. 2 of *The Judgments Act*, all Judgments presented for registration at Land Titles must be either original copies or court certified copies. Notarial and “True” copies will not be accepted.

When a party seeks to register a Judgment from small claims court, they must obtain and register a Certificate of Judgment, not the Certificate of Decision.

All Judgments must be accompanied by a properly completed “Form 21”. Attached as **Schedule I** are some examples concerning discrepancies between the name of the Judgment Debtor and the name of the Registered Owner which may be of some assistance.

REGISTERING A COURT ORDER

To register a Court Order (such as a vesting order or an order discharging an encumbrance) at Land Titles a court certified copy of the Order is required. This Order should be attached to a Land Titles Request/Transmission form.

When completing box 2. of the Request/Transmission form please insert wording like:

To discharge instrument no. 1234567 by virtue of the attached order; or
To vest title into the name of John Smith by virtue of the attached order.

Where the order vests land it is important to ensure that the order either specifies the encumbrances that are to be carried forward (if any) or that the title is to issue free and clear of all encumbrances. Where there are multiple parties taking title pursuant to a vesting order please ensure that the tenancy the parties desire is clearly expressed in Box 1. of the Request/Transmission form. In all cases where an order vests land, please ensure that the address for service of the new owner(s) is correctly set forth in Box 1. and Box 5. of the Request/Transmission form.

JUDGMENTS AND ORDERS (continued)**RESUING AND REGISTERING A JUDGMENT THEREAFTER**

Where a Certificate of Judgment has been registered at Land Titles and the underlying Judgment is not yet statute barred, but that time is close, the Judgment Debtor has the option of resuing upon the Judgment and registering the Judgment from the result at Land Titles. In this case the new Judgment has the same priority as the old Judgment provided that:

1. The new Judgment is registered at Land Titles within the 30 days after it is entered in Court; and
2. The new certificate of Judgment contains a statement along the lines of the following:

This Judgment was recovered in an action brought on a former Judgment recovered in this court on the day of , 20 , in suit numbered and entered up in Judgment roll No. (or as the case may be).

Attached as **Schedule XI** is a modified Form 21 to be used in these situations. See also section 8 of *The Judgments Act*.

See also **DISCHARGES** for discharging Judgments.

See also **LAPSING OF INSTRUMENTS/ENCUMBRANCES** for reasons why LTO will not lapse Judgments.