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EM199806

April 9, 1998

**Memorandum To: DIRECTORS OF COURT OPERATIONS
COURT SERVICE MANAGERS**

Re: Federal Court Writs

The new Federal Court Rules, 1998 will come into force on April 25, 1998. These rules are registered by statutory instrument # SOR/98-106 dated February 5, 1998 and published in part II of the Canada Gazette of February 18, 1998.

Changes:

Under the new rules, writs of fi fa (writs of fieri facias) are now called writs of seizure and sale. The new writ of seizure and sale is prescribed under the new rules as Form 425a (copy attached).

Rule 437 of the new rules provides that Federal Court Writs of Execution issued or ordered to be renewed on or after April 25th, 1998 will now be valid for six years rather than five years.

Impact on Enforcement Office:

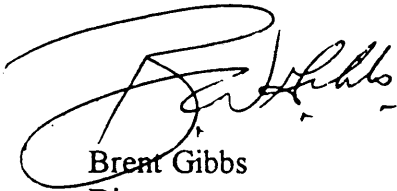
- Writs issued before April 25, 1998 will remain valid for five years and are to continue to be entered into the writs database for five years.
 - Writs ordered renewed before April 25, 1998 will be renewed for five years and are to continue to be entered into the writs database for five years.
 - Writs issued on or after April 25, 1998 are valid for six years and are to be entered into the writs database for six years.
 - Writs renewed on or after April 25, 1998 will be renewed for six years and are to be entered into the writs database for six years.
 - Continue to mark the type of writ as "F" for Federal.
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Action Required:

When entering a new Federal Writ or a writ renewed on or after April 25, 1998 into the writs database, continue to mark the type of writ as "F" for federal writ but override the expiry date to six years from the default of five years which is generated by the system.

Teranet has been contracted to adjust the writs system to reflect the change. However, it will take a few months for the change to be made to the individual systems across the province. In the meantime, use the manual override of the expiry date to ensure accuracy with the rule change.

Please advise all data entry staff of this change and place a copy of this memorandum in the Writs Office Administration Manual. Manual revisions will follow.



Brent Gibbs
Director
Program Development Branch

cc: Civil Enforcement Project
Operations Support

PDB #659

FORM 425A

Rule 425

WRIT OF SEIZURE AND SALE

(General Heading — Use Form 66)

(Court seal)

WRIT OF SEIZURE AND SALE

To the Sheriff of the (County, Regional Municipality, etc. of (name), or as the case may be:)

Under an order of this Court made on (date), in favour of (identify party)

YOU ARE DIRECTED to seize and sell the real property or immovables and the personal property or movables within your jurisdiction of (full name of individual or corporation, etc.) and to realize from the seizure the following sums:

- (a) \$ _____ and interest at _____ per cent per year commencing on (date);
- (b) \$ _____ for costs together with interest at _____ per cent per year commencing on (date); 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 solicitor who filed it.

(Date)

Issued by: _____
(Registry Officer)

Address of
local office: _____

This writ was issued at the request of, and inquiries may be directed to:

(Name, address, telephone and fax number of
solicitor or party filing writ)

FORM 425B

Rule 425

WRIT OF SEQUESTRATION

(General Heading — Use Form 66)

(Court seal)

WRIT OF SEQUESTRATION

To the Sheriff of the (County, Regional Municipality, etc. of (name), or as the case may be):

Under an order of this Court made on (date), on the motion of (name of party who obtained order), YOU ARE DIRECTED to take possession of and hold the following property in your jurisdiction of (name of person against whom order was made): (Set out a description of the property.)

AND YOU ARE DIRECTED to collect and hold any income from the property until further order of this Court.

(Date)

Issued by: _____
(Registry Officer)

Address of
local office: _____

This writ was issued at the request of, and inquiries may be directed to:

(Name, address, telephone and fax number of
solicitor or party filing writ)