

The Exemptions Act

being

Chapter E-14 of *The Revised Statutes of Saskatchewan, 1978* (effective February 26, 1979) as amended by the *Statutes of Saskatchewan, 1979, c.69; 1979-80, c.25 and 92; 1980-81, c.83; 1983, c.41; 1984-85-86, c.38 and 77; and 1988-89, c.52.*

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

Table of Contents

SHORT TITLE

- 1 Short title
- 1.1 Interpretation
- 1.2 Non-application

EXEMPTIONS

- 2 Exemptions under executions

CHATELS UNDER MORTGAGE

- 3 Exemptions under security agreement
- 4 Interpleader

GENERAL

- 5 Exceptions
- 6 Deceased debtor
- 7 Right of selection
- 8 Absconding debtors
- 8.1 Separation agreements

GOVERNMENT ANNUITIES

- 9 Interest in annuity exempt

CHAPTER E-14

An Act exempting Certain Property from Seizure and Sale under Execution

SHORT TITLE

Short title

1 This Act may be cited as *The Exemptions Act*.

Interpretation

1.1 In this Act:

- (a) “**debtor**” means a person who owes payment or other performance of the obligation secured, whether or not he owns or has rights in the goods;
- (b) “**purchase-money security interest**” means:
 - (i) a security interest that is taken or reserved by a seller of goods to secure payment of all or part of its sale price; or
 - (ii) a security interest that is taken by a person who gives value for the purpose of enabling the debtor to acquire rights in or to the goods, to the extent that the value is applied to acquire such rights;
- (c) “**security agreement**” means an agreement that creates or provides for a security interest, and includes a document evidencing a security agreement when the context permits;
- (d) “**security interest**” means an interest in goods that secures payment or performance of an obligation.

1979-80, c.25, s.3.

Non-application

1.2 This Act does not apply to farmers as defined in Part V of *The Saskatchewan Farm Security Act*.

1988-89, c.52, s.8.

EXEMPTIONS

Exemptions under executions

2(1) The following real and personal property of an execution debtor and his family is hereby declared free from seizure by virtue of writs of execution, namely:

- 1 the necessary and ordinary clothing of himself and his family;
 - 2 furniture and household furnishings and household appliances, to the extent of \$4,500;
 - 3 grain, flour, vegetables and meat, whether prepared for use or on foot, or any of them, sufficient when converted into cash to provide food and fuel for heating purposes for the execution debtor and his family until the next ensuing harvest;
 - 4 **Repealed.** 1988-89, c.52, s.8.
 - 5 one motor vehicle where it is necessary for the proper and efficient conduct of the execution debtor's business, trade, calling or profession; provided that the motor vehicle is not in addition to the automobile or motor truck mentioned in paragraph 4;
 - 6 the books of a professional person;
 - 7 the tools and necessary implements and office furniture and equipment, to the extent of \$4,500, used by the execution debtor in the practice of his business, trade, calling or profession;
 - 8 **Repealed.** 1988-89, c.52, s.8.
 - 9 **Repealed.** 1988-89, c.52, s.8.
 - 10 the homestead, provided it is not more than one hundred and sixty acres; and if it is more the surplus may be sold subject to any lien or encumbrance thereon;
 - 11 the house and buildings occupied by the execution debtor and also the lot or lots on which they are situated according to the registered plan thereof to the extent of \$32,000;
 - 12 the trailer or portable shack occupied by the execution debtor as living quarters; provided that the trailer or portable shack is not in addition to the house and buildings mentioned in paragraph 11.
- (2) **Repealed.** 1988-89, c.52, s.8.

R.S.S. 1978, c.E-14, s.2; 1979, c.69, s.14; 1980-81, c.83, s.14; 1983, c.41, s.2; 1984-85-86, c.38, s.15; 1988-89, c.52, s.8.

EXEMPTIONS

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CHATTELS UNDER MORTGAGE

Exemptions under security agreement

3(1) Notwithstanding anything in any Act in force in Saskatchewan or in any agreement to the contrary, a person who, after the first day of June, 1953, executes a security agreement on any of the chattels mentioned in paragraphs 1 to 11 of subsection (1) of section 2 shall, in case of a seizure under the security agreement, have the right to claim as exempt from seizure and from sale any such chattels covered by the security agreement that cannot be seized or sold without depriving the debtor of the number, or part of the number, of the kind of such chattels that, by virtue of section 2 he may hold free from seizure under execution.

(2) **Repealed.** 1988-89, c.52, s.8.

(3) **Repealed.** 1988-89, c.52, s.8.

R.S.S. 1978, c.E-14, s.3; 1979-80, c.25, s.4;
1988-89, c.52, s.8.

Interpleader

4 In the event of a dispute arising as to the debtor's right to have any chattels covered by a security agreement exempted from seizure and sale under the security agreement, the rules of court as to interpleader shall apply and the proceedings shall be taken in Her Majesty's Court of Queen's Bench for Saskatchewan at the judicial centre nearest to which the chattels or any part thereof are situated.

R.S.S. 1978, c.E-14, s.4; 1979-80, c.25, s.5 and
c.92, s.27.

GENERAL

Exceptions

5(1) Except in the case of the food, clothing and bedding of the execution debtor and his family, nothing in this Act shall exempt from seizure an article the price of which forms the subject matter of the judgment upon which the execution is issued.

(2) Except in the case of the food, clothing and bedding of the debtor and his family, nothing in this Act exempts from seizure and sale goods which are covered by a security agreement creating a purchase-money security interest in the goods.

R.S.S. 1978, c.E-14, s.5; 1979-80, c.25, s.6.

Deceased debtor

6 Where a person dies, whether or not he was an execution debtor, his property which in the case of an execution debtor would be exempt from seizure under execution and his property exempt from seizure under a security agreement referred to in section 3 shall be so exempt as against his personal representative if it is in the use and enjoyment of the surviving spouse and children or surviving spouse or children of the deceased and is necessary for the maintenance and support of the surviving spouse and children or any of them.

R.S.S. 1978, c.E-14, s.6; 1979-80, c.25, s.7;
1984-85-86, c.38, s.15.

Right of selection

7 The execution debtor or debtor, the surviving spouse or family of a deceased person, or, in the case of infants, their guardian, may select from a greater quantity of the same kind of chattels the chattels exempt from seizure.

R.S.S. 1978, c.E-14, s.7; 1979-80, c.25, s.8;
1984-85-86, c.38, s.15.

Absconding debtors

8 Sections 2 and 3 do not apply to cases in which an execution debtor or debtor has absconded or is about to abscond from Saskatchewan leaving no spouse or family behind.

1984-85-86, c.38, s.15.

Separation agreements

8.1 Section 2 does not apply to executions issued on judgments or orders founded on separation agreements.

1984-85-86, c.77, s.7.

GOVERNMENT ANNUITIES

Interest in annuity exempt

9(1) The property and interest of an annuitant in an annuity or of a person interested in or entitled to a contract for an annuity under the *Government Annuities Act* (Canada), and any moneys payable or paid under a contract for an annuity, shall be exempt from seizure, levy or attachment by or under the process of any court, and shall not be affected by any trust, charge or lien.

(2) Nothing in this Act is intended to conflict or be inconsistent with any enactment or provision of the *Government Annuities Act* (Canada) or any amendments thereto.

R.S.S. 1978, c.E-14, s.9.