

FORM 64E
Courts of Justice Act
FINAL ORDER OF FORECLOSURE

(Court file no.)

(Court)

(Name of judge or officer)

(Day and date)

(Court seal)

(Title of proceeding)

FINAL ORDER OF FORECLOSURE

THIS MOTION made by *(identify moving party)*, without notice, was heard this day.

(Order following judgment or report granting redemption period)

ON READING the judgment in this action dated *(date)*, *(where there is an order fixing a new day for payment, add: the order for a new day for payment dated (date))*, *(where a notice of change of account has been delivered, add: the notice of change of account, with proof of service,)* and the certificate of the *(title)* of the *(financial institution)* at *(place)*, with affidavit of execution, and the affidavit of the plaintiff, and on hearing the submissions of the lawyer for the plaintiff, and since the defendant(s) entitled to redeem has *(have)* not redeemed the mortgaged property,

1. IT IS ORDERED that the right, title and equity of redemption of the defendant(s) *(names of those who failed to serve and file a request to redeem, to attend and prove a claim on the taking of account or to redeem the mortgaged property)* to and in the mortgaged property described in the attached schedule are foreclosed. The mortgage is datedand made between *(name of mortgagor)* and *(name of mortgagee)*, and registered *(give particulars of registration and of any assignment of the mortgage)*.

(Order following report granting redemption period)

ON READING the judgment in this action dated *(date)*, and the report in this action dated *(date)* and confirmed on *(date)*, with proof of service, *(where there is an order fixing a new day for payment, add: the order for a new day for payment dated (date), with proof of service,)* *(where a notice of change of account has been delivered, add: the notice of change of account, with proof of service, and the certificate of the (title)* of the *(financial institution)* at *(place)*, with affidavit of execution,) and the affidavit of the plaintiff, and on hearing the submissions of the lawyer for the plaintiff, and since the defendant(s) entitled to redeem has *(have)* not redeemed the mortgaged property,

1. IT IS ORDERED that the right, title and equity of redemption of the defendant(s) *(names of those who failed to serve and file a request to redeem, to attend and prove a claim on the reference or to redeem the mortgaged property)* to and in the mortgaged property described in the attached schedule are foreclosed. The mortgage is datedand made between *(name of mortgagor)* and *(name of mortgagee)*, and registered *(give particulars of registration and of any assignment of the mortgage)*.

(Order following report granting no redemption period)

ON READING the judgment in this action dated *(date)* and the report in this action dated *(date)* and confirmed on *(date)*, with proof of service, and the affidavit of the plaintiff, and on hearing the submissions of the lawyer for the plaintiff, and since no defendant is entitled to redeem,

1. IT IS ORDERED that the right, title and equity of redemption of the defendant(s) *(names)* to and in the mortgaged property described in the attached schedule are foreclosed. The mortgage is datedand made between *(name of mortgagor)* and *(name of mortgagee)*, and registered *(give particulars of registration and of any assignment of the mortgage)*.

(Order following redemption of plaintiff by encumbrancer)

ON READING the judgment in this action dated *(date)*, *(where there is a report, add: the report on the reference in this action dated (date) and confirmed on (date), with proof of service)*, the certificate of the *(title)* of the *(financial institution)* at *(place)*, with affidavit of execution, and the affidavit of the defendant *(name of defendant who has redeemed)*, on hearing the submissions of the lawyer for the defendant, and since the defendant has redeemed the plaintiff, and has obtained an assignment of the judgment and the mortgage and has registered the latter, and since the defendants *(names)* are in default,

1. IT IS ORDERED that the right, title and equity of redemption of the defendant(s) (*names of those failed to serve and file a request to redeem, to attend and prove a claim on the reference or to redeem the mortgaged property*) to and in the mortgaged property described in the attached schedule and foreclosed. The mortgage is datedand made between (*name of mortgagor*) and (*name of mortgagee*), and registered (*give particulars of registration and of any assignment of the mortgage*).

(Note: the preceding types of order in this form, which are for use in a foreclosure action, may be adapted for a redemption action by substituting "defendant" for "plaintiff" and "plaintiff" for "defendant", whenever those words appear.)

(Order following report in redemption action, where necessary to refer back to the master (or as may be) to complete redemption.)

ON READING the judgment in this action dated (*date*), the report on the reference in this action dated (*date*) and confirmed on (*date*), with proof of service, the certificate of the (*title*) of the (*financial institution*) at (*place*), with affidavit of execution, and the affidavit of the defendant (*name*), and on hearing the submissions of the lawyer for the defendant, and since the plaintiff has failed to redeem (*where there are subsequent encumbrancers and the defendant wishes to foreclose them, add: and it is necessary to take accounts between the defendants*),

1. IT IS ORDERED that the right, title and equity of redemption of the plaintiff to and in the mortgaged property described in the attached schedule are foreclosed. The mortgage is datedand made between (*name of mortgagor*) and (*name of mortgagee*), and registered (*give particulars of registration and of any assignment of the mortgage*).

(Where subsequent encumbrancers are to be foreclosed)

2. IT IS ORDERED that all necessary inquiries be made, accounts taken, costs fixed or assessed and steps taken for redemption by or foreclosure against any subsequent encumbrancers, and that for these purposes this action be referred to the master (*or as may be*) at (*place*).

(Where accounts are to be taken)

3. IT IS ORDERED that all necessary inquiries be made, accounts taken, costs fixed or assessed and steps taken for the adjustment of the respective rights and liabilities of the original defendants.

(Signature of judge, master or registrar)

(The description of the mortgaged property in the attached schedule must be the same as in the statement of claim.)

RCP-E 64E (July 1, 2007)