

FORM 60F.1

NOTICE OF GARNISHMENT
by Designated Officer, Maintenance Enforcement Program
(Sections 13.1 and 13.2 of *The Garnishment Act*)

THE QUEEN'S BENCH (FAMILY DIVISION)
_____ Centre

BETWEEN:

(name)

creditor

- and -

(name)

debtor

- and -

(name)

garnishee

NOTICE OF GARNISHMENT
by Designated Officer, Maintenance Enforcement Program
(Sections 13.1 and 13.2 of *The Garnishment Act*)

TO: (name and address of garnishee)

THE DEBTOR OWES MAINTENANCE PAYMENTS TO THE CREDITOR pursuant to a court order or agreement. The Designated Officer, on behalf of the creditor claims:

A) that you pay wages or make other payments to the debtor; or

B) that you owe money to the debtor**; or

C) that you may owe money to the debtor at any time after the day of service of this Notice of Garnishment.**

The Designated Officer on behalf of the creditor has directed this Notice of Garnishment to you as garnishee in order to seize these monies to enforce the debtor's maintenance obligation.

THIS NOTICE OF GARNISHMENT BINDS:

A) **wages** that are due and payable by you to the debtor on and after the first day, other than a holiday, after the day of service; and

B) **any money other than wages that is owing or payable** by you to the debtor at the time of service**;
and

C) **any money other than wages that becomes owing or payable** by you to the debtor at any time after the day of service**.

**** ALL MONEY HELD JOINTLY BY THE DEBTOR AND ONE OR MORE OTHER PERSONS, AT THE TIME OF SERVICE OF THIS NOTICE OF GARNISHMENT OR ANY TIME THEREAFTER, IS PRESUMED FOR THE PURPOSE OF THIS NOTICE OF GARNISHMENT TO BE OWNED BY THE DEBTOR.**

1. **YOU ARE REQUIRED TO** deduct from the wages or other money bound by this Notice of Garnishment

A) the sum of \$ _____ ; and

B) the sum of \$ _____

(describe future periodic payment requirement)

and **WITHIN SEVEN DAYS** after deduction to forward the amount(s) so deducted to

(address of Designated Officer)

for so long as you continue to make payment to the debtor or until this Notice of Garnishment has been terminated, revoked, or replaced by another Notice of Garnishment relating to this maintenance obligation.

CHEQUES must be made payable to _____
(creditor's name and account number)

2. **YOU ARE REQUIRED** to file with the Designated Officer the Garnishee's Statement attached to this notice

A) within seven days after the day of service of this notice

(i) **if** there is no money currently owing or payable by you to the debtor; or

(ii) **if** the monies seized were jointly held by the debtor and one or more other persons; and

B) within seven days after you are required to deduct the amount(s) under paragraph 1, **if** you do not forward the required amount(s).

3. **YOU ARE REQUIRED** to deliver or mail a copy of this Notice of Garnishment without delay to the debtor and to each person who held the garnished money jointly with the debtor, if applicable.

IF YOU FAIL TO OBEY THIS NOTICE, THE COURT MAY MAKE AND ENFORCE AN ORDER AGAINST YOU for payment of the amount(s) set out above and the costs of the Designated Officer on behalf of the creditor.

IF YOU MAKE PAYMENT TO ANY PERSON OTHER THAN AS REQUIRED BY THIS NOTICE, YOU MAY BE REQUIRED TO PAY AGAIN.

THIS NOTICE OF GARNISHMENT HAS PRIORITY OVER ANY OTHER NOTICE OF GARNISHMENT SERVED ON YOU OR ANY DEBT OWED BY THE DEBTOR TO YOU.

IF THIS NOTICE OF GARNISHMENT BINDS WAGES AND THE DEBTOR CEASES TO BE EMPLOYED BY YOU, YOU MUST ADVISE THE DESIGNATED OFFICER IN WRITING.

NOTICE WHEN JOINTLY HELD MONEY SEIZED

TO: ANY PERSON WHO HELD MONEY JOINTLY WITH THE DEBTOR

AND TO: THE DEBTOR

The Designated Officer may enforce a maintenance obligation by seizing money that is held jointly by the debtor and one or more other persons.

The Notice of Garnishment binds all money owing or payable on the day of service or that becomes owing or payable to the debtor by the garnishee at any time after the day of service for as long as the Notice of Garnishment remains in force.

All this money is presumed for the purpose of the Notice of Garnishment to be owned by the debtor, but you may apply to the court that issued the Notice of Garnishment for an order that:

- a) The interest of the debtor in the garnished money is less than the amount garnished; and
- b) The part of the garnished money in excess of the debtor's interest be distributed to the other joint holder or holders in accordance with their interests.

Notice of an application to the court must be served on the Designated Officer and each person who held the garnished money jointly within 21 days after the Notice of Garnishment is served on the garnishee.

Any party may make a motion to the court to determine any matter in relation to this Notice of Garnishment.

(date)

Registrar

Address of Court Office

Designated Officer's address

DEBTOR'S FULL NAME AND ADDRESS:

Telephone number _____