

WRIT OF EXECUTION

IN THE TERRITORIAL COURT OF THE NORTHWEST TERRITORIES

REGISTRY FILE NO.
REGISTRY LOCATION

Fill in name, address and telephone number of the creditor.

NAME

CREDITOR

ADDRESS

CITY, TOWN, COMMUNITY

TERRITORY/PROVINCE

POSTAL CODE

TELEPHONE

Fill in name, address and telephone number of the debtor.

NAME

DEBTOR

ADDRESS

CITY, TOWN, COMMUNITY

TERRITORY/PROVINCE

POSTAL CODE

TELEPHONE

WRIT OF EXECUTION

To the Sheriff:
 You are ordered to execute on the goods or lands of the named debtor(s) _____ in the Northwest Territories as follows:

(a) Amount of Judgment issued by the Court on the ____ day of _____, 20____ against the debtor in favour of the creditor;	\$	
(b) Costs taxed to the creditor ; (or as the case may be) in respect of the judgment;	+	\$
(c) Interest at the legal rate on the sums set out in paragraph (a) and (b) from the day the judgment was issued;	+	\$
(d) Any costs subsequent to judgment together with interest on that amount using the rate of interest used in paragraph (c).	+	\$
TOTAL AMOUNT DUE TO THE CREDITOR at the date this order is issued	=	\$

- From the proceeds of the sale deduct and pay the amounts payable to secured creditors and the debtor as is required under the *Creditors Relief Act*.
- From the balance, pay to the creditor the total amount due to the creditor.
- Then pay any balance remaining after that to the debtor.

Check box if section is continued on an ADDITIONAL PAGE (Form 45). Be sure to attach page.

A judge will date and sign this form.

Date

Judge

NOTE: Only the Sheriff, a deputy Sheriff or Sheriff's bailiff may execute this Writ and seize goods. Anything that the debtor owns jointly with someone else may not be seized.

NOTE: The information contained in this form is presented as an aid to understanding your right to claim an exemption under the legislation. It does not replace the need to consult the Acts or regulations. This information is not a substitute for independent legal advice. If there is any conflict between legislation and this information, the legislation must prevail.

Excerpts from the *Exemptions Act*

2. (1) Subject to sections 5 and 6, the following property of a debtor is, subject to any prescribed limits, exempt from seizure under a writ of execution:
 - a) household furnishings, utensils, equipment and appliances needed by the debtor and any dependants to reasonably maintain a functional household;
 - b) necessary and ordinary clothing of the debtor and any dependants;
 - c) food, fuel and other necessities of life required by the debtor and any dependants;
 - d) tools, instruments, books and other personal property, other than a motor vehicle, ordinarily used by the debtor in his or her business, profession, trade or occupation;
 - e) tools, instruments, all-terrain vehicles as defined in subsection 1(1) of the *All-terrain Vehicles Act*, watercraft and other personal property, other than a motor vehicle, ordinarily used and needed by the debtor in hunting, trapping or fishing for food;
 - f) any interest in the principal residence of the debtor, to the extent of that interest;
 - g) medical and dental aids that are required by the debtor or any dependants;
 - h) one motor vehicle.
- (2) Money paid or payable to a debtor pursuant to a legal entitlement for compensation resulting from mental or physical harm suffered by the debtor, other than money paid or payable as compensation for wages or salary owed, is exempt from seizure under a writ of execution or writ of attachment or by a garnishee proceedings.
- (3) Money paid or payable to a debtor as assistance provided to the debtor and any dependants under the *Social Assistance Act* is exempt from seizure under a writ of execution or writ of attachment or by a garnishee proceedings.
- (4) This section does not apply
 - a) if the debtor has absconded or appears to be preparing to abscond from the Northwest Territories, leaving no dependants in the Territories; or
 - b) to a writ of execution issued on
 - (i) a judgment or order for the payment of support, or
 - (ii) a judgment on a domestic contract, as defined in section 2 of the *Family Law Act*.
5. (1) Property of a debtor exempted under this Act, or proceeds of the sale of such property, is exempt from seizure and the claims of creditors of the debtor after his or her death.
 - (2) Surviving dependants are entitled to retain the property or the proceeds of its sale as referred to in subsection (1).
6. (1) A debtor may select, from his or her property, the property that is to be exempt from seizure under this Act.
 - (2) If the debtor is deceased, the selection referred to in subsection (1) may be made by
 - a) a surviving dependant;
 - b) a person who has lawful custody of a surviving dependant; or
 - c) a guardian of a surviving dependant.

TO THE SHERIFF:

You are to levy the sum of \$ _____, \$ _____
being the debt or damages, and the sum of \$ _____
being taxed costs, and interest at _____% per year on both
sums from the ____ day of _____, 20____,
and the sum of \$ _____ for this writ.

AND in the event only on the moneys being made of the lands
of the debtor, for the additional costs of that execution, the
further sum of \$ _____.

AND levy, in addition, the amount of costs subsequent to the
judgment that are payable by the judgment debtor to the
creditor \$ _____.

To the best of the knowledge, information and belief of the creditor,

The full name of the debtor is

The Occupation of the debtor is

The debtor's residence is

TO THE REGISTRAR OF THE LAND TITLES:

I certify that the document within is a true copy of a Writ of
Execution against lands together with all endorsements on it,
which Writ is now in my hands to be executed and was
issued out of the _____ Court of the
Northwest Territories and received by me at _____am or
pm on this ____ day of _____, 20____.

Dated at _____, Northwest Territories,
on this ____ day of _____, 20 ____.

Sheriff

No.

IN THE TERRITORIAL COURT OF THE NORTHWEST TERRITORIES

BETWEEN:

Creditor(s)

- and -

Debtor(s)

WRIT OF EXECUTION

This Writ is filed by the creditor

in _____, Northwest Territories.

(Where issued by a solicitor, add the following):

Solicitor for the Judgment Creditor, whose address for service is: