

(Subparagraph 19(2)(b)(i))

**GARNISHEE SUMMONS (MAINTENANCE) -
FINANCIAL INSTITUTION**
IN THE TERRITORIAL COURT OF THE NORTHWEST TERRITORIES

REGISTRY FILE NO.
REGISTRY LOCATION

Fill in the name of the maintenance recipient. If the maintenance recipient is the Administrator, use the same name as the original Maintenance Order.

NAME

MAINTENANCE RECIPIENT

Fill in the name of the payor.

NAME

PAYOR

Fill in the name of the financial institution that is to be garnisheed.

NAME

MAINTENANCE GARNISHEE

GARNISHEE SUMMONS (MAINTENANCE) - FINANCIAL INSTITUTION

TO MAINTENANCE GARNISHEE:

1. THE MAINTENANCE RECIPIENT BELIEVES THAT YOU ARE A FINANCIAL INSTITUTION as defined in subsection 1(1) of the *Maintenance Orders Enforcement Act*,

“financial institution” includes a bank listed in Schedule I or II to the *Bank Act* (Canada), a loan corporation, trust corporation and a credit union;

2. THE PAYOR OWES MAINTENANCE PAYMENTS TO THE MAINTENANCE RECIPIENT under a maintenance order and the maintenance recipient has commenced garnishment proceedings to enforce the order (under sections 13 or 14 of the *Maintenance Orders Enforcement Act*).

The maintenance recipient claims that there is or will be money that is payable by you or that there is money credited to a deposit account held in your financial institution in the name of the payor.

The maintenance recipient has directed this GARNISHEE SUMMONS (MAINTENANCE) to you as garnishee in order to seize this money to enforce the payor's maintenance obligation.

3. THIS GARNISHEE SUMMONS (MAINTENANCE)

- a. binds any money as it becomes payable to the payor from time to time after service of this GARNISHEE SUMMONS (MAINTENANCE), up to the amount specified in this GARNISHEE SUMMONS (MAINTENANCE); and
- b. attaches 50% of all money credited to a deposit account held in the name of the payor or in the name of the payor together with one or more co-holders, or so much of the percentage of the money as is necessary to satisfy the amount set out in this GARNISHEE SUMMONS (MAINTENANCE).

Section 14.1 of the *Maintenance Orders Enforcement Act* defines a “co-holder” to mean a person who holds a deposit account together with the payor as a joint or as joint and several account holders.

4. **YOU ARE REQUIRED TO** deduct from the wages or other money bound by this GARNISHEE SUMMONS (MAINTENANCE) the sum of \$ _____ , every _____ , to a maximum of \$ _____ .

(These figures are also to be entered on the WORKSHEET (MAINTENANCE) (Form 33) when it is prepared by the garnishee.)

5. **IF THE ACTUAL GARNISHMENT IS INSUFFICIENT TO MEET THE MONTHLY DEDUCTION IN ITEM 4**, deduct from the deposit account money attached by this GARNISHEE SUMMONS (MAINTENANCE), the amount outstanding until the monthly rate is satisfied, to the maximum specifies in item 4.
6. **IF WAGES OR OTHER MONEY IS DEDUCTED BY YOU UNDER THIS GARNISHEE SUMMONS (MAINTENANCE), YOU ARE REQUIRED , WITHIN 10 DAYS** after deduction, to pay the amounts so deducted to the Territorial Court (using a NOTICE OF PAYMENT INTO TERRITORIAL COURT (Form 43)

Yellowknife Registry
Territorial Court
4903 49th St.
Box 550
Yellowknife, NT
X1A 2N4

Hay River Registry
Territorial Court
201-8 Capital Drive
Hay River, NT
XOE 1G2

Inuvik Registry
Territorial Court
151 Mackenzie Road
Box 1965
Inuvik, NT
XOE 0T0

Administrator
NWT Maintenance
Enforcement Program
#17 - 4915 48th St.
Yellowknife, NT
X1A 3S4

for so long as you continue to make payment to the payor or until this GARNISHEE SUMMONS (MAINTENANCE) is paid in full, terminated, revoked, or replaced by another GARNISHEE SUMMONS (MAINTENANCE) relaxing to this maintenance obligation.

CHEQUES must be made payable to the Government of the Northwest Territories (regardless of to whom they are paid).

7. **IF MONEY IS DEDUCTED BY YOU FROM A DEPOSIT ACCOUNT UNDER THIS GARNISHEE SUMMONS (MAINTENANCE), YOU ARE REQUIRED TO, WITHIN 10 DAYS** after deduction,
- pay the money to the Administrator;
 - notify the Administrator of the names of all co-holders of the deposit account;
 - give notice to each co-holder of the deposit account of
 - the day that this GARNISHEE SUMMONS (MAINTENANCE) was served on you, and
 - the actual garnishment.

YOU ARE REQUIRED TO, in the notice of the garnishment given under paragraph 7(c) above to each co-holder of the deposit account, include the following statement:

You have been named as a co-holder of a deposit account jointly held by a debtor who is the subject of a GARNISHEE SUMMONS (MAINTENANCE). Your rights are set out under section 14.1 of the *Maintenance Orders Enforcement Act*. You have 45 days from the date of service on you of this GARNISHEE SUMMONS (MAINTENANCE) to apply to the Territorial Court by way of an APPLICATION TO JUDGE (Form 40) of the *Civil Claims Rules* disputing the garnishment to claim ownership of all or part of the money that the financial institution has paid to the Administrator. If you do not dispute the garnishment within this period, the money paid to the Administrator may be released in accordance with that Act.

8. **YOU ARE REQUIRED, WITHIN 10 DAYS AFTER SERVICE OF THIS GARNISHEE SUMMONS (MAINTENANCE)**, to file with the Administrator or Territorial Court (as directed in this GARNISHEE'S SUMMONS (MAINTENANCE)) a GARNISHEE'S STATEMENT (MAINTENANCE) (Form 32) if any of the following occurs:
- there is no money currently owing or payable from the garnishee to the payor;
 - the money seized is jointly held by the payor and one or more other persons;
 - the garnishee does not forward the required amount to the Administrator or Territorial Court as required;
 - the garnishee chooses to dispute the garnishment for any reason at any time.
9. **IF YOU FAIL TO OBEY THIS GARNISHEE SUMMONS (MAINTENANCE), THE COURT MAY MAKE AND ENFORCE AN ORDER AGAINST YOU** for the unpaid amount and any costs of the order and its enforcement against the garnishee.

10. **IF YOU MAKE PAYMENT TO ANY PERSON OTHER THAN AS REQUIRED BY THIS GARNISHMENT SUMMONS (MAINTENANCE), YOU MAY BE REQUIRED TO PAY AGAIN.**
11. **YOU MUST NOT CHARGE A FEE** for receiving or responding to this GARNISHEE SUMMONS (MAINTENANCE).
12. **THIS GARNISHEE SUMMONS (MAINTENANCE) HAS PRIORITY** over any other GARNISHEE SUMMONS served on you or any other debt owed by the payor to you.
13. **IF THIS GARNISHEE SUMMONS (MAINTENANCE) BINDS WAGES AND THE PAYOR CEASES TO BE EMPLOYED BY YOU**, you must advise the maintenance recipient in writing.
14. **IF THIS GARNISHEE SUMMONS (MAINTENANCE) ATTACHES TO A DEPOSIT ACCOUNT AND THE OWNERSHIP OF THAT ACCOUNT CHANGES**, you must advise the maintenance recipient in writing.

Date:

Issued by:

(Clerk of the Territorial Court)

Maintenance recipient's address for service:

Payor's full name and address, if known:

Telephone:

Telephone:

Any party may apply under subrule 21(2) to a judge to determine any matter respecting this GARNISHEE SUMMONS (MAINTENANCE).