**Form 11**

*Civil Enforcement Regulation*

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| **Clerk’s Stamp**  **Filed & Issued** |
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| KB Court File Number |  |
| Court | Court of King’s Bench of Alberta |
| Judicial Centre |  |
| **CREDITOR** |  |
| Address and Postal Code of Creditor |  |
| Creditor’s Telephone/Fax Numbers |  |
| **DEBTOR** |  |
| Address and Postal Code of Debtor |  |
| Debtor’s Telephone/Fax Numbers |  |
| **GARNISHEE** |  |
| Address and Postal Code of Garnishee |  |
| Garnishee’s Telephone/Fax Numbers |  |
| **FILED BY** |  |
| Address and Postal Code of Filing Party |  |
| Filing Party’s Telephone/Fax Numbers |  |
| Filing Party’s File Number |  |
| Document | Garnishee Summons  before judgment  after judgment |

**This Garnishee Summons is issued on (date) for $ (total amount) .**

*(The Creditor may adjust the amount by serving a Notice on the Garnishee).*

The creditor intends to garnish the debtor’s

employment earnings

deposit accounts

money owing from other sources

## The judgment is for alimony or maintenance.

## When employment earnings are garnished for alimony or maintenance, *Maintenance Enforcement Act* employment exemptions apply. Refer to the *Maintenance Enforcement Regulation* (AR2/86) for more information.

This summons expires1. in the case of a deposit account, 60 days from the date it was issued, unless it is a joint account, in which case this is a one-time obligation, and

2.in all other cases, 2 years from the date it was issued, unless it has been renewed.

**Supporting Affidavit** KB Court File Number:

1. I am the Creditor or agent/lawyer for the Creditor.
2. According to the Judgment or Attachment Order, a Writ of Enforcement or Attachment Order has/has not been registered at the Personal Property Registry.
3. I believe that the proposed Garnishee owes the Debtor money now or will owe the Debtor money in the future.
4. The proposed Garnishee is in Alberta, or does business in Alberta notwithstanding that its payroll office is outside Alberta.

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| **SWORN / AFFIRMED** | | | | |  |  |
| in |  | , Alberta. | |  |  |  |
| on |  | , 20 |  |  |  |  |
|  | | | |  |  | Signature of Creditor or Agent/Lawyer |
| Commissioner for Oaths / Notary Public  in and for the Province of Alberta | | | |  |  | Printed Name of Creditor or Agent/Lawyer |
| Commissioner’s Name and Commission’s  Expiry Date (please print) | | | |  |  | Occupation |

**To the Clerk**

The Creditor has a Judgment/Attachment Order against the Debtor, and a Writ of Enforcement/Attachment Order has been registered at Personal Property Registry as:

(11-digit PPR Registration Number)

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| The amount specified in the Writ of Enforcement /  Attachment Order is | **$** |
| of which the present balance owing is | **$** |
| plus related writs (according to the attached search results) | **$** |
| plus probable costs | **$** |
| **Total** | **$** |

**Certificate of Service on the Debtor / Joint Obligee**

Garnishee: *(Print name of Garnishee)*

I, (*Print name of person who served the Garnishee Summons)* ,

am the  Garnishee/Agent for the Garnishee

Creditor/Agent for the Creditor

I certify that on (Date of service of Garnishee Summons) , I served(Name of Debtor/Joint Obligee who was served) :

personally

by ordinary mail

with a true copy of the Garnishee Summons according to the *Civil Enforcement Act*.

NOTE: Only the Garnishee may serve a Garnishee Summons on a Debtor/Joint Obligee by ordinary mail unless otherwise ordered by the Court.

Dated: , 20 .

*Signature of Person who served the summons*

(If there is more than one Debtor/Joint Obligee, please complete an additional Certificate of Service for each Debtor/Joint Obligee who was served.)

**Instructions for Garnishee**

These instructions will help you to comply with the Garnishee Summons. They are taken from the following pieces of legislation:

*Civil Enforcement Act,* RSA 2000 cC-15

*Civil Enforcement Regulation* (AR 276/95)

Make cheques payable to the **Government of Alberta** and send, along with the required documents, to:

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Future payments to the court clerk under this Garnishee Summons should be accompanied by a copy of the first page of this Garnishee Summons and an accounting.

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| **Garnishee summons**  **(which does**  **not attach employment earnings)** | Within 15 days of being served with the garnishee summons in triplicate with a $25 compensation fee, you must do the following:  1. Servea copy of the garnishee summons on the debtor (personally or by ordinary mail).  2. Deliver to the court clerk a garnishee’s response. See below for what this must contain.   1. Payto the court clerk the lesser of    1. the amount indicated on the first page of the garnishee summons, or    2. the amount payable by you to the debtor according to your obligation to the debtor,   minus $10 as a garnishee compensation. Where the garnishee summons seeks to affect a joint entitlement, you must pay to the court clerk, unless a court orders otherwise, an amount equal to the total amount of the fund divided equally amongst all the people with the joint entitlement. A garnishee summons that seeks to attach a joint deposit account only attaches a current obligation as defined in the *Civil Enforcement Act****.*** |
| **Garnishee summons**  **(which does**  **not attach employment earnings)**  ***continued*** | The garnishee’s response must contain as much of the following as is applicable:  1. (a) a Certificate of Service on the Debtor (found within this document) stating that you have delivered a copy of the garnishee summons to the debtor, or  (b) a statement setting out why you could not serve the garnishee summons on the debtor.    NOTE:Send the original certificate of service to the court clerk.   1. The amount that you owe under your obligation to the debtor. 2. The amount that you are paying to the court clerk. 3. If you don’t think that you have an obligation to pay the debtor that can be affected by the garnishee summons, please explain why. 4. If you believe that the obligation that the garnishee summons is trying to affect is (or may be) owed to someone other than the debtor, give the reasons for your belief and the name and address of that other person. 5. If you have already received another garnishee summons regarding the same obligation and that garnishee summons is still in effect, let the court clerk’s office know in writing and give the court file number of the other garnishee summons. The court file number is on the front page of the garnishee summons. 6. Where the garnishee summons seeks to affect a joint entitlement, the garnishee’s response must contain the name of each person who has the joint obligation with the debtor and either    1. the address of each person who has the joint obligation with the debtor, or    2. a completed certificate of service (found within this document) stating that you have served a copy of this garnishee summons on each person who has the joint obligation with the debtor.     NOTE:If it is a joint account, it is a one-time obligation.   1. Where the garnishee summons has attached a future obligation, that is, there is an amount that you must pay the debtor in the future, the garnishee’s response must contain the following, if known:    1. the date or dates on which the future obligation, or any part of it, is expected to become payable;      * 1. the amount expected to be payable on each date set out above;   2. any conditions that must be met before the future obligation will become payable.   When the future obligation becomes payable, the garnishee’s response must set out   1. the amount that is now payable, and   (b) the amount that you are paying to the court clerk. |
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| **Garnishee summons**  **(which attaches employment earnings)** | Within 15 days of being served with the garnishee summons in triplicate with a $25 compensation fee, you must do the following:  1. Serve a copy of the garnishee summons on the debtor (personally or by ordinary mail).    2.Deliverto the court clerk a garnishee’s response. See below for what this must contain.   1. Within 5 days after the end of the debtor’s last pay period for months affected by the garnishee summons, pay to the court clerk the debtor’s net pay less    1. the debtor’s employment earnings exemption (see employment earnings exemptions listed below), and    2. $10 as a garnishee compensation.   Net paymeans the debtor’s total earnings minus any amounts you are required to deduct for income tax, Canada Pension Plan contributions and employment insurance premiums. Any other deductions are taken from the debtor’s exemption.    The garnishee’s response must contain as much of the following as applicable:  1. Whether or not you employ the debtor.   1. How often you pay the debtor. 2. Either   (a) a certificate of service on the debtor (found within this document) stating that you have delivered a copy of the garnishee summons to the debtor, or  (b) a statement setting out why you could not serve the garnishee summons on the debtor.  NOTE:Send the original certificate of service to the court clerk.  4. If you have already received another garnishee summons against the debtor’s employment earnings and that garnishee summons is still in effect, let the court clerk’s office know in writing and give the court file number of the other garnishee summons. The court file number is on the front page of the garnishee summons.  At the end of the debtor’s last pay period for each month during which the garnishee summons is in effect, you must deliver to the court clerk a written statement setting out:   1. The debtor’s total employment earnings for the pay periods that ended during the month. 2. The amounts deducted from the total earnings to calculate the debtor’s net pay for the month. 3. The number of the debtor’s dependants. |
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| **Employment earning exemptions** | Calculate the debtor’s monthly employment earnings exemptions byadding together  (a) the debtor’s minimum exemption, and  (b) half the amount by which the debtor’s net pay exceeds this minimum exemption.  For a debtor with no dependants, the minimum employment earnings exemption is $800 and the maximum is $2400. The minimum and maximum employment earnings exemptions increase by $200 for each dependant.  A dependant is:  1. A person identified as a dependant by Court order.   1. The spouse or adult interdependent partner of the debtor. 2. Any child of the debtor under 18 years of age who lives with the debtor. 3. Any relative of the debtor (or of the debtor’s spouse/adult interdependent partner) who lives with the debtor and, because of mental or physical infirmity, depends financially on the debtor.   You are entitled to rely on, and act in accordance with, the debtor’s written statement of the number of dependants he or she has.  A worksheet has been created to help you calculate the debtor's employment earnings exemption. This worksheet can be found on the Alberta Courts website at: <https://albertacourts.ca/docs/default-source/qb/garnishee-worksheet.pdf>  When employment earnings are garnished for alimony or maintenance, employment exemptions under the *Maintenance Enforcement Act* apply.Refer to the *Maintenance Enforcement Regulation* (AR 2/86) for more information.  If you pay the debtor’s salary/wage more often than monthly, you can pay the court clerk at the end of each pay period instead of at the end of each month. In this case, calculate the minimum and maximum employment exemptions for each pay period as follows:   1. Multiply the monthly exemption by the number of days in the pay period.   2. Divide this number by 30. |
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