Clerk’s Stamp:

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| COURT FILE NUMBER |  | <> |
| COURT OF KING’S BENCH OF ALBERTA |  |  |
| JUDICIAL CENTRE |  | <> |
| PLAINTIFF(S) |  | **<>** |
| DEFENDANT(S) |  | **<>** |
| DOCUMENT |  | **ORDER – SALE TO PLAINTIFF** |
| ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT |  | <>Ph. <> Fx. <>File No.: <> |

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| DATE ON WHICH ORDER WAS PRONOUNCED: | <> |
| LOCATION WHERE ORDER WAS PRONOUNCED: | <> |
| NAME OF JUSTICE / APPLICATIONS JUDGE WHO MADE THIS ORDER: | <> |

Upon the application of the plaintiff; and upon the Court determining that it is not necessary to attempt a public sale of the mortgaged lands;

And upon hearing counsel for the plaintiff; And upon

\_\_\_\_ no one appearing for the defendant(s)

\_\_\_\_ hearing from the defendant(s)

\_\_\_\_ hearing from counsel for the defendant(s);

**IT IS HEREBY ORDERED AND DECLARED THAT:**

1. In this order the mortgaged lands are the following:

<> [insert legal description]

1. The mortgage described in the statement of claim is a valid and enforceable mortgage over the mortgaged lands.
2. The plaintiff’s offer to purchase the mortgaged lands for $<>, be and is hereby approved and accepted.
3. The plaintiff is not required to pay the purchase price into Court but may set off the purchase price against the amount outstanding under the mortgage.
4. The plaintiff is hereby awarded judgment against the defendant in the sum of $<> (as set forth in the calculation of deficiency which is annexed to this order), plus solicitor and client costs as worded in the mortgage, which costs shall be assessed without where:
	1. The Defendant has not filed a Statement of Defence or a Demand for Notice, or appeared at the application where this order was granted, or
	2. The Defendant has been provided with the proposed Bill of Costs (by mail or email to the Defendant's last known address) and has not provided the Plaintiff's counsel, within 15 days of the mailing or emailing, with notice that the Defendant objects to the Bill of Costs.

otherwise the costs shall be assessed on notice pursuant to Rule 10.37. Prior to entry of this order the assessment officer shall check the amount of judgment. If the assessment officer returns this order unentered then the plaintiff may either submit a corrected order or seek the advice and direction from the court.

1. The defendant has one month from service of this order upon it to apply to vary the amount of deficiency or deficiency judgment provided in the preceding paragraph with respect to any amounts not disclosed in the affidavit of default served in support of the application for this order.
2. The Registrar of Land Titles shall cancel the existing certificate of title to the mortgaged lands and shall issue a new certificate of title in the name of <> the plaintiff (or such other transferee as directed by the plaintiff’s counsel in correspondence sent to the Registrar of Land Titles at the time this order is submitted for registration) free and clear from the plaintiff’s mortgage and all subsequent encumbrances, but subject to: <> [insert list of all registrations prior to the plaintiff’s mortgage].
3. If the mortgaged lands are or become vacant then the plaintiff is entitled to immediate possession. If the mortgaged lands are not vacant then the defendant, any tenants, and any other occupants, shall deliver up to the plaintiff vacant possession of the mortgaged lands thirty (days) after service of this order upon them. Service of this order may be made on the occupants by posting same on the main entrance door to the mortgaged lands A Civil Enforcement Agency has authority thirty days after service of this order has been effected, to evict any occupant of the mortgaged lands.
4. The requirement for service of documents prior to entry of this order, set out in Rule 9.35(1)(a), is hereby waived.
5. The Registrar of Land Titles shall comply with this Order forthwith notwithstanding Section 191(1) of the *Land Titles Act*.
6. With respect to the annexed statement of secured indebtedness:
	* 1. where nothing is claimed with respect to a listed category, the word “nil” shall be inserted opposite, and,
		2. where amounts are claimed for any of items 4 through 12, documents substantiating such claims shall be provided in affidavit form to the assessment officer for review prior to the entry of this order.
7. **[Optional ~ Insert provisions dealing with service, of which the following are by way of example only.]**

Service of this order and all subsequent documents in this action may be served upon the defendant, <>, by serving <his/her/their> counsel <> of <> by e0mail at the address of <>.

OR

Service of this order and all subsequent documents in this action may be effected upon the defendant, <>, by delivering a copy of this order and leaving with any adult present at <>, or in the alternative, by ordinary mail to <>.

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|  | APPLICATIONS JUDGE IN CHAMBERS |

Action No. <>

**CALCULATION OF DEFICIENCY JUDGMENT**

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| --- | --- | --- |
| 1. | Principal  | $<> |
| 1(a). | Amounts included in principal other than the amount lent (such as enforcement legal fees already paid by the Plaintiff) [Insert Details] | $<> |
| 2. | Interest at date of Affidavit of Default*(owing as at* <>, 20<>*)* | $<> |
| 3. | Interest at the mortgage rate from date of Affidavit of Default (<>, 20<>) to date of Order (<>, 20<>) [Per diem: $<> x <> days] | $<> |
| 4. | Tax paid | $<> |
| 5. | Property maintenance paid | $<> |
| 6. | Occupancy inspections paid | $<> |
| 7. | Insurance paid | $<> |
| 8. | NSF Fees paid ($25 x \_\_\_) | $<> |
| 9. | Prior mortgage arrears paid | $<> |
| 10. | Condominium Fees paid | $<> |
| 11. | Homeowners Association Fees paid | $<> |
| 12. | Any other amounts paid under the mortgage | $<> |
|  | **TOTAL DUE TO PLAINTIFF AT DATE RICE ORDER GRANTED** *(excluding costs)* | **$<>** |
|  |  **LESS PURCHASE PRICE** | **$<>** |
|  | **AMOUNT OF DEFICIENCY JUDGMENT** | **$<>** |

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