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| COURT FILE NUMBER |      Clerk’s Stamp |
| COURT | COURT OF KING’S BENCH OF ALBERTA |
| JUDICIAL CENTRE | Click to Select Judicial Centre. |
| APPLICANT(S) |       |
| RESPONDENT(S) |       |
| DOCUMENT | **Redemption Order – Advertising by Kijiji** |

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| ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT |       |

DATE ON WHICH ORDER WAS PRONOUNCED: Click to Enter a Date

LOCATION OF HEARING: Click to Select Hearing Location

NAME OF JUSTICE / APPLICATIONS JUDGE WHO

GRANTED THIS ORDER:

Upon the application of the plaintiff, and upon hearing reference to the Statement of Claim, the Affidavit of Default, the certified copy of Title and the Affidavit of Value and valuator's report and evidence of service thereof; 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:
	1. Insert legal description.
2. The mortgage described in the Statement of Claim is a valid and enforceable mortgage over the mortgaged lands.
3. There is outstanding, due and owing to the plaintiff under the mortgage the sum of $Amount, as of Select Date (as set forth in the Statement of Secured Indebtedness which is annexed to this Order), plus costs on a solicitor and client basis as worded in the mortgage, plus interest thereafter at the mortgage rate, plus other amounts chargeable under the mortgage (the “Indebtedness”). Prior to the entry of this order the assessment officer shall check the amounts claimed in the Statement of Secured Indebtedness, including the particulars provided in the Affidavit of Default and the plaintiff’s computation. If the assessment officer returns this order unentered the plaintiff may either submit a corrected form of order or seek the advice and direction of the Court. The requirement for service of documents prior to entry of this order, set in Rule 9.35(1)(a), is hereby waived.
4. The defendant and subsequent encumbrancers have one month from service of this order upon them to apply to vary the amount declared owing pursuant to the preceding paragraph with respect to any amounts not disclosed in the Affidavit of Default served in support of the application for this order.
5. The defendant or anyone else entitled to do so shall have until Specific Date, or period from service of order (the “Redemption Date”) to repay the Indebtedness, failing which the mortgaged lands shall be offered for sale in the manner described in this order. Subject to further order of the Court, and subject to paragraph 9 of this order, this action is stayed until the Redemption Date.
6. If the defendant, or anyone entitled to do so, repays the Indebtedness prior to the mortgaged lands being sold or foreclosed in these proceedings, then the plaintiff shall provide to the person who paid the Indebtedness, at the election of such person, either a registrable discharge of the mortgage, or a registrable transfer of the mortgage.
7. Provided that the mortgage has not matured, if the defendant, or anyone entitled to do so, pays all arrears owing under the mortgage, including solicitor and client costs as worded in the mortgage, then this action is stayed so long as payments under the mortgage remain current.
8. (a) If the Indebtedness has not been repaid by the Redemption Date then the mortgaged lands shall be advertised for sale by placing a Top Ad in the appropriate real estate for sale category of Kijiji Canada in the area where the land is located (or equivalent online posting approved by the court) for a minimum of **Number** days, with tenders to close at noon on Select Date. The plaintiff shall submit all tenders received to the Court for consideration.
	1. The advertisement shall contain as a minimum the following information:
		1. The land is being offered by the Court of King’s Bench of Alberta by soliciting tenders to purchase.
		2. The municipal and legal description of the land.
		3. The asking price for the land [note: the appraised fair market value will be used for the asking price but the advertisement shall refer to it as the "asking price" and not as the appraised fair market value].
		4. Any registered encumbrances which will remain on the land following sale.
		5. The land is being offered as is, where is.
		6. Prospective tenders are not entitled to inspect the property and must not disturb the occupants of the property.
		7. Prospective purchasers may obtain a copy of an appraisal of the property by contacting the lawyer or legal assistant listed below.
		8. The method by which a tenderer may submit a tender, including the address of the clerk of the court to which sealed tenders may be delivered, the court file number, the requirement for a certified cheque, money order or cash for 10% of the amount of the tender, and the deadline by which the tender must be in the hands of the Clerk of the Court.
		9. The statement that, if tender is accepted, the tenderer will be notified of the date and time when the Court will consider the tender, and that, if the tender is accepted and the tenderer does not complete the purchase within the 30 days then the deposit will be forfeited.
		10. The statement that no warranties of any kind are made with respect to the lands, that the highest or any tender not necessarily accepted and that the deposits of unsuccessful tenderers will be returned to them.
9. The next hearing in this action will be held on Date in the Applications Judge’s Chambers located 9th Floor, 601 – 5th Street S.W., Calgary, Alberta at 10:00 A.M. or soon thereafter as counsel for the plaintiff may be heard, at which time the plaintiff may apply for a foreclosure order, an order for sale to plaintiff, an order accepting the tender received, and / or an order rejecting any tender received.
10. If the mortgaged lands become vacant or abandoned during the course of this action then the plaintiff may enter the mortgaged lands for the purpose of doing any and all things necessary to preserve them, and the plaintiff shall not be considered a mortgagee in possession or trespasser.
11. 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.
12. **[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 e-mail 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 <>.*

1. The plaintiff is awarded costs of this action on a solicitor and own client basis, Select an option. The costs shall be assessed without notice 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.

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Applications Judge in chambers

court of king’s bench of alberta

# Judicial Sale of Mortgaged Lands

The following property is offered by sale by tender subject to the restrictions in the existing certificate of title, namely:

Legal description of property

The property is Brief description, including municipal address. The asking price for the property is $Amount. For further details, interested parties may refer to the affidavit of value and valuator’s report filed in these proceedings.

Tenders in sealed envelopes referencing the Court file number File Number, accompanied by your address for notification and a certified cheque, money order or cash for 10% of the amount of the tender must be in the hands of the Clerk of the Court Court Clerk Address by 12:00 noon on Select Date.

The balance of the purchase price shall be paid into Court within 30 days, if your tender is accepted. You will be notified of the date and time when the Court will consider your tender. If your tender is accepted and you do not complete the purchase within the 30 days then your deposit will be forfeited.

The successful tenderer shall take the mortgaged lands as is. No warranties of any kind are made with respect to the mortgaged lands. The highest or any tender not necessarily accepted. The deposits of unsuccessful tenderers will be returned to them.

Click to insert additional contact details, if the plaintiff’s lawyer would like to be contacted by prospective tenders

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Applications Judge in chambers

court of KING’s bench of alberta

# Statement of Secured Indebtedness

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