

# Garnishment

*(Filing a claim with the distribution centre)*

The purpose of this claim is to add your name to the list of persons who will share the amounts deposited with the distribution centre by a person or an organization.

## ► How to fill out the claim form

- ▶ Fill out the form in block letters or with a typewriter.
- ▶ The numbers of the explanatory notes refer to the corresponding sections of the form.
- ▶ If you have any questions about the information to be provided on the form, feel free to contact the court clerk.
- ▶ The information given on the form must be accurate and complete, or your claim will be returned to you.

### HEADING

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- 1 Specify the name of the judicial district where you are filing your claim.
- 2 Enter the name of the appropriate court.
- 3 Enter the file number indicated on the notice sent to you by the distribution centre.  
(Leave the "S/def." section blank.)

### IDENTIFICATION OF PARTIES

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- 4 Enter the name and address of the person or organization requesting the seizure against your debtor ("Plaintiff").
- 5 Enter the name and address of the person or organization holding sums of money belonging to your debtor ("Garnishee").
- 6 Enter your name, address and, if you know it, the file number assigned by the clerk ("Claimant's number"). **Enter this information legibly, as the cheques will be sent to this address.**
- 7 Enter the name and address of the person who owes you money ("Defendant").

### CLAIM

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- 8 Enter your name and address.
- 9 Indicate the amounts you are claiming (capital, interest and claim fees included).
- 10 This is to be filled out by your attorney if you have one.
- 11 Calculate the total of the claim (your claim plus your attorney's claim). Deduct the amounts already paid by your debtor.
- 12 Identify the nature of the claim and specify the date on which the amount became due to you.
- 13 List the documents provided to support your claim. The original of the supporting documents must be enclosed with the claim.
- 14 If you wish, enter in the "Reference" section the number of your choice for your files. This number will appear on the stubs of the cheques that will eventually be sent to you in regard to the claim.

## OATH

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- 15** You must swear, before a person authorized to take oaths, that the information given in the claim is true.

The following persons are authorized to take oaths: commissioners for oaths, court clerks and their assistants, attorneys, notaries and justices of the peace. Mayors, municipal clerks and secretary-treasurers can also take oaths, but only within the territorial limits of their municipality.

## NOTICE

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- 16** Before submitting your claim to the court, you must send a copy to the Plaintiff (see note 4), to the Defendant (see note 7) and to the Garnishee (see note 5).

You must send the copy by registered or priority mail, or have it delivered by bailiff, and attach proof that you did so. The proof can be a notice of receipt or a post office receipt.

- 17** Sign the notice and indicate the place and date.

## BACK OF THE FORM

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- 18** Enter the name of the judicial district where you are filing your claim.

- 19** Specify the number the clerk assigned to your file.

- 20** Indicate the name and address of the person or the organization requesting the seizure.

- 21** Enter the name and address of the person or the organization holding assets belonging to your debtor.

- 22** Enter the name and address of your debtor.

- 23** Enter your name and address.

- 24** If you are represented by an attorney, indicate his or her name and address.

## POWER OF ATTORNEY

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*Fill out this section only if a person other than an attorney is representing you for this claim.*

- 25** Enter the name and address of the person you are authorizing to receive the cheques issued in your name further to this claim, and sign.

- 26** Enter the name and address of the witness to the power of attorney, and have the witness sign in the space provided.

## Important

- ▶ Enclose with this form an order or certified cheque for \$ \_\_\_\_\_ made out to the Minister of Finance. This amount will be added to your claim. (The cost of filing this claim is set by government regulation.)  
This claim will be included in the file of the person regarding whom the seizure is being carried out.
- ▶ A cheque will be issued in your name as soon as a large enough amount has accumulated in your account.  
The Defendant (see note 4) cannot use this form to be included on the list of those who will receive the amounts seized. Rather, he or she must fill the form *Request for Distribution concerning a Garnishment* and attach a statement of his or her fees.
- ▶ Persons who make claims relative to the garnishment, and their attorneys, must advise the distribution centre of any change of address.
- ▶ When a claim is made by an attorney, the cheques issued in the claimant's name are sent to the attorney.



