

EXPLANATORY NOTES

DECLARATION BY THE GARNISHEE (Seizure of Income in the Hands of Third Persons) (SJ-1103-1A)

The form “Declaration by the Garnishee (Seizure of Income in the Hands of Third Persons)” enables a garnishee to make:

- **An affirmative declaration:** The garnishee must indicate the debtor’s income and the seizable portion of that income. The garnishee must also disclose any other seizures made in the garnishee’s hands against the debtor.
- **A negative declaration:** If applicable, the garnishee indicates that the debtor is not, or is no longer, employed by the garnishee, and the date of the end of employment.
- **A renewed declaration:** The garnishee indicates changes in the debtor’s income and the seizable portion of that income.

A garnishee who fails to declare, withhold or remit a sum of money or who makes a false declaration may be ordered to pay the sum owing to the seizing creditor as if the garnishee were the debtor. However, the garnishee may at any time, even post-judgment, obtain the authorization to declare or deposit, on payment of the sums the garnishee should have withheld and deposited since notification of the notice of execution; in such a case, the garnishee is required to pay all costs resulting from the default.

NOTE: If the seizure is administered by a bailiff, you must contact the bailiff for instructions on completing the declaration and remitting any seized income to the bailiff.

For further information, as well as the contact information for courthouses in the province of Québec, consult the [list of courthouse](#) on the website of the ministère de la Justice.

TYPES OF FORMS

This form is available in dynamic PDF format, meaning the form can be downloaded from www.justice.gouv.qc.ca and completed directly on screen.

- **Dynamic PDF:**

After completing the form, you must print it on letter-sized paper, i.e. 8.5 inches by 11 inches (215.9 mm by 279.4 mm). Be sure to set your printer to this paper size.

- **Paper:**

If you complete the form by hand, please write legibly in block letters.

PROCEDURE

Within 10 days of service of the notice of execution, the garnishee must notify his or her declaration to the creditor (seizor) by any appropriate method proving that the document was remitted to its recipient (for example: registered mail, bailiff or receiving copy). In the same time period, the garnishee must file the declaration with the court clerk or notify it to the clerk. The garnishee must also withhold and remit to the clerk the seizable portion of the debtor’s income by means of a cheque or postal or bank money order to the order of the Minister of Finance indicating the court’s file number on the reverse.

Subsequently, the garnishee is required to immediately declare any substantial change in the debtor’s income, as well as the end of the contractual relation with the debtor (for example, resignation, dismissal, work stoppage, change in the seizable portion of the income).

District: _____

Locality: _____

File No.: ____ - ____ - _____ - ____

Plaintiff

v.

Defendant

and

Garnishee

**DECLARATION BY THE GARNISHEE
(Seizure of Income in the Hands of Third Persons)**

I, the undersigned, _____, garnishee (or person authorized to declare for the garnishee), hereby declare the following:

Affirmative Declaration

<input type="radio"/>	<p>At the date of the present declaration, the debtor is employed by the garnishee. The gross income owing to the debtor is \$ _____ payable every _____ . The seizable portion of the debtor's income is \$ _____ (see the general information on the reverse side of the notice of execution).</p> <p><input type="checkbox"/> The garnishee is disclosing another seizure of income against the debtor in Court file No. _____ Name of bailiff: _____ .</p> <p>Explanations / Additional information (if applicable): _____</p> <p><input type="checkbox"/> The debtor is the subject of a support deduction notice. The garnishee must disclose the income seizure to the Agence du revenu du Québec.</p>
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Negative Declaration

<input type="radio"/>	<p><input type="checkbox"/> At the date of the present declaration, the debtor is not employed by the garnishee. <input type="checkbox"/> The debtor left his/her employment or has no longer been employed by the garnishee since _____ .</p> <p>Explanations / Additional information (if applicable): _____</p> <p>_____</p> <p>_____</p>
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Renewed Declaration

<input type="radio"/>	<p>Since the last declaration made in this case:</p> <p>– the gross income owing to the debtor is \$ _____ payable every _____ . – the seizable portion of the income is \$ _____ (see the general information on the reverse side of the notice of execution).</p> <p>Explanations / Additional information (if applicable): _____</p> <p>_____</p>
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At _____, on _____

Signature of garnishee

ACKNOWLEDGMENT OF RECEIPT: I acknowledge having received a copy of the garnishee's first declaration.

At _____, on _____

Signature of debtor