

EXPLANATORY NOTES

DECLARATION BY THE GARNISHEE (Seizure of Money in the Hands of Third Persons) (SJ-1120A)

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

- An affirmative declaration: The garnishee must indicate the sums that he or she holds or acknowledges owing to the debtor or belonging to the debtor. The garnishee must also disclose any other seizures made in the garnishee’s hands against the debtor.
- A negative declaration: The garnishee indicates that he or she does not hold or owe any sums belonging to the debtor.

The effect of a seizure of sums of money in the hands of a third person is to place the sums of money belonging to the debtor under judicial control and to make the garnishee the guardian of those sums. The garnishee is a person who holds sums of money belonging to the debtor. The notice of execution directs the garnishee to declare the amount, cause and terms of his or her current indebtedness to the debtor at the time of his or her declaration and of any indebtedness that has occurred since then.

A garnishee who fails to declare, withhold or deposit 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 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: This declaration form must not be used if the seizure is administered by a bailiff. In such a case, you must contact the bailiff for instructions on completing the declaration and depositing the sums.

For further information, as well as the contact information for courthouses in the province of Québec, consult the [list of courthouses](#) 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 make his or her declaration to the creditor (seizor), who will file it with the clerk and notify it to the debtor. In the same time period, the garnishee must withhold and remit the amount seized to the clerk 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 change to his or her declaration.

CANADA
PROVINCE OF QUÉBEC
District: _____
Locality: _____
File No.: _____ - _____ - _____ - _____

COURT _____

Plaintiff
v.

Defendant
and

Garnishee

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

I, the undersigned, _____, garnishee (or person authorized to declare on behalf of the garnishee) declare the following:

Affirmative declaration

<input type="radio"/>	<input type="checkbox"/> At the date of the present declaration, the garnishee has in his or her hands sums belonging to the _____ party or that could belong to that party later, i.e. those described hereinafter (use an additional sheet if need be): _____ _____
<input type="radio"/>	<input type="checkbox"/> The sums of money belonging to the _____ party were previously seized in the case bearing number _____ . Explanations / Additional information (if applicable): _____ _____ _____

Negative declaration

<input type="radio"/>	At the date of the present declaration, the garnishee has not in his or her hands any sums belonging to the _____ party or that could belong to that party later. Explanations / Additional information (if applicable): _____ _____ _____
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Other (if either of the above situations is inappropriate)

<input type="radio"/>	Declaration: _____ _____ _____
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At _____, on _____

Signature of the garnishee