

EXPLANATORY NOTES

CLAIM FOR THE SEIZURE OF PROPERTY IN THE HANDS OF A THIRD PERSON (SJ-255A)

The “Claim for the Seizure of Property in the Hands of a Third Person” form allows you, as a creditor, to share in the distribution of amounts belonging to the debtor (e.g. income), which were seized in the hands of a third person and are administered by the clerk.

ATTENTION: If the seizure is administered by a bailiff, you must contact the bailiff to share in the distribution of the amounts.

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

Once the form is completed, keep a copy for your files.

The claim must be notified to:

- the plaintiff / seizing party
- the defendant / seized party
- the garnishee

Notification can be made by any appropriate method proving that the document was remitted to its recipient (for example: registered mail or bailiff).

You must then send the claim to the office of the courthouse in charge of administering and distributing the seized amounts. You must enclose the supporting documents and proof of notification.

Court costs are payable on filing your claim. To find out what the costs are, refer to the website of ministère de la Justice, at www.justice.gouv.qc.ca.

CLAIM FOR THE SEIZURE OF PROPERTY IN THE HANDS OF A THIRD PERSON

► General information

The amount of the legal costs you must pay to file your claim will be added to the amount of the claim, as will the costs you incur for notification.

The amounts deposited are distributed to the creditors every three months.

The claimant, the claimant's representative and the claimant's attorney must notify any change of address to the financial services clerk at the courthouse.

Where the claim is made by an attorney, cheques issued in the claimant's name will be sent to the attorney.

► How to fill out the claim form

You must provide all the information requested in this claim form, otherwise it will be returned to you. For any questions regarding the information to be provided in this claim form, do not hesitate to contact the clerk of the Court.

The framed numbers of the explanatory notes correspond to the parts of the form with the same numbers.

HEADING AND FILE NUMBER

- 1** Enter the name of the judicial district and the file number indicated on the notice sent by the financial services clerk (leave the "S / Def." section blank) and enter the name of the appropriate court.

IDENTIFICATION OF PARTIES

- 2** Enter the name and address of the person or body acting as:
- Plaintiff / seizing party
 - Garnishee (who holds amounts of money belonging to your debtor)
 - Defendant / seized party (person who owes you money).

Indicate in the "claimant" section, your name, address and, where known, the claimant's number assigned to you by the clerk of the Court.

CLAIM

- 3** Enter the amounts claimed as principal, interest and disbursements (excluding the costs of the claim) and the total amount claimed. Calculate the total amount of the claim, subtracting any amount the debtor has already paid you (credit). Indicate the nature of the debt and the date on which it became due to you.

List the exhibits filed (for example, judgment, invoices, contract) to justify your claim. The **originals** of the supporting documents must be attached to the application.

You may enter a personal file number in the reference number space. That number will appear on the stub of the cheques that will eventually be sent to you in relation to this claim.

DECLARATION AND SIGNATURE

- 4** Complete the declaration by entering the signee's name and indicating whether you are the claimant, the claimant's representative or the claimant's attorney (if so, enter your attorney or bailiff number). Check the appropriate box on line 1 and enter the total amount claimed on line 2.

If you are acting as the claimant's representative (except if you are an attorney), please refer to section 7.

Enter the place and date, and sign the declaration.

NOTICE

- 5** Indicate the name and address of all the parties, as identified in section 2. Enter the place and date, and sign the notice.

BACK OF THE FORM

- 6** Enter the judicial district and the number of the case in which you are filing the claim. Also enter the debtor's name and the claimant's name. If you are an attorney, enter your name and address in the appropriate space.

POWER OF ATTORNEY

- 7** If you are acting as the claimant's representative (for example, you are a bailiff) please complete the power of attorney and have it signed by the claimant. If you already have a power of attorney, please enclose a copy of it with the claim.

1 District: _____

| | |
|--------------------|----------|
| FILE NUMBER | S / Def. |
| | |

CLAIM FOR THE SEIZURE OF PROPERTY IN THE HANDS OF A THIRD PERSON

IDENTIFICATION OF PARTIES

2 Plaintiff / Seizing party

Name _____

Address _____

City _____ Postal code _____

Garnishee

Name _____

Address _____

City _____ Postal code _____

Claimant

Name _____

Address _____

City _____ Postal code _____

Defendant / Seized party

Name _____

Address _____

City _____ Postal code _____

CLAIM

3 The claimant claims from the plaintiff / seized party,

The sum of \$ _____ as principal
and \$ _____ as disbursements (excluding the costs of the claim)
and \$ _____ in interests to date, for a **total** of \$ _____

Credit (where applicable) – \$ _____
Total claim \$ _____

Nature of the claim _____

Date of the claim _____

The claimant files the following documents in support of this claim:

Reference number: _____

DECLARATION AND SIGNATURE

4 I, the undersigned, _____ (name and address) declare the following:

1. I am the claimant (or the claimant's representative) or the claimant's attorney Attorney's /
bailiff's number : _____

2. The defendant / seized party owes the claimant \$ _____ .

3. I notified the claim to the seized party, the garnishee and the seizing party.

At _____, on _____

Signature of claimant / representative / attorney

NOTICE

5 Notice is given to (name and address):

_____, seizing party
_____, seized party
_____, garnishee

that the claimant will file this claim with the clerk of the courthouse in order to share in the distribution of the amounts deposited.

At _____, on _____

Signature

6

COURT _____

District: _____

FILE NUMBER _____ S / Def. _____

Plaintiff / Seizing party _____

Garnishee _____

Defendant / Seized party _____

Claimant _____

**CLAIM FOR THE SEIZURE OF PROPERTY
IN THE HANDS OF A THIRD PERSON**

Claimant's attorney (contact information) _____

The power of attorney must be filled out only if a third party (other than an attorney) acts on behalf of the claimant.

7

POWER OF ATTORNEY

I, the undersigned, the claimant, authorize

Name _____

Address _____

City _____ Postal code _____

To receive all cheques made out to my name in regard to this matter.

Signature of claimant _____