Order

Rule 9.1

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| COURT FILE NUMBER |  |
| COURT | COURT OF KING’S BENCH OF ALBERTA |
| JUDICIAL CENTRE | CALGARY |
| APPLICANT(S) / PLAINTIFF(S) |  |
| RESPONDENT(S) / DEFENDANT(S) |  |
| DOCUMENT | **ORDER TRANSFERRING MONETARY DISPUTE TO COURT OF JUSTICE  (CIVIL DIVISION)** |

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

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**DATE ON WHICH ORDER WAS PRONOUNCED:**

**NAME OF APPLICATIONS JUDGE WHO MADE THIS ORDER:**

**COURT LOCATION: Calgary, Alberta**

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UPON THE APPLICATION of counsel for the [Applicant/Plaintiff/Defendant] (the "Applicant"); AND UPON HEARING counsel for the Applicant; AND UPON reviewing the Affidavit of [Name];

AND UPON NOTING that the builder's lien claimant [NAME] has taken steps to enforce the lien claim sued upon in this Court;

AND UPON NOTING that the amount claimed does not exceed $50,000.00;

AND UPON NOTING that there are factual issues in dispute that require a trial for them to be resolved if the parties cannot reach a settlement:

AND UPON NOTING the consent of all parties to have the dispute over the amount claimed transferred to Court of Justice (Civil Division) for resolution, such consent either endorsed hereon or such consent having been expressed to the Court orally;

IT IS HEREBY ORDERED THAT:

1. This action shall be transferred to the Court of Justice (Civil Division) and it shall thereafter be dealt with, to the extent of the amount claimed and those issues related to that claim that are within the jurisdiction of the Court of Justice (Civil Division).
2. Any pleadings in this action that address the claims, defences, or counterclaims which have been filed and served shall be considered the pleadings before the Court of Justice (Civil Division) unless otherwise ordered by the Court of Justice (Civil Division).
3. Any security currently held by the Clerk of the Court of King's Bench in these proceedings shall remain with the Clerk until further Order of this Court.
4. Upon the conclusion of the proceedings in the Court of Justice (Civil Division), including any appeal from that Court, either party has leave to bring an application before the Court of King's Bench for any consequential relief available pursuant to the *Builders’ Lien Act.*
5. Nothing in this Order shall in any way restrict the rights or obligations of the parties under the *Builders’ Lien Act* except as expressly stated herein.
6. Costs of this application shall be referred to the Court of Justice (Civil Division) hearing the trial of the dispute.
7. Where this Order proceeds by way of consent noted hereon, it may be consented to in counterpart by facsimile or electronic transmission.

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Applications Judge of the Court of King’s Bench

of Alberta