|  |  |
| --- | --- |
| COURT FILE NUMBER | Clerk’s Stamp |
| COURT | COURT OF KING’S BENCH OF ALBERTA |
| JUDICIAL CENTRE | Click to Select Judicial Centre. |
| APPLICANT(S) |  |
| RESPONDENT(S) |  |
| DOCUMENT | **Redemption Order – Condominium** |

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

DATE ON WHICH ORDER WAS PRONOUNCED: Click to Enter a Date

LOCATION OF HEARING: Click to Select Hearing Location

NAME OF JUSTICE / APPLICATIONS JUDGE WHO

GRANTED THIS ORDER:

Upon the application of the plaintiff, and upon hearing reference to the Statement of Claim, the Affidavit of Default, the certified copy of Title and evidence of service thereof; and upon hearing counsel for the plaintiff; and upon

no one appearing for the defendant(s)

hearing from the defendant(s)

hearing from counsel for the defendant(s);

**IT IS HEREBY ORDERED AND DECLARED THAT:**

1. In this order the lands are the following:
   1. Insert legal description.
2. It is declared that the plaintiff has a valid charge over the lands pursuant to section 39.2(7) of the *Condominium Property Act* to enforce collection of amounts owing by the defendant to the plaintiff as unpaid contributions and interest with respect to the land in the amount of $Amount, as of Select Date (as set forth in the Statement of Indebtedness - Contributions which is attached to this order).
3. It is further declared that the plaintiff has a valid charge over the lands pursuant to the plaintiff’s by-laws to enforce payment of amounts owing pursuant to the bylaws in the amount of $Amount, as of Select Date (as set forth in the Statement of Indebtedness which is attached to this order).
4. The plaintiff is hereby awarded judgment as an unsecured creditor against the defendant in the amount of $Amount (as set forth in the Statement of Indebtedness which is attached to this order).
5. The defendant and subsequent encumbrancers have one month from service of this order upon them to apply to vary the amount declared owing pursuant to the preceding paragraph with respect to any amounts not disclosed in the Affidavit of Default served in support of the application for this order.
6. Prior to the entry of this order the assessment officer shall check the amounts claimed in the statements of indebtedness, including the particulars provided in the Affidavit of Default and the plaintiff’s calculations. If the assessment officer returns this order unentered then the plaintiff may either submit a corrected order or seek the advice and direction of the Court. The requirement for service of documents prior to entry of this order, set out in Rule 9.35(1)(a), is hereby waived.
7. The defendant or anyone else entitled to do so shall have until Specific Date, or period from service of order (the “Redemption Date”) to repay the indebtedness owing pursuant to paragraphs 2 and 3 of this order (together, the “Secured Indebtedness”), failing which the lands shall be offered for sale in the manner described in a judicial listing agreement to be set by a further application on notice to the defendant. Subject to further Order of the Court, and subject to paragraph 8 of this order, this Action is stayed until the Redemption Date.
8. If the defendant, or anyone entitled to do so, repays the Secured Indebtedness prior to the lands being sold or foreclosed in these proceedings, plus any further contributions accruing due under section 39.2(7) of the *Condominium Property Act* and/or amounts owing under the bylaws of the plaintiff, then this Action is stayed so long as payments to the Plaintiff remain current.
9. The Affidavit of Value is dispensed with at this time.
10. If the lands become vacant or abandoned during the course of this action then the plaintiff may enter the lands for the purpose of doing any and all things necessary to preserve them, and the plaintiff shall not be considered a or trespasser.
11. With respect to the annexed statements of indebtedness:
    1. where nothing is claimed with respect to a listed category, the word “nil” shall be inserted opposite, and,
    2. where amounts are claimed for any items, documents substantiating such claims shall be provided in affidavit form to the assessment officer for review prior to the entry of this order.
12. **[Optional ~ Insert provisions dealing with service, of which the following are by way of example only.]**

*Service of this order and all subsequent documents in this action may be served upon the defendant, <>, by serving <his/her/their> counsel <> of <> by e-mail at the address of <>.*

OR

*Service of this order and all subsequent documents in this action may be effected upon the defendant, <>, by delivering a copy of this order and leaving with any adult present at <>, or in the alternative, by ordinary mail to <>.*

1. The plaintiff is awarded costs of this action on a solicitor and own client basis, which shall be assessed Select an Option without notice where:
   1. The defendant has not filed a Statement of Defence or a Demand for Notice, or appeared at the application where this order was granted, or
   2. The defendant has been provided with the proposed Bill of Costs (by mail or email to the defendant's last known address) and has not provided the plaintiff's counsel, within 15 days of the mailing or emailing, with notice that the defendant objects to the Bill of Costs.

Otherwise the costs shall be assessed on notice pursuant to Rule 10.37.

1. The costs awarded in paragraph indicate number are Select an Option for Costs

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

APPLICATIONS JUDGE IN CHAMBERS  
COURT OF KING’S BENCH OF ALBERTA

# Statement of Indebtedness

|  |  |
| --- | --- |
| Contributions | |
| 1. Monthly condominium fees of $ Rate /month for the months of Months. | $Amount |
| 1. Special Assessments | $Amount |
| 1. Interest at Percentage % pursuant to by-laws | $Amount |
| 1. Whatever else the court determines falls under section 39.2(7) | $Amount |

|  |  |  |
| --- | --- | --- |
|  | **TOTAL AT DATE ORDER GRANTED** | **$** Amount |

|  |  |
| --- | --- |
|  |  |
| Secured Under Bylaws | |
| 1. Charge for filing caveat [if not under section 39.2(7) and if secured pursuant to by-law] | $Amount |
| 1. NSF Fees paid ($25 X Amount) [if not under section 39.2(7) and if secured pursuant to by-law] | $Amount |
| 1. Unpaid parking fees or fines, if secured pursuant to by-law | $Amount |
| 1. Other amounts secured pursuant to by-laws | $Amount |

|  |  |  |
| --- | --- | --- |
|  | **TOTAL AT DATE ORDER GRANTED** | **$** Amount |

|  |
| --- |
|  |
| Unsecured |
| 1. Charge for filing caveat [if not under section 39.2(7) and not secured pursuant to by-law] | $Amount |
| 1. NSF Fees paid ($25 X Amount) [if not under section 39.2(7) and not secured pursuant to by-law] | $Amount |
| 1. Unpaid parking fees or fines, if not secured pursuant to by-law | $Amount |
| 1. Other amounts not secured pursuant to by-laws | $Amount |

|  |  |  |
| --- | --- | --- |
|  | **TOTAL AT DATE ORDER GRANTED** | **$** Amount |