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| 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 – POsting**  |

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| 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 the Affidavit of Value and Valuator's Report 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 mortgaged lands are the following:
	1. Insert legal description.
2. The mortgage described in the statement of claim is a valid and enforceable mortgage over the mortgaged lands.
3. There is outstanding, due and owing to the plaintiff under the mortgage the sum of $Amount, as of Select Date (as set forth in the statement of secured indebtedness which is attached to this Order), plus costs on a solicitor and client basis as worded in the mortgage, plus interest thereafter at the mortgage rate, plus other amounts chargeable under the mortgage (the “Indebtedness”). Prior to the entry of this order the assessment officer shall check the amounts claimed in the statement of secured 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.
4. 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.
5. 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, failing which the mortgaged lands shall be offered for sale in the manner described in the judicial listing agreement attached to this order. Subject to further Order of the Court, and subject to paragraph 10 of this order, this Action is stayed until the Redemption Date.
6. If the defendant, or anyone entitled to do so, repays the Indebtedness prior to the mortgaged lands being sold or foreclosed in these proceedings, then the plaintiff shall provide to the person who paid the Indebtedness, at the election of such person, either a registrable discharge of the mortgage, or a registrable transfer of the mortgage.
7. Provided that the mortgage has not matured, if the defendant, or anyone entitled to do so, pays all arrears owing under the mortgage, including solicitor and client costs as worded in the mortgage, then this Action is stayed so long as payments under the mortgage remain current.
8. If the Indebtedness has not been repaid by the Redemption Date then the mortgaged lands shall be be offered for sale by tender upon the terms set out in the attached Judicial Sale of Mortgaged Lands (“JSML”), and the plaintiff shall submit all tenders received to this Court for consideration. This JSML shall be posted (not attached to this Order) upon the bulletin board at the Clerk’s Office in the judicial center of *Insert location of judicial center* for five (5) days, following the date of posting, with tenders to close at the Clerk’s Office in the Judicial Centre of *Insert location of judicial center* at 12:00 o’clock noon on *Select date which is no earlier than three business days following the fifth day of posting*. .
9. The next hearing in this action will be held on Select Date in the Applications Judge’s Chambers at the courthouse located at <> at 10:00 A.M. or so soon thereafter a counsel for the plaintiff may be heard, at which time the plaintiff may apply for a foreclosure order, an order for sale to plaintiff, an order accepting the any tender received, and/or an order rejecting any tender received.
10. If the mortgaged lands become vacant or abandoned during the course of this action then the plaintiff may enter the mortgaged lands for the purpose of doing any and all things necessary to preserve them, and the plaintiff shall not be considered a mortgagee in possession or trespasser.
11. With respect to the annexed statement of secured 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 of items 4 through 12, 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 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 as worded in the mortgage [in Southern Alberta insert “having regard to the Fee and Disbursement Guideline”]. The costs shall be assessed 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.

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APPLICATIONS JUDGE IN CHAMBERS

COURT OF KING’S BENCH OF ALBERTA

# JUDICIAL SALE OF MORTGAGED LANDS

Pursuant to the Order of the Applications Judge in Chambers, the following property is offered by sale by tender subject to the restrictions in the existing certificate of title, namely:

Insert legal description.

The property is *Insert brief description, including municipal address, if any*. For further details, interested parties may refer to the affidavit of value and valuator’s report filed in these proceedings.

Tenders in sealed envelopes referencing the Court file number *Insert file number*, accompanied by your address for notification and a certified cheque or money order for 10% of the amount of the tender must be in the hands of the Clerk of the Court, *Insert location of judicial center* by 12:00 noon on Select Date.

The next hearing in this action will be held on Select Date at the courthouse located at *Insert address of judicial center* at 10:00 A.M. or so soon thereafter as counsel for the plaintiff may be heard, at which time the plaintiff may apply for a foreclosure order, an order for sale to plaintiff, an order accepting any tender received, and / or an order rejecting any tender received.

The balance of the purchase price shall be paid into Court within 30 days, if your tender is accepted. If your tender is accepted and you do not complete the purchase within the 30 days then your deposit will be forfeited.

The successful tenderer shall take the mortgaged lands as is. No warranties of any kind are made with respect to the mortgaged lands. The highest or any tender not necessarily accepted. The deposits of unsuccessful tenderers will be returned to them.

*Plaintiff’s lawyer may insert address and/or phone number if plaintiff’s lawyer wants to be contacted by prospective tenderers*

APPROVED this <> day of <>, 20<>.

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|  | APPLICATIONS JUDGE IN CHAMBERS |

**Statement of Secured Indebtedness**

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| 1. | Principal | $ Amount |
| 1(a). | Amounts included in principal other than the amount lent (such as enforcement legal fees already paid by the plaintiff) Insert Details | $ Amount |
| 2. | Interest at date of Affidavit of Default *(owing as at* Select Date*)* | $ Amount |
| 3. | Interest at the mortgage rate from date of Affidavit of Default (Select Date) to date of Order (Select Date) [Per diem: $Amount] | $ Amount |
| 4. | Tax paid | $ Amount |
| 5. | Property maintenance paid | $ Amount |
| 6. | Occupancy inspections paid | $ Amount |
| 7. | Insurance paid | $ Amount |
| 8. | NSF Fees paid ($25 X Amount) | $ Amount |
| 9. | Prior mortgage arrears paid | $ Amount |
| 10. | Condominium Fees paid | $ Amount |
| 11. | Homeowners Association Fees paid | $ Amount |
| 12. | Any other amounts paid under the mortgage | $ Amount |
|  | **TOTAL DUE TO PLAINTIFF AT DATE ORDER** **GRANTED** *(excluding costs)* | **$** Amount |