

No. 23

4th Session, 14th Legislature, Alberta
10 Elizabeth II

BILL 23

A Bill to amend The Execution Creditors Act

HON. MR. MANNING

Explanatory Note

2. Section 6 presently reads:

"6. Where money is paid into court under any garnishee proceedings in the Supreme Court of Alberta or a district court, it shall be available for distribution by the sheriff among the execution creditors of the debtor whose debt is garnisheed except when

- (a) the money paid into court is not liable to attachment,
- (b) the amount paid into court does not exceed the sum of twenty-five dollars,
- (c) by virtue of any statute or Rule of Court the money is required to be paid to the debtor as being exempt from attachment, or
- (d) it is otherwise ordered by a court or judge."

3. Section 19, subsections (1) to (4) and (7) presently read:

"19. (1) An affidavit of the debt and the particulars thereof in Form B in the Schedule may be made in duplicate

- (a) by the creditor,
- (b) by one of the creditors in case of a joint debt, or
- (c) by a person cognizant of the facts and authorized by a creditor to do so.

(2) The claimant

- (a) shall serve on the debtor a duplicate of the affidavit of claim and a notice in Form C in the Schedule, and
- (b) shall send a copy of the notice to each creditor who has a subsisting execution in the hands of the sheriff or to his solicitor or agent.

(3) Where the affidavit and notice are to be served out of the Province, a judge by order may fix the time after which the next step may be taken by the claimant as hereinafter provided.

(4) The claimant shall file a duplicate of the affidavit of claim and a copy of the notice with an affidavit of service thereof in Form D in the Schedule,

- (a) with the clerk or deputy clerk of the district court of the district the sheriff of which has the execution, and
- (b) with the sheriff who has the execution in his hands.

(7) Where the notice served on a debtor

- (a) does not state some place, within three miles of the office of the clerk or deputy clerk of the district court of the district within which the proceedings are being taken, at which service may be made upon the claimant, or
 - (b) does not give the name and address of some solicitor within the Province who may be served on the claimant's behalf,
- good and sufficient service of a notice, paper or document may be made upon the claimant by posting up the paper or document in the office of the clerk of the court."

BILL

No. 23 of 1962

An Act to amend The Execution Creditors Act

(Assented to _____, 1962)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. *The Execution Creditors Act*, being chapter 103 of the Revised Statutes, is hereby amended.
2. Section 6, clause (b) is amended by striking out the word "twenty-five" and by substituting the word "fifty".
3. Section 19 is amended
 - (a) by striking out subsection (4) and by substituting the following:
 - (4) The claimant shall file a duplicate of the affidavit of claim and a copy of the notice with an affidavit of service thereof in Form D in the Schedule with the clerk or deputy clerk of the district court of the district the sheriff of which has the execution.
 - (b) as to subsection (7), clause (a) by striking out the word "three" and by substituting the word "ten".
4. This Act comes into force on the first day of June, 1962.

No. 23

FOURTH SESSION

FOURTEENTH LEGISLATURE

10 ELIZABETH II

1962

BILL

An Act to amend The Execution
Creditors Act

Received and read the

First time

Second time

Third time

HON. MR. MANNING
