

MODEL ESTABLISHED BY THE MINISTER OF JUSTICE

**NOTICE OF EXECUTION DRAWN UP BY
THE COLLECTOR**
(articles 681 and 682 C.C.P. and 330 C.C.P.)

SECTION I – IDENTIFICATION OF RECORD

(Compulsory indication)

Initial notice of execution

(Choose the applicable indication)

Filed in the office of the court of _____ in the district of _____

Filed in the office of the municipal court of _____

in record number: _____

(Only one record number may be entered)

(Add the other record numbers concerned by the initial notice of execution, if applicable)

Other record numbers concerned: (see schedule)

(Include this information if the notice of execution is amended)

Notice of execution amended on _____ – read Section VI

(Indicate the date of the last amendment)

(If the notice is amended to add other records, indicate the record numbers)

Other record numbers concerned: (see schedule)

SECTION II – IDENTIFICATION OF PARTIES

(Identify the seizer, the defendant and, if applicable, the executing bailiff and the garnishee)

Seizer

Collector responsible for recovery of the amounts owed

(BRIA or municipal court)

(address)

(telephone)

(fax)

(E-mail)

Defendant

(name of defendant)

(address)

Bailiff

(name of the executing bailiff)

(name of firm)

(address)

(telephone)

(fax)

(E-mail)

Garnishee

(name of garnishee)

(address)

(Add the contact information for the other garnishees, if applicable)

SECTION III – NOTICE TO DEFENDANT

(Compulsory indication)

The collector responsible for recovery of the amounts owed and acting as the seizer by law hereby proceeds with measures to force execution.

FORCED EXECUTION OF A JUDGMENT

You have failed to pay the amounts owed following the judgment rendered against you.

The collector commences the forced execution of a judgment when the time limit for paying the amounts owed has expired or when the defendant fails to comply with an agreement entered into with the collector.

You may obtain release of seizure by paying the amount you are ordered to pay in the judgment, including execution costs.

You may oppose the execution measures commenced against you within **15 days** following notification of the minutes of seizure, the notice of sale or the seizure in the hands of a third person, in accordance with articles 735 and 736 C.C.P.

In the case of a seizure in the hands of a third person, you may contest the garnishee's declaration within **10 days**, in accordance with article 711 C.C.P.

SECTION IV – CONCLUSIONS OF THE JUDGMENT

(Compulsory indication)

Judgment

Record number: _____

A judgment was rendered against you on _____; it orders you to pay the following amounts:

Fine \$ _____

Costs \$ _____

Contribution \$ _____

Surcharge \$ _____

Additional costs \$ _____

Cost of this notice of execution and service \$ _____

Partial execution \$ _____ (enter the amount of the partial execution with the sign (-))

Total \$ _____

(Complete this section if other judgments are concerned by the notice of execution)

Other judgments concerned by the notice of execution (**see details in the schedule**)

Total: \$ _____

(Compulsory indication)

Total amount claimed under this notice of execution: \$ _____

(Compulsory indication)

The professional fees and other expenses of the bailiff for the execution of this notice of execution will be added, if applicable.

SECTION V – EXECUTION MEASURES

(Compulsory indication)

The collector is proceeding with the following execution measures:

(Select the boxes containing the execution measures that apply)

SEIZURE OF THE DEFENDANT'S MOVABLE PROPERTY

(Select the statements that apply)

Seizure of all the defendant's movable property.

Seizure, by notification of the notice of execution to the Société de l'assurance automobile du Québec (SAAQ), of the road vehicle registered and identified as follows:

Licence plate number	Vehicle identification number	Model	Year

From the date of this notification, the registration may not be transferred unless the SAAQ is informed by the bailiff that release of seizure has been granted.

SEIZURE OF THE DEFENDANT'S IMMOVABLE PROPERTY

Seizure of the immovable property specified in the instructions and described as follows (designated in accordance with the rules of the C.C.Q. and by municipal address):

You, the DEFENDANT, have **two months** from the seizure to sell the seized immovable by agreement unless it is hypothecated. You must obtain the bailiff's approval before concluding the sale.

If you renounce this right or fail to exercise it within the time limit, the bailiff may proceed with the sale of the property.

SEIZURE OF THE DEFENDANT'S PROPERTY IN THE HANDS OF THIRD PERSONS

You, the GARNISHEE, are bound to declare to the collector, located at _____, the amount, cause and terms of your current or potential indebtedness to the defendant at the time the declaration is made. You have **10 days** from the service of the notice of execution to make your declaration.

You must provide with the declaration a detailed statement of the defendant's property that is in your possession, specifying under what title the property is held.

You must also disclose any seizures made in your hands of income, sums of money or property belonging to the defendant.

If the declaration concerns movable or immovable property, it must be made to the executing bailiff.

At the collector's or bailiff's request, you are also required to provide all relevant documents relating to your debt toward the defendant.

(Select the statements that apply)

If the seizure concerns the defendant's **income**, you are required to remit to the clerk of _____ at _____, under _____,

record number _____, the seizable portion of what you owe to _____, *(identify the court)* *(address of the court)*
(record number of the initial notice of execution)

the defendant. You have **10 days** from service of the notice of execution to remit the amount.

If the seizure concerns **sums of money** that you owe to the defendant, you are required to remit them to the clerk of _____ at _____, under _____,

record number _____, if the collector so requests or if a clerk _____, *(identify the court)* *(address of the court)*
(record number of the initial notice of execution)

orders you to do so.

If the seizure concerns certificated **securities**, you must declare to the collector:

- the number of securities held by the defendant;
- the extent to which the securities are paid up;
- the interest, dividends or other distributions declared but not yet paid.

If the seizure concerns **property** of the defendant in your possession, you are required to deliver it to the bailiff, if the bailiff so requests or if a clerk orders you to do so.

(Compulsory indication)

You may be ordered to pay the amount owed by the defendant if you fail to declare, withhold or deposit a sum of money or if you make a false declaration.

SECTION VI – AMENDMENT(S) TO THE NOTICE OF EXECUTION

(Complete this section each time the notice of execution is amended)

(Complete Sections I, II, IV and V to reflect the amendment(s) made)

On *(Indicate the date of the amendment)*, the notice of execution was amended for the following reason(s):

(Select the statements that apply)

Another judgment has been rendered against you in record number: _____
(read Sections I and IV).

The judgment bearing number _____ was withdrawn from the notice of execution for the

(Enter the record number)

following reason: _____ (read Sections I and IV).

No additional execution measure is required.

The following additional execution measures are required (read Sections II and V):

At _____, on _____

(Collector's signature)

(Compulsory indication)

For more information, please contact the collector or, if applicable, the executing bailiff.

SCHEDULE

INITIAL NOTICE OF EXECUTION

Other record numbers concerned by the initial notice of execution:

Record number	Date of judgment	Fine	Costs	Contribution	Surcharge	Additional costs	Partial execution	TOTAL

* Read Section IV to ascertain the total amount claimed in the notice of execution.

AMENDMENT(S) TO THE NOTICE OF EXECUTION

Other record numbers concerned following the amendment(s) to the notice of execution:

Record number	Date of judgment	Fine	Costs	Contribution	Surcharge	Additional costs	Partial execution	TOTAL

* Read Section IV to ascertain the total amount claimed in the notice of execution.