

How to Collect Money on Your Court Order in Nova Scotia



After You Get a Judgment

- Overview of How to Collect Money on your Court Judgment
- The process is similar in Small Claims Court and Supreme Court
- This presentation is on money judgments and not judgments for things like parenting time, child support or spousal support
- You can find a detailed guide with all the steps to collecting on your Small Claims Court Judgment if you search

Small Claims Court of Nova Scotia

Enforcing a Small Claims Court Order:

A Guide for Creditors



Terminology

- Enforce – make sure it is obeyed/paid
- Garnish – take a portion of a paycheque to pay a debt
- Lien – keep property or keep property from being sold until a debt is paid
- Debtor – the person who owes money
- Creditor – the person who is owed money

Different ways to Get Money on Your Judgment

1. Prevent debtor from selling or mortgaging land/house without paying you
2. Prevent debtor from selling their car or boat without paying you
3. Ask the Sheriff to take some of the debtor's wages every time they get paid
4. Ask Sheriff to take money from debtor's account
5. Ask the Sheriff to take some of the debtor's property like tools, ATV, etc, to sell and get paid

Decide Which Way you Want to Get Paid

- Does the person own land or a house?
- Does the person own valuable things like a boat or a car or mobile home?
- Does the person have a job where they get a regular paycheque?
- Do you know where the person banks and do they have money in their bank account?

If they have a House and/or Land

- You can record a judgment on the property
- Wait for the person to mortgage or sell the property
- They will have to pay out the judgments recorded on the property before they can sell or mortgage the property
- NOTE: The Registry Doesn't take steps to pay you the money

How to “Record a Judgment”

1. Ask the courthouse for a certificate of judgment
2. Find the county where the debtor’s land or house is located – you don’t have to know exact address
3. Go to the Regional Land Registration office and ask the staff to record the certificate
4. This will create a lien
5. The lien will last 5 years
6. You will need to renew every 5 years (total of 20 years)

Regional Land Registration Offices

- 1. Sydney Regional Land Registration Office**
380 Kings Road
Sydney, NS B1S 1A8
- 2. Amherst Regional Land Registration Office**
144 Robert Angus Drive,
Amherst NS, B4H 4R7
- 3. Bridgewater Regional Land Registration Office**
81 Logan Road
Bridgewater, NS B4V 3T3
- 4. Dartmouth Regional Land Registration Office**
780 Windmill Road, 3rd Floor
P.O. Box 2205
Halifax, NS B3J 3C4
- 5. Lawrencetown Regional Land Registration Office**
396 Main Street, P.O. Box 39
Lawrencetown, NS B0S 1M0

If they have Valuable Property Like RVs, Cars or a Boat

- Similar to Registering the Judgment on Land or house
- You will wait for the person to sell the property
- They will have to pay out judgments that are “registered” on the property
- If you register your judgment first, you get paid first
- NOTE: the registry doesn't take steps to pay you the money

How to “Register” Your Judgment

1. Take your court order to the Regional Land Registration Office
2. Access the “Personal Property Registry” at the Land Registration Office
3. You will fill out a form at the Registry to Register Your Judgment
4. You will be given a verification statement
5. Hand Deliver or Send the Verification Statement by Registered Mail
6. See our Materials on “Affidavit of Service”
7. You will have to renew when it expires

If they have Valuable Property Like Tools, Cars or a Boat

- If you do not want to wait for the Debtor to sell their Tools, or their Car or their Boat, you can ask the Sheriff to seize and sell this property
- You will have to pay a deposit and fees to the Sheriff and any costs of selling the property
- NOTE: There are certain 'exemptions' from seizure including tools (up to \$7500) and a car (up to \$6500) and so the Sheriff will only take property other than this
- You may have to post a "bond" worth 1.25 times the value of the property

How to Have the Sheriff Seize Property

1. Ask the Court for an "Execution Order"
2. Take the Execution Order to the Regional Land Registration Office and Register in the Personal Property Registry
3. Take the Verification Statement to the Sherriff's Office
4. Write a letter to the Sheriff about the property that you want seized and sold
5. Take all of these documents to the Sheriff's office in the Justice Center closest to the Regional Land Registration Office

If they Have a Job

- Rather than waiting for the debtor to sell their property to get your money, you can “garnish their wages” if they have a job
- Garnishing someone’s wages means that every time they get a paycheque, you get a part of that paycheque until they pay what they owe you
- You will only get a part, according to the law, they get to keep a certain amount of their wage
- You will pay fees to the Sheriff’s office to collect
- You will need to know a lot of information such as the Debtor’s place of work

How to Garnish Wages

1. Receive an Execution Order from the Court
2. Register the Execution Order in the Personal Property Registry
3. Go to the Sheriff's office and give them the Verification Statement
4. At Sheriff's office provide information on the Debtor's Job
5. You will need to know the Debtor's Employer, or their business information if they have a business
6. You may also need to know which bank they bank with

Seizing Money from a Bank Account

- If you know the Debtor's Banking Information you can ask the Sheriff to seize money owed to you from the Debtor's account
- If you don't know the Debtor's Banking Information you may need to get what is called a "discovery subpoena" from Supreme Court to find this information out
- Steps are similar to garnishing the Debtor's account

Seizing Money in the Debtor's Bank Account

1. Get an Execution Order from the Court
2. Register the Execution Order in the Personal Property Registry
3. Go to the Sheriff's office and give them the Verification Statement
4. At Sheriff's office provide information on the Debtor's Bank Account

The Sheriff

- If you have given all the correct information to the Sheriff they will give the information to the Debtor's employer and collect a portion of the wages for you
- Or, for example, if the Debtor has a business and you have given the Sheriff the correct information about the Debtor's bank account, the Sheriff can seize money from the bank account
- The Sheriff will send you a cheque once they have started to collect at least \$200

For More Information Visit:

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