# *The Enforcement of Money Judgments Regulations*

*being*

Chapter E-9.22 Reg 1 (effective May 28, 2012) as amended by Saskatchewan Regulations 22/2016, 133/2017 and 4/2019.

**NOTE:**

**This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.**

# Table of Contents


1 Title
2 Interpretation
3 Fees and costs for authorized person
4 Examination
5 Disclosure from sheriff
6 Use of personal property registry by registry
6.1 Enforcement instructions
7 Duration of registration
8 Judgments affecting serial numbered goods
9 Personal property and lands affected
10 Interest
11 Discharge of judgment from registry
12 Compulsory discharge of judgment from registry
13 Discharge of judgment for maintenance from registry
14 Certified copies
15 Search results
16 Electronic financing statement and electronic financing change statement
17 Registry searches
18 Repealed
19 Fees and costs for sheriff
20 Seizure of money owing by Crown and public agencies
21 Service re crown employment remuneration accounts
22 Minimum prescribed amount for receivership
23 Prescribed amounts of exemptions
24 Fund constituted by Act
24.1 Registration re sheriff's notice against title
24.2 Distribution pursuant to section 107.1 of the Act
25 Service
25.1 Proof of service
26 Coming into force

**Appendix**

Table 1 Fees And Costs of Sheriffs' Enforcement Services

# CHAPTER E-9.22 REG 1

*The Enforcement of Money Judgements Act*

**Title**

**1** These regulations may be cited as *The Enforcement of Money Judgments Regulations*.

**Interpretation**

**2** In these regulations, **"Act"** means *The Enforcement of Money Judgments Act*.

25 May 2012 cE-9.22 Reg 1 s2.

**Fees and costs for authorized person**

**3**(1) If a judgment creditor or any other person is authorized to perform a function pursuant to subsection 4(1) of the Act, the judgment creditor or authorized person may claim, for the purposes of subsections 110(1) and (2) of the Act, 125% of the fees and costs that the sheriff would have been entitled to claim.

(2) For the purposes of clause 4(3)(b) of the Act, the prescribed amount for deemed damages is $500.

25 May 2012 cE-9.22 Reg 1 s3.

**Examination**

**4**(1) In this section, **"examination"** means an examination pursuant to section 14 of the Act.

(2) Section 11 of the Act applies to this section.

(3) The enforcing judgment creditor and the judgment debtor or any other person to be examined may agree in writing to a change of time and place for the examination.

(4) Conduct money must be paid to the judgment debtor or other person to be examined as if he or she were a witness pursuant to *The Queen's Bench Rules* and served at the same time as the notice of appointment.

(5) Any conduct money paid is not liable to enforcement.

(6) A judgment debtor or other person to be examined who is not in Saskatchewan may, by order of the court, be examined before any person and at any place that the court may order.

(7) A copy of the court's order pursuant to subsection (6) must be served on the judgment debtor or other person to be examined with the notice of appointment.

(8) An examination must be conducted before a court reporter approved by the sheriff.

(9) A person being examined must be sworn or affirmed before the person is examined.

(10) Unless the court orders otherwise, the oath or affirmation must be administered by a judge, local registrar, sheriff or court reporter.

(11) Unless the court otherwise orders, a judgment debtor or other person to be examined:

(a) shall inform himself or herself of relevant documents and of relevant information before the examination;

(b) shall bring to the examination any documents likely to be required with respect to which there is no claim of privilege;

(c) shall give appropriate evidence of the relevant documents and of relevant information; and

(d) is compellable to give the names and addresses of all persons who reasonably might be expected to have knowledge relevant to the examination.

(12) If the judgment debtor or other person objects to any question put to him or her during an examination, the court reporter and enforcing judgment creditor shall note the question and the objection.

(13) The enforcing judgment creditor may file the questions and objections mentioned in subsection (12) with the court.

(14) On an application pursuant to section 15 of the Act, the court shall decide the validity of any objections.

(15) A judgment debtor or other person who has been examined may:

(a) be further examined on his or her own behalf in relation to any matter respecting which he or she has been so examined; and

(b) be re-examined.

(16) Any explanatory examination and re-examination must be proceeded with immediately after examining by the enforcing judgment creditor.

(17) Unless otherwise ordered by the court or agreed to by the sheriff and the parties, the examination shall be recorded by a court reporter.

(18) Unless otherwise ordered by the court or agreed to by the sheriff and the parties, the court reporter shall prepare a certified transcript of the examination.

(19) If a certified transcript is prepared pursuant to subsection (18), an enforcing judgment creditor who examines a judgment debtor or other person shall provide the sheriff and judgment debtor with the transcript free of charge.

(20) The enforcing judgment creditor is responsible for the costs of the examination unless the court considers the examination justified, and, in that case, the court may order the judgment debtor to pay for the costs.

(21) If in the opinion of the court an examination has been held unreasonably, vexatiously or at unnecessary length, the costs incurred are the responsibility of the party at fault.

(22) Subject to subsections (15) and (16), a judgment debtor or other person may only be examined once in a 12-month period by the enforcing judgment creditor unless a sheriff is satisfied that there has been a significant change in the judgment debtor's circumstances.

25 May 2012 cE-9.22 Reg 1 s4.

**Disclosure from sheriff**

**5** On receiving a written request to do so, the sheriff shall disclose to any enforcing judgment creditor information regarding a judgment debtor or the judgment debtor's property that the sheriff has obtained or been provided with pursuant to the Act or these regulations.

25 May 2012 cE-9.22 Reg 1 s5.

**Use of personal property registry by registry**

**6**(1) Unless modified by these regulations, the registry is to use the procedures of the personal property registry, as set out in *The Personal Property Security Act, 1993* and the regulations made pursuant to that Act, for the registration, renewal and discharge of judgments.

(2) Unless a word or phrase is defined in the Act or these regulations, definitions in *The Personal Property Security Act, 1993* and the regulations made pursuant to that Act apply to these regulations for the purposes of subsection (1).

(3) An application to register or renew a judgment in the registry must be in the form required by the personal property registry.

(4) Subject to these regulations, an application to amend a registration with respect to a judgment in the registry must be in the form required by the personal property registry.

(5) In the case of a deceased individual, the designation "Estate" must be selected for the registry.

25 May 2012 cE-9.22 Reg 1 s6.

**Enforcement instructions**

**6.1** Section 29 of the Act and section 6 of these regulations apply, with any necessary modification, to the registration of an enforcement instruction.

22 Dec 2017 SR 133/2017 s3.

**Duration of registration**

**7**(1) A registration of:

(a) a judgment of the Federal Court of Canada is effective for 10 years from the date of the judgment and may be renewed for additional periods of 10 years;

(b) a writ of execution issued by the Federal Court of Canada is effective for six years from the date of judgment or issuance and may be renewed for additional periods of six years;

(c) a judgment issued to enforce a maintenance order is effective indefinitely unless it is discharged pursuant to section 13;

(c.1) subject to subsection (1.1), an enforcement instruction is effective for two years from the date of registration and may be renewed for additional periods of two years; or

(d) any other judgment is effective for 10 years from the date of the judgment and may be renewed for additional periods of 10 years.

(1.1) If a supplementary enforcement instruction is registered before the registration of an enforcement instruction expires pursuant to clause (1)(c.1), the registration of the enforcement instruction is renewed and expires two years after the date of registration of the supplementary enforcement instruction.

(2) If a judgment of or a writ of execution issued by the Federal Court of Canada or a judgment is renewed pursuant to clause (1)(a), (b) or (d), the first day of the renewal period is deemed to be the date of the judgment that renews the judgment or the date of the court order that renews the writ, as the case may be.

(3) If the registration of an enforcement instruction is renewed pursuant to clause (1)(c.1), the first day of the renewal period is the date of the registration of the renewal.

25 May 2012 cE-9.22 Reg 1 s7; 22 Dec 2017 SR 133/2017 s4.

**Judgments affecting serial numbered goods**

**8**(1) If a registration respecting a judgment in goods that are serial numbered goods is to be effected, the goods are to be described by:

(a) the appropriate code from Table 1 of Appendix D of *The Personal Property Security Regulations* for that type of good;

(b) the last 25 characters of the serial number as described in subsection (2);

(c) the make, name of manufacturer or description of the good;

(d) the year of the good, if desired;

(e) the model of the good, if desired;

(f) the colour of the good, if desired.

(2) For the purposes of clause (1)(b), the serial number for:

(a) a trailer, mobile home or motor vehicle other than an automobile or truck is the serial number located on the chassis;

(b) an automobile or truck is the vehicle identification number located on the body frame;

(c) a boat that is of a type:

(i) that can be registered, recorded or licensed pursuant to the *Canada Shipping Act* is the registration, recording or licensing number that is assigned to the boat; or

(ii) not mentioned in subclause (i) is the serial number of the boat;

(d) an aircraft that must be registered pursuant to the *Aeronautics Act* (Canada) is the registration marks assigned to the airframe by the Department of Transport;

(e) an aircraft, other than an aircraft mentioned in clause (d), that must be registered pursuant to the laws of a state that is a party to the Convention on International Civil Aviation 1944 (Chicago) is the registration marks assigned to the airframe by the relevant licensing authority as described in the Convention;

(f) an aircraft, other than an aircraft mentioned in clauses (d) and (e), is the serial number of the airframe; and

(g) goods that do not have a serial number affixed as described in clauses (a) to (f) is the serial number assigned to the goods by SGI before the registration and, if no serial number has been assigned, the serial number is a six character number that is permanently marked on or attached to the goods in a prominent place on the goods.

(3) Except as otherwise provided, for the purposes of subsection (2), a serial number:

(a) is a serial or identification number permanently marked on or attached to the goods by the manufacturer; and

(b) includes only alpha-numeric characters and does not include punctuation, hyphens or other markings.

25 May 2012 cE-9.22 Reg 1 s8.

**Personal property and lands affected**

**9** The words "all of the personal property and lands of the debtor within Saskatchewan" are to be inserted in the "General Collateral" area of a financing statement if the registrant wishes to register a judgment.

25 May 2012 cE-9.22 Reg 1 s9.

**Interest**

**10** For the purposes of section 113 of the Act, the prescribed rate of interest is 5%.

25 May 2012 cE-9.22 Reg 1 s10.

**Discharge of judgment from registry**

**11**(1) On the satisfaction or withdrawal of a judgment, any person authorized to do so shall immediately file with the personal property registry, in the form required by the personal property registry, an application for discharge from the registry to the effect that the judgment has been satisfied or withdrawn in whole.

(2) On the filing of an application for discharge pursuant to subsection (1) or a judge's order showing the satisfaction or withdrawal of a judgment, the judgment:

(a) is discharged from the registry; and

(b) is discharged from any title or interest in the land titles registry to which the judgment has attached.

(3) If a registration of a judgment is discharged pursuant to this section, any registration of an enforcement instruction linked to the registration of that judgment must also be discharged.

25 May 2012 cE-9.22 Reg 1 s11; 22 Dec 2017 SR 133/2017 s5.

**Compulsory discharge of judgment from registry**

**12**(1) A written demand pursuant to subsection 28(3) of the Act:

(a) must be in the form provided by the sheriff; and

(b) must be served on the judgment creditor pursuant to section 121 of the Act and, if made by registered mail, must be addressed to the address of the judgment creditor as it appears on the judgment creditor's financing statement.

(2) If a registration of a judgment is discharged pursuant to this section, any registration of an enforcement instruction linked to the registration of that judgment must also be discharged.

25 May 2012 cE-9.22 Reg 1 s12; 22 Dec 2017 SR 133/2017 s6.

**Discharge of judgment for maintenance from registry**

**13**(1) For the purposes of this section, **"Director"** means the Director of Maintenance Enforcement appointed pursuant to *The Enforcement of Maintenance Orders Act, 1997*.

(2) On the satisfaction or withdrawal of a maintenance order registered by the Director, the Director shall immediately file with the personal property registry, in the form required by the personal property registry for the discharge of a judgment, an application for discharge from the registry to the effect that the maintenance order has been satisfied or withdrawn.

(3) On satisfaction or withdrawal of a maintenance order registered by someone other than the Director, the judgment creditor or person authorized by the judgment creditor shall immediately file with the personal property registry, in the form required by the personal property registry for the discharge of a judgment, an application for discharge from the registry to the effect that the maintenance order has been satisfied or withdrawn.

(4) On the filing of an application for discharge pursuant to subsection (2) or (3) or a judge's order showing the satisfaction or withdrawal of a maintenance order, the maintenance order:

(a) is discharged from the registry; and

(b) is discharged from any title or interest in the land titles registry to which the maintenance order has attached.

25 May 2012 cE-9.22 Reg 1 s13.

**Certified copies**

**14** The Registrar of Personal Property Security and the Registrar of Titles may certify a copy of a printed document in the registry or a printout of a document recorded and stored in the registry or a record of the registry:

(a) by:

(i) affixing his or her seal of office to the copy or printout;

(ii) signing the copy or printout; and

(iii) affixing to the copy or printout the date on which it was prepared; or

(b) by printing the document on the security paper of the personal property registry or the land titles registry.

25 May 2012 cE-9.22 Reg 1 s14.

**Search results**

**15**(1) Any printed search result that is provided by the registry pursuant to section 14 is admissible in evidence as proof, in the absence of evidence to the contrary, of the contents of the results, including:

(a) the date of registration of a judgment to which the search result refers; and

(b) the order of registration of the judgment as indicated by the registration number.

(2) Notwithstanding subsection (1), the Registrar of Personal Property Security or the Registrar of Titles may designate a printed search result provided pursuant to section 14 to be for information purposes only.

(3) For the purposes of section 29 of the Act, the verification statement to be given to a judgment debtor in accordance with subsection 43(12) of *The Personal Property Security Act, 1993*, may be provided by ordinary mail to the address for service of the judgment debtor.

(4) If the verification statement mentioned in subsection (3) is provided by ordinary mail, it is deemed to be received on the seventh day following the date of mailing.

25 May 2012 cE-9.22 Reg 1 s15; 4 Mar 2016 SR 22/2016 s3.

**Electronic financing statement and electronic financing change statement**

**16**(1) Subject to subsection (2), an electronic financing statement and an electronic financing change statement may be submitted to the registry respecting a judgment.

(2) An electronic financing change statement must not be submitted if it relates to:

(a) an amendment correcting an error of the registry; or

(b) a discharge or amendment pursuant to section 28 of the Act.

25 May 2012 cE-9.22 Reg 1 s16.

**Registry searches**

**17**(1) In this section, **"land titles registration number"** means the number assigned to the writ on the filing of the writ in a land titles office in a former land registration district pursuant to *The Land Titles Act*, as that Act existed on the day before section 1 of *The Land Titles Act, 2000* came into force.

(2) For the purposes of section 20 of the Act, a search of the registry may be performed based on any of the following criteria:

(a) the name of a debtor;

(b) a registry number;

(c) a land titles registration number.

25 May 2012 cE-9.22 Reg 1 s17.

**18 Repealed.** 22 Dec 2017 SR 133/2017 s7.

**Fees and costs for sheriff**

**19**(1) For the purposes of subsection 38(3) of the Act, the fees and costs that may be claimed by the sheriff for the sheriff's enforcement services are set out in Table 1 of the Appendix.

(2) The sheriff may require payment of fees and costs before performing any enforcement service.

25 May 2012 cE-9.22 Reg 1 s19.

**Seizure of money owing by Crown and public agencies**

**20**(1) For the purposes of subsection 61(1) of the Act, the following Crown accounts are subject to seizure pursuant to the Act:

(a) subject to subsection (2), Crown accounts due to a person for commercial goods or services acquired by the Crown in the ordinary course of business;

(b) Crown accounts due to a person pursuant to *The Saskatchewan Medical Care Insurance Act*.

(2) Without limiting the generality of clause (1)(a), that clause does not apply to:

(a) an account due to any person pursuant to a funding agreement for the delivery of Crown programs;

(b) payments made pursuant to *The Saskatchewan Assistance Act*; or

(c) grants made pursuant to any Act.

(3) For the purposes of subsection 61(3) of the Act, a notice of seizure must:

(a) for a Crown account that is to be paid by a ministry, other than a Crown account mentioned in clause (c), be personally served or served by registered mail on:

(i) the Deputy Minister of Finance or an individual designated in writing by the Deputy Minister of Finance to accept that service; and

(ii) if the account is to be paid by a ministry other than the Ministry of Finance, the deputy minister of the ministry or an individual designated in writing by that deputy minister to accept that service;

(b) for a Crown account that is to be paid by a board, agency, commission or other entity, other than a Crown corporation, be personally served or served by registered mail on the chairperson or secretary of the board, agency, commission or entity;

(c) if money is payable pursuant to *The Saskatchewan Medical Care Insurance Act*, be personally served or served by registered mail on the Deputy Minister of Health or an individual designated in writing by the Deputy Minister of Health to accept that service;

(d) for a municipality:

(i) be personally served on the city commissioner, city manager, clerk or administrator of the municipality; or

(ii) be served by registered mail addressed to the city commissioner, city manager, clerk or administrator of the municipality;

(e) for a board of education, be personally served or served by registered mail on the chairperson, director as defined in *The Education Act, 1995* or other member or officer of the board of education;

(f) for the conseil scolaire, be personally served or served by registered mail on the président, director as defined in *The Education Act, 1995* or other member or officer of the conseil scolaire; or

(g) for a regional health authority, be personally served or served by registered mail on a member, the chairperson, vice-chairperson or other officer of the regional health authority.

25 May 2012 cE-9.22 Reg 1 s20; 22 Dec 2017 SR 133/2017 s8.

**Service re crown employment remuneration accounts**

**21** For the purposes of subsection 64(4) of the Act, the notice of seizure affecting employment remuneration must:

(a) if the judgment debtor is a member of the public service or is temporarily employed by the Government of Saskatchewan, be personally served or served by registered mail on:

(i) the Deputy Minister of Finance or an individual designated in writing by the Deputy Minister of Finance to accept that service; and

(ii) if the salary or wages are paid by a ministry other than the Ministry of Finance, the deputy minister of the ministry or an individual designated in writing by that deputy minister to accept that service;

(b) if the judgment debtor is employed by a board, agency, commission or other entity, be personally served or served by registered mail on the chairperson or secretary of the board, agency, commission or entity;

(c) if the money is payable pursuant to *The Saskatchewan Medical Care Insurance Act*, be personally served or served by registered mail on the Deputy Minister of Health or an individual designated in writing by the Deputy Minister of Health to accept that service;

(d) if the judgment debtor is an employee of or temporarily employed by a municipality:

(i) be personally served on the city commissioner, city manager, clerk or administrator of the municipality; or

(ii) be served by registered mail addressed to the city commissioner, city manager, clerk or administrator of the municipality;

(e) if the judgment debtor is an employee of or temporarily employed by a board of education, be personally served or served by registered mail on the chairperson, director as defined in *The Education Act, 1995* or other member or officer of the board of education;

(f) if the judgment debtor is an employee of or temporarily employed by the conseil scolaire, be personally served or served by registered mail on the président, director as defined in *The Education Act, 1995* or other member or officer of the conseil scolaire; or

(g) if the judgment debtor is an employee of or temporarily employed by a regional health authority, be personally served or served by registered mail on a member, the chairperson, vice-chairperson or other officer of the regional health authority.

25 May 2012 cE-9.22 Reg 1 s21; 4 Mar 2016 SR 22/2016 s4.

**Minimum prescribed amount for receivership**

**22** For the purposes of clause 72(6)(a) of the Act, the prescribed amount is $10,000.

25 May 2012 cE-9.22 Reg 1 s22.

**Prescribed amounts of exemptions**

**23**(1) For the purposes of clause 93(1)(a) of the Act, the prescribed amount is $7,500.

(2) For the purposes of clause 93(1)(d) of the Act, the prescribed amount is $2,000.

(3) For the purposes of clause 93(1)(e) of the Act, the prescribed amount is $10,000.

(4) For the purposes of clause 93(1)(l) of the Act, the prescribed amount is $50,000.

(5) For the purposes of clause 93(1)(m) of the Act, the prescribed amount is $1,500 plus $300 for each dependant.

(6) For the purposes of clauses 94(6)(b) and (7)(c), subclause 94(8)(b)(ii) and clause 94(10)(b) of the Act, the prescribed amount is $50,000.

(7) For the purposes of subsection 95(2) of the Act and subject to subsection (8), the employment remuneration of a judgment debtor that is exempt from seizure in a pay period is the greater of:

(a) 70% of the net employment remuneration of a judgment debtor; and

(b) $1,500 plus $300 for each dependant.

(8) If the pay period mentioned in subsection (7) is other than a calendar month, the amount that is exempt from seizure bears the same proportion to the relevant amount in subsection (7) that the pay period bears to a calendar month.

(9) The exemption in clause 93(1)(e) of the Act does not apply if a vehicle has been seized pursuant to:

(a) section 335.1 of *The Cities Act*;

(b) *The Commercial Liens Act*;

(c) section 371.1 of *The Municipalities Act*;

(d) section 392 of *The Northern Municipalities Act, 2010*;

(e) Part V.1, Division 3 of *The Summary Offences Procedure Act, 1990*; or

(f) Part XV of *The Traffic Safety Act*.

(10) The exemption in clause 93(1)(l) of the Act does not apply if the house, house trailer or equivalent facility mentioned in that clause is not maintained by the judgment debtor as an active residence.

25 May 2012 cE-9.22 Reg 1 s23; 4 Mar 2016 SR 22/2016 s5.

**Fund constituted by Act**

**24**(1) For the purposes of subclause 107(5)(a)(ii) of the Act, the following Acts are prescribed:

(a) *The Crown Minerals Act*;

(b) *The Freehold Oil and Gas Production Tax Act, 2010*;

(c) *The Mineral Taxation Act, 1983*;

(d) *The Mineral Resources Act, 1985*;

(e) *The Oil and Gas Conservation Act*.

(2) For any fund constituted pursuant to section 107 of the Act, the sheriff:

(a) shall manage that fund in a commercially reasonable manner; and

(b) is authorized to take any necessary measures for the purposes of clause (a).

(3) Subject to subsection (4), interest earned by a fund constituted pursuant to section 107 of the Act accrues to that fund.

(4) No interest accrues to a fund if the sum provided to the sheriff to constitute the fund is less than $1,000 or is on deposit with the sheriff for 30 days or less.

(5) For the purposes of subsection 108(2) of the Act, the prescribed amount is $2,000.

(5.1) For the purposes of clause 108(3)(a.1) of the Act:

(a) the prescribed period is the period ending on the earliest of the following events:

(i) the expiry of 180 days;

(ii) the fund reaching the amount of $2,000;

(iii) the sheriff concluding on reasonable grounds that there is no longer a strong likelihood that any additional funds will be received or collected into the fund within whatever remains of the period mentioned in subclause (i);

(b) the prescribed circumstances are the circumstances in which the sheriff has reason to believe there is a strong likelihood that additional funds will be received or collected into the fund during the period prescribed in clause (a).

(6) For the purposes of clause 110(3)(f) of the Act, the prescribed amount to be paid to an enforcing judgment creditor who is determined by the sheriff to be entitled to a payment is:

(a) if the judgment being enforced is less than $1,000, $200;

(b) if the judgment being enforced is $1,000 or more but less than $10,000, $500; and

(c) if the judgment being enforced is $10,000 or more, $1,000.

(7) For the purposes of subsection 111(1) of the Act, the sheriff shall prepare a distribution statement in writing and may distribute it in an electronic format.

(8) For the purposes of clause 117(a) of the Act, the prescribed amount of deemed damages is $500.

25 May 2012 cE-9.22 Reg 1 s24; 4 Mar 2016 SR 22/2016 s6.

**Registration re sheriff's notice against title**

**24.1** For the purposes of subsection 107.1(2) of the Act, the sheriff may register an interest based on a sheriff's notice against the title in the Land Titles Registry in the form required by the Director of Sheriffs.

4 Mar 2016 SR 22/2016 s7.

**Distribution pursuant to section 107.1 of the Act**

**24.2**(1) In this section and section 107.1 of the Act:

**"distribution"** means the distribution of a separate fund constituted pursuant to this section;

**"maximum net proceeds"** means sale proceeds after payment of:

(a) all encumbrances, fees, costs, and charges, other than judgments, having priority over enforcement charges on title;

(b) reasonable commissions, legal fees and disbursements related to the sale;

(c) reasonable adjustments required pursuant to the contract between the vendor and purchaser; and

(d) any exemption that a judgment debtor is entitled to pursuant to the Act.

(2) For the purposes of section 107.1 of the Act, enforcing judgment creditors with respect to a judgment debtor mentioned in that section at the time of registration of the interest based on a sheriff's notice are entitled to participate in a distribution of maximum net proceeds conducted in accordance with this section and section 107.1 of the Act.

(3) All judgment creditors with a judgment registered against the specific title to be transferred pursuant to section 107.1 of the Act at the time of registration of the interest based on a sheriff's notice against the title in the Land Titles Registry are deemed to be enforcing judgment creditors for the purposes of distribution.

(4) If the sheriff decides to proceed pursuant to section 107.1 of the Act, the sheriff shall constitute a separate fund consisting of the maximum net proceeds from the sale of the land by the judgment debtor for distribution to the enforcing judgment creditors mentioned in this section as soon as possible.

(5) Subject to subsection (6), a distribution to enforcing judgment creditors pursuant to this section is to be conducted by the sheriff in the same manner as the fund is distributed pursuant to subsections 110(1) to (4) of the Act, with any necessary modification, to facilitate timely distribution.

(6) Subsection (5) does not affect the rights of any person to money that is the proceeds of a disposition of the title in which that person held an interest before the disposition.

(7) The sheriff shall discharge the interest based on the sheriff's notice and any other judgment interests with respect to the judgment debtor from the title on payment of the maximum net proceeds to the sheriff.

(8) If there is a surplus that is returned to the judgment debtor following a distribution pursuant to this section, those funds are subject to seizure pursuant to the Act in the ordinary manner.

(9) A distribution pursuant to this section does not preclude or affect distribution in the ordinary course with respect to other money received by the sheriff pursuant to section 107 of the Act.

4 Mar 2016 SR 22/2016 s7.

**Service**

**25**(1) For the purposes of subclause 121(1)(a)(vi) of the Act, personal service must be made in the case of:

(a) the Crown, other than a Crown corporation, on the deputy minister of the applicable ministry or an individual designated in writing by the deputy minister to accept that service; or

(b) a Crown corporation, on the chief executive officer or comptroller.

(2) For the purposes of clause 121(1)(b) of the Act, service by registered mail:

(a) to an individual must be addressed:

(i) to the individual at the individual's residence;

(ii) if the individual is the sole proprietor of a business, to the individual at the address of the business; or

(iii) to the individual at a mailing address that the sheriff has reasonable grounds to believe is the individual's current mailing address;

(b) to a partnership must be addressed at the address of the partnership business to:

(i) the partnership;

(ii) one or more of the general partners; or

(iii) a person who, at the time of the delivery, has control or management of the partnership business;

(c) to a corporation other than a municipality must be addressed:

(i) to the registered office or head office of the corporation;

(ii) if the corporation has its registered office or head office outside of Saskatchewan, to the attorney for the corporation appointed pursuant to *The Business Corporations Act* or *The Non-profit Corporations Act, 1995*, as the case may be; or

(iii) in the case of a bank or credit union, to a branch of that bank or credit union if the sheriff has reason to believe property of a judgment debtor is being held or managed by the bank or credit union;

(d) to a municipality must be addressed to the city commissioner, city manager, clerk or administrator of the municipality;

(e) to an association must be addressed to an officer of the association at the officer's residence;

(f) to the Crown, other than a Crown corporation, must be addressed to the deputy minister of the applicable ministry or an individual designated in writing by the deputy minister to accept that service;

(g) to a Crown corporation must be addressed to the chief executive officer or comptroller;

(h) to an enforcing judgment creditor must be addressed at the address stated in the judgment creditor's most recent enforcement instruction; or

(i) to a person with a registered interest in property that is the subject of a seizure must be addressed at the address stated on the person's financing statement filed with the personal property registry or other document registered with the Land Registry.

(3) For the purposes of clause 121(1)(c) of the Act, if a person to be served has provided an address for service to the sheriff, a document required to be served may be served at the address for service by any of the following means:

(a) courier, including any adult person who delivers the document;

(b) registered or ordinary mail;

(c) fax;

(d) electronic transmission, but only if an electronic transmission acknowledging receipt is received from the person to be served.

(4) For the purposes of clause 121(5)(c) of the Act, a sheriff may be served by electronic transmission if the sheriff acknowledges, in writing, receipt of the notice or other document served.

(5) If the address for service is the address of a lawyer representing the person to be served, the document may be addressed to that lawyer.

(6) In the case of service by courier, a copy of the document must be:

(a) delivered to the address for service of the person to be served;

(b) delivered to the address for service of an adult person who appears to be an employee, agent, representative or household member of the person to be served; or

(c) delivered to a mail receptacle at the address for service if a person mentioned in clause (a) or (b) is not present:

(i) at an address for service that is a residential address; or

(ii) during regular office hours, at an address for service that is a business address.

(7) In the case of service by fax, the document must:

(a) be faxed to the fax number stated in the address for service of the person to be served; and

(b) include a cover page that sets out the following information:

(i) the sender's name, address, telephone number and fax number;

(ii) the name of the person to be served;

(iii) the date and time of transmission;

(iv) the total number of pages transmitted, including the cover page;

(v) the name and telephone number of a person to contact in the event of transmission problems.

(8) In the case of service by electronic transmission:

(a) the document must be electronically transmitted to the electronic transmission address stated in the address for service of the person to be served; and

(b) the electronic transmission must set out the following information:

(i) the sender's name, address, telephone number, electronic transmission address and the sender's fax number if there is one;

(ii) the name of the person to be served;

(iii) the date and time of transmission;

(iv) the electronic file name of the document being transmitted;

(v) the judgment number related to the document being transmitted;

(vi) the total number of hard copy pages of the document;

(vii) the name and telephone number of a person to contact in the event of transmission problems;

(viii) confirmation that the original document has been signed;

(ix) confirmation that the original signed document is available for inspection at the place and time specified in the electronic transmission.

4 Mar 2016 SR 22/2016 s8.

**Proof of service**

**25.1**(1) An acknowledgement of service in a form approved by the Director of Sheriffs, signed by the person to be served or his or her lawyer is proof of service.

(2) Service of a document by a sheriff may be proved by a certificate of service in a form approved by the Director of Sheriffs.

(3) Documents sent by ordinary mail to an address for service are deemed to be served on the seventh day following the date of mailing.

(4) Documents sent by electronic transmission are deemed to be served on the date an acknowledgement of receipt is received from the person served.

4 Mar 2016 SR 22/2016 s9.

**Coming into force**

**26**(1) Subject to subsection (2), these regulations come into force on the day on which section 1 of *The Enforcement of Money Judgments Act* comes into force.

(2) If section 1 of *The Enforcement of Money Judgments Act* comes into force before these regulations are filed with the Registrar of Regulations, these regulations come into force on the day on which they are filed with the Registrar of Regulations.

25 May 2012 cE-9.22 Reg 1 s26.

**Appendix**
TABLE 1

*The Enforcement of Money Judgments Act*
[Section 19 of these regulations and subsection 38(3) of the Act]

**FEES AND COSTS OF SHERIFFS' ENFORCEMENT SERVICES**

(1) In this Table, **"Form"** means a Form established pursuant to clause 124.1(2)(a) of the Act.

| Item | Service Category | Service | Fee ($) |
|---|---|---|---|
| **1** | Service | (a) receiving, filing and serving on one person and returning any process together with an affidavit of service or attempted service, whether service is by mail or in person | 100 |
| | | (i) in the event of personal service, for any time spent by the sheriff to effect service | 50 per sheriff per hour or part of an hour |
| | | (b) each additional party served, whether service is by mail or in person, at the same location as service is made pursuant to item (a) | 50 |
| **2** | Disclosure | (a) producing Notice to Complete Sheriff's Questionnaire, Notice to Third Party to Complete Sheriff's Questionnaire or Notice of an Appointment for Examination [Form D, E, F] | 20 |
| | | (b) receiving and keeping record of written request for disclosure from enforcing judgment creditor and disclosing information to enforcing judgment creditor | 20 |
| **3** | Registration | preparing and filing registration, amending or discharging in the registry for enforcing judgment creditor (in addition to the registry fee) | 20 |

| Item | Service Category | Service | Fee ($) |
|---|---|---|---|
| **4** | Enforcement | (a) receiving and keeping record of enforcement instructions: | |
| | | (i) if amount of judgment unpaid at the date of the enforcement instruction is more than $10,000 | 300 |
| | | (ii) if amount of judgment unpaid at the date of the enforcement instructions is $10,000 or less | 150 |
| | | (b) receiving and keeping record of supplementary enforcement instructions: | |
| | | (i) if amount of judgment unpaid at the date of the enforcement instruction is more than $10,000 | 100 |
| | | (ii) if amount of judgment unpaid at the date of enforcement instruction is $10,000 or less | 50 |
| | | (c) producing report pursuant to section 35 of the Act | 50 |
| | | (d) undertaking investigation as per enforcement instruction | 50 per sheriff per hour or part of an hour |
| | | (e) seizing exigible property, including preparation of documentation | 50 per sheriff per hour or part of an hour |
| | | (f) inventorying, cataloguing and preparing seized property for disposition | 50 per sheriff per hour or part of an hour |
| **5** | Receivership | (a) supervising receiver | 100 per sheriff per hour or part of an hour |
| | | (b) producing Notice to Discharge Security of Receiver or Terminate Receivership [Form T] | 50 |
| **6** | Third Person Claims | (a) receiving Notice of Third Person Claim and any additional information required by sheriff [Form U] | 20 |
| | | (b) producing Notice of Third Person Claim, receiving Notice to Sheriff of Dispute of Third Person Claim [Forms U and V] | 20 |
| | | (c) making interpleader application, including preparation of documents and attendance in court | 400 |
| **7** | Exemptions | (a) producing Exemption Notice to Judgment Debtor [Form X] | 20 |

| Item | Service Category | Service | Fee ($) |
|---|---|---|---|
| | | (b) receiving and determining Notice of Exemption Claim [Form Y] | 50 |
| | | (c) producing Notice of Sheriff's Decision on Exemption Claim [Form Z] | 20 |
| | | (d) making application pursuant to section 95 of the Act, including preparation of documents and attendance in court | 100 |
| **8** | Distribution | (a) producing Notice of Distribution [Form DD] | 20 |
| | | (b) producing initial Distribution Statement [Form FF] | 75 |
| | | (c) producing any supplementary Distribution Statement [Form FF] | 50 |
| | | (d) receiving and determining Notice of Objection to a Distribution, including Notice of Valid Objection to a Distribution [Forms GG and HH] | 50 |
| **9** | Transportation Fee | for each kilometre travelled by the sheriff in execution of the sheriff's duties | twice the rate approved for members of the public service of Saskatchewan using a privately owned vehicle on government business, with a minimum charge of $10 in each case |
| **10** | Disbursements | | in every case payment for all disbursements properly incurred |

1 Feb 2019 SR 4/2019 s2.

REGINA, SASKATCHEWAN
Printed by the authority of
THE QUEEN'S PRINTER
Copyright©2019