

40.

O. 22, r. 6(5);
O. 45, r. 4

NOTICE OF SEIZURE OR ATTACHMENT

(Title as in action)

Case No:

Application No:

Before: [Judge/Registrar]

Venue: [Supreme Court/State Courts] [Court/Chamber number]

Hearing date/time:

Date of enforcement order:

To:

1. Pursuant to the above enforcement order, the Sheriff now seizes or attaches:

*(a) [the properties, the financial institution, the non-party and the deposits or money to be seized or attached must be described with sufficient details].

*(b) [the properties as set out in the Schedule of the enforcement order].

*(c) ...

2. Once this Notice of Seizure or Attachment is served on you, you are not to deal with or dispose of the properties, deposits or money described in paragraph 1, unless the Court otherwise orders.

3. If the enforcement order is for attachment of deposits or money, (a) you must, within 14 days of service of this Notice of Seizure or Attachment, inform the Sheriff of the amount owing to the enforcement respondent that is available to be attached; and (b) you must not deal with or dispose of the deposits or money until after 21 days have passed after the date of service of this Notice of Seizure or Attachment, or if a notice of objection is filed under Order 22 Rule 10, until after the notice of objection has been determined in the manner set out in Rule 10. If no notice of objection is filed under Rule 10, you are to hand over or pay to the enforcement applicant the deposits or money due to the enforcement respondent and to the Sheriff the commission due to the Sheriff, within 7 days after 21 days have passed after the date of service of this Notice of Seizure or Attachment. If you have received notice of objection given by the enforcement respondent or any non-party objecting to the attachment of the deposits or money, you must not deal with or dispose of the deposits or money and must not hand over or pay the deposits or money until otherwise informed or instructed by the Sheriff.

4. If you have made a claim for costs of \$100 from the Sheriff within 14 days of service of this Notice of Seizure or Attachment (see Note 1), you can deduct the costs of \$100 from the amount that you must hand over or pay to the enforcement applicant.

5. When you hand over or pay the deposits or money to the enforcement applicant and the commission to the Sheriff, you must state in an accompanying letter signed by you or your solicitor:

- (a) the amount that is due to the enforcement respondent;
- (b) the amount that you have deducted/withheld; and
- (c) the reason for the deduction/withholding of the amount.

6. If the enforcement order is for the sale of seized movable property, the Sheriff may take steps to sell the seized movable property after 14 days after a copy of the Notice of Seizure or Attachment has been served on the enforcement respondent, unless the movable property is perishable or unless the Court otherwise orders.

7. If the enforcement order is for the sale of seized immovable property, the Sheriff may take steps to sell the seized immovable property after 30 days after a copy of the Notice of Seizure or Attachment has been served on the enforcement respondent, unless the Court otherwise orders.

Notes:

1. A non-party (who is anyone who is not the enforcement respondent or his employee) who is served with this Notice of Seizure or Attachment is entitled to claim costs of \$100 from the Sheriff (to be deducted from the debt owing from the non-party to the enforcement respondent which is attached under this Notice of Seizure or Attachment) provided the claim is made within 14 days of service of this Notice of Seizure or Attachment.

2. Where the enforcement respondent or any non-party (collectively “the objector”) objects to any seizure of property or attachment of debt by the Sheriff, he or she must, within 14 days of service of this Notice of Seizure or Attachment, give notice of his or her objection in writing to the Sheriff by filing a notice of objection and serving a copy of the notice of objection on the enforcement applicant, the enforcement respondent (if not the objector) and any non-party served with this Notice of Seizure or Attachment (if not the objector).

3. The notice of objection must identify the objector, specify the property in dispute, state the grounds of objection and include any evidence supporting the grounds of objection.

4. Contact details of the Sheriff:

[name of officer(s) in charge, address, email address and telephone number].

5. Contact details of the enforcement applicant or his or her solicitor:

[name, address, email address and telephone number].

6. Contact details of the enforcement respondent or his or her solicitor:

[name, address, email address and telephone number].

(Seal of the Court and signature of the Sheriff)

(*Use as appropriate)
