

Reciprocal Enforcement of Judgment  
NO Personal Service

# Court of King's Bench

Registering an out of Province Judgment  
in Alberta when:

- the document starting your action was  
NOT personally served  
AND
- the Defendant did not attend trial



**Resolution Services**



*Alberta*  
Government

# Instructions

## Registering an out of Province Judgment in Alberta (When the document starting your action was NOT personally served and the Defendant did not attend trial)

### Before you Begin:

- You will use the forms in this package if you want to make an application to the Court for an order registering your order from another province or country in Alberta.
  - Use this package if:
    - The Defendant was NOT personally served with the Statement of Claim (or other commencement document) when you started your action in the other jurisdiction. Personal service means the Statement of Claim was handed directly to the Defendant – you would have mailed it or had it delivered in some other way.
- AND
- The Defendant did not come to the trial of your action and did not do anything to show they accepted the jurisdiction of the court. (This is called “attorning to the jurisdiction”. If you have questions about whether or not the defendant attorned to the jurisdiction, you must ask a lawyer.)

If the Defendant WAS personally served, or did attorn to the jurisdiction, use the kit “Registering an out of Province Judgment in Alberta (When the document starting your action was personally served or the Defendant attended trial)”.

- You can only register a judgment that comes from a “reciprocating jurisdiction”. These are the following:
  - Any province or territory in Canada, except Quebec
  - Australia
  - Washington state
  - Idaho
  - Montana
- Once your judgment is registered, you can enforce it as if it was an Alberta judgment.
- You will need a **certified copy** of your judgment from the other province or country. This will be stamped with “certified copy” or “true copy” and will have an original signature from a court official in that province or country. There may be a fee for the certified copy.

## Prepare Your Documents

- See our booklet, “**Making a Court Application in the Court of King's Bench (With an Application Form)**” for more information about how to prepare, file and serve court forms and how to present your case in court.
- Fill in the Originating Application. Make 2 copies.
- Fill in the Affidavit.
  - Attach the certified copy of the judgment as an exhibit.
  - If you are not sure how to fill in the amounts, talk to a lawyer in the province or country where the judgment was granted.
  - Make 2 copies.

## File Your Documents

- Take the originals and copies of all of your documents to the Court of King's Bench filing counter.
- The clerk help you select a court date, then will keep the originals and give you filed copies of each document.
- There is a **\$250.00 filing fee** for filing this application.

## Serve the other party

- You must give the other party **10 or more days notice of your application**. You do this by serving the other party – either personally or by registered mail (asking to have the other party sign for the mail, and printing off a copy of their signature from the Canada Post website). If you are serving the other party by registered mail, the documents are not considered to be served until the other party signs to acknowledge receipt of the documents. Keep this in mind when you are selecting your Court date.
- The other party is served with the Originating Application and the Affidavit.
- Complete the Affidavit of Service. An Affidavit of Personal Service is included with this package. If you served by registered mail, ask us for a different Affidavit of Service.
- File the Affidavit of Service.
- The other party may object.
- Reasons for objecting are listed at the end of these instructions.
- The other party may file their own Affidavit, and will serve you at your address for service.
- You can prepare, file and serve a Supplementary Affidavit to answer to any facts raised by the other party that you have not already stated in your Affidavit. Ask us for a Supplementary Affidavit.

## **Go to Court**

- Bring with you copies of:
  - Originating Application, and
  - Affidavit.
- If your Judgment is in another currency, bring an up to date printout from a Canadian bank showing the exchange rate.
- You will be appearing before a Master.
- When it is your turn, tell the Master that you want to enforce an order from \_\_\_\_\_ [the province or country your judgment is from]. Answer any questions the Master may have. If the other party has filed an Affidavit objecting to your application, talk to the Master about those objections, and why you think the judgment should be registered.
- The other party will make their arguments to the Master.
- You will then have a chance to speak to any points the other party made, that you have not yet discussed.
- The Master will then make their decision.
- If the Master makes an order, it will be typed up for you. The Clerk can tell you when you can pick it up.

## **Serve the Other Party With the Order**

- The other party must be served with a copy of the Order.
  - If they have filed documents in the Alberta court, you can leave a copy of the Order at their address for service, listed on their court documents.
  - If they do not have an address for service, serve them personally or by registered mail.
  - Complete an Affidavit of Service and file it with the Court.



## ***Reasons for Objecting:***

The Reciprocal Enforcement of Judgments Act sets out reasons why a party may object to a Judgment being registered in Alberta. It says:

2(6) No order for registration shall be made if it is shown by the judgment debtor to the Court that

- (a) the original court acted either
  - (i) without jurisdiction under the conflict of laws rules of the Court, or
  - (ii) without authority under the law of the original court to adjudicate concerning the cause of action or subject matter that resulted in the alleged judgment or concerning the person of the alleged judgment debtor, or without that jurisdiction and without that authority,
- (b) the judgment debtor, being a person who was neither carrying on business nor ordinarily resident within the jurisdiction of the original court, did not voluntarily appear or otherwise submit during the proceedings to the jurisdiction of that court,
- (c) the judgment debtor, being the defendant in the proceedings, was not duly served with the process of the original court and did not appear, notwithstanding that the judgment debtor was ordinarily resident or was carrying on business within the jurisdiction of that court or agreed to submit to the jurisdiction of that court,
- (d) the judgment was obtained by fraud,
- (e) an appeal is pending or the time within which an appeal may be taken has not expired,
- (f) the judgment was in respect of a cause of action that for reasons of public policy or for some similar reason would not have been entertained by the Court, or
- (g) the judgment debtor would have a good defence if an action were brought on the original judgment.

**These instructions have been prepared for you by Resolution Services.  
Contact us at:**

**Calgary**

7<sup>th</sup> floor South, Calgary Courts Centre  
601 - 5 Street SW  
Phone 403-297-6981

**Grande Prairie**

Main Floor, Court House  
10260 - 99 St.  
Phone: 780-833-4234

**Red Deer**

Main Floor, Court House  
4909 - 48 Ave  
Phone: 403-340-7187

**Edmonton**

8<sup>th</sup> floor, Brownlee Building  
10365 – 97 Street  
Phone 780-415-0404

**Lethbridge**

1<sup>st</sup> Floor, Court House  
320 - 4 St. S  
Lethbridge AB T1J 1Z8  
Phone: 403-388-3102

**Medicine Hat**

Court House  
460 First Street SE  
Medicine Hat, AB T1A 0A8  
Phone 403-529-8716

**Outside these centres, call the  
Resolution Services Contact Centre at 1-855-738-4747**

Clerk's Stamp

COURT FILE NUMBER \_\_\_\_\_  
(File number, as on other court documents)

COURT Court of King's Bench of Alberta

JUDICIAL CENTRE \_\_\_\_\_  
(City or town where court is located)

PLAINTIFF(S) /  
APPLICANT(S) \_\_\_\_\_  
(Name(s) of Plaintiff(s) as on judgment)

DEFENDANT(S) /  
RESPONDENT(S) \_\_\_\_\_  
(Name(s) of Defendant(s) as on judgment)

DOCUMENT **Originating Application –  
Reciprocal Enforcement of  
Judgment**

ADDRESS FOR  
SERVICE  
AND CONTACT  
INFORMATION OF  
PARTY FILING THIS  
DOCUMENT \_\_\_\_\_  
(Name)  
\_\_\_\_\_  
(Full address)  
\_\_\_\_\_  
( )

### NOTICE TO THE RESPONDENT

This application is made against you. You are a Respondent. You have the right to state your side of this matter before the Court. To do so, you must be in Court when the application is heard as shown below:

COURT DATE: \_\_\_\_\_, \_\_\_\_\_, 20\_\_\_\_\_.  
(Weekday) (Month) (Day) (Year)

TIME: \_\_\_\_\_  
(Time of Day)

WHERE: \_\_\_\_\_  
(Courtroom (if known), Street address of court location)

BEFORE WHOM: **Master in Chambers**

Go to the end of this document to see what else you must do and when you must do it.

**1. BASIS FOR THIS CLAIM:**

My grounds for making this application are set out in my Affidavit sworn on

\_\_\_\_\_  
(Date)

**2. REMEDY SOUGHT:**

Reciprocal Enforcement of Judgment

Variation of time for service

**3. AFFIDAVIT OR OTHER EVIDENCE TO BE USED IN SUPPORT OF THIS APPLICATION:**

I am relying on the evidence set out in my Affidavit sworn on

\_\_\_\_\_  
(Date)

I am also relying on the certified copy of the Judgment from

\_\_\_\_\_ at \_\_\_\_\_  
(Name of Court – e.g. Superior Court of Justice) (Location of Court – City / Town and Province or Country)

**4. APPLICABLE ACTS AND REGULATIONS:**

*Reciprocal Enforcement of Judgments Act*, R.S.A. 2000, c. R-6, as amended

Rule 3.8 – Commencing application by Originating Application

Rule 13.5 – Variation of Time

*(Please state any other Acts / Regulations that apply to your application)*

**WARNING**

You are named as a respondent because you have made or are expected to make an adverse claim in respect of this originating application.

If you do not come to Court either in person or by your lawyer, the Court may make an order declaring you and all persons claiming under you to be barred from taking any further proceedings against the applicant(s) and against all persons claiming under the applicant(s). You will be bound by any order the Court makes, or another order might be given or other proceedings taken which the applicant(s) is/are entitled to make without any further notice to you.

If you want to take part in the application, you or your lawyer must attend in Court on the date and time shown at the beginning of this form. If you intend to give evidence in response to the application, you must reply by filing an affidavit or other evidence with the Court and serving a copy of that affidavit or other evidence on the applicant(s) a reasonable time before the application is to be heard or considered.



\_\_\_\_\_  
*(File number, to be provided by Clerk)*

COURT Court of King's Bench of Alberta

JUDICIAL CENTRE \_\_\_\_\_  
*(City or town where court is located)*

APPLICANT \_\_\_\_\_  
*(Name(s) of Plaintiff(s) as on judgment)*

RESPONDENT \_\_\_\_\_  
*(Name(s) of Defendant(s) as on judgment)*

DOCUMENT: **Affidavit – Reciprocal Enforcement of Judgment**

SWORN / AFFIRMED BY: \_\_\_\_\_  
*(Name of person making this Affidavit)*

SWORN / AFFIRMED ON: \_\_\_\_\_  
*(Date Affidavit sworn / affirmed)*

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT \_\_\_\_\_  
*(Name of party filing this document)*

\_\_\_\_\_  
*(Full address of party filing this document)*

\_\_\_\_\_  
*( )*

I, \_\_\_\_\_, of \_\_\_\_\_, Alberta,  
*(Your name) (Name of City/Town)*

**SWEAR / AFFIRM AND SAY THAT:**

1. I have personal knowledge of the following information, except where I say that what is stated is based on information from another person, in which case, I believe that information to be true.

2. I am applying for reciprocal enforcement of my judgment in Alberta.

3. A Statement of Claim was issued on \_\_\_\_\_ in the \_\_\_\_\_  
*(Date)*  
\_\_\_\_\_ in \_\_\_\_\_  
*(Name of Court – e.g. Superior Court of Justice) (Location of Court – City / Town and Province or Country)*

*(Choose one and complete)*

4. The Defendant(s) \_\_\_\_\_  
*(Name(s) of Defendant(s) as on judgment)*

was/were not personally served with the Statement of Claim, but were served in some other way, and did not defend the action or submit to the jurisdiction of the court.

5. I received judgment against the Defendant(s). Attached as Exhibit “\_\_\_\_\_” is a certified copy of the judgment.

6. The time for appeal has passed, and no appeal is pending.

7. The amount due and owing to me right now as a result of the judgment is:

Claim	\$ _____
Costs to judgment	\$ _____
Subsequent costs	\$ _____
Interest	\$ _____
	\$ _____
Paid on _____ <i>(Date)</i>	\$ _____

And the balance remaining due to the judgment for debt, interest and costs is the sum of: \$ \_\_\_\_\_

8. I have the following other information in support of my application:

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**Sworn (OR Affirmed) before me**

at \_\_\_\_\_, Alberta  
on \_\_\_\_\_, 20 \_\_\_\_\_

\_\_\_\_\_  
Commissioner for Oaths in and for Alberta, Justice of the  
Peace or Notary Public

Print Name and Expiry / Lawyer / Student-at-Law



\_\_\_\_\_  
*(Signature of person swearing / affirming Affidavit)*

ID Verified \_\_\_\_\_

## TABLE OF EXHIBITS

*(List your exhibits and the descriptions again.*

*Number the pages of your exhibits, starting with "1" and numbering all the way through all of the exhibits, like a book.*

*List the page number that each exhibit starts on. For example, if your first exhibit is 3 pages, then it starts on page 1, and your second exhibit starts on page 4.*

*If you do not have any exhibits, then remove this page.)*

Exhibit Letter	Brief Description of Exhibit	Page Number
A		1
B		

Clerk's Stamp

COURT FILE NUMBER \_\_\_\_\_  
(File number, as on other court documents)

COURT Court of King's Bench of Alberta

JUDICIAL CENTRE \_\_\_\_\_  
(City or town where court is located)

APPLICANT \_\_\_\_\_  
(Print your full name, as on other court documents)

RESPONDENT \_\_\_\_\_  
(Print the other party's full name, as on other court documents)

DOCUMENT: **Affidavit of Personal Service**

SWORN / AFFIRMED BY: \_\_\_\_\_  
(Name of person making this Affidavit)

SWORN / AFFIRMED ON: \_\_\_\_\_  
(Date Affidavit sworn / affirmed)

ADDRESS FOR SERVICE  
AND CONTACT  
INFORMATION OF PARTY  
FILING THIS DOCUMENT \_\_\_\_\_  
(Name of party filing this document)

\_\_\_\_\_  
(Full address of party filing this document)

\_\_\_\_\_  
( )

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I, \_\_\_\_\_, of \_\_\_\_\_, Alberta,  
(Name of person who served) (Name of City / Town)

**SWEAR / AFFIRM AND SAY THAT:**

1. I have personal knowledge of the facts set out below, except where I say that they are based on information and belief. In that case, I believe the information to be true.
2. I am 18 years of age or older.

3. On \_\_\_\_\_ I served the  Applicant  Respondent  
(Date)

\_\_\_\_\_  
(Name of person who was served)

with the following documents:

Application form filed: \_\_\_\_\_  
(Date filed)

Originating Application filed: \_\_\_\_\_  
(Date filed)

Affidavit filed: \_\_\_\_\_  
(Date filed)

Claim filed: \_\_\_\_\_  
(Date filed)

Statement filed: \_\_\_\_\_  
(Date filed)

Disclosure Statement filed: \_\_\_\_\_  
(Date filed)

Order filed: \_\_\_\_\_  
(Date filed)

Other: (State the name of the document and the date filed with the court. If it is not a filed document, attach a copy as an exhibit to this Affidavit.)

\_\_\_\_\_  
\_\_\_\_\_

4. I served the documents listed above by personal service, that is, I left the documents with the  
 Applicant  Respondent at: (Complete address where you served the Applicant or Respondent)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Sworn (OR Affirmed) before me**

at \_\_\_\_\_, Alberta  
on \_\_\_\_\_, 20 \_\_\_\_\_

\_\_\_\_\_  
Commissioner for Oaths in and for the Province of Alberta,  
Justice of the Peace or Notary Public

Print Name and Expiry / Lawyer / Student-at-Law



\_\_\_\_\_  
(Signature of person swearing / affirming Affidavit)

ID Verified \_\_\_\_\_