

Reciprocal Enforcement of Judgment
With Personal Service

Court of King's Bench

Registering an out of Province Judgment
in Alberta when:

- the document starting your action was personally served
OR
- the Defendant attended the trial



Resolution Services



Alberta
Government

Instructions

Registering an out of Province Judgment in Alberta (When the document starting your action was personally served or the Defendant attended 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.
- To use these instructions, either:
 - The Defendant was personally served 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, not mailed or delivered in some other way.
 - OR
 - The Defendant was not personally served but came to court for the trial of your action or otherwise 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 neither of the above apply to you, use the kit “Registering an out of Province Judgment in Alberta (When the document starting your action was NOT personally served and did not attend 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

- Fill in the Certificate, except for the last paragraph. 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.
- Send the Certificate to the province or country where the judgment was granted, asking the court staff to date and sign the last paragraph and attach their court seal. There may be a fee for this. Once you receive your Certificate, make 2 copies.
- Fill in the Affidavit.
 - Attach a photocopy (not the certified copy) of the judgment as an exhibit.
 - Have it sworn.
 - Make 2 copies.
- Fill in the Notice of Registration form. Make 2 copies
- Fill in the Order for Reciprocal Enforcement of Judgment - Without Notice.
 - Do not fill in the Master's name or date
 - Fill in the rest of the Order. The amount in paragraph 2 is the "balance remaining" on the Certificate (converted into Canadian dollars, if necessary). To find the interest rate, go to www.qp.alberta.ca and search "judgment interest regulation", then open the PDF file.
 - Photocopy the order on green paper. If you come to a Resolution Services office, we can do that for you.

Go to Court

- You will be making an application without notice to the Defendant (called an ex parte application). Your application will be made before a Applications Judge. Ask us what time to come to court to do that.
- Bring with you:
 - The certified copy of the judgment
 - The Certificate and copies
 - Your Affidavit and copies
 - Your Order for Reciprocal Enforcement of Judgment – Without Notice
 - Your Notice of Registration and copies
- If your Judgment is in another currency, bring an up to date printout from a Canadian bank showing the exchange rate.
- Before court starts, speak to the court clerk. Ask the clerk for an "Ex Parte form" and fill that out.

- When it is your turn in court, give the clerk the originals of the:
 - Ex Parte form
 - Certified copy of the judgment;
 - Certificate;
 - Affidavit; and
 - Order

The clerk will give them to the Applications Judge. Tell the Applications Judge that you want to enforce an order from _____ [the province or country your judgment is from]. Answer any questions the Applications Judge may have.

- The Master should give all the documents (except the Ex Parte form) back to you when your application is done.
- If the Applications Judge signs your order:
 - Make two copies of the Order
 - Take all of your documents and copies to the King's Bench filing counter.
 - The clerk will file your documents and give you 2 filed copies of each.
 - There is a **\$25** fee for opening the court file.

Serve the Other Party

- The other party must be served with one filed copy of each of the:
 - Notice of Registration;
 - Order;
 - Certificate; and
 - Affidavit.
- You must serve these documents 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).
- 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

- The other party has 30 days from the date they are served to object to the registration. They would do this by filing a court application, and serving you at your address for service. Reasons for objecting are listed at the end of these instructions. If this happens, ask us for further instructions.



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

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

Edmonton

8th floor, Brownlee Building
10365 – 97 Street
Phone 780-415-0404

Grande Prairie

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

Lethbridge

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

Red Deer

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

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**

**Reciprocal Enforcement of Judgments Act
(Section 2)**

Certificate

CANADA

Province of _____
(Write in name of province. If outside Canada, cross out and change as needed)

To all to whom these Presents shall come.....GREETING:

It is hereby certified that, among the records enrolled in the

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

before the Honourable _____ a Justice (Judge) of the Court,
(Name of judge)

in the Procedure Book there is a record of an action, numbered as No. _____
(Court File Number)

BETWEEN:

PLAINTIFF(S) _____
(Names of Plaintiff(s) as listed on Judgment)

and

DEFENDANT(S) _____
(Names of Defendant(s) as listed on Judgment)

1. The writ of summons (statement of claim as the case may be) was issued on the _____ day of _____, _____ and proof was furnished to this Court that it was served on the defendant(s) by delivery of a copy thereof to them and leaving it with them and exhibiting the original thereof to them at the time of service.
(Date) (Month, Year)

2. No defence was entered, and the judgment was allowed by _____
(Write in "proof", "default" or "order")

A defence was entered and judgment was allowed at the trial (or as the case may be) _____

3. Judgment was entered on the _____ day of _____,
(Date) (Month, Year)

- 4. Time for appeal has expired and no appeal is pending.
- An appeal against the judgment was made and was dismissed by the Court of Appeal and the time for any further appeal has expired and no further appeal is pending.

5. Further details (if any): _____

6. Particulars:

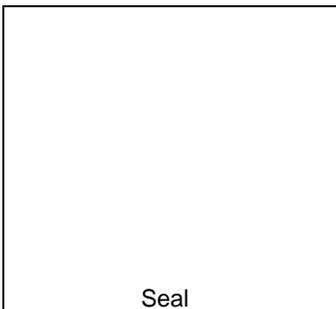
Claim	\$ _____
Costs to judgment	\$ _____
Subsequent costs	\$ _____
Interest	\$ _____
	\$ _____
Paid on _____ <i>(Date)</i>	\$ _____

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

All and singular which premises by the tenor of these presents we have commanded to be certified.

IN TESTIMONY WHEREOF we have caused the Seal of our Court at _____ to be hereunto affixed.
(City / Town and Province or Country)

WITNESS, the Honourable _____ a Justice (Judge) of our Court
(Name of judge)
 at _____ this _____ day of _____,
(City / Town and Province or Country) (Date) (Month, Year)



A Justice (Judge) of the _____
(Name of Court – e.g. Superior Court of Justice)
 or
 A Clerk of the _____
(Name of Court – e.g. Superior Court of Justice)

COURT FILE NUMBER _____
(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 personally served with the Statement of Claim.

The Defendant(s) _____
(Name(s) of Defendant(s) as on judgment)
was/were not personally served with the Statement of Claim, but:

- defended the action and appeared at the trial
- accepted the jurisdiction of the court by (Describe what they did)

5. I received judgment against the Defendant(s). Attached as Exhibit “ _____ ” is a 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 as set out in the Certificate filed with this Affidavit.

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

Sworn (OR Affirmed) before me

at _____, Alberta
on _____, 20 _____



(Signature of person swearing / affirming Affidavit)

ID Verified _____

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

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

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)

PLAINTIFF(S) /
ENFORCEMENT
CREDITORS(S) _____
(Name(s) of Plaintiff(s) as on judgment)

DEFENDANT(S) /
ENFORCEMENT
DEBTOR(S) _____
(Name(s) of Defendant(s) as on judgment)

DOCUMENT **Notice of Registration –
Reciprocal Enforcement of
Judgments Act**

ADDRESS FOR
SERVICE
AND CONTACT
INFORMATION OF
PARTY FILING THIS
DOCUMENT _____
(Name)

(Full address)

()

- 1. TAKE NOTICE THAT** the Judgment of _____
(Name of Court – e.g. Superior Court of Justice)
in _____ dated _____
(Location of Court – City / Town and Province or Country) (Date of judgment)
has been registered in the Court of King's Bench of Alberta, pursuant to the
Reciprocal Enforcement of Judgments Act, R.S.A. 2000, c. R-6, as amended.
- 2. A copy of the Order registering the Judgment is served along with this notice.**

3. **AND FURTHER TAKE NOTICE THAT** the Enforcement Debtor(s)

(Name(s) of Defendant(s) as on judgment)

may, within 1 month after receiving this notice, apply to the Registering Court to have the registration set aside upon any of the grounds set out in section 3(6) of the *Reciprocal Enforcement of Judgments Act*, R.S.A. 2000, c. R-6, as amended.

4. DATED at _____ Alberta on _____
(City) (Date)

(Signature of Plaintiff(s)/Enforcement Creditor(s))

COURT FILE NUMBER _____
(Alberta Court File Number)

COURT Court of King's Bench of Alberta

JUDICIAL CENTRE _____
(City or town where court is located)

PLAINTIFF(S) _____
(Name(s) of Plaintiff(s) as on judgment)

DEFENDANT(S) _____
(Name(s) of Defendant(s) as on judgment)

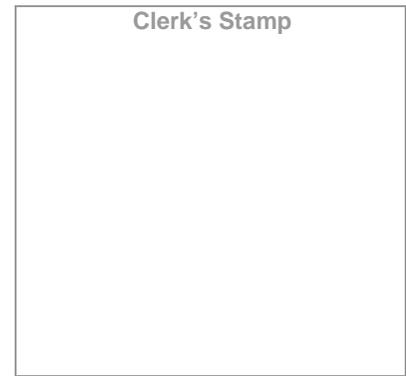
DOCUMENT

**Order for Reciprocal
Enforcement of Judgment –
Without Notice**

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT _____
(Plaintiff's Name)

(Full address)

()



DATE ON WHICH ORDER WAS PRONOUNCED: _____

LOCATION OF HEARING OR TRIAL _____

NAME OF Applications Judge WHO MADE THIS ORDER:

THE PLAINTIFF HAS APPLIED to enforce a judgment from outside Alberta;

THE COURT HAS REVIEWED the Certificate and Certified Copy of Judgment from

_____ in _____
(Name of court – e.g. Superior Court of Justice) *(Location of court – city / town and province or country)*

and the Affidavit of the Plaintiff(s);

THE COURT IS SATISFIED that notice of this application to the Defendant(s) is not required, pursuant to section 2(2) of the *Reciprocal Enforcement of Judgments Act*, R.S.A. 2000, c. R-6, as amended, because the Defendant(s):

(Check one)

- were personally served with process in the original action;
- although not personally served, appeared or defended or attorned or otherwise submitted to the jurisdiction of the original court;

AND THE COURT IS ALSO SATISFIED that the time in which an appeal may be made against the Judgment has expired and no appeal is pending (or an appeal has been made and has been dismissed);

IT IS ORDERED THAT:

1. Judgment of the _____ in
(Name of court – e.g. Superior Court of Justice)
_____ is hereby registered as a judgment of the
(Location of court – city / town and province or country)
Court of King's Bench of Alberta

2. The judgment shall be registered in the amount of \$ _____ together with
(Amount from certificate)
interest at a rate of _____ % per annum from _____ to date of
(Date of original judgment)
payment of the judgment.

Applications Judge of the Court of King's Bench
of Alberta

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)

()

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 _____