Clerk’s Stamp:

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| COURT FILE NUMBER |  | <> |
| COURT OF KING’S BENCH OF ALBERTA |  |  |
| JUDICIAL CENTRE |  | <> |
| PLAINTIFF(S) |  | **<>** |
| DEFENDANT(S) |  | **<>** |
| DOCUMENT |  | **ORDER CONFIRMING SALE AND VESTING TITLE** |
| ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT |  | <>Ph. <> Fx. <>File No.: <> |

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| DATE ON WHICH ORDER WAS PRONOUNCED: | <> |
| LOCATION WHERE ORDER WAS PRONOUNCED: | <> |
| NAME OF JUSTICE / APPLICATIONS JUDGE WHO MADE THIS ORDER: | <> |

Upon the application of the plaintiff; and upon reading the redemption order previously granted in the proceedings; and upon it appearing that the defendant has failed to redeem within the redemption period; and upon considering the offer to purchase referred to in the affidavit of offer filed;

And upon hearing counsel for the plaintiff; And upon

\_\_\_\_ no one appearing for the defendant(s)

\_\_\_\_ hearing from the defendant(s)

\_\_\_\_ hearing from counsel for the defendant(s);

**IT IS HEREBY ORDERED THAT:**

1. In this order the mortgaged lands are the following:

<> [insert legal description]

1. The Offer to Purchase submitted by <> (the “Purchaser”) in the amount of $<> for the purchase of the mortgaged lands, is hereby approved and accepted and any deposit of the Purchaser held by the Clerk of the Court shall be forwarded to the plaintiff’s counsel. Any deposit of the Purchaser held by the judicial listing real estate agent, less commission payable, shall be forwarded to the plaintiff’s counsel. All other offers are hereby rejected and all deposits received from any other offerors shall be returned to them immediately.
2. The Purchaser shall, on or before the <> day of <>, 20<> (the “Closing Date”) either pay to the plaintiff’s counsel the adjusted purchase price, or enter into reasonable conveyancing arrangements with the plaintiff’s counsel to assure payment of the adjusted purchase price, and upon doing so the Purchaser is entitled to obtain possession of the mortgaged lands pursuant to paragraph 6 of this order.
3. The plaintiff’s lawyer shall distribute the sale proceeds as follows:
	1. by paying the amount owing to the municipality in which the mortgaged lands are located with respect to municipal property taxes, assessments, penalties and interest and any other overdue charges owing to the said municipality with respect to the mortgaged lands, ranking prior to the plaintiff’s mortgage, if any, and;
	2. by paying any outstanding condominium fees owing with respect to the mortgaged lands, if any, and;
	3. by paying out any registered financial encumbrancer ranking prior to the plaintiff’s mortgage, if any, and;
	4. by paying to Canada Revenue Agency, the amount any Goods and Services Tax (“GST”) payable as a result of the sale transaction approved by this Order, if any, and;
	5. by paying the real estate commission and the GST thereon to the judicial listing real estate agent, if any, and;
	6. by paying the amount owing to the plaintiff under and pursuant to the mortgage which is the subject of the within proceeding, inclusive of costs on a solicitor and client basis as worded in the mortgage, to be assessed by an assessment officer prior to payment. The costs shall be assessed without notice where:
		1. The Defendant has not filed a Statement of Defence or a Demand for Notice, or appeared at the application where this order was granted, or
		2. The Defendant has been provided with the proposed Bill of Costs (by mail or email to the Defendant's last known address) and has not provided the Plaintiff's counsel, within 15 days of the mailing or emailing, with notice that the Defendant objects to the Bill of Costs.

otherwise the costs shall be assessed on notice pursuant to Rule 10.37.

* 1. by retaining any reasonable holdback to a maximum of $2,500 for undetermined liabilities, including utilities, inspection fees and property taxes, which holdback shall be accounted for pursuant to paragraph 5 of this order, and;
	2. by paying the remainder, if any, into Court to be held by the Clerk of the Court until further Order of this Court.
1. The plaintiff shall file and forward to the assessment officer: (i) an affidavit of receipts and disbursements accounting for funds disbursed pursuant to the preceding paragraph within one month of the Closing Date, or receipt of the adjusted purchase price, whichever is later. If the plaintiff’s lawyer is receiving payment from or based upon any of the funds disbursed, details of that payment shall be provided in the affidavit, and (ii) an affidavit accounting for the balance of any holdback retained pursuant to paragraph 4(g) of this order. This affidavit shall be provided, and any remaining holdback funds paid into court, within two months of the Closing Date.
2. If, on the date by which a plaintiff is required to comply with paragraph 5, the plaintiff’s costs have not been assessed, the plaintiff shall hold back the amount of costs it claims and otherwise comply with paragraph 5. If the plaintiff’s costs are ultimately assessed at less than the amount it claimed, then within one month after the assessment, the plaintiff shall file a supplemental affidavit pursuant to paragraph 5(i), and make a further payment into court.
3. The defendant, any tenants, and any other occupants shall, on or before <> deliver up to the Purchaser vacant possession of the mortgaged lands. Service of this order may be made on the occupants by posting same on the main entrance door to the mortgaged lands. A Civil Enforcement Agency has authority, after service of this order has been effected, to evict any occupant of the mortgaged lands on the later of the aforesaid date or 20 days after the posting has occurred.
4. Upon written confirmation from the plaintiff’s lawyer that it has received or is satisfied that it will receive payment from the Purchaser, the Registrar of Land Titles shall cancel the existing certificate of title to the mortgaged lands and shall issue a new certificate of title in the name of:

<>

(or such other transferee as directed by the plaintiff’s counsel in correspondence sent to the Registrar of Land Titles at the time this order is submitted for registration) free and clear of the plaintiff’s mortgage and all subsequent encumbrances, but subject to: [<>insert list of all registrations prior to the plaintiff’s mortgage].

1. Any interest in the mortgaged lands of the defendant, anyone claiming through the defendant, or any other subordinate encumbrancer is hereby extinguished.
2. Compliance with Rule 9.34(4) and the requirement for service of documents prior to entry of this order, set out in Rule 9.35(1)(a), are hereby waived.
3. The Registrar of Land Titles shall comply with this order forthwith notwithstanding Section 191(1) of the *Land Titles Act*.
4. **[Optional ~ Insert provisions dealing with service, of which the following are by way of example only.]**

Service of this order and all subsequent documents in this action may be served upon the defendant, <>, by serving <his/her/their> counsel <> of <> by e0mail at the address of <>.

OR

Service of this order and all subsequent documents in this action may be effected upon the defendant, <>, by delivering a copy of this order and leaving with any adult present at <>, or in the alternative, by ordinary mail to <>.

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|  | APPLICATIONS JUDGE IN CHAMBERS |

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