

1 *Subrule .05 of Rule 1 of the Rules of Court of New Brunswick, “CITATION, APPLICATION AND INTERPRETATION”, New Brunswick Regulation 82-73 under the Judicature Act and the Provincial Offences Procedure Act, is amended by striking out “Writ of Fieri Facias means an Order for Seizure and Sale;”.*

2 *Paragraph (3) of Rule 4.08 of the Rules of Court, “COURT DOCUMENTS”, is amended by striking out “61A,” and “61F,”.*

3 *Subrule .08 of Rule 21 of the Rules of Court, “DEFAULT PROCEEDINGS”, is amended*

(a) by repealing clause (a) and substituting the following:

(a) an execution issued or enforcement instruction delivered pursuant to the default judgment remain on file in the office of the sheriff pending the final disposition of the proceeding, on condition that enforcement of the execution or enforcement instruction be stayed in the meantime, or on such other condition as the court may order, and

(b) in clause (b) by striking out “a memorial of the judgment remain undischarged in a registry office” and substituting “the registration of the judgment in any registry office remain undischarged”.

4 Rule 43 of the Rules of Court, “INTERPLEADER”, is amended

(a) by repealing subrule .02 of Rule 43;

(b) in subrule .03 of Rule 43

(i) by repealing paragraph (4);

(ii) by repealing paragraph (4.1);

(iii) by repealing paragraph (5).

5 Subrule .08 of Rule 49 of the Rules of Court, “OFFER TO SETTLE”, is amended

(a) in paragraph (3) by striking out “issue execution therefor” and substituting “enforce the certificate of assessment in the same manner as a judgment”;

(b) in paragraph (4) by striking out “issue execution therefor” and substituting “enforce the certificate of assessment in the same manner as a judgment”.

6 Paragraph (3) of Rule 59.07 of the Rules of Court, “COSTS OF PROCEEDINGS BETWEEN PARTIES”, is amended by striking out “issue execution” and substituting “enforce the certificate of assessment in the same manner as a judgment”.

7 Rule 60 of the Rules of Court, “SIGNING AND ENTERING ORDERS AND JUDGMENTS”, is amended

(a) by adding after subrule .04 of Rule 60 the following:

60.04.1 Abbreviated Judgment

(1) A party may prepare an abbreviated judgment (Form 60AA) and present it to the clerk to be signed if

(a) the judgment contains operative parts that affect an interest in or title to land or require the payment of money, and

(b) the judgment also contains operative parts that do not affect an interest in or title to land and do not require the payment of money.

(2) An abbreviated judgment shall omit the operative parts of the judgment that do not affect an interest in or title to land and do not require the payment of money.

(3) The paragraphs of an abbreviated judgment shall be given the same numbers as the corresponding paragraphs of the judgment.

(4) The clerk may sign an abbreviated judgment only after the judgment has been entered.

(b) by repealing subrule .07 of Rule 60 and substituting the following:

60.07 Memorandum of Satisfaction

(1) A clerk may file a Memorandum of Satisfaction of Judgment (Form 60B, 60C or 60D) if

(a) it is signed by the person entitled to the benefit of the judgment and the signature and contents are proven by affidavit, or

(b) on motion to the clerk it is shown that the judgment has been satisfied and that

- (i) notice of the motion was served on the person entitled to the benefit of the judgment, or
- (ii) the person entitled to the benefit of the judgment could not be found after appropriate efforts to find the person had been made.

(2) An appeal from a clerk's decision to file or not to file a Memorandum of Satisfaction of Judgment may be taken on motion to the court within 15 days after the date of the decision.

(c) by adding after subrule .07 of Rule 60 the following:

60.07.1 Supplementary Order

(1) A clerk may issue a Supplementary Order (Form 60E) for the purposes of the *Enforcement of Money Judgments Act* if, on motion to the clerk, it is shown that the order should be issued and that

- (a) notice of the motion was served on the judgment creditor, or
- (b) the judgment creditor could not be found after appropriate efforts to find the judgment creditor had been made.

(2) The documentary evidence to be used at the hearing of the motion shall include

- (a) a copy of the judgment to which the Supplementary Order is to relate,
- (b) if a demand was delivered to the judgment creditor under subsection 26(2) of the *Enforcement of Money Judgments Act*, a copy of the demand and of the certificate or instrument that the judgment creditor had been required to grant, and

(c) if the judgment creditor could not be found, an affidavit stating the efforts that were made to find the judgment creditor.

(3) An appeal from a clerk's decision to issue or not to issue a Supplementary Order may be taken on motion to the court within 15 days after the date of the decision.

8 Rule 61 of the Rules of Court, “ENFORCEMENT OF ORDERS AND JUDGMENTS”, is amended

(a) in clause (b) of the French version of Rule 61.15(1) by striking out “créancier sur jugement” and substituting “créancier judiciaire”;

(b) by repealing subrule .16 of Rule 61 and substituting the following;

61.16 Stay of Enforcement

The court may stay the enforcement of a judgment, on such terms as may be just,

(a) if the court is satisfied that events occurring after the judgment or other special circumstances render it inexpedient to enforce the judgment,

(b) if the court is satisfied that the judgment debtor is for any reason unable to pay money recoverable under a judgment,

(c) if the court has refused to grant leave under section 5 of the *General Regulation – Enforcement of Money Judgments Act* for an enforcement instruction to be delivered or for the seizure of a judgment debtor's income to continue, or

(d) for any other just cause.

- 9** *Clause (b) of Rule 76.03(1) of the Rules of Court, “CONTEMPT PROCEEDINGS”, is amended by striking out “Part II.1, Part III or Part VI of the Arrest and Examinations Act” and substituting “Part 5 of the Enforcement of Money Judgments Act”.*
- 10** *The Appendix of Forms to the Rules of Court is amended by adding after Form 60A the attached Form 60AA.*
- 11** *The Appendix of Forms to the Rules of Court is amended by adding after Form 60C the attached Forms 60D and 60E.*
- 12** *Form 61A of the Appendix of Forms to the Rules of Court is repealed.*
- 13** *Form 61D of the Appendix of Forms to the Rules of Court is repealed.*
- 14** *Form 61E of the Appendix of Forms to the Rules of Court is repealed.*
- 15** *Form 61F of the Appendix of Forms to the Rules of Court is repealed.*
- 16** *This Rule comes into force on December 1, 2019.*

**APPENDIX OF FORMS
FORM 60AA**

ABBREVIATED JUDGMENT

(Court, Court File Number, Style of Proceeding)

**ABBREVIATED JUDGMENT
(FORM 60AA)**

This is an abbreviated version of the judgment entered in this proceeding. It omits the operative parts of the judgment that do not affect an interest in or title to land and do not require the payment of money.

The trial of this action (*or hearing*) having been concluded before, judge of the Court of Queen’s Bench, on the day of, 20.;

In accordance with the judge’s directions, it is ordered that:

.....

The records of this court show the address of the defendant (*plaintiff*) to be

The judgment was dated at, the day of, 20.

.....
(clerk)

*Court
Seal*

.....
(address of court office)

**APPENDIX OF FORMS
FORM 60D**

MEMORANDUM OF SATISFACTION OF JUDGMENT

(Court, Court File Number, Style of Proceeding)

**MEMORANDUM OF SATISFACTION OF JUDGMENT
(FORM 60D)**

On having been shown on a motion heard on the day of, 20., that the person entitled to the benefit of the judgment could not be found and that the judgment has been satisfied, I certify that the judgment in this proceeding, entered on the day of, 20., is completely satisfied.

DATED at, this day of, 20.

*Court
Seal*

.....
(clerk)

.....
(address of court office)



**APPENDIX OF FORMS
FORM 60E**

SUPPLEMENTARY ORDER

(Court, Court File Number, Style of Proceeding)

**SUPPLEMENTARY ORDER
(FORM 60E)**

On having been shown on a motion heard on the day of, 20., that notice of the motion was served on the judgment creditor (*or* that the judgment creditor could not be found) and that a supplementary order should be made for the purposes of the *Enforcement of Money Judgments Act*;

IT IS ORDERED THAT

DATED at, this day of, 20.

*Court
Seal*

.....
(clerk)

.....
(address of court office)

