

## Overview

On May 28, 2012, the Ministry of Justice will introduce *The Enforcement of Money Judgments Act*.

Among other things, this new debt enforcement legislation will update exemption rules and give the Sheriff's Office a larger role in enforcing judgments. As well, it will allow creditors to apply for orders to ensure that debtors' assets are not dissipated before judgments are rendered.

The new legislation is being created because the existing law is outdated and based on conflicting principles, which lead to inefficient and unpredictable results that can be costly for everyone involved.

ISC will be responsible for Part IV of the new act, which deals with the registration and maintenance of judgments.

### ***What is changing?***

The Saskatchewan Writ Registry (SWR) will be replaced by the Judgment Registry (JR). Writs of execution and maintenance orders will become judgments.

There will be four judgment registration types available under the new act. They are listed in the **SPPR Reference Document** included in this package.

There will also be some policy changes. Judgments registered prior to a debtor's death will carry forward onto the titles of surviving joint tenants.

Registrants will now be able to include serial property in new judgment registrations, as well as in any existing writs and maintenance orders.

If you have a judgment that was registered before *The Enforcement of Money Judgments Act* came into effect, it is advisable to amend the registration to include serial property. Otherwise, the priority of your registration may be at risk.

If judgments are not removed from the JR after they are paid in full, debtors and interested parties will have the option of applying for a compulsory discharge under Section 28 of *The Enforcement of Money Judgments Act*.

Customers will have the option of searching in the JR or the SPPR. A search in the JR will bring back any active judgments, whereas a search in the SPPR will bring back any active liens (including judgments).

### ***What is not changing?***

The SPPR will still be the point of entry for all judgment information. Discharging a judgment from the SPPR will remove it from the Judgment Registry and any titles to which it is attached.

Judgments will still be applied to titles and interests through the automatic and requested attachment features in the Land Registry. Creditors and/or interest holders will still receive automatic notices from SPPR and the Land Registry.

The flow of the Judgment Registry search will stay the same. You will still have access to the wildcard, include similar matches and replace character features.

The fees to register and/or search for a judgment will not change.

### ***Will there be changes to ISC forms?***

There will be several changes to the wording and placement of ISC forms because of the new legislation.

All SPPR forms will be removed from *The Personal Property Security Regulations*. Each registration type will have its own form and accompanying instruction sheet. Security interest (crops and

fixtures) forms will be relocated to the bottom of the **Interest Transaction Forms** page of ISC's website.

There will be wording changes to the following Land Registry forms:

- The **Application for Writ or Maintenance Order Registration Form** (this will be replaced by the **Application for Judgment Registration Form**);
- The **Application for Interest Discharge Form**;
- The **Application for Transfer (Part II: Setup) Form**;
- The **Application for Transfer (Single Title) Form**;
- The **Affidavit of Identity for Summary Discharge Form**; and
- The **Affidavit of Identity for Summary Discharge (Form 2 – Auto-Attach) Form**.

Finally, there will be a new section of the website for Judgment Registry forms. It will be found under **All Forms**. This section will include:

- The **Application for Judgment Registration Form**;
- The **Enforcement Charge Registration Form**;
- The **Sheriff's Authorization Form**; and
- The **Application for Compulsory Discharge Form**.

### ***What is included in this reference package?***

This package contains documents that will help you understand the changes occurring at ISC because of the new legislation.

The **Judgment Registry Search Manual** provides step-by-step instructions on how to complete a debtor name search in the new Judgment Registry. It also includes search tips and a matrix that explains the difference between a search in the JR and one in the SPPR.

The **OLS Reference Document** contains screenshots that show the wording changes that will occur in the OLS application.



The **SPPR Reference Document** provides screenshots and information to explain the changes that are occurring in SPPR as a result of the new legislation.