

ORDER FOR SEIZURE AND SALE

IN THE PROVINCIAL COURT OF BRITISH COLUMBIA (SMALL CLAIMS COURT)

REGISTRY FILE NUMBER
REGISTRY LOCATION

NAME _____ **CREDITOR**
 ADDRESS _____

CITY, TOWN, MUNICIPALITY _____ TEL. # _____
 PROV. _____ POSTAL CODE _____

NAME _____ **DEBTOR**
 ADDRESS _____

CITY, TOWN, MUNICIPALITY _____ TEL. # _____
 PROV. _____ POSTAL CODE _____

To the sheriff or court bailiff

You are ordered to seize any goods of the debtor named in the attached order that are not exempted from seizure under the *Court Order Enforcement Act*, and to sell them by public auction, sealed bid or any other similar method in order to realize your fees and disbursements for enforcing this order and the **TOTAL AMOUNT DUE TO THE CREDITOR** calculated as follows:

(a) Total Amount of Payment Order or Default Order		\$	<input type="text"/>
(b) Less any payments to the creditor	-	\$	<input type="text"/>
	=	\$	<input type="text"/>
(c) Plus interest calculated to the date this order is issued	+	\$	<input type="text"/>
(d) Plus enforcement expenses allowed by the Court to the date this order is issued	+	\$	<input type="text"/>
TOTAL	=	\$	<input type="text"/>
(e) Plus any expenses allowed by the Court in relation to this order	+	\$	<input type="text"/>
TOTAL AMOUNT DUE TO THE CREDITOR at the date this order is issued	=	\$	<input type="text"/>

- From the proceeds of sale deduct and pay the amounts payable to secured creditors and the debtor under section 71.2 of the *Court Order Enforcement Act*.
- Then deduct from the balance your actual fees and disbursements for enforcing this order.
- From the balance, pay to the creditor the total amount due to the creditor.
- Then pay any balance remaining after that to the debtor.

A copy of the Payment Order or Default Order is attached.

Issued on:

date

by the Court

This order remains in force for one year after the date it was issued by the Court.

What is exempt from seizure?

The *Court Order Enforcement Act* sets out the personal goods of the debtor which, at the option of the debtor, are exempt from seizure (See the back of this form for a list of exemptions).

NOTE: Only Court Bailiffs specifically authorized by the Ministry of Attorney General may execute this order and seize goods. The Court Bailiff may not seize anything that the debtor owns jointly with someone else

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debtor's copy

Debtors may choose any goods they would like to exempt from seizure and sale up to the maximum allowable amount within each category (see chart below). **Debtors are also allowed to retain all necessary clothing and required medical aids.**

Bailiffs must inform debtors of their exemption rights under the *Court Order Enforcement Act* when they first visit the debtors' home. Debtors then have two days to choose which goods they would like to be exempt from seizure.

Exemption Category	Maximum Amount Allowable
A. Personal property of debtor	
Household goods.....	\$4,000
Tools that are used for the debtor's occupation	\$10,000
Motor vehicle	\$5,000
Motor vehicle – if the debt is for maintenance arrears	\$2,000
B. Principal residence of debtor	
Equity in a home – if the debtor's principal residence is in the..... Capital Regional District or the Greater Vancouver Regional District	\$12,000
Equity in a home – elsewhere in British Columbia	\$9,000

This information is presented as an aid to understanding your right to claim an exemption under the legislation. It is not intended to replace the need to consult the Act or the regulations. If there is any conflict between the legislation and this information, the legislation shall prevail.