

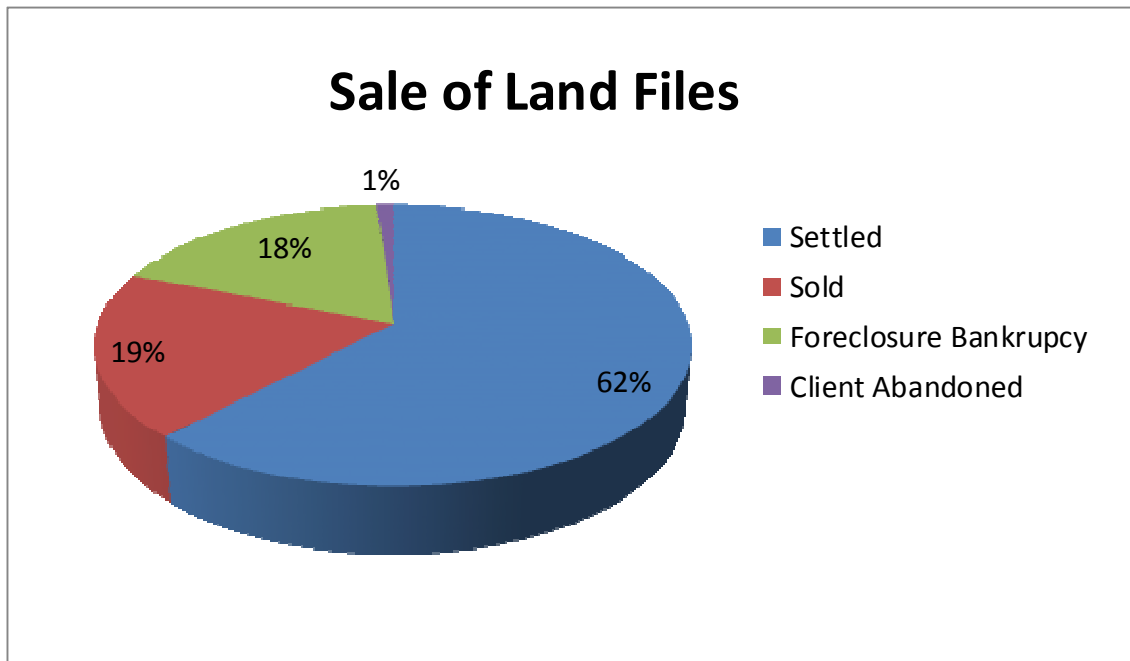
# Consolidated

Civil Enforcement

## Civil Enforcement Monthly Bulletin: Sale of Land – A highly successful method for collection of judgments

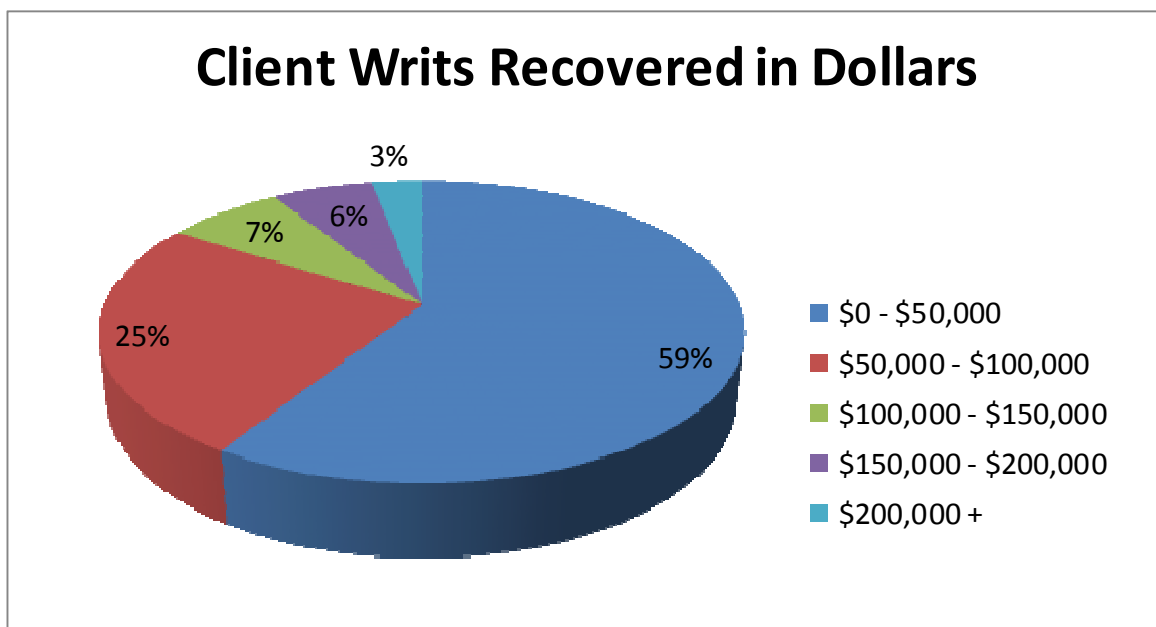
Have you ever considered using Part 7 of the Civil Enforcement Act to sell the land of your Judgment Debtor? If you have not – you are missing out on one of the most successful forms of collection available in Alberta.

Did you know that more than 80% of the Sale of Land files conducted by Consolidated Civil Enforcement, resulted in full payment of the creditor's judgment and costs?



### Judgment – Is there a minimum judgment amount required to use Sale of Land?

No – Sale of Land can be used as a remedy for a judgment of any amount, from a few hundred dollars up to a few hundred thousand dollars.



## **Difficulty – Is it more difficult to conduct a Sale of Land file then to conduct a seizure of personal property?**

Conducting a Sale of Land action often proves much simpler then conducting seizure of personal property.

- a. Land stays put – it doesn't disappear and cannot be hidden by the debtor
- b. Service of the debtor is usually much easier to complete – most debtor's reside in their personal residences
- c. The value of the property is easier to determine at the onset of the file – you do not have to wait until the goods are sold at auction to determine their value/equity

## **Length of Time Involved – How long does it take to see a return on your judgment?**

Conducting a Sale of Land action does take a longer period of time than seizing personal property. From file opening to sale of the property you can expect it to take 6-9 months in total.

Don't let this time frame scare you away from this recovery method though.

- a. A large percentage of Sale of Land files settle (62%) before the process is completed – most after less than 6 months
- b. Once you have commenced a Sale of Land action – you can place the action on hold at any time. The caveat remains on title and the debtor cannot sell the property without dealing with your judgment

## **Receiving Settlement – What is included in my settlement payment?**

When a debtor wishes to settle a Sale of Land action, they must submit payment for the following:

- a. Your full judgment amount
- b. All Civil Enforcement costs paid to date and any costs to be incurred in closing the file
- c. All costs incurred in producing the distributable fund. This includes any realtor costs and any legal costs that you may have incurred in the matter/judgment

Sale of Land is one of the most advantageous methods of judgment recovery in the Province of Alberta. Currently Alberta is one of the only Provinces in Canada that has this option available to judgment creditors. This is an option that should be considered for each and every judgment action where the debtor owns land.

If you would like some more information on the Sale of Land process, or if I can assist you with any other civil enforcement questions/needs, please do not hesitate to drop me an email at [patriciaw@ccebailiff.ca](mailto:patriciaw@ccebailiff.ca) or contact me by phone at (403) 668-8804 or (780) 448-5833 ext. 8804.

*Have a great July,*

**Patricia Wilson**

Director, Civil Enforcement