

Do you have judgment files that you don't know what to do with? The first question you should ask yourself is, **“Does the debtor own real property?”**

In Alberta, the *Civil Enforcement Act* allows a civil enforcement agency to sell and transfer land owned by an enforcement debtor, even if the land is not wholly owned by the enforcement debtor.

The sale of land process under the *Civil Enforcement Act* is simple and effective. It's easy to determine if a debtor owns land using a debtor land search. Once your writ is on title, the land is subject to your claim. In addition, you recover all of your civil enforcement costs, as well as post judgment solicitor costs.

### **Starting the sale of land process is simple:**

1. The Writ of Enforcement is filed with the Personal Property Registry;
2. The Writ of Enforcement is filed against the enforcement debtor's land(s);
3. The enforcement creditor instructs Consolidated to sell the debtor's land (find our contract and instructions at [www.ccebailiff.ca](http://www.ccebailiff.ca) under the Sale of Land tab).

### **Did you know that a large majority of sale of land files settle before the land is actually sold?**

A sale of land process is a great motivator. Sale of land also protects your claim should the enforcement debtor try to sell or refinance his or her property.

### **Once instructed, Consolidated will attend to the following matters:**

1. Placing our agency's caveat against the enforcement debtor's land allowing for sale and transfer of the land, if required;
2. Issuing and serving a Notice of Intention to Sell Land;
3. Obtaining information about the property by ascertaining the value of the property (by a realtor's opinion), obtaining mortgage verification statements and other required statements, and determining the equity position of the property;
4. Issuing and serving a Notice of Method of Sale;
5. Manage enforcement debtor contact, settlement requests and payments, and report same to you; and
6. If no settlement is made, attend to listing, negotiating and accepting offers on the property, managing the conveyancing process, and attending to distribution of the sale proceeds.

Sale of Land requires some patience. Unless a court order otherwise states, the debtor will have at least 180 days to respond to the Notice of Intention to Sell.

When considering sale of land, it is important to ensure the land has equity. If you have any concerns with whether or not the property has enough available equity, please do not hesitate to contact our Sale of Land specialists for assistance.

**Civil Enforcement Monthly Bulletin – Selling the Debtor’s Land – Collecting on Writs of Enforcement (November 2012)**

If you have any questions relating to the information provided, have questions with respect how you can use our services to collect on a writ of enforcement, please do not hesitate to send an email to [raec@ccebailiff.ca](mailto:raec@ccebailiff.ca) or contact me by phone at 403-668-8810 or (780) 448-5833 ext. 8810.

Have a wonderful November,

***Rae Cann***

Manager, Sale of Land Division