

| | |
|--|----------|
| ACRONYMS AND TERMS: | 2 |
| OVERVIEW | 3 |
| FREQUENTLY ASKED QUESTIONS | 4 |
| 1. If I have been awarded a judgment by the court to secure an outstanding debt, do I require the services of a solicitor? | 4 |
| 2. What is the difference between Real Property & Personal Property? | 4 |
| 3. In the land (or real property) registry, what is the difference between the "Registry" system & the "Land Titles" system? | 4 |
| 4. How do I know which system to register in? | 4 |
| 5. Where do I register a Judgment? | 5 |
| 6. How do I get a Personal Property Registry account? | 6 |
| 7. How do I get a PLANET account? | 6 |
| 8. If a Judgment Debtor moves, does the registering party (Judgment Creditor) need to re-register? | 6 |
| 9. What happens to a judgment upon death or bankruptcy? | 6 |
| 10. Should the personal property be identified when registering a Notice of Judgment in the PPR? | 6 |
| 11. What prevents the person from selling/disposing of such property? | 7 |
| 12. Are there Service Providers who will register a judgment in the Personal Property Registry for me? | 7 |
| 13. Does the Registry Office inform/notify the person of the registration of a judgment? | 7 |
| 14. Is there any system in place at the Registry Office to ensure the registration term is renewed? | 8 |
| 15. What advantages are there to register "Non-parcel based"? | 8 |
| 16. How do I know what form to use to register the judgment in the Registry system or the Land Titles system? | 8 |
| 17. Where can I obtain additional information? | 8 |

Acronyms and Terms:

ACOL-Atlantic Canada Online – an online information service that provides electronic access to the PPR in New Brunswick

Judgment Creditor- A party to whom a debt is owed that has proved the debt in a legal proceeding and that is entitled to use judicial process to collect the debt; the owner of a subsisting court judgment or order for the recovery or payment of money.

Judgment Debtor- A person against whom a judgment or order requiring him or her to pay a sum of money has been obtained and remains unsatisfied.

Kiosk-Computer in Registry Office available for use by the public

PID-Parcel Identifier – unique number given to each parcel of land

PLANET- Computer application administered by SNB and used to access land registry information, including searching for and registering instruments and other documents

PPR-Personal Property Registry

PPRS-Personal Property Registry System

Overview

In New Brunswick, once a judgment is obtained, the Judgment Creditor can then enforce the judgment by, among other things, registering it in the Personal Property Registry (PPR) and the land registry system.

The PPR is Province-wide and the registration of a Notice of Judgment binds all of the Judgment Debtor's personal property located in New Brunswick. The cost to register the judgment is set out in the General Regulation - Personal Property Security Act. Such a registration can be made for up to 20 years. Searches of the PPR can be conducted by the name of the Judgment Debtor.

The land registry in New Brunswick is comprised of two systems – Land Titles and Registry. How a judgment is registered depends on which system the Judgment Debtor's property falls under. In both cases, the Judgment Creditor must first obtain a certified copy of the judgment from the Court.

In order to affect the Judgment Debtor's property that is under Land Titles, the Judgment Creditor must register a Form 34 (Application to Register Memorial of Judgment) against each parcel of land (PID) owned by the Judgment Debtor. The cost of registration is set out in the General Regulation – Land Titles Act. Once registered, the judgment binds the PID for 5 years as per the *Memorials and Executions Act*.

If the Judgment Debtor's property is in the Registry system, the judgment is registered in the County in which the property is located and once registered will bind all of the Judgment Debtor's property located in that County (other than parcels that have been converted to the Land Titles system). The cost of this registration is set out in the Fees Regulation – Registry Act.

In both land registry systems, searches can be conducted by the name of the Judgment Debtor.

There are other enforcement proceedings that a Judgment Creditor can take such as:

1. Forwarding an Order for Seizure and Sale to the Sheriff, directing him or her to seize and sell the Judgment Debtor's assets sufficient to satisfy the judgment;
2. Requiring the Judgment Debtor to submit to an examination under oath regarding the nature and extent of their assets under the *Arrest and Examinations Act* or under the Rules of Court;
3. Proceeding under the *Garnishee Act* to obtain a Garnishment Order whereby the Judgment Creditor can compel a third party to pay to the Judgment Creditor any monies which that third party is legally required to pay to the Judgment Debtor.

The Court's website contains further information about Judgment enforcement. See <http://www.gnb.ca/Cour/judgments-e.asp>

Frequently Asked Questions

1. If I have been awarded a judgment by the court to secure an outstanding debt, do I require the services of a solicitor?

That is the decision of the Judgment Creditor; however, if unsure as to which registry system to register the judgment, seeking the advice of a solicitor to ensure your interest is properly secured is recommended.

2. What is the difference between Real Property & Personal Property?

Real Property refers to land and attachments (buildings). Personal Property refers to moveable goods such as cars, mini homes, furniture and intangibles such as accounts receivable.

3. In the land (or real property) registry, what is the difference between the "Registry" system & the "Land Titles" system?

In the **Registry system**, a public register is maintained where documents affecting interests in land are registered. Access to documents concerning a piece of property is gained by looking up the name of the owner in indices which refer you to the document.

In the **Land Titles system**, access to information pertaining to property is gained by reference to the location of the land. Each lot of land has a unique numeric identifier (PID). A parcel description is associated with each PID.

4. How do I know which system to register in?

If the person does not own land, a judgment can be registered on the Personal Property Registry. Registration of the judgment will affect "all present and after acquired personal property" unless specifically described for whatever period of time you wish to have the judgment registered.

To find out if the person does own land, you can go to the local Registry Office and staff will assist you.

If the person does own land and:

If it is a Land Titles PID, you have to register in the Land Titles system. Judgments are registered against the PID(s) that you specify and must be attached to Form 34 <http://www.gnb.ca/0062/PDF-regs/83-130.pdf> .

If the status of the PID is “Not Land Titles”, you have to register in the Registry system. If you don’t have a PID, you can only register it in the Registry. In the Registry system, Judgments are registered against “all present and after acquired real property” (that the Judgment Debtor owns in the Registry system).

5. Where do I register a Judgment?

In the Land Registry Office for each county: <http://www.snb.ca/e/2000/2000e.asp>. It can be registered in the Land Registry and/or the Personal Property system. The staff in the Registry Office registers *Land Registry* documents.

Either you or an agent on your behalf can register the Judgment in the computerized *Personal Property Registry* (PPR) system for a fee. Schedule of fees is available at https://www.pwx1.snb.ca/snb7001/e/2000/2700e_6.asp

You must have an approved client account to register on the PPR or have a service provider do it for you. Kiosks are available in the Registry Offices for use by existing clients. You can get the information to obtain a Service Provider at https://www.pwx1.snb.ca/snb7001/e/2000/2700e_2.asp

The *Personal Property Registry System* is available on-line and information on that system can be found on the SNB Web site at <https://www.pwx1.snb.ca/snb7001/e/2000/2700e.asp> .

- Registration of a judgment in the Registry system will not attach to any personal property, nor will it attach to any registered Land Titles parcel (including any LT parcel currently owned or subsequently purchased by the Judgment Debtor). Registration of the judgment will also not prohibit the sale or purchase of any real property.
- The registration of a judgment in the Registry or Land Titles systems “binds” the land for 5 years in accordance with section 6 of the *Memorials and Executions Act*, but the judgment can be renewed (by re-registration) for up to 15 years from the judgment date.
- If a judgment was registered in the Registry system, then it may not affect the Judgment Debtor’s land on conversion to the Land Titles system, if on a search of the lands, there was no re-registration of the judgment within the previous 5 years.

6. How do I get a Personal Property Registry account?

To acquire an account complete the ACOL Client Applications and Financial Agreement forms which can be obtained from the ACOL website: www.acol.ca. Please review the Terms and Conditions as well as any documents and information on the website.

Initial Deposit Amount

The Initial Deposit (\$100.00 minimum) is required in order to establish an account with ACOL. Any larger sum, based on subsequent usage is acceptable.

You or your organization will be a client of ACOL. Each user and will be issued a user specific ID and password. All registrations are traceable to a User ID.

7. How do I get a PLANET account?

To establish a client account, please complete the 4 forms on the following SNB website: <https://www.pxw1.snb.ca/snb7001/e/2000/2402-1e.asp> . Your organization will be a client of PLANET. Users will be issued a user specific ID and password. There is a minimum charge of \$10.00 per month to have a PLANET account.

For a more detailed explanation of the fees please see the following website: <https://www.pxw1.snb.ca/snb7001/e/2000/2403-1e.asp>

8. If a Judgment Debtor moves, does the registering party (Judgment Creditor) need to re-register?

This is a legal question and should be directed to a lawyer

9. What happens to a judgment upon death or bankruptcy?

This is a legal question that should be directed to a lawyer.

10. Should the personal property be identified when registering a Notice of Judgment in the PPR?

The default collateral description when registering a Notice of Judgment is “All the present and after-acquired personal property of the judgment debtor.”

If you wish to affix a judgment to specific goods which are defined as serial numbered goods such as motor vehicles, you will need to describe them by serial number. The following is the definition of serial numbered goods taken from the

General Regulation <http://www.gnb.ca/0062/PDF-regs/95-57.pdf> under the *Personal Property Security Act*.

"serial numbered goods" means a motor vehicle, trailer, mobile home, aircraft, boat or an outboard motor for a boat;

If you are unsure as to what description to use, you should seek the advice of a lawyer.

11. What prevents the person from selling/disposing of such property?

Nothing prevents the Judgment Debtor from selling personal property or land bound by a judgment. However, if the judgment has been affixed to personal property (via registration in the PPR) or land (via registration in the Registry or Land Titles system as applicable), the buyer takes possession of the property subject to the judgment. A prudent buyer will therefore usually search the registries to determine if the property he or she is buying is subject to a judgment and require that the judgment be paid off as a condition of the purchase. Likewise, a financial institution lending money to the Judgment Debtor may search the registries to determine if there are any outstanding judgments against that Debtor. They will often require the Judgment Debtor to pay off any outstanding judgments before they lend new money.

12. Are there Service Providers who will register a judgment in the Personal Property Registry for me?

There is a list of individuals and companies who will provide searching and PPR registration services on the SNB website. The following is the URL for the list of service providers:

https://www.pxw1.snb.ca/snb7001/e/2000/2700e_2.asp

Some of the agents will invoice for the services provided.

13. Does the Registry Office inform/notify the person of the registration of a judgment?

The Personal Property Registry does not notify the person of registration of a Notice of Judgment.

The Registry system does not notify the person of registration of a judgment.

The Land Titles system will send a system generated Notice of Registration of Memorial of Judgment by mail to the registered interest holder who is the Judgment Debtor named in the Judgment.

14. Is there any system in place at the Registry Office to ensure the registration term is renewed?

No, neither the Personal Property Registry nor the Land Registry has a mechanism in place to notify that a judgment is about to expire. It is the responsibility of the Judgment Creditor to note the expiry of the registration of the judgment and to re-register as appropriate.

15. What advantages are there to register “Non-parcel based”?

In the Registry system if you register a judgment, you register against property that is owned and after acquired property (that is in the Registry system). If a searcher does a search in the Registry prior to purchasing a parcel of land from the Judgment Debtor, they should find the judgment.

16. How do I know what form to use to register the judgment in the Registry system or the Land Titles system?

As per previous question # 4, the parcel information will determine in which system the judgment needs to be registered. The Court of Queen’s Bench issues the judgment. To register in the Registry system just present the judgment as issued (original or Court certified copy) to the Registry Office. To register in the Land Titles system, the judgment must be attached to Form 34 – Application to Register Memorial of Judgment.

Forms can be found in the Land Titles General Regulation
<http://www.gnb.ca/0062/PDF-regs/83-130.pdf>

17. Where can I obtain additional information?

Land Registry and Mapping Services:
<https://www.pwx1.snb.ca/snb7001/e/2000/2400e.asp>

Of Interest:

Secure Log-In includes information on how to open an account as well as forms needed.

Directives are written to help with the procedure for preparation and registration of documents.

Directive 5400-001 deals with the registration of Judgments in the Land Titles system

Personal Property Registry: <https://www.pxw1.snb.ca/snb7001/e/2000/2700e.asp>

New Brunswick Acts & Regulations: <http://www.gnb.ca/0062/acts/acts-e.asp>

Registration fees are set out in the Regulations for the three pieces of legislation.