

Guideline Form 48

Purpose of Form: This form is used to record a partial release or full release of a judgment where the judgment creditor is releasing or partially releasing the debtor from the judgment. This differs from a Form 47 in that the Prothonotary (for the Supreme or Provincial Court or by a Court Official for the Federal Court) has not executed the full/partial release (second page of the Form 48) but rather it is executed / signed by the judgment creditor.

Instrument Type: Full Release - 709
Partial Release - 710

LR or ROD: Despite the fact that judgments and judgment related documents are land titles documents, they must be searchable in a names-based index. For this reason, the document is indexed under the Registry of Deeds system so that a name search of the judgment debtor can be conducted.

Mandatory E-Submission Applies: No (currently no electronic Form 48 exists)

Fee Required: Yes

Accompanying Instrument Required: No

Acceptance Criteria for Form 48:

Correct registration district is provided

Debtor, creditor and judgment recording particulars on form matches judgment

Choice on form re partial or full release is indicated and document matches selection

If partial release acts to remove parcels from the judgment, a full legal description is attached (a PID does not qualify as a description for a partial release)

Form 48 is dated and signed

Court file # and name is completed

Title of proceeding is completed (lists defendants and plaintiffs)

Date of judgment, amount of judgment and date satisfied are completed

Form 48 is dated, and signed by either the judgment creditor, agent or assignee (if applicable)

Description of Use of Form:

A full release (709) will result in the removal of the judgment from any parcel registers that currently show the judgment as a recorded interest automatically by the system before the next business day. The removal is based on the system checking for judgments expired on that date that are currently shown in parcel registers and removing them with the 709 shown as the removal document in the parcel register.

A partial discharge of judgment attached to this form cannot act to remove judgments or judgment related documents from either the judgment roll or parcel register(s).

An authorized lawyer who is prepared to certify that a partial discharge of judgment recorded on a Form 48 acts to remove a judgment from one or more parcel register(s) must submit a Form 48A with a Certificate of Legal Effect in order to have the judgment removed from the applicable parcel register(s).

Supporting Form(s) / Documents required:

None