

Preparing and Recording Judgments Process Summary

Relevant LRA Sections	5, 65-69
Relevant LRA Admin Reg Sections	18, 19
Relevant Forms	16, 46, 47, 48
For More Information on Judgment Process	www.gov.ns.ca/snsmr/property/registry/training/lawyers/lawyers01.asp

Judgment Forms

1. Form 46 Certificate of Judgment is prepared by the judgment creditor at the conclusion of a legal proceeding (or in some cases by the court) and is certified by the court as a record of the judgment entered by the court. This document (Form 46) is then taken to the registry and is used to record the judgment in the judgment roll.
2. Use Form 47 Request to Cancel the Recording of a Judgment and Certificate of Satisfaction to remove a satisfied judgment.
3. Use Form 48 to partially release a parcel or person on a judgment or to partially discharge a judgment.

Reviewing Judgment Search Results

See Section 5 of the LRA and Section 18 of the LRA Administration Regulations for details on the material difference in names rules to be used when reviewing judgment search results. The rules are used to eliminate materially different names from the results set.

Preparation of the Judgment Certificate

The following information should be noted when the judgment certificate (Form 46) is being prepared:

1. The name of the debtor:

- The name of the debtor must include such information as tends to distinguish the judgment debtor from all other persons of the same or similar names [LRA subsection 67(1)].
- Information that tends to distinguish a person from another person of the same or similar names includes a date of birth [*Land Registration Administration Regulations* subsection 19(1)].
- Other distinguishing information may include occupation, name of spouse, etc.

2. The name of a judgment creditor

- The name of the judgment creditor must be sufficiently detailed and accurate so as to permit the name to be distinguished from all other like names. [LRA subsection 67(4)].

- For individual creditors, information that tends to distinguish a person from another person of the same or similar names includes a date of birth [*Land Registration Administration Regulations* subsection 19(1)].
- Other distinguishing information may include occupation, name of spouse etc.

3. Mailing address of the debtor and creditor

- “mailing address” means a complete address by which an individual or company is able to receive information, including notices, by mail [*Land Registration Administration Regulations* clause 2(2)(f)]
- “addresses of the parties” in subsection 67(1) of the Act means, for the judgment debtor, a civic or mailing address; [*Land Registration Administration Regulations* clause 2(2)(b)]
- An address sufficient to allow for service on the creditor [LRA subsection 67(1)]

4. Other information required on the judgment certificate

- The amount recovered [LRA subsection 67(2)].
- The names of the solicitors for the parties, if known [LRA subsection 67(2)].
- Seal and certificate of the court [LRA subsection 67(3)].

Refusal to Register Judgment Certificate

The registrar will refuse to register the judgment certificate [LRA subsection 67(5)] if:

- The name of the debtor is not sufficient to distinguish the judgment debtor from all other persons of the same or similar names. [LRA subsection 67(1)]
- The name of the creditor is not sufficiently detailed and accurate to permit the name to be distinguished from all other like names or persons of the same or similar names. [LRA subsection 67(4)]
- The address of the debtor or creditor is incomplete and, for the creditor, is not sufficient to allow service [LRA subsection 67(1)]
- The judgment certificate does not contain the amount recovered, the names of the lawyers, if known, and is not certified and does not bear the seal of the court. [LRA subsection 67(2)]