

FORM 64H
DEFAULT JUDGMENT FOR IMMEDIATE SALE
(ACTION CONVERTED FROM FORECLOSURE TO SALE)

(General heading)

(Court seal)

JUDGMENT

On reading the statement of claim in this action and the proof of service of the statement of claim on the defendant(s) filed, the defendant (*name*) having filed a request for sale, the defendant(s) having been noted in default and no request to redeem having been filed (*or a request to redeem having been filed by the defendant (name of subsequent encumbrancer)*),

1. IT IS ORDERED AND ADJUDGED that all necessary inquiries be made, accounts taken, costs fixed or assessed and steps taken for the immediate sale of the mortgaged property described in the attached schedule without a redemption period, and that for these purposes this action be referred to the prothonotary (*or as may be*) at (*place*).
2. IT IS ORDERED AND ADJUDGED that the purchasers pay the purchase money into court to the credit of this action and that the purchase money be applied in payment of what is found due to the plaintiff, together with subsequent interest and subsequent costs to be computed and fixed or assessed by the prothonotary (*or as may be*) and that the prothonotary (*or as may be*) also determine those parties or persons entitled to the balance of the money and the amounts to which they are entitled.

(Where judgment is for possession, add:)

3. IT IS ORDERED AND ADJUDGED that the defendant (*name*) forthwith deliver to the plaintiff or as the plaintiff directs possession of the mortgaged property, or of such part of it as is in the possession of the defendant.

(Where judgment is for payment of the mortgage debt and the Prothonotary is to take the account, add the following two paragraphs:)

4. IT IS ORDERED AND ADJUDGED that the defendant (*name*) forthwith pay to the plaintiff the sum of \$ _____, being the amount due to the plaintiff today for principal, interest and costs; and that on payment of the amount due to the plaintiff before the sale takes place, the plaintiff convey the mortgaged property to the defendant or as the defendant directs, and deliver up all documents relating to the mortgaged property.

THIS JUDGMENT BEARS INTEREST at the rate of (*rate claimed in statement of claim*) percent per year from its date.

(Where judgment is for payment of the mortgage debt and the plaintiff wishes the account to be taken on the reference or the prothonotary refers the taking of the account, substitute the following two paragraphs:)

5. IT IS ORDERED AND ADJUDGED that the defendant (*name*) pay to the plaintiff, forthwith after the confirmation of the report on the reference, the amount found due for principal, interest and costs in accordance with the report, and on payment of the amount due to the plaintiff before the sale takes place, the plaintiff convey the mortgaged property to the defendant or as the defendant directs, and deliver up all documents relating to the mortgaged property.

THIS JUDGMENT BEARS INTEREST at the rate set out in the report on the reference from the date of confirmation of the report.

(Date)

Signed by _____

Registrar

Address of court office _____

(The description of the mortgaged property in the attached schedule must be the same as in the statement of claim.)