

FORM 64I
DEFAULT JUDGMENT FOR SALE CONDITIONAL ON PROOF OF CLAIM
(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 no request to redeem having been filed (*or the defendant (name) having filed a request to redeem*), the defendant(s) having been noted in default and the defendant (*name of subsequent encumbrancer*) having filed a request for sale and having paid into court the sum of \$250 as security for costs,

1. IT IS ORDERED AND ADJUDGED that all necessary inquiries be made, accounts taken, costs fixed or assessed and steps taken for redemption or sale of the mortgaged property described in the attached schedule 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, if the defendant (*name of subsequent encumbrancer*) fails to prove a claim on the reference for sale, the prothonotary (*or as may be*) shall proceed as on a reference for redemption or foreclosure.

(Where judgment is for possession, add:)

3. IT IS ORDERED AND ADJUDGED that the defendant (*name*) 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, 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.)