**FORM 20J**

**AFFIDAVIT FOR ENFORCEMENT REQUEST**

Court File No. S\_\_\_ SC \_\_\_\_\_\_\_\_\_\_
*(The number assigned by the court)*

SUPREME COURT OF PRINCE EDWARD ISLAND

(SMALL CLAIMS SECTION)

BETWEEN:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

PLAINTIFF(S)/DEBTOR(S)

AND:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

DEFENDANT(S)/CREDITOR(S)

**AFFIDAVIT FOR ENFORCEMENT REQUEST**

My name is : \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*(Full name)*

I live in \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*(Municipality and province)*

and I swear/affirm that the following is true:

1. In this action, I am the

□ creditor

□ representative of the creditor(s) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*(Name of creditor(s))*

2. An order for the delivery of the following personal property:

*(According to the court order, set out description of the property to be delivered. Identify any marks or serial #s)*

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

was made in this action against: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 (Name of person against whom the order was made)

on \_\_\_\_\_*(Date)*, in the Prince Edward Island Supreme Court, Small Claims Section.

Since the above listed personal property has not been delivered, I make this affidavit in support

of a request that the clerk of the court issue a Writ of Delivery (Form 20B) to the Sheriff of the

Prince Edward Island Supreme Court.

3. A judgment was made in this action against \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*(Name of debtor)*

on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_(*Date)* in the Prince Edward Island Small Claims Court for the following sums:

(A) **DEBT** (amount of judgment) $\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(B) **PRE-JUDGMENT INTEREST** calculated

on the sum of $ \_\_\_\_\_\_ at the rate of \_\_\_\_\_%

per annum from \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*(Date)* to \_\_\_\_\_\_\_\_\_\_\_\_\_\_*(Date)*

being \_\_\_\_\_\_\_ days $\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(C) **COSTS** to date of judgment $\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 **SUBTOTAL $\_\_\_\_**\_\_\_\_\_\_\_\_\_\_\_\_\_

(D) **TOTAL AMOUNT OF PAYMENTS**

 **RECEIVED FROM DEBTOR**

 after judgment (if any) (minus) $\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(E) **POST-JUDGMENT INTEREST** to date calculated

on the sum of $ \_\_\_\_ at the rate of \_\_\_\_\_\_\_%

per annum from \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_(*Date)* to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_(*Date)*

being \_\_\_\_ days $\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

|  |
| --- |
| **NOTE:** Calculation of interest is always on the amount owing from time to time as payments are received. This is true for both pre-judgment and post-judgment interest. Attach a separate sheet setting out how you calculated the total amount of any pre/post-judgment interest. |

(F) **SUBSEQUENT COSTS** incurred after judgment (including

 the cost of issuing the requested enforcement(s)) $ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Subsequent post-judgment interest continues to accrue at $\_\_\_\_\_\_\_\_\_\_\_\_\_\_ per day.

**If further payments are received from debtor, the per diem may need to be re-calculated**.

(This figure must match the total figure identified in the enforcement process(es)).

 **TOTAL DUE $\_\_\_\_\_\_\_\_\_\_\_\_\_**

**I make this affidavit in support of a request that the clerk of the court issue the following enforcement process(es):**

*(Strike out any section that does not apply and initial)*

\_\_\_\_\_ Certificate of Judgment (Form 20A) to the clerk of the Prince Edward Island Small Claims Court.

\_\_\_\_\_ Writ of Seizure and Sale of Personal Property (Form 20C) directed to Sheriff Services.

\_\_\_\_\_ Notice of Garnishment (Form 20E).

I believe that the garnishee \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*(Name of garnishee)* at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*(Address of garnishee)* is indebted to the debtor or will become indebted to the debtor for the following reasons:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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The Notice of Garnishment will be served on the debtor \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*(Name of debtor)* at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*(Address of debtor for service)* within five days of serving it on the garnishee.

\_\_\_\_\_ Other (set out the nature of your request): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**SWORN/AFFIRMED** before me at

the City/Town of\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,

in the County of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,

Province of Prince Edward Island,

this \_\_\_\_day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

A COMMISSIONER FOR TAKING (Signature)

AFFIDAVITS

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| **WARNING:** **IT IS AN OFFENCE UNDER THE *CRIMINAL CODE* TO KNOWINGLY SWEAR OR AFFIRM A FALSE AFFIDAVIT.** |