

**IN THE COURT OF QUEEN'S BENCH OF ALBERTA
JUDICIAL DISTRICT OF [CITY]**

BETWEEN:

[PLAINTIFF]

Plaintiff

- and -

[DEFENDANT]

Defendant

**BEFORE
MASTER
IN CHAMBERS**

AT THE COURT HOUSE IN [CITY], ALBERTA
ON [DAY], THE ___ DAY OF _____

ORDER NISI/ORDER FOR SALE

UPON THE APPLICATION of the Plaintiff; **AND UPON HEARING READ** the Statement of Claim and evidence of service thereof, the Affidavit of Default and the Affidavit of Value, the Certified Copy of Title and the results of a writ search of the Personal Property Registry; **AND UPON HEARING** what was said by Counsel for the Plaintiff;

AND UPON IT APPEARING that the Plaintiff is mortgagee of the lands in question in this action (the "Lands") under and by virtue of a Mortgage dated _____ (the "Mortgage").

1. **IT IS DECLARED** that there is due and owing under the Mortgage as at [date], the sum of \$_____, comprised of outstanding principal of \$_____, accrued interest of \$_____, outstanding property taxes in the amount of \$_____, plus a per diem rate of interest thereafter of \$_____ until paid in full, plus the Plaintiff's solicitor-client costs to be taxed. The said amounts plus further solicitor-client costs plus any other sums which the Plaintiff shall pay to protect its security shall be realized by a sale of the Lands in default of which foreclosure may be ordered.

2. **AND UPON** the Defendant, or anyone entitled so to do, paying to the Plaintiff or into Court to the credit of this cause within _____ from the date of the service of this Order upon the Defendant and any other persons required to be served, or after the said period and before the Plaintiff obtains a Final Order for Foreclosure the said sum of \$_____ plus solicitor-client costs to be taxed and per diem interest thereon from [date], at the aforesaid per diem rate pursuant to the Mortgage

until paid, and all subsequent solicitor-client costs, together with any other sums which the Plaintiff shall pay to protect its security, with interest on all such further sums from the date of payment at the rate set out in the Mortgage, it is ordered that the Plaintiff do execute and deliver to the person so paying or from whom the said monies shall have been received at the expense of the said person a discharge or transfer, as the case shall require, of the said mortgage securities in the Statement of Claim mentioned, and deliver up all documents relating to the Lands.

3. **AND IT IS FURTHER ORDERED** that on default of payment, as aforesaid, the said Lands shall be advertised for sale by way of listing the Lands with a licensed Real Estate Agent for a period of ninety (90) days following the expiry of the redemption period, according to the terms of the Judicial Listing Agreement which is attached hereto as Schedule "A" and forms a part of this Order.

4. **AND IT IS FURTHER ORDERED** that the Defendant and any person or persons in possession of the Lands or any part thereof shall co-operate with any listing agent appointed by the Court and shall permit access to the Lands or any part thereof at all reasonable times to enable such listing agent to show the Lands to prospective purchasers.

5. **AND IT IS FURTHER ORDERED** that in the event that the said Mortgage is redeemed by any party entitled to do so at any time after the listing takes effect, there shall be paid as part of the costs of redemption all reasonable expenses incurred by the listing agent.

6. **AND IT IS FURTHER ORDERED** that all subsequent encumbrancers, if any, be served with a copy of this Order pursuant to Rule 686(4) and Notice pursuant to Rule 687 of the *Alberta Rules of Court*, by single registered mail, addressed to them at their last known address.

7. **AND IT IS FURTHER ORDERED THAT** any party interested shall have liberty to apply from time to time as he may be advised.

8. **LEAVE IS HEREBY GIVEN** to the Plaintiff to speak to the quantum of solicitor-client costs of this action.

THIS IS A 7-PAGE PACKAGE OF FORMS.