

Welcome to the first Civil Enforcement Monthly Bulletin of 2015. I wanted to start this year's bulletins off with a bang – so the first thing I wanted to share with you was the actual monetary return our instructing creditors saw on Civil Enforcement actions in 2014.

Monies collected by Consolidated in 2014:

Consolidated is very pleased to announce that in 2014 we collected over \$10 Million Dollars on behalf of our instructing creditors. Ten million, one hundred eighty thousand, three hundred and four dollars and eighteen cents (\$10,180,304.18) to be exact.

So if you have ever thought that civil enforcement might not be an option to consider when looking to collect your debt – we have more than 10 Million reasons why you might want to consider civil enforcement as a collection option.

For the second part of this bulletin I wanted to discuss exemptions again. This information was originally contained in our September 2012 Bulletin – but I thought it was time to share it again – since this remains one of the most commonly asked questions I receive.

Civil Enforcement Exemptions:

Part 10 of the Civil Enforcement Act outlines the exemptions allowable to enforcement debtors within the Province of Alberta. It is important that creditors understand what is exempt from seizure, and what the requirements are for a debtor to claim these exemptions, prior to conducting a seizure or Sale of Land action.

The most commonly asked questions we receive relating to exemptions are:

1. Who gets to choose which item(s) are exempt?
 - a. Section 90(1) of the CEA explains that the debtor may select the item (*when there is more than one item pertaining to the same exemption to choose from*) up the maximum prescribed value of the exemption. For example if the debtor has 2 vehicles – he can choose which one of the two he wants to claim the exemption on – to the maximum value of the exemption
 - b. If the debtor does not in a timely manner make a selection (*or the debtor is unavailable*) – the bailiff may select the items that are exempt for them
2. Can a debtor waive the exemptions?
 - a. A debtor cannot waive an exemption. Exemptions are automatically provided by the bailiff to the debtor at the time of seizure**

***Please Note: The exemption allowable on a Sale of Land file – is the only exemption that the debtor must ask for – this exemption is not automatically granted to the debtor*

3. Are debtors allowed exemptions on every type of file?
 - a. Exemptions are only available on Writ of Enforcement Seizures (including Sale of Land) and Landlord Distress seizures
 - b. Exemptions do not apply under the following circumstances: If the enforcement debtor has abandoned the property; if the debtor is not an individual; if the debt is for a judgment in payment of support, maintenance or alimony; to partnership property; if writ proceedings on a judgment arose from an act for which the debtor has been convicted of an offense under the Criminal Code of Canada
 - c.

Exemptions – Writ of Enforcement Seizures

1. Food required by the debtor and the debtor's dependents for 12 months
2. Clothing for the debtor and the debtor's dependents – valued up to \$4,000
3. Household Furnishings and appliances – valued up to \$4,000
4. One Motor Vehicle – valued up to \$5,000
5. Medical and Dental Aids of the debtor and their dependents
6. 160 Acres of land if the debtor's primary occupation is farming and their principal residence is located on this land
7. Principal Residence of the Debtor (including mobile homes) – debtor can claim up to \$40,000 per residence – proportionate to the debtor's ownership interest in the property ****Debtor(s) must request this exemption in writing – this exemption is not automatic**
8. Personal property required to earn their income from their occupation – valued up to \$10,000
9. Personal property required for the necessary farming operations for the next 12 months – when farming is their primary occupation

Exemptions – Landlord Distress

1. Food required by the debtor and the debtor's dependents for 12 months
2. Clothing for the debtor and the debtor's dependents – valued up to \$4,000
3. Household Furnishings and appliances – valued up to \$1,000**
 - a. ***Under a Landlord Distress furnishings and appliances means: one washing machine and dryer, one kitchen suite, bedroom suites and bedding, kitchen appliances including one stove, a microwave, a refrigerator and a freezer, kitchen utensils and carriages, strollers, cradles and cribs necessary for the use of the debtor's children***
4. Medical and Dental Aids of the debtor and their dependents
5. Personal property required to earn their income from their occupation – valued up to \$10,000
10. Personal property required for the necessary farming operations for the next 12 months – when farming is their primary occupation

It is very important for creditors to remember that there are a very large variety of items that can be seized under a Landlord Distress and under Writs of Enforcement that DO NOT have exemptions related to them. Some examples of non-exempt items that Consolidated has seized for our customers are:

Public and Private Shares
Bank Accounts
Race Horses, Jumping Horses
Oil & Gas Equipment
Taxi Licenses
Boats / Trailers
Trademarks
Notes/Mortgage Payables

Livestock
Retail Inventory
Firearms
Grain & Growing Crops
Dollar Store Inventory
Quads / ATV's
Accounts Receivables
Restaurant Equipment

Collectables
Hunting Licenses
Recreational Vehicles
Jewelry & Gems
Production Inventory
Art / Paintings
Airplanes/Helicopters
Shop Equipment

Remember when considering assets for seizure, that if the asset has a resale value – it can be seized and sold to pay your debt. Consolidated Civil Enforcement steps into the shoes of the debtor, if the debtor can sell it – Consolidated can sell it to pay your debt.

If you have any questions relating to the information provided above, or if I can assist you with any other civil enforcement questions/needs, please do not hesitate to drop me an email at patricia.wilson@ccebailiff.ca or contact me by phone at (403) 668-8804 or (780) 448-5833 ext. 8804.

Remember the snow much eventually end and the sun will come back,

Patricia Wilson

Director, Civil Enforcement