

RECIPROCAL ENFORCEMENT OF JUDGMENTS

1. Rule 81 of the Nova Scotia Civil Procedure Rules allows a person who obtains a judgment in a reciprocating state and who wishes to apply for registration of the judgment under the Reciprocal Enforcement of Judgments Act to have it enforced in the Province of Nova Scotia.
2. To determine whether the judgment is from a reciprocating state, consult the regulations made pursuant to the Reciprocal Enforcement of Judgments Act.
3. You may make the application by filing an Ex Parte application on Form 5.02 where the judgment debtor was personally served with the original proceeding in the reciprocating state or if not served personally appeared or defended the proceeding.
4. If the judgment debtor was not personally served and did not appear or defend the proceeding in the reciprocating state, the application before the Supreme Court of Nova Scotia must be on notice using Form 5.03.
5. **AN EX PARTE APPLICATION** can be heard Monday, Tuesday, Wednesday, Thursday or Friday at 9:30 a.m.

The documents to be filed with the Court are:

- a) Ex Parte Application (Form 5.02) ,
 - b) supporting Affidavit (Form 39.08),
 - c) Brief (two copies required)
 - d) three (3) draft Orders (Form 78.05)
- and must be filed at least two (2) days before the date set for the hearing of the application (Civil Procedure Rule 5.02 (5)).

6. **AN APPLICATION ON NOTICE**, requires notification of the application by the applicant on the Respondent.

The documents to be filed with the Court are:

- a) Notice of Application in Chambers (Form 5.03)
 - b) supporting Affidavit (Form 39.08)
 - c) Brief (two copies required)
 - d) three (3) draft Orders (form 78.05)
- and must be filed no later than ten (10) days before the date set for the hearing .

Note: the Brief is a concise statement of the grounds for the order, including the material facts the applicant seeks to establish and a reference to legislation relied on by the applicant.

7. It is critical to note that pursuant to the Civil Procedure Rules there are two(2) different types of chambers session for the hearing of applications:

- a) applications which will take less than half an hour ($\frac{1}{2}$ hour) and cross-examinations will not be required (Civil Procedure Rule 5.05(1)) ; counsel can pick the time - 9:30 a.m. on either Monday, Tuesday, Wednesday, Thursday.
 - b) a hearing will take less than half a day at a time appointed by a judge or the prothonotary (Civil Procedure Rule 5.05(2)).
8. It is important to complete all portions of the forms you file with the court. You must decide which application you are filing with the court.
 9. Whether you are filing an Ex Parte application or an application on notice you must provide the details of the judgment you seek to have registered in Nova Scotia in your supporting affidavit. More details are set out at Nova Scotia Civil Procedure Rules 81 attached hereto.
 10. The filing fee is \$196.16 and a law stamp fee of \$28.75 to file an Exparte Application or an Application on Notice.
 11. Time is calculated in accordance with Civil Procedure Rule 94- this means you do not count the day you file the documents nor do you count the hearing date. You count the days in between excepting Saturday, Sunday or a day the Prothonotary's Office is closed.