

## HINTS AND TIPS FROM THE PROTHONOTARY - REGISTRAR

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February 4, 2008

Supreme Court Crownside in Halifax will be held on the following dates: February 7, 14, 21 and 28<sup>th</sup>, March 6, 13, 20 and 27<sup>th</sup>, 2008.

Appearance Days will be held weekly on Fridays at 12 noon during the month of February, 2008. Please note that there will be NO Appearance Day held in March on March 21<sup>st</sup> (Good Friday), 2008.

### SUPREME COURT

1. A Consolidated index by **topic** of all the issues of the Hints and Tips from December 2002 to December 2007 is being prepared and will be distributed with the **next** issue of the Hints and Tips. I am confident that this consolidated index will make searching topics in the issues of the Hints and Tips much easier for lawyers, self-represented litigants and court staff.
2. I am receiving many inquiries on how to locate the issues of the Hints and Tips on the courts website. Go to the main page of the courts website: [www.courts.ns.ca](http://www.courts.ns.ca) - on the left hand side of the page there are boxes under the heading Resources. The 5<sup>th</sup> box from the bottom is titled: Notices to the Bar. Click on this box and scroll down to the heading in orange entitled Practical Tips. They are listed from the most recent down to the oldest issue.
3. I remind counsel who are submitting applications to the Prothonotary to confirm Sheriff sales on foreclosure proceedings to pay particular attention to Practice Memorandum # 13, Section 2.9©. Confirmation of delivery of the Notice of Public Auction to any subsequent encumbrancer is required - counsel are only providing the copy of their Canada Post receipt confirming that the letter was sent to the subsequent encumbrancer but are not providing proof of delivery. The proof of delivery can be printed from the Canada Post website using the confirmation number on the mailing receipt. This matter was raised in the last issue of the Hints and Tips on January 7, 2008.
4. In order to secure a Special Time Chambers date, counsel for the Applicant, are submitting only an interlocutory notice and supporting affidavit (s). While this is acceptable, the outstanding filings must be made in time. You are reminded that the remaining outstanding documentation **MUST** be filed at least four (4) clear days prior to the date of the hearing by the Applicant and the Respondent **MUST** file their

response material no later than two (2) clear days before the hearing.

5. A Certificate of Lis Pendens can only be obtained when a Statement of Claim is filed with the Supreme Court pursuant to the ***Builders' Lien Act*** to perfect a Claim for Lien registered at the Registry of Deeds. In recent detailed discussions, the Registry of Deeds office has confirmed that a Certificate of Lis Pendens in Form E (which is prescribed under the ***Builders' Lien Act***) is to be used for registrations against properties which have not been migrated into the new land registry system. On the other hand, a Certificate of Lis Pendens in Form 19 under the ***Regulations*** made pursuant to the ***Land Registration Act***, is to be used for registrations against properties which have been migrated into the new land registry system. No other certificate of Lis Pendens is contemplated for recording at the Registry of Deeds office.

**A.M.B.**