

HINTS AND TIPS FROM THE PROTHONOTARY - REGISTRAR

ANNETTE M. BOUCHER

February 10, 2006

Supreme Court Crownside in Halifax will be held on the following dates: February 16 and 23 and March 2, 9, 16, 23 and 30th, April 6, 13, 20 and 27th, 2006.

Regarding Appearance Days for the calendar year 2006, please note that there will be NO Appearance Days on the following dates: April 14, May 5, September 15, November 24, December 15 and 22, 2006.

COURT OF APPEAL

1. Please note the following changes to the Court of Appeal Chambers sittings: **1)** for the week on March 27, 2006, telephone Chambers will be held on **MONDAY**, March 27th and Regular Chambers will be held on **TUESDAY**, March 28th; **2)** for the week of April 17th, telephone Chambers will be held on **TUESDAY**, April 18th and Regular Chambers will be held on **WEDNESDAY**, April 19th.

SUPREME COURT

1. Over the last several months we have noted a significant increase in the number of cases being placed on the weekly Appearance Day docket. As a result, reminder calls will no longer be made to counsel the week of the Appearance Day - this was simply a courtesy that staff no longer have the time to offer counsel.
2. I wish to clarify item 3 under the Supreme Court portion of my January 27, 2006 issue of Hints and Tips: Pursuant to section 34(4) of the **Builders' Lien Act** once a certificate of *Lis Pendens* is filed, the plaintiff's action is deemed to be on behalf of all lien claimants who have complied with the ACT. Although, it is not possible, since January 1, 2005, to shelter, there still remains the obligation set out above on the plaintiff. The challenge then becomes how to provide the court with evidence that notice has been given to all other lien claimants when counsel seek to vacate a lien on consent, without posting alternative security to replace the lien. To respond to this challenge the court requires, along with the Consent Order vacating the lien, an affidavit indicating that the Registry of Deeds office, where the property in question is located, has been searched and there are no other valid claims of lien registered regarding the specific property.

A.M.B.