**FORM 20E**

**NOTICE OF GARNISHMENT**

Court File No. S\_\_\_ SC \_\_\_\_\_\_\_\_\_\_
*(The number assigned by the court)*

SUPREME COURT OF PRINCE EDWARD ISLAND

(SMALL CLAIMS SECTION)

BETWEEN:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

CREDITOR(S)

AND:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

DEBTOR(S)

NOTICE OF GARNISHMENT

Note: THE CREDITOR SHALL SERVE THIS NOTICE on the debtor with an Affidavit for Enforcement Request (Form 20J) and serve on the garnishee this notice with a blank Garnishee’s Statement (Form 20F).

**TO THE GARNISHEE:**

**The creditor has obtained a court order against the debtor.** The creditor claims that you owe or will owe the debtor a debt in the form of wages, salary, pension payments, rent, annuity or other debt that you pay out in a lump-sum, periodically or by installments. (A debt to the debtor includes both a debt payable to the debtor alone and a joint debt payable to the debtor and one or more co-owners).

**YOU ARE REQUIRED TO PAY** to Sheriff Services:

(a) all debts now payable by you to the debtor, **within ten (10) days** after this notice is served on you; and

(b) all debts that become payable by you to the debtor after this notice is served on you, **within ten (10) days** after they become payable.

**The total amount of all your payments to Sheriff Services is not to exceed $\_\_\_\_\_\_\_\_\_\_\_\_\_\_** (Amount unsatisfied, including Sheriff’s fees pursuant to the *Court Fees Act* regulations)

**THIS NOTICE IS LEGALLY BINDING ON YOU** until it expires or is changed, terminated or satisfied. If you do not pay the total amount or such lesser amount as you are liable to pay, you must serve a Garnishee's Statement (Form 20F) on the creditor and debtor, and file it with the clerk within ten (10) days after this notice is served on you.

**EACH PAYMENT, PAYABLE TO SHERIFF SERVICES, MUST BE SENT** with a copy of

the attached garnishee's payment notice to the clerk at the above court address.

**If your debt is jointly owed to the debtor and to one or more co-owners**, you must pay the debtor's appropriate share of the amount now payable, or which becomes payable, or such a percentage as the court may order.

**The amounts paid into court shall not exceed the portion of the debtor's wages that are subject to seizure or garnishment under the *Garnishee Act*.** The portion of wages that can be garnished may be increased or decreased only by issuance of a Certificate of Garnishment. When a Certificate of Garnishment is served on you, you must follow the direction in that court order.

**Wages may not be garnished until,** following an examination of the judgment debtor, a certificate is issued by the prothonotary, verifying the amount of wages subject to garnishment.

**CAUTION TO GARNISHEE: IF YOU FAIL TO PAY** to Sheriff Services the amount set out

in this notice and do not file a Garnishee's Statement (Form 20F) disputing garnishment,

**JUDGMENT MAY BE OBTAINED AGAINST YOU BY THE CREDITOR** for payment of

the amount set out above, plus costs. If you make a payment to anyone other than Sheriff

Services, you may be liable to pay again.

**NOTE:** Any party or interested person may complete and serve a Notice of Garnishment

 Hearing (Form 20K) to determine any matter related to this notice. To obtain forms,

 attend the nearest Small Claims Court or access the website: www.courts.pe.ca

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 (Date) (Signature of Clerk)

The top portion of the garnishee's payment notice is to be completed by the creditor before the Notice of Garnishment is issued. Where it is anticipated that more than one payment will be made by the garnishee, the creditor should supply extra copies of the payment notice.

**GARNISHEE’S PAYMENT NOTICE**

Make payment by cheque or money order payable to Sheriff Services and send it, along with this payment notice to Sheriff Services at the following address:

|  |  |
| --- | --- |
| Court address: |  |
| Claim No.: |  |
| Creditor: |  |
| Debtor: |  |
| Garnishee: |  |

**TO BE COMPLETED BY GARNISHEE FOR EACH PAYMENT**

Date of payment: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_\_

Amount enclosed: $ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_