

Supreme Court of Nova Scotia
Amendments to Practice Memorandum 1
Foreclosure Procedures
June 22, 2018

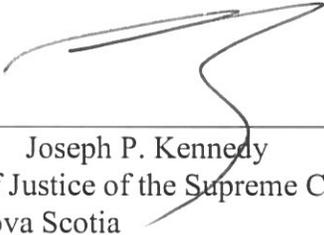
1. The cross reference to “Confirmation of Delivery of the Notice to Subsequent Encumbrancer” in the table of contents of the consolidated practice memorandum and “(Form 35.12)” in section 2.9(c) were not authorized and are to be removed.
2. The following paragraph is added after the first paragraph in section 2.5(g) of Practice Memorandum 1: “Not all counties have active courthouses any more. The order will have to specify a courthouse where the lands are in Victoria, Guysborough, or Queens, or any other county in which the sole courthouse is closed in future.”
3. The following words are inserted after the word “by” in section 2.7(b) of the practice memorandum, and the words “or certified” are removed: “delivery to Canada Post for transmission by”.
4. The words “prescribed standard instructions for Sheriff’s Sales by Public Auction - Instructions to Sheriff” in section 2.8 are replaced with “Instructions for Conduct of Foreclosure Auction”.
5. The words “a true copy of” in section 2.9(c) are removed, the words “to Canada Post” are added after “delivery”, and the words “to any” are replaced with “for transmission by registered mail to each”.
6. The words “standard procedure for sheriff’s sale by public auction” in paragraph 3 of the standard order for foreclosure, sale, and possession are replaced with “Instructions for Conduct of Foreclosure Auction”.
7. The second sentence of paragraph 3 of that standard order is replaced with “The sale is to be held at [*a courthouse in the county in which the lands being foreclosed are located. / The courthouse at _____, Nova Scotia.*].
8. The following words are added at the end of the fourth sentence in paragraph 3 of that standard order: “at the place of this proceeding”.
9. The following words are added after “subsequent encumbrancer by” in paragraph 4 of that standard order and the words “or certified” are removed: “delivery to Canada Post for transmission by”.
10. The words “the subsequent encumbrancer” after “Rule 31.12 is delivered to” in paragraph 5 of that standard order are replaced with “Canada Post”.

11. The words “Sheriff for” under the signature line in the standard notice of public auction are replaced with “Auctioneer”.
12. The following words are added at the end of the second sentence in the part titled “Scheduling auction” in the instructions for conduct of foreclosure auction: “or another courthouse specified in the order”.
13. The definite article in “and the list of any moveables” in the part titled “Order, descriptions, and notice” is replaced with “a”.

Certificate

I, Joseph P. Kennedy, Chief Justice of the Supreme Court of Nova Scotia, certify that on June 22, 2018, a majority of the judges of the court made the foregoing amendments to Practice Memorandum 1, Foreclosure Procedures.

Signed June 22, 2018



Joseph P. Kennedy
Chief Justice of the Supreme Court
of Nova Scotia