

Amendments to
Practice Memorandum No. 1
Foreclosure Procedures
May 1, 2011

The following Provisions of the Practice Memorandum on Foreclosure Procedures [No. 1] are amended as follows:

1 **Amendment to section 2.5(b)**

The current section 2.5(b) is to be deleted and replaced with the following:

(b) Affidavit of Service - must be filed no later than two days before the hearing.

2 **Amendment to section 2.5(d)**

The following is to be added before last sentence in section 2.5(d):

The affidavit should indicate how all amounts in the summary statement are derived from information in the statement of account (including 2. Interest accrued and paid, 4. Principal payments made, 5. Principal outstanding, and 6. Interest outstanding). To facilitate cross-referencing, amounts appearing in the summary statement must be evident from and should be highlighted in the statement of account.

3 **Amendment to section 2.6(c)**

The following is to be added after the first sentence in section 2.6(c):

If the mortgagee's affidavit does not fully explain how any amount in the summary statement is derived from information in the statement of account, or if any amount shown in the summary statement is not highlighted in the statement of account, counsel's memorandum must include a complete explanation of how the amount indicated in the summary statement was calculated.

4 **Amendment to Affidavit of Mortgagee**

The following is to be added before last sentence in paragraph numbered 6:

Amounts shown in the summary statement are highlighted in the statement of account (*if an amount in the summary statement does not appear in the statement of account, the affidavit must explain how it has been calculated, with reference to information in the statement of account*).

5 **Amendment to Summary Statement of Account**

The words “and paid” are to be added immediately after the word “accrued” in item number 2.

Certificate

I, Joseph P. Kennedy, Chief Justice of the Supreme Court of Nova Scotia, certify that on April 15, 2011, a majority of the judges of the court made the foregoing amendment to *Practice Memorandum No. 1 - Foreclosure Procedures*.

Signed May 3, 2011,

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