

FORM 22

JUDGMENT  
(LIEN ATTACHES TO LAND)

(Construction Remedies Act, S.N.B. 2020, c.29, s.96(1))

\_\_\_\_\_  
Court File No.

IN THE COURT OF QUEEN'S BENCH OF  
NEW BRUNSWICK  
TRIAL DIVISION  
JUDICIAL DISTRICT OF \_\_\_\_\_

BETWEEN \_\_\_\_\_ Plaintiff(s)

and

\_\_\_\_\_ Defendant(s)

JUDGMENT

The trial of this action having been concluded at \_\_\_\_\_ on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_ and upon it appearing that the following persons have been duly served with notice of trial (*set out names of all persons served with notice of trial*) and all such persons (*or as the case may be*) appearing at the trial (*or and the following persons not having appeared (set out names of non-appearing persons)*), and upon hearing the evidence adduced and what was alleged by counsel for the plaintiff and \_\_\_\_\_ for \_\_\_\_\_ and \_\_\_\_\_ and the defendant (*or and by* \_\_\_\_\_ appearing in person).

In accordance with the decision of \_\_\_\_\_ dated \_\_\_\_\_, 20\_\_\_\_, it is ordered that:

(use the applicable paragraphs)

1. The plaintiff and the several persons named in the 1<sup>st</sup> column of Schedule A are respectively entitled to a lien under the *Construction Remedies Act* upon the land described in Schedule B, for the amounts set opposite their respective names in the 3<sup>rd</sup>, 4<sup>th</sup> and 5<sup>th</sup> columns of Schedule A, and the persons primarily liable for the claims respectively are set forth in the 6<sup>th</sup> column of that Schedule.
2. The several persons named in the 1<sup>st</sup> column of Schedule C are entitled to some lien, charge or other encumbrance, other than a lien under this Act, upon the land for the amounts set opposite their respective names in the 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> columns of Schedule C (*according to the facts*).

3. Upon the defendant ( \_\_\_\_\_, the owner) paying into court to the credit of this action the sum of \$ \_\_\_\_\_ (*gross amount of liens in Schedules A and C for which the owner is liable*) on or before the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, the liens mentioned in Schedule A shall be and are discharged (and the several persons in Schedule C are to release and discharge their claims and assign and convey their respective interests in the land to the defendant (*owner*) and deliver up all documents on oath (*or solemn affirmation*) to the defendant (*owner*) or to whom the defendant (*owner*) may appoint) and the money paid into court is to be paid out in payment of the claims of the lienholders (*or* and encumbrances).
4. If the defendant (*owner*) makes default in payment of the money into court, the land is to be sold by the sheriff of \_\_\_\_\_ in any manner permitted by the *Enforcement of Money Judgments Act*, and the proceeds of that sale paid into court to the credit of this action.
5. The proceeds of sale are to be applied in or towards payment of the several claims mentioned in Schedule(s) A (and C) as the court directs, with subsequent interest and costs to be computed and assessed by the court.
6. If the proceeds of sale are insufficient to pay in full the proven claims of the several persons mentioned in the 1<sup>st</sup> column of Schedule A, the persons primarily liable for such claims, as shown in the 6<sup>th</sup> column of Schedule A, shall pay the amount remaining due to those persons immediately after this amount has been ascertained by the court.
7. The persons named in the 1<sup>st</sup> column of Schedule F have not proven any lien under the *Construction Remedies Act* and they are not entitled to any such lien, and the claims for lien registered by them and the certificates of pending litigation related to those claims, as set out in the 2<sup>nd</sup> column of Schedule F, against the land described in Schedule B are discharged (*according to the facts*).
8. The personal liability of the owner \_\_\_\_\_ to the persons named in the 1<sup>st</sup> column of Schedule E in respect of the holdbacks the owner was required to retain is \$ \_\_\_\_\_, and enforcement may be initiated immediately for the amounts set out opposite their respective names in the 2<sup>nd</sup> column of Schedule E.
9. The persons whose names are set out in the 1<sup>st</sup> column of Schedule D, although they have not proven any lien under the *Construction Remedies Act*, are entitled to personal judgment for the amounts set opposite their respective names in the 4<sup>th</sup> column of Schedule D against their respective debtors as set out in the 5<sup>th</sup> column opposite their names and the respective debtors shall immediately pay to their respective judgment creditors the amount found due.
10. Since the owner's interest in the land has been sold by \_\_\_\_\_, a mortgagee, and it has been determined that the liens were entitled to priority over the mortgage under section 80 of the Act, therefore the mortgagee shall pay to the persons named in Schedule E the amount set out opposite each of their respective names on or before the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Date: \_\_\_\_\_

(Court Seal)

\_\_\_\_\_  
(signature of clerk)

### SCHEDULE A

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4	COLUMN 5	COLUMN 6
Names of lienholders entitled to liens under the Act	Registration numbers of claims for lien and certificates of pending litigation	Amount of debt and interest (if any)	Costs	Total	Names of persons primarily liable
		\$	\$	\$	

\_\_\_\_\_  
*(signature of clerk)*

### SCHEDULE B

The lands in question in this matter are:

\_\_\_\_\_  
*(set out a description sufficient for registration purposes, including approved parcel identifiers)*

\_\_\_\_\_  
*(signature of clerk)*

### SCHEDULE C

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4
Names of persons entitled to encumbrances other than liens under the Act	Amount of debt and interest (if any)	Costs	Total
	\$	\$	\$

\_\_\_\_\_  
*(signature of clerk)*

### SCHEDULE D

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4	COLUMN 5
Judgment creditors not entitled to liens	Amount of debt and interest (if any)	Costs	Total	Names of judgment debtors
	\$	\$	\$	

\_\_\_\_\_  
*(signature of clerk)*

**SCHEDULE E**

COLUMN 1	COLUMN 2
Names of persons entitled to share in holdback	Amount to be paid
	\$

\_\_\_\_\_  
*(signature of clerk)*

**SCHEDULE F**

COLUMN 1	COLUMN 2
Names of persons not entitled to lien	Registration numbers of claims for lien and certificates of pending litigation

\_\_\_\_\_  
*(signature of clerk)*