

FORM 23

JUDGMENT
(LIEN AGAINST PUBLIC OWNER'S HOLDBACK)
(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 amount for which the defendant (owner), _____
(Crown or local government owner)
is liable under section 34 (and section 22 or 23, as the case may be) of the *Construction Remedies Act* is \$ _____.
2. The several persons named in the 1st column of Schedule A are respectively entitled to a lien under the *Construction Remedies Act* which lien is a charge under section 22 or 23, as the case may be, upon the amount for which the defendant (owner) is liable; for the amounts set opposite their respective names in the 4th column and the persons primarily liable for the claims of those persons are set out in the 5th column of Schedule A.

3. Upon the defendant (owner) _____

 (Crown or local government owner)
 paying into court to the credit of this action the sum of \$ _____ for which the owner is liable on or before the _____ day of _____, the liens mentioned in Schedule A shall be and are discharged and the money paid into court is to be paid out in payment of the claims of the lienholders.

4. If the money paid into court is insufficient to pay in full the proven claims of the several persons mentioned in the 1st column of Schedule A, the persons primarily liable for such claims, as set out in the 5th column of Schedule A, shall pay the amount remaining due to those persons immediately after this amount has been ascertained by the court.

5. The following persons have not proved any lien under the *Construction Remedies Act*:

 (names of persons)
 and are not entitled to any such lien or to a personal judgment against any of the parties to this action.

6. The persons whose names are set out in the 1st column of Schedule B, 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 4th column of Schedule B against their respective debtors as set out in the 5th column opposite their names and the respective debtors shall immediately pay to their respective judgment creditors the amount found due.

Date: _____

(Court Seal)

 (signature of clerk)

SCHEDULE A

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4	COLUMN 5
Names of lienholders entitled to liens under the Act	Amount of debt and interest (if any)	Costs	Total	Names of persons primarily liable
	\$	\$	\$	

 (signature of clerk)

SCHEDULE B

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)