

FORM 7

PAYMENT ORDER TO A FINANCIAL INSTITUTION
(*Support Enforcement Act*, S.N.B. 2005, c.S-15.5, ss. 15, 25)

Court File No. _____

OSE Case No. _____

TO:

TAKE NOTICE THAT:

This notice is served on your financial institution under sections 15 and 25 of the *Support Enforcement Act of New Brunswick* with respect to the payer _____. It is our understanding that certain money is owed by your financial institution to the payer _____ by reason of _____ having one or more deposit accounts with your financial institution.

This payment order is an enforcement notice in respect of a support order or support provision, as referred to in section 462 of the *Bank Act* (Canada), section 448 of the *Trust and Loans Companies Act* (Canada), and section 385.32 of the *Cooperative Credit Associations Act* (Canada).

This payment order binds money owing by your financial institution to _____, including money owed to _____ and one or more other persons as joint account holders, to the extent necessary to meet the deduction amount of \$ _____.

This payment order binds said money until the deduction amount is paid to the Director of Support Enforcement, the termination date of _____, your institution is served with a Notice of Revocation, or the payment order is revoked by the court, whichever first occurs.

This payment order has priority over any seizure under the *Enforcement of Money Judgments Act*, or any other execution, whenever made, with respect to any debt owed by your financial institution to _____.

This payment order requires your financial institution to deduct from money now due and owing to _____ the amount of \$ _____ and forward it to the Director at _____ by _____.

Where possible, deduction is to be made from one or more accounts held solely by the payer. If there are insufficient funds in such accounts, the remaining amount must be deducted from a joint deposit account held in the name of _____ and one or more other persons as joint account holders, to the extent of the portion of the joint account (or accounts) deemed in accordance with Section 25(2) of the *Support Enforcement Act* to be owing to _____.

Section 25(2) of the *Support Enforcement Act* deems the assets of a joint deposit account to be owed by the financial institution in equal portions to each joint account holder.

If the amount due and owing or deemed to be due and owing to _____ is not sufficient to remit \$ _____, your financial institution is required to deduct and remit to the extent possible.

If money is deducted and remitted to the Director from a joint account your financial institution must, on or before _____:

1. Personally serve **Notice of Deduction from Joint Account (Form 11)** on all persons who hold an account jointly with _____, from which a deduction was made,

AND

2. Personally serve **Notice of Deduction from Joint Account (Form 11)** on the Director that a deduction was made from one or more accounts held jointly in the name of _____ and one or more other persons.

If money is remitted to the Director from more than one joint account, separate notices shall be served for each joint account.

Cheques or money orders shall show the OSE case number, are to be made payable to the Minister of Finance, and are to be forwarded to the Director of Support Enforcement at:

Your financial institution may apply to the Director to revoke this payment order on the grounds that your financial institution is not liable to pay a sum of money to _____, or the payment order contains or is based upon a material error.

Dated this _____ day of _____, 20__.

Director of Support Enforcement

2019-40; 2020, c.24, s.23