

Courts of Justice Act

DEFAULT JUDGMENT FOR FORECLOSURE WITHOUT A REFERENCE

(General heading)

(Court seal)

JUDGMENT

On reading the statement of claim in this action and the proof of service of the statement of claim on the defendant(s), filed, no request for sale having been served and filed the defendant(s) (*name(s)*) having served and filed a request to redeem and the defendant(s) having been noted in default, and the account having been taken in the presence of the lawyer(s) for the plaintiff(s) (*or the plaintiff*) and the lawyer(s) for the defendant(s) (*where applicable, add (identify party) appearing in person or no one appearing for the defendant (name) although served with notice of the taking of the account as appears from the affidavit of (name), filed*),

1. I FIND that the following sums are due to the plaintiff from the defendant (*name of owner of equity of redemption*) on (*redemption date*), the day I have fixed for payment under the mortgage in question in this action:

- (a) for principal \$ _____
 - (b) for taxes paid \$ _____
 - (c) for premiums of insurance paid \$ _____
 - (d) for maintenance costs paid \$ _____
 - (e) for heating costs paid \$ _____
 - (f) for utility costs paid (*add any other costs in similar fashion*) \$ _____
 - (g) for interest up to (*date of judgment*) \$ _____
 - (h) for costs of this action \$ _____
 - (i) for subsequent interest on the principal at the rate of _____ per cent per year up to the day fixed for payment \$ _____
- making a total amount due on (*redemption date*) of \$ _____

2. IT IS ORDERED AND ADJUDGED that:

- (a) on payment of the sum of \$ _____ (*total amount due from paragraph 1*) into the (*name of financial institution*) at (*address*), to the joint credit of the plaintiff and the Accountant of the Superior Court of Justice (*or the local registrar*); or
- (b) on recovery by the plaintiff of the amount due under paragraph 6 of this judgment, together with post-judgment interest,

on or before (*redemption date*), the plaintiff shall convey the mortgaged property described in the attached schedule to the defendant (*name*) or as the defendant(s) direct(s), in accordance with section 2 of the *Mortgages Act*, and deliver up all documents relating to the mortgaged property. The mortgage is dated _____ and made between (*name of mortgagor*) and (*name of mortgagee*), and registered (*give particulars of registration and of any assignment of the mortgage*).

(Delete clause (b) where the judgment does not order payment of the mortgage debt.)

(Where more than one party is entitled to redeem, add:)

3. IT IS ORDERED AND ADJUDGED that the defendant (*name of encumbrancer*) is entitled to the first right to redeem and the defendant (*name*) is entitled to the second right to redeem (*and so on*) and the defendant (*name of owner of equity of redemption*) is entitled to the last right to redeem.

(Foreclosure on default in payment)

4. IT IS ORDERED AND ADJUDGED that, on default in payment as required by paragraph 2, the right, title and equity of redemption of the defendant(s) to and in the mortgaged property described in the attached schedule are foreclosed.

(Where judgment is for possession, add:)

5. IT IS ORDERED AND ADJUDGED that the defendant (*name*) forthwith deliver to the plaintiff or as the plaintiff directs, possession of the mortgaged property, or of such part of it as is in the possession of the defendant.

(Where judgment is for payment of the mortgage debt, add the following two paragraphs :)

6. IT IS ORDERED AND ADJUDGED that the defendant (*name*) forthwith pay to the plaintiff(s) the sum of \$ _____, being the amount due to the plaintiff today for principal, interest and costs.

THIS JUDGMENT BEARS INTEREST at the rate of (*rate claimed in statement of claim*) per cent per year from its date.

Date _____

Issued by _____

Local registrar

Address of
court office _____

(The description of the mortgaged property in the attached schedule must be the same as in the statement of claim.)