

FORM 19
JUDGMENT AT TRIAL UNDER SECTION 62 OF
THE ACT WHERE LIEN ATTACHES TO PREMISES

Construction Lien Act

Court File No.

SUPERIOR COURT OF JUSTICE

(name of judge)

(day and date)

BETWEEN

Plaintiff(s)

and

(Court seal)

Defendant(s)

JUDGMENT

THIS ACTION was heard on _____, at _____,
(date) (place)

in the presence of all parties (or the solicitors for identified parties, _____

appearing in person, no one appearing for _____, or as the case may be).

ON READING THE PLEADINGS AND HEARING THE EVIDENCE and the submissions of the solicitors for the parties

(or _____, appearing in person or as the case may be).

(Use the appropriate paragraphs)

1. THIS COURT DECLARES AND ADJUDGES that the persons named in Column 1 of Schedule A to this judgment are respectively entitled to a lien under the *Construction Lien Act*, upon the interest of the owner,

(name of owner), in the premises described in Schedule B to this judgment for the amounts set opposite their respective names in Column 5 in Schedule A, and the primary debtors of those persons respectively are as set out in Column 6 in Schedule A.
2. AND THIS COURT DECLARES AND ADJUDGES that the persons mentioned in Column 1 of Schedule C to this judgment are entitled to some charge or encumbrance other than a lien under this Act on the interest of the owner in the premises for the amounts set opposite their respective names in Column 4 of Schedule C.
3. AND THIS COURT ORDERS AND ADJUDGES that the personal liability of the owner

(name of owner) to the persons named in Column 1 of Schedule E to this judgment in respect of the holdbacks the owner was required to retain is \$ _____, and writs of execution may be issued forthwith for the amounts set opposite their respective names in Column 2 of Schedule E.
4. AND THIS COURT ORDERS AND ADJUDGES that upon the defendant _____
(the owner) paying into court to the credit of this action the amount of \$ _____ on or before the _____ day of _____, 20 _____, the liens mentioned in Schedule A are discharged and the registration of those liens and the certificates of action in relation to those liens are vacated and the money paid into court is to be paid in payment of the persons entitled to a lien.

5. AND THIS COURT ORDERS AND ADJUDGES that if the defendant _____ (owner) makes default in payment of the money into Court that the owner's interest in the premises be sold under the supervision of the master of this court and that the purchase money be paid into court to the credit of this action.
6. AND THIS COURT ORDERS AND ADJUDGES that the purchase money be applied in or towards payment of the claims mentioned in Schedule(s) A (and C) as the master directs, with subsequent interest and subsequent costs to be computed and taxed by the master.
7. AND THIS COURT ORDERS AND ADJUDGES that if the purchase money paid into court is insufficient to pay in full the proven claims of the persons mentioned in Column 1 of Schedule A, the primary debtor of each of those persons, as set out in Column 6 of Schedule A, shall pay the amount remaining due to those persons forthwith after the amount has been ascertained by the master.
8. AND THIS COURT ORDERS AND ADJUDGES that the persons named in Column 1 of Schedule F to this judgment have not proved any lien under the *Construction Lien Act*, and orders and adjudges that the claims for lien registered by them and the certificates of action related to those claims as set out in Column 2 of Schedule F are vacated against the premises described in Schedule B.
9. AND THIS COURT ORDERS AND ADJUDGES that the persons whose names are set out in Column 1 of Schedule D to this judgment, although they have not proven their claims for lien, are entitled to personal judgment for the amounts set opposite their respective names in Column 4 of Schedule D against their respective debtors as set out in Column 5 opposite their names and the respective debtors shall forthwith pay to their respective judgment creditors the amount found due.
10. AND THIS COURT ORDERS AND ADJUDGES that since the owner's interest in the premises has been sold by _____, a mortgagee, and it has been determined by this court that the liens were entitled to priority over the mortgage under subsection 78 (2) [or subsection 78 (5) as the case may be] of the Act, therefore the mortgagee shall pay to the persons named in Schedule E the amount set opposite each of their respective names on or before the _____ day of _____, 20 _____.

(signature of judge)

SCHEDULE A

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4	COLUMN 5	COLUMN 6
Names of persons entitled to construction lien	Registration numbers of claims for lien and certificates of action	Amount of debt and interest (if any)	Costs	Total	Names of primary debtors
		\$	\$	\$	
		\$	\$	\$	
		\$	\$	\$	

(signature of judge)

SCHEDULE B

The premises in respect of which this action is brought is as follows:

(set out a description sufficient for registration purposes)

(signature of judge)

SCHEDULE C

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

(signature of judge)

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 debtors
	\$	\$	\$	
	\$	\$	\$	
	\$	\$	\$	

(signature of judge)

SCHEDULE E

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

(signature of judge)

SCHEDULE F

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

(signature of judge)