



COURSE DESCRIPTION - FACULTY OF LAW

COURSE NUMBER: LAW 514:A1

COURSE NAME: JUDGMENT ENFORCEMENT LAW

PREREQUISITE COURSES: NONE

PREREQUISITE FOR:

CREDITS: 3 **HOURS PER TERM:** 3 **TERM:** 1st **MAXIMUM ENROLLMENT:** 60

PROFESSORS: T.M. BUCKWOLD

METHOD OF PRESENTATION: LECTURE **X** SEMINAR OTHER

METHOD OF EVALUATION:

Evaluation in this course by a final examination worth 100% of the Grade.

Examination will be: open book

COURSE DESCRIPTION:

One of the important considerations in the pursuit of litigation is the likelihood that a potential judgment or order for the payment of money will be satisfied. Such a judgment or order does not in itself enable the successful claimant to reach the financial resources or property of the defendant or respondent in the proceedings. The enforcement of a judgment for the payment of money entails resort to the specialized system of law that constitutes the subject of this course. The judgment enforcement system is of particular importance to unsecured creditors who, in the event of their debtors' failure or refusal to satisfy their debts, have no immediate rights in or to their debtors' property. The main focus of this course is provincial judgment enforcement law, represented by the *Civil Enforcement Act*. Topics will include:

- Debt Collection Practices
- Prejudgment Remedies
- The Writ of Enforcement: Registration and Priority
- Enforcement Against Personal Property
- Enforcement Against Land
- Garnishment
- Receiverships
- Distribution of Proceeds of Enforcement

Since a judgment can only be enforced against the property of the judgment debtor, a relevant issue in the process of judgment enforcement may be the possibility of recovering property that has been transferred by the judgment debtor to someone else. Accordingly, the course also examines provincial fraudulent conveyance and fraudulent preference law.

***SPECIAL COMMENTS:**

REQUIRED TEXTS (IF ANY): Judgment Enforcement - Cases and Materials
Judgment Enforcement - Statutes and Materials