

EMPIRICAL STUDY ON THE
CLERK OF THE COURT'S OFFICE

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II. Clerk of the Court's Office

A) There were some differences in the manner of keeping records in the three judicial districts studied. Because of the volume of records involved, the large district had a sophisticated cardex system with 1 card for each file opened. Both the medium and the small districts utilized procedure books, with 1 entry in the book for each file.

B) Detailed Study of Offices

In the large judicial district there were 33,190 files opened in 1980 and 36,796 in 1981. The practice is to open a file and assign a number to every new action, whether commenced by statement of claim, originating or ordinary notice of motion or petition. Files are also opened for certificates of judgment obtained in Provincial Court, actions or judgments transferred from other judicial districts, and complaints and orders made by a variety of administrative tribunals. Our sample for the large judicial district was obtained by examining every 20th card for 1980 and 1981. Therefore 1,658 cards for 1980 and 1,832 cards for 1981 were viewed.

In the medium sized judicial district 2,184 files were opened in 1980 and 2,257 in 1981. The practice with regard to opening files was the same as that in the large district. Here we examined every third entry in the procedure book, giving us a sample of 728 files for 1980 and 752 for 1981.

In the small judicial district there were 912 files opened in 1980 and 988 in 1981. Of these we chose to examine every second entry which left us with samples of 456 and 494 for 1980 and 1981 respectively.

Our next step was to separate the cards or entries in our sample into 3 groups.

Group I consisted of files in which the litigation had not gone to judgment or to an order determining the basic issue between the parties. We also included in Group I transfers of litigation to other jurisdictions, actions consolidated into other actions and appointments to tax bills. In either case the card or entry would say nothing about the progress of the transferred or consolidated litigation, and we did not pursue the matter. In 1980 there were 798 and in 1981 895 cards in Group I in the large district. In our medium sized district we found 337 Group I entries for 1980 and 373 for 1981. Finally, in the small district there were 225 for 1980 and 256 for 1981.

Group II represented files in which the litigation had proceeded to a judgment which was, for various reasons, not interesting to us. In most cases, these files represented judgments or orders which did not award a sum of money but ordered another kind of relief. Examples include possession and replevin orders, custody and restraining orders, certificates of taxation of accounts, and proceedings under a variety of statutes including the Companies Act, the Land Titles Act and Part X of the Bankruptcy Act. We included in Group II actions for foreclosure or specific performance unless the cards indicated that a writ of execution had been issued, usually against a company. We also included distress warrants pursuant to conditional sales agreements or chattel mortgages. Finally we included all matrimonial disputes, even if they might lead to a writ or a garnishee summons. Applying this definition to the large district we found 235 files in Group II in 1980 and 277 in 1981. In our medium sized district we found 71 and 72 for 1980 and 1981 respectively. Our sample in the small district contained 27 Group II entries in 1980 and 43 in 1981.

Our next step was to conduct a physical examination of the files which were left after we had eliminated the cards or entries in Groups I and II. Group III therefore consisted of the files in which there was a non-matrimonial money judgment, for which it would be possible to obtain a writ of execution and/or a garnishee summons. In the large district we found 625 and 660 Group III files for 1980 and 1981 respectively. In the medium-sized district there were 320 files in Group III in 1981 and 307 in 1980. In our small district we found 204 files in 1980 and 195 in 1981.

Table 1 - Categorization of Judgments

	1980				1981				Grand Total
	Large	Medium	Small	Total	Large	Medium	Small	Total	
Group I	798 (48.1)	337 (46.3)	225 (49.3)	1360 (47.9)	895 (48.9)	373 (49.6)	256 (51.8)	1524 (49.5)	2884 (48.7)
Group II	235 (14.2)	71 (9.7)	27 (5.9)	333 (11.7)	277 (14.6)	72 (9.6)	43 (8.7)	392 (12.7)	725 (12.2)
Group III	625 (37.7)	320 (44.0)	204 (44.7)	1149 (40.4)	660 (36.5)	307 (40.8)	195 (39.5)	1162 (37.8)	2311 (39.0)
Total	1658 (100.0)	728 (100.0)	456 (99.9)	2842 (100.0)	1832 (100.0)	752 (100.0)	494 (100.0)	3078 (100.0)	5920 (99.9)

Table 3 - Judgments by Dollar Value

	1-500	501-1004	1005-1500	1501-2000	2001-3000	3001-4000	4001-5000	5001-10,000	10,001-20,000	over 20,000	Totals
1980 Large	143 (22.8)	113 (18.0)	65 (10.4)	43 (6.9)	72 (11.5)	39 (6.2)	26 (4.1)	62 (9.9)	28 (4.5)	36 (5.7)	627 (100.0)
1980 Medium	112 (35.0)	79 (24.7)	25 (7.8)	18 (5.6)	16 (5.0)	11 (3.4)	12 (3.8)	23 (7.2)	11 (3.4)	13 (4.1)	320 (100.0)
1980 Small	60 (29.3)	45 (22.0)	23 (11.2)	10 (4.9)	21 (10.2)	12 (5.9)	6 (2.9)	16 (7.8)	9 (4.4)	3 (1.5)	205 (100.0)
1980 Total	315 (27.3)	237 (20.6)	113 (9.8)	71 (6.2)	109 (9.5)	62 (5.4)	44 (3.8)	101 (8.7)	48 (4.2)	52 (4.5)	1152 (100.0)
1981 Large	130 (19.7)	148 (22.4)	69 (10.5)	44 (6.6)	82 (12.4)	28 (4.2)	28 (4.2)	58 (8.7)	40 (6.0)	33 (5.0)	660 (100.0)
1981 Medium	105 (34.0)	54 (17.5)	27 (8.7)	23 (7.4)	22 (7.1)	14 (4.5)	15 (4.9)	27 (8.7)	8 (2.6)	14 (4.5)	309 (99.9)
1981 Small	69 (35.4)	35 (17.9)	18 (9.2)	15 (7.7)	12 (6.2)	7 (3.6)	6 (3.1)	21 (10.8)	9 (4.6)	3 (1.5)	195 (100.0)
1981 Total	304 (26.1)	237 (20.3)	114 (9.8)	82 (7.0)	116 (10.0)	49 (4.2)	49 (4.2)	106 (9.1)	57 (4.9)	50 (4.3)	1164 (99.9)
Total Large	273 (21.2)	261 (20.3)	134 (10.4)	87 (6.8)	154 (12.0)	67 (5.2)	54 (4.2)	120 (9.3)	68 (5.3)	69 (5.4)	1287 (100.0)
Total Medium	217 (34.5)	133 (21.1)	52 (8.3)	41 (6.5)	38 (6.0)	25 (4.0)	27 (4.3)	50 (7.9)	19 (3.0)	27 (4.3)	629 (99.9)
Total Small	129 (32.3)	80 (20.0)	41 (10.3)	25 (6.3)	33 (8.3)	19 (4.7)	12 (3.0)	37 (9.3)	17 (4.3)	7 (1.8)	400 (100.3)
Grand Total	619 (26.7)	474 (20.5)	227 (9.8)	153 (6.6)	225 (9.7)	111 (4.8)	93 (4.0)	207 (8.9)	104 (4.5)	103 (4.4)	2316 (99.9)

We thought it would be useful at this point to correlate the above information with enforcement and non-enforcement. The results appear in Tables 4 and 5.

Table 4 - Judgments with Enforcement

	1-500	501-1004	1005-1500	1501-2000	2001-3000	3001-4000	4001-5000	5001-10,000	10,001-20,000	over 20,000	Totals
1980 Large	100 (19.0)	91 (17.3)	56 (10.6)	40 (7.6)	65 (12.4)	36 (6.8)	24 (4.6)	58 (11.0)	24 (4.6)	32 (6.1)	526 (100.0)
1980 Medium	97 (34.7)	64 (22.9)	23 (8.2)	18 (6.5)	13 (4.7)	11 (3.9)	11 (3.9)	22 (7.9)	10 (3.6)	10 (3.6)	279 (99.9)
1980 Small	44 (24.8)	38 (21.5)	20 (11.3)	10 (5.6)	20 (11.3)	11 (6.2)	6 (3.4)	16 (9.0)	9 (5.1)	3 (1.7)	177 (99.9)
1980 Total	241 (24.5)	193 (19.7)	99 (10.1)	68 (6.9)	98 (10.0)	58 (5.9)	41 (4.2)	96 (9.8)	43 (4.4)	45 (4.6)	982 (100.1)
1981 Large	82 (14.9)	114 (20.7)	60 (10.9)	41 (7.4)	80 (14.5)	26 (4.7)	27 (4.9)	55 (10.0)	36 (6.5)	30 (5.4)	551 (99.9)
1981 Medium	82 (30.5)	45 (16.7)	23 (8.6)	22 (8.2)	21 (7.8)	14 (5.2)	14 (5.2)	27 (10.0)	8 (3.0)	13 (4.8)	269 (100.0)
1981 Small	49 (30.2)	28 (17.3)	16 (9.9)	13 (8.0)	12 (7.4)	7 (4.3)	5 (3.1)	21 (13.0)	9 (5.6)	2 (1.2)	162 (100.0)
1981 Total	213 (21.7)	187 (19.0)	99 (10.1)	76 (7.7)	113 (11.5)	47 (4.8)	46 (4.7)	103 (10.5)	53 (5.4)	45 (4.6)	982 (100.0)
Total Large	182 (16.9)	205 (19.0)	116 (10.8)	81 (7.5)	145 (13.5)	62 (5.8)	51 (4.7)	113 (10.5)	60 (5.6)	62 (5.8)	1077 (100.1)
Total Medium	179 (32.7)	109 (19.9)	46 (8.4)	40 (7.3)	34 (6.2)	25 (4.6)	25 (4.6)	49 (8.9)	18 (3.3)	23 (4.2)	548 (100.1)
Total Small	93 (27.4)	66 (19.5)	36 (10.6)	23 (6.8)	32 (9.4)	18 (5.3)	11 (3.2)	37 (10.9)	17 (5.0)	6 (1.8)	339 (99.9)
Grand Total	454 (23.1)	380 (19.3)	198 (10.1)	144 (7.3)	211 (10.7)	105 (5.3)	87 (4.4)	199 (10.1)	95 (4.8)	91 (4.6)	1964 (99.7)

Table 5 - Judgments Without Enforcement

	1-500	501- 1004	1005- 2500	1501- 2000	2001- 3000	3001- 4000	4001- 5000	5001- 10,000	10,001- 20,000	over 20,000	Totals
1980 Large	43 (42.6)	22 (21.8)	9 (8.9)	3 (3.0)	7 (6.9)	3 (3.0)	2 (2.0)	4 (4.0)	4 (4.0)	4 (4.0)	101 (100.2)
1980 Medium	15 (36.6)	15 (36.6)	2 (4.9)	0 (0.0)	3 (7.3)	0 (0.0)	1 (2.4)	1 (2.4)	1 (2.4)	3 (7.3)	41 (99.9)
1980 Small	16 (57.1)	7 (25.0)	3 (10.7)	0 (0.0)	1 (3.6)	1 (3.6)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	28 (100.0)
1980 Total	74 (43.5)	44 (25.9)	14 (8.2)	3 (1.8)	11 (6.5)	4 (2.4)	3 (1.8)	5 (2.9)	5 (2.9)	7 (4.1)	170 (100.0)
1981 Large	48 (44.0)	34 (31.2)	9 (8.3)	3 (2.8)	2 (1.8)	2 (1.8)	1 (0.9)	3 (2.8)	4 (3.7)	3 (2.8)	109 (100.1)
1981 Medium	23 (57.5)	9 (22.5)	4 (10.0)	1 (2.5)	1 (2.5)	0 (0.0)	1 (2.5)	0 (0.0)	0 (0.0)	1 (2.5)	40 (100.0)
1981 Small	20 (60.6)	7 (21.2)	2 (6.1)	2 (6.1)	0 (0.0)	0 (0.0)	1 (3.0)	0 (0.0)	0 (0.0)	1 (3.0)	33 (100.0)
1981 Total	91 (50.0)	50 (27.5)	15 (8.2)	6 (3.3)	3 (1.6)	2 (1.1)	3 (1.6)	3 (1.6)	4 (2.2)	5 (2.7)	182 (99.8)
Total Large	91 (43.3)	56 (26.7)	18 (8.6)	6 (2.9)	9 (4.3)	5 (2.4)	3 (1.4)	7 (3.3)	8 (3.8)	7 (3.3)	210 (100.0)
Total Medium	38 (46.9)	24 (29.6)	6 (7.4)	1 (1.2)	4 (4.9)	0 (0.0)	2 (2.5)	1 (1.2)	1 (1.2)	4 (4.9)	81 (99.8)
Total Small	36 (59.0)	14 (23.0)	5 (8.2)	2 (3.3)	1 (1.6)	1 (1.6)	1 (1.6)	0 (0.0)	0 (0.0)	1 (1.6)	61 (99.9)
Grand Total	165 (46.9)	94 (26.7)	29 (8.2)	9 (2.6)	14 (4.0)	6 (1.7)	6 (1.7)	8 (2.3)	9 (2.6)	12 (3.4)	352 (100.1)

We also thought that it would be interesting to show the number of enforced judgments per dollar band as a percentage of the total number of judgments in that dollar band. Table 6 displays these results.

Table 6 - Enforced Judgments as Percentage of Total Judgments,
by dollar bands

	1-500	501- 1004	1005- 1500	1501- 2000	2001- 3000	3001- 4000	4001- 5000	5001- 10,000	10,001- 20,000	over 20,000	Totals
1980											
Large	69.9	80.5	86.2	93.0	90.3	92.3	92.3	93.5	85.7	88.9	83.9
1980											
Medium	86.6	81.0	92.0	100.0	81.3	100.0	91.7	95.7	90.9	76.9	87.2
1980											
Small	73.3	84.4	87.0	100.0	95.2	91.7	100.0	100.0	100.0	100.0	86.3
1980											
Total	76.5	81.4	87.6	95.8	90.0	93.5	93.2	95.0	89.6	86.5	85.2
1981											
Large	63.1	77.0	87.0	93.2	97.6	92.9	96.4	94.8	90.0	90.9	83.6
1981											
Medium	78.1	83.3	85.2	95.6	95.5	100.0	93.3	100.0	100.0	92.9	87.0
1981											
Small	71.0	80.0	88.9	86.7	100.0	100.0	83.3	100.0	100.0	66.6	83.1
1981											
Total	70.1	78.9	86.8	92.7	97.4	95.9	93.9	97.2	93.0	90.0	84.4
Large											
Total	66.7	78.5	86.7	93.1	94.2	92.5	94.4	94.2	88.2	89.9	83.7
Medium											
Total	82.5	82.0	88.5	97.6	89.5	100.0	92.6	98.0	94.7	85.2	87.1
Small											
Total	72.1	82.5	87.8	92.0	97.0	94.7	91.7	100.0	100.0	85.7	84.8
Grand											
Total	73.3	80.2	87.2	94.1	93.8	94.6	93.5	96.1	91.3	88.3	84.8

We then attempted a rough classification of the judgments according to the process or route which they had followed. We used the following categories:

(1) Q.B. - Action commenced and judgment obtained in the Alberta Court of Queen's Bench.

(2) P.C. - Action commenced and judgment obtained in the Provincial Court of Alberta. Certificate of judgment filed in Alberta Court of Queen's Bench.

(3) R.E.J.A. - Judgment obtained in a court in another jurisdiction, and registered under the Alberta Reciprocal Enforcement of Judgments Act.

(4) W.C.B. - An unpaid assessment under the Worker's Compensation Act, R.S.A. 1980, c. W-15, s. 78 can be certified by the secretary to the Board and "filed with the clerk of the Court of Queen's Bench ... and may be enforced as a judgment of the Court." See also ss. 87-88.

(5) Labour legislation - includes claims for unpaid wages or prosecutions under the Alberta Labour Act, 1973, S.A. 1972, c. 33; Labour Relations Act, R.S.A. 1980, c. L-1.1; and the Employment Standards Act, R.S.A. 1980, c. E-10.1.

(6) Health Insurance - Non-payment by a registrant of a premium under the Health Insurance Premiums Act, R.S.A. 1980, c. H-5 can result in the registration of a certificate in the Court of Queen's Bench. The certificate "when registered has the same force and effect, and all proceedings may be taken on it, as if the certificate were a judgment obtained in the Court for a debt of the amount specified in the certificate." See Act, s. 17.

(7) Fines under Other Provincial Acts - Included are the Liquor Control Act, R.S.A. 1980, c. L-17, ss. 104-111;

Franchises Act, R.S.A. 1980, c. F-17, s. 34; and the Highway Traffic Act, R.S.A. 1980, c. H-7, s. 168. The enforcement mechanism is in the Summary Convictions Act, R.S.A. 1980, c. S-16, ss. 20-21.

(8) Income Tax Act - An amount payable under the Alberta Income Tax Act, R.S.A. 1980, c. A-31 may be certified by the Provincial Treasurer under s. 39. The certificate may be registered in the Court of Queen's Bench and thereafter operates like a judgment for debt.

(9) Criminal Code - See Criminal Code, R.S.C. 1970, c. C-34, ss. 647-648 (fines on corporations), 652 (recovery of penalties), 653 (compensation for loss of property), 654 (compensation to bona fide purchasers), 656-657 (costs in case of libel).

(10) O.P.D. - Under the Bankruptcy Act, r.S.C. 1970, c. B-3, Part X (Orderly Payment of Debts), s. 190, a debtor may apply to the clerk of the court for a consolidation order. By s. 196(2), "A consolidation order ... is a judgment of the court in favour of each creditor named in the register for the amount stated therein to be owing to such creditor." The effect of a consolidation order is that no process shall be issued by a creditor to which Part X applies (s. 200). The clerk may issue a writ of execution or certificate of judgment in respect of a consolidation order (s. 201). In certain circumstances, including default, a registered creditor can issue his process against the debtor (s. 204).

Table 7 - Classification of Judgments by Origin

	Q.B.	P.C.	R.E.J.A.	W.C.B.	Labour Leg'n	Health Ins.	Fines Under Other Prov. Acts	Income Tax Act	Criminal Code	O.P.D.	Totals
1980 Large	445 (71.0)	106 (17.0)	7 (1.1)	5 (0.8)	12 (1.9)	36 (5.7)	6 (0.9)	3 (0.5)	1 (0.2)	6 (0.9)	627 (100.0)
1980 Medium	150 (46.9)	143 (44.7)	0 (0.0)	2 (0.6)	4 (1.3)	13 (4.1)	1 (0.3)	6 (1.9)	1 (0.3)	0 (0.0)	320 (100.1)
1980 Small	138 (67.3)	39 (19.0)	1 (0.5)	1 (0.5)	0 (0.0)	22 (10.7)	3 (1.5)	1 (0.5)	0 (0.0)	0 (0.0)	205 (100.0)
1980 Total	733 (63.6)	288 (25.0)	8 (0.7)	8 (0.7)	16 (1.4)	71 (6.2)	10 (0.9)	10 (0.9)	2 (0.2)	6 (0.5)	1152 (100.1)
1981 Large	485 (73.5)	108 (16.4)	3 (0.5)	3 (0.5)	27 (3.9)	26 (3.9)	6 (0.9)	1 (0.2)	0 (0.0)	1 (0.2)	660 (100.0)
1981 Medium	162 (52.4)	113 (36.6)	1 (0.3)	0 (0.0)	19 (6.1)	9 (2.9)	1 (0.3)	4 (1.3)	0 (0.0)	0 (0.0)	309 99.9
1981 Small	137 (70.3)	38 (19.5)	5 (2.6)	0 (0.0)	0 (0.0)	15 (7.7)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	195 (100.1)
1981 Total	784 (67.4)	259 (22.3)	9 (0.8)	3 (0.3)	46 (4.0)	50 (4.3)	7 (0.6)	5 (0.4)	0 (0.0)	1 (0.1)	1164 (100.2)
Total Large	930 (72.3)	214 (16.6)	10 (0.8)	8 (0.6)	39 (3.0)	62 (4.8)	12 (0.9)	4 (0.3)	1 (0.1)	7 (0.5)	1287 (100.0)
Total Medium	312 (49.6)	256 (40.7)	1 (0.2)	2 (0.3)	23 (3.7)	22 (3.5)	2 (0.3)	10 (1.6)	1 (0.2)	0 (0.0)	629 (100.1)
Total Small	275 (68.8)	77 (19.3)	6 (1.5)	1 (0.3)	0 (0.0)	37 (9.3)	3 (0.8)	1 (0.3)	0 (0.0)	0 (0.0)	400 (100.3)
Grand Total	1517 (65.5)	547 (23.6)	17 (0.7)	11 (0.5)	62 (2.7)	121 (5.2)	17 (0.7)	15 (0.6)	2 (0.1)	7 (0.3)	2316 (99.9)

The above table indicates that there was greater use of Provincial Court in the medium sized district for the lower dollar bands. There appears to be no procedural advantage in doing so. The rationale may be mere preference of local creditors. This anomaly is also exhibited in Tables 8, 10, 11, 12 which deal with judgments according to their origin.

Table 8 - Judgments with Enforcement

	Q.B.	P.C.	R.E.J.A.	W.C.B.	Labour Leg'n	Health Ins.	Fines Under Other Prov. Acts	Income Tax Act	Criminal Code	O.P.D.	Totals
1980	411	80	7	5	2	7	6	2	1	5	526
Large	(78.1)	(15.2)	(1.3)	(1.0)	(0.4)	(1.3)	(1.1)	(0.4)	(0.2)	(1.0)	(100.1)
1980	137	129	0	2	1	3	0	6	1	0	279
Medium	(49.1)	(46.2)	(0.0)	(0.7)	(0.4)	(1.1)	(0.0)	(2.2)	(0.4)	(0.0)	(100.1)
1980	135	29	1	1	0	7	3	1	0	0	177
Small	(76.3)	(16.4)	(0.6)	(0.6)	(0.0)	(4.0)	(1.7)	(0.6)	(0.0)	(0.0)	(100.1)
1980	683	238	8	8	3	17	9	9	2	5	982
Total	(70.0)	(24.2)	(0.8)	(0.8)	(0.3)	(1.7)	(0.9)	(0.9)	(0.2)	(0.5)	(100.3)
1981	452	81	2	3	4	2	6	1	0	1	552
Large	(81.9)	(14.7)	(0.4)	(0.5)	(0.7)	(0.4)	(1.1)	(0.2)	(0.0)	(0.2)	(100.1)
1981	155	102	1	0	4	2	1	4	0	0	269
Medium	(57.6)	(37.9)	(0.4)	(0.0)	(1.5)	(0.7)	(0.4)	(1.5)	(0.0)	(0.0)	(100.0)
1981	127	26	5	0	0	4	0	0	0	0	162
Small	(78.4)	(16.0)	(3.1)	(0.0)	(0.0)	(2.5)	(0.0)	(0.0)	(0.0)	(0.0)	(100.0)
1981	734	209	8	3	8	8	7	5	0	1	983
Total	(74.7)	(21.3)	(0.8)	(0.3)	(0.8)	(0.8)	(0.7)	(0.5)	(0.0)	(0.1)	(100.0)
Total	863	161	9	8	6	9	12	3	1	6	1078
Large	(80.1)	(14.9)	(0.8)	(0.7)	(0.6)	(0.8)	(1.1)	(0.3)	(0.1)	(0.6)	(100.1)
Total	292	231	1	2	5	5	1	10	1	0	548
Medium	(53.3)	(42.2)	(0.2)	(0.4)	(0.9)	(0.9)	(0.2)	(1.8)	(0.2)	(0.0)	(100.0)
Total	262	55	6	1	0	11	3	1	0	0	339
Small	(77.3)	(16.2)	(1.8)	(0.3)	(0.0)	(3.2)	(0.9)	(0.3)	(0.0)	(0.0)	(100.0)
Grand	1417	447	16	11	11	25	16	14	2	6	1965
Total	(72.1)	(22.7)	(0.8)	(0.6)	(0.6)	1.3)	(0.8)	(0.7)	(0.1)	(0.3)	(100.0)

Table 9 - Judgments without Enforcement

	Q.B.	P.C.	R.E.J.A.	W.C.B.	Labour Leg'n	Health Ins.	Fines Under Other Prov. Acts	Income Tax Act	Criminal Code	O.P.D.	Totals
1980 Large	34 (33.7)	26 (25.7)	0 (0.0)	0 (0.0)	10 (9.9)	29 (28.7)	0 (0.0)	1 (1.0)	0 (0.0)	1 (1.0)	101 (100.0)
1980 Medium	13 (31.7)	14 (34.1)	0 (0.0)	0 (0.0)	3 (7.3)	10 (24.4)	1 (2.4)	0 (0.0)	0 (0.0)	0 (0.0)	41 (99.9)
1980 Small	3 (10.7)	10 (35.7)	0 (0.0)	0 (0.0)	0 (0.0)	15 (53.6)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	28 (100.0)
1980 Total	50 (29.4)	50 (29.4)	0 (0.0)	0 (0.0)	13 (7.6)	54 (31.8)	1 (0.6)	1 (0.6)	0 (0.0)	1 (0.6)	170 (100.0)
1981 Large	33 (30.6)	27 (25.0)	1 (0.9)	0 (0.0)	23 (21.3)	24 (22.2)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	108 (100.0)
1981 Medium	7 (17.5)	11 (27.5)	0 (0.0)	0 (0.0)	15 (37.5)	7 (17.5)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	40 (100.0)
1981 Small	10 (30.3)	12 (36.4)	0 (0.0)	0 (0.0)	0 (0.0)	11 (33.3)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	33 (100.0)
1981 Total	50 (27.6)	50 (27.6)	1 (0.6)	0 (0.0)	38 (21.0)	42 (23.2)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	181 (100.0)
Large Total	67 (32.1)	53 (25.4)	1 (0.5)	0 (0.0)	33 (15.8)	53 (25.4)	0 (0.0)	1 (0.5)	0 (0.0)	1 (0.5)	209 (100.2)
Medium Total	20 (24.7)	25 (30.9)	0 (0.0)	0 (0.0)	18 (22.2)	17 (21.0)	1 (1.2)	0 (0.0)	0 (0.0)	0 (0.0)	81 (100.0)
Small Total	13 (21.3)	22 (36.1)	0 (0.0)	0 (0.0)	0 (0.0)	26 (42.6)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	61 (100.0)
Grand Total	100 (28.5)	100 (28.5)	1 (0.3)	0 (0.0)	51 (14.5)	96 (27.3)	1 (0.3)	1 (0.3)	0 (0.0)	1 (0.3)	351 (100.0)

Once again we thought it would be useful to show the number of judgments enforced per source as a percentage of the total number of judgments from that source.

Table 10 - Enforced Judgments as a Percentage of Total Judgments, By Origin

	Q.B.	P.C.	R.E.J.A.	W.C.B.	Labour Leg'n	Health Ins.	Fines Under Other Prov. Acts	Income Tax Act	Criminal Code	O.P.D.	Totals
1980											
Large	92.4	75.5	100.0	100.0	16.7	19.4	100.0	66.7	100.0	83.3	83.9
1980											
Medium	91.3	90.2	0.0	100.0	25.0	23.1	0.0	100.0	100.0	0.0	87.2
1980											
Small	97.8	74.4	100.0	100.0	0.0	31.8	100.0	100.0	0.0	0.0	86.3
1980											
Total	93.2	82.6	100.0	100.0	18.8	23.9	90.0	90.0	100.0	83.3	85.2
1981											
Large	93.2	75.0	66.7	100.0	15.4	7.7	100.0	100.0	0.0	100.0	83.6
1981											
Medium	95.7	90.3	100.0	0.0	21.1	22.2	100.0	100.0	0.0	0.0	87.1
1981											
Small	92.7	68.4	100.0	0.0	0.0	26.7	0.0	0.0	0.0	0.0	83.1
1981											
Total	93.6	80.7	88.9	100.0	17.4	16.0	100.0	100.0	0.0	100.0	84.5
Large											
Total	92.8	75.2	90.0	100.0	15.8	14.5	100.0	75.0	100.0	85.7	83.7
Medium											
Total	93.6	90.2	100.0	100.0	21.7	22.7	50.0	100.0	100.0	0.0	87.1
Small											
Total	95.3	71.4	100.0	100.0	0.0	29.7	100.0	100.0	0.0	0.0	84.8
Grand											
Total	93.4	81.7	94.1	100.0	17.7	20.7	94.1	93.3	100.0	85.7	84.8

We were particularly interested in looking at judgments under \$1004.00 to see where they originated, and whether they were enforced. The results are in Table 11 for 1980 and Table 12 for 1981.

Table 11 - 1980 Judgments under \$1004

	Q.B. Enforced	Q.B. Not Enforced	Q.B. Total	P.C. Enforced	P.C. Not Enforced	P.C. Total	Other Enforced	Other Not Enforced	Other Total	Grand Total
Large 1-500	44 (30.8)	5 (3.5)	49 (34.3)	46 (32.2)	22 (15.4)	68 (47.6)	10 (7.0)	16 (11.2)	26 (18.2)	143 (100.1)
Medium 1-500	14 (12.7)	3 (2.7)	17 (15.5)	78 (70.9)	6 (5.5)	84 (76.4)	4 (3.6)	5 (4.5)	9 (8.2)	110 (100.1)
Small 1-500	25 (41.7)	1 (1.7)	26 (43.3)	17 (28.3)	8 (13.3)	25 (41.7)	2 (3.3)	7 (11.7)	9 (15.0)	60 (100.0)
Total 1-500	83 (26.5)	9 (2.9)	92 (29.4)	141 (45.0)	36 (11.5)	177 (56.5)	16 (5.1)	28 (8.9)	44 (14.1)	313 (100.0)
Large 501-1004	55 (48.7)	3 (2.7)	58 (51.3)	31 (27.4)	4 (3.5)	35 (31.0)	5 (4.4)	15 (13.3)	20 (17.7)	113 (100.0)
Medium 501-1004	13 (16.0)	1 (1.2)	14 (17.3)	48 (59.3)	8 (9.9)	56 (69.1)	4 (4.9)	7 (8.6)	11 (13.6)	81 (100.0)
Small 501-1004	23 (51.1)	0 (0.0)	23 (51.1)	12 (26.7)	2 (4.4)	14 (31.1)	3 (6.7)	5 (11.1)	8 (17.8)	45 (100.0)
Total 501-1004	91 (38.1)	4 (1.7)	95 (39.7)	91 (38.1)	14 (5.9)	105 (43.9)	12 (5.0)	27 (11.3)	39 (16.3)	239 (99.9)
Total Large	99 (38.7)	8 (3.1)	107 (41.8)	77 (30.1)	26 (10.2)	103 (40.2)	15 (5.9)	31 (12.1)	46 (18.0)	256 (100.0)
Total Medium	27 (14.1)	4 (2.1)	31 (16.2)	126 (66.0)	14 (7.3)	140 (73.3)	8 (4.2)	12 (6.3)	20 (10.5)	191 (100.0)
Total Small	48 (45.7)	1 (1.0)	49 (46.7)	29 (27.6)	10 (9.5)	39 (37.1)	5 (4.8)	12 (11.4)	17 (16.2)	105 (100.0)
Grand Total	174 (31.5)	13 (2.4)	187 (33.9)	232 (42.0)	50 (9.1)	282 (51.1)	28 (5.1)	55 (10.0)	83 (15.0)	552 (100.0)

Table 12 - 1981 Judgments under \$1004

	Q.B. Enforced	Q.B. Not Enforced	Q.B. Total	P.C. Enforced	P.C. Not Enforced	P.C. Total	Other Enforced	Other Not Enforced	Other Total	Grand Total
Large 1-500	39 (30.0)	9 (6.9)	48 (36.9)	34 (26.2)	14 (10.8)	48 (36.9)	8 (6.2)	26 (20.0)	34 (26.2)	130 (100.0)
Medium 1-500	12 (11.4)	1 (1.0)	13 (12.4)	66 (62.9)	9 (8.6)	75 (71.4)	4 (3.8)	13 (12.3)	17 (16.2)	105 (100.0)
Small 1-500	28 (40.6)	2 (2.9)	30 (43.5)	20 (29.0)	11 (15.9)	31 (44.9)	1 (1.4)	7 (10.1)	8 (11.5)	69 (99.9)
Total 1-500	79 (26.0)	12 (3.9)	91 (29.9)	120 (39.5)	34 (11.2)	154 (50.7)	13 (4.3)	46 (15.1)	59 (19.4)	304 (100.0)
Large 501-1004	65 (42.8)	8 (5.3)	73 (48.0)	47 (30.9)	13 (8.6)	60 (39.5)	3 (2.0)	16 (10.5)	19 (12.5)	152 (100.0)
Medium 501-1004	9 (16.7)	2 (3.7)	11 (20.4)	33 (61.1)	2 (3.7)	35 (64.8)	3 (5.6)	5 (9.3)	8 (14.8)	54 (100.0)
Small 501-1004	20 (57.1)	3 (8.6)	23 (65.7)	6 (17.1)	1 (2.9)	7 (20.0)	2 (5.7)	3 (8.6)	5 (14.3)	35 (100.0)
Total 501-1004	94 (39.0)	13 (5.4)	107 (44.4)	76 (31.5)	16 (6.6)	102 (42.3)	8 (3.3)	24 (10.0)	32 (13.3)	241 (100.0)
Total Large	104 (36.9)	17 (6.0)	121 (42.9)	81 (28.7)	27 (9.6)	108 (38.3)	11 (3.9)	42 (14.9)	53 (18.8)	282 (100.0)
Total Medium	21 (13.2)	3 (1.9)	24 (15.1)	99 (62.3)	11 (6.9)	110 (69.2)	7 (4.4)	18 (11.3)	25 (15.7)	159 (100.0)
Total Small	48 (46.2)	5 (4.8)	53 (51.0)	26 (25.0)	12 (11.5)	38 (36.5)	3 (2.9)	10 (9.6)	13 (12.5)	104 (100.0)
Grand Total	173 (31.7)	25 (4.6)	198 (36.3)	206 (37.8)	50 (9.2)	256 (47.0)	21 (3.9)	70 (12.8)	91 (16.7)	545 (100.0)

II. Writs of Execution

The following eight tables document the numbers of writs per judgment issued for the three judicial districts in 1980 and 1981 respectively. Two points are to be noted regarding these tables:

1. When a judgment issues against more than one defendant, solicitors follow two different practices. Some issue separate writs against each defendant, while others issue one writ against some or all of the defendants. We have counted a writ as one, whether issued against one or more defendants.
2. It is to be noted that there are discrepancies between the number of judgments which were not the subject of any enforcement and the number of judgments for which writs were not issued. The following outlines these discrepancies:

a) Large-sized District

In 1980 101 judgments and in 1981 109 judgments were not enforced, however Tables 13 and 14 show that in 1981 119 judgments and in 1981 134 were not followed by the issue of writs.

This discrepancy may be accounted for in two ways.

- i) We earlier noted (at page 5) that we were counting as money judgments files where the plaintiff had issued a statement of claim and a garnishee summons before judgment, but no judgment had been obtained. We counted those statements of claim (4 in 1980 and 5

in 1981) as judgments for the purposes of our count, but as judgments were not in fact obtained writs therefore could not be issued.

- ii) In the rest of the cases, judgment creditors issued garnishee summonses after judgment but without filing writs of execution. There were 14 such cases in 1980 and 20 in 1981. This practice is risky. If a garnishee summons is issued and monies are obtained which are paid over to the Sheriff for distribution, the absence of a writ means that the garnishing creditor will not share in the distribution because he has no subsisting writ which the Sheriff can take into account. If there are no subsisting writs in the Sheriff's office, the garnishing creditor can apply under Rule 480 for payment out to the applicant of attached monies, a practice followed in several of the above cases.

b) Medium-sized District

In 1980 there were 41 judgments which were not enforced and in 1981 there were 40. Tables 15 and 16 however, show 62 and 75 judgments for 1980 and 1981 respectively for which no writs were issued. The abovementioned explanations would apply.

- i) In 1981 there was 1 prejudgment garnishee for which no judgment was obtained.
- ii) In 1980 there were 21 judgments for which the creditors utilized garnishee summonses

but not writs. There were 35 instances of this in 1981.

c) Small-sized District

In 1980 there were 28 judgments that were the subject of no enforcement and in 1981 there were 33 such judgments. Tables 17 and 18 document 38 judgments in 1980 for which no writs were obtained and 41 in 1981.

- i) There were no instances of pre-judgment garnishment in the small-sized district.
- ii) In 1980 there were 9 cases of garnishment without the use of a writ and in 1981 there were 8.

Table 13 - Writs per judgment by dollar band - Large District 1980

No. of writs in file	1-500	501-1004	1005-1500	1501-2000	2001-3000	3001-4000	4001-5000	5001-10000	10001-20000	Over 20000	Totals
0	46 (7.3)	27 (4.3)	10 (1.6)	3 (0.5)	8 (1.3)	5 (0.8)	4 (0.6)	6 (1.0)	6 (1.0)	4 (0.6)	119 (19.0)
1	94 (15.0)	80 (12.8)	50 (8.0)	37 (5.9)	57 (9.1)	33 (5.3)	18 (2.9)	44 (7.0)	20 (3.2)	23 (3.7)	456 (72.7)
2	4 (0.6)	6 (1.0)	4 (0.6)	2 (0.3)	7 (1.1)	1 (0.2)	4 (0.6)	11 (1.8)	3 (0.5)	6 (1.0)	48 (7.7)
3				1 (0.2)				1 (0.2)		1 (0.2)	3 (0.5)
4 or more									1 (0.2)		1 (0.2)
Totals	144 (23.0)	113 (18.0)	64 (10.2)	43 (6.9)	72 (11.5)	39 (6.2)	26 (4.1)	62 (9.9)	30 (4.8)	34 (5.4)	627 (100.0)

Table 14 - Writs per judgment by dollar band - 1981 Large Judicial District

No. of writs in file	1-500	501-1004	1005-1500	1501-2000	2001-3000	3001-4000	4001-5000	5001-10000	10001-20000	Over 20000	Totals
0	57 (8.6)	39 (5.9)	9 (1.4)	4 (0.6)	5 (0.8)	4 (0.6)	2 (0.3)	4 (0.6)	7 (1.1)	3 (0.5)	134 (20.3)
1	74 (11.2)	105 (15.9)	53 (8.0)	37 (5.6)	70 (10.6)	18 (2.7)	24 (3.6)	44 (6.7)	26 (3.9)	24 (3.6)	475 (72.0)
2		5 (0.8)	6 (0.9)	3 (0.5)	7 (1.1)	5 (0.8)	2 (0.3)	12 (1.8)	5 (0.8)	3 (0.5)	48 (7.3)
3			1 (0.2)			1 (0.2)			1 (0.2)		3 (0.5)
4 or more											
Totals	131 (19.8)	149 (22.6)	69 (10.5)	44 (6.7)	82 (12.4)	28 (4.2)	28 (4.2)	60 (9.1)	39 (5.9)	30 (4.5)	660 (99.9)

Table 15 - Writs per judgment by dollar band - 1980 Medium Judicial District

No. of writs	1-500	501-1004	1005-1500	1501-2000	2001-3000	3001-4000	4001-5000	5001-10000	10001-20000	Over 20000	Totals
0	31 (9.7)	18 (5.6)	2 (0.6)	1 (0.3)	3 (0.9)	0 (0.0)	1 (0.3)	2 (0.6)	1 (0.3)	3 (0.9)	62 (19.4)
1	72 (22.5)	52 (16.3)	21 (6.6)	16 (5.0)	10 (3.1)	9 (2.8)	8 (2.5)	20 (6.3)	6 (1.9)	6 (1.9)	220 (68.8)
2	9 (2.8)	9 (2.8)	2 (0.6)	1 (0.3)	3 (0.9)	2 (0.6)	3 (0.9)	1 (0.3)	3 (0.9)	4 (1.3)	37 (11.6)
3 or more	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	1 (0.3)	0 (0.0)	1 (0.3)
Totals	112 (35.0)	79 (24.7)	25 (7.8)	18 (5.6)	16 (5.0)	11 (3.4)	12 (3.8)	23 (7.2)	11 (3.4)	13 (4.1)	320 (100.0)

Table 16 - Writs per judgment by dollar band - 1981 Medium Judicial District

No. of writs	1-500	501-1004	1005-1500	1501-2000	2001-3000	3001-4000	4001-5000	5001-10000	10001-20000	Over 20000	Totals
0	47 (15.2)	18 (5.8)	4 (1.3)	1 (0.3)	2 (0.6)	0 (0.0)	2 (0.6)	0 (0.0)	0 (0.0)	1 (0.3)	75 (24.3)
1	54 (17.5)	33 (10.7)	20 (6.5)	19 (6.1)	17 (5.5)	13 (4.2)	11 (3.6)	18 (5.8)	7 (2.3)	12 (3.9)	204 (66.0)
2	4 (1.3)	2 (0.6)	3 (1.0)	3 (1.0)	3 (1.0)	1 (0.3)	2 (0.6)	9 (2.9)	1 (0.3)	1 (0.3)	29 (9.4)
3 or more	1 (0.3)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	1 (0.3)
Totals	106 (34.3)	53 (17.2)	27 (8.7)	23 (7.4)	22 (7.1)	14 (4.5)	15 (4.9)	27 (8.7)	8 (2.6)	14 (4.5)	309 (100.0)

Table 17 - Writs per judgment by dollar band - 1980 Small Judicial District

No. of writs	1-500	501-1004	1005-1500	1501-2000	2001-3000	3001-4000	4001-5000	5001-10000	10001-20000	Over 20000	Totals
0	19 (9.3)	10 (4.9)	5 (2.4)	0 (0.0)	2 (1.0)	1 (0.5)	0 (0.0)	0 (0.0)	1 (0.5)	0 (0.0)	38 (18.5)
1	35 (17.1)	31 (15.1)	14 (6.8)	9 (4.4)	18 (8.8)	9 (4.4)	6 (2.9)	11 (5.4)	4 (2.0)	2 (1.0)	139 (67.8)
2	6 (2.9)	4 (2.0)	3 (1.5)	1 (0.5)	1 (0.5)	2 (1.0)	0 (0.0)	3 (1.5)	3 (1.5)	1 (0.5)	24 (11.7)
3 or more	0 (0.0)	0 (0.0)	1 (0.5)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	2 (1.0)	1 (0.5)	0 (0.0)	4 (2.0)
Total	60 (29.3)	45 (22.0)	23 (11.2)	10 (4.9)	21 (10.2)	12 (5.9)	6 (2.9)	16 (7.8)	9 (4.4)	3 (1.5)	205 (100.0)

Table 18 - Writs per judgment by dollar band - 1981 Small Judicial District

No. of writs	1-500	501-1004	1005-1500	1501-2000	2001-3000	3001-4000	4001-5000	5001-10000	10001-20000	Over 20000	Totals
0	24 (12.3)	8 (4.1)	2 (1.0)	3 (1.5)	0 (0.0)	0 (0.0)	1 (0.5)	2 (1.0)	0 (0.0)	1 (0.5)	41 (21.0)
1	40 (20.5)	26 (13.3)	13 (6.7)	11 (5.6)	8 (4.1)	4 (2.1)	5 (2.6)	16 (8.2)	7 (3.6)	2 (1.0)	132 (67.7)
2	5 (2.6)	1 (0.5)	3 (1.5)	1 (0.5)	2 (1.0)	3 (1.5)	0 (0.0)	3 (1.5)	2 (1.0)	0 (0.0)	20 (10.3)
3 or more	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	2 (1.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	2 (1.0)
Totals	69 (35.4)	35 (17.9)	18 (9.2)	15 (7.7)	12 (6.2)	7 (3.6)	6 (3.1)	21 (10.8)	9 (4.6)	3 (1.5)	195 (100.0)

Table 19 - Writs per judgment by dollar band - 1980 All Districts

No. of writs	1-500	501-1004	1005-1500	1501-2000	2001-3000	3001-4000	4001-5000	5001-10000	10001-20000	Over 20000	Totals
0	96 (8.3)	55 (4.8)	17 (1.5)	4 (0.3)	13 (1.1)	6 (0.5)	5 (0.4)	8 (0.7)	8 (0.7)	7 (0.6)	219 (18.9)
1	201 (17.4)	163 (14.1)	85 (7.4)	62 (5.4)	85 (7.4)	51 (4.4)	32 (2.8)	75 (6.5)	30 (2.6)	31 (2.7)	815 (70.7)
2	19 (1.6)	19 (1.6)	9 (0.8)	4 (0.3)	11 (1.0)	5 (0.4)	7 (0.6)	15 (1.3)	9 (0.8)	11 (1.0)	109 (9.5)
3	0 (0.0)	0 (0.0)	1 (0.1)	1 (0.1)	0 (0.0)	0 (0.0)	0 (0.0)	3 (0.3)	2 (0.2)	1 (0.1)	8
4 or more	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	1 (0.1)	0 (0.0)	1 (0.1)
Totals	316 (27.4)	237 (20.6)	112 (9.7)	71 (6.2)	109 (9.5)	62 (5.4)	44 (3.8)	101 (8.8)	50 (4.3)	50 (4.3)	1152 (99.9)
Total writs issued	220 (23.6)	182 (19.5)	95 (10.2)	67 (7.2)	96 (10.3)	56 (6.0)	39 (4.2)	93 (10.0)	42 (4.5)	43 (4.6)	933 (100.1)

Table 20 - Writs per judgment by dollar band - 1981 All Districts

No. of writs	1-500	501-1004	1005-1500	1501-2000	2001-3000	3001-4000	4001-5000	5001-10000	10001-20000	Over 20000	Totals
0	128 (11.1)	65 (5.6)	15 (1.3)	8 (0.7)	7 (0.6)	4 (0.3)	5 (0.4)	6 (0.5)	7 (0.6)	5 (0.4)	250 (21.5)
1	168 (14.4)	164 (14.1)	86 (7.4)	67 (5.8)	95 (8.2)	35 (3.0)	40 (3.4)	78 (6.7)	40 (3.4)	38 (3.3)	811 (69.7)
2	9 (0.8)	8 (0.7)	12 (1.0)	7 (0.6)	12 (1.0)	9 (0.8)	4 (0.3)	24 (2.1)	8 (0.7)	4 (0.3)	97 (8.3)
3	1 (0.1)	0 (0.0)	1 (0.1)	0 (0.0)	2 (0.2)	1 (0.1)	0 (0.0)	0 (0.0)	1 (0.1)	0 (0.0)	6 (0.5)
4 or more	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)
Totals	306 (26.3)	237 (20.4)	114 (9.8)	82 (7.0)	116 (10.0)	49 (4.2)	49 (4.2)	108 (9.3)	56 (4.8)	47 (4.0)	1164 (100.0)
Total writs	178 (19.3)	172 (18.6)	99 (10.7)	74 (8.0)	109 (11.8)	45 (4.9)	44 (4.8)	102 (11.0)	49 (5.3)	42 (4.5)	924 (98.9)

It is interesting to note the frequency of use of multiple writs of execution from the prior two tables. Multiple writs (i.e. 2, 3, 4 or more) were issued in 12.6% and 11.1% of the judgments with writs issued for 1980 and 1981 respectively.

Tables 13 - 20 illustrate instances in which two or more writs were issued on the same judgment. The rationale for this may be twofold.

(1) The solicitor has issued separate writs for each judgment debtor.

(2) The solicitor has issued 1 original writ, usually directed to the Sheriff of the Judicial District in which the judgment was obtained, and an alias writ directed to the Sheriff of another Judicial District (although occasionally these were referred to as original writs).

We differentiated between these cases in Tables 21 and 22.

Table 21 - Multiple Writs 1980

No. of writs/ judgment	Separate writ against each debtor	Original writ to J.D. where judg- ment obtained; alias writ to another J.D.	Original writ to another J.D., alias to J.D. where judgment obtained	Original writ to J.D. where judg- ment obtained; alias to same J.D.	Multiple writs, all to some other J.D.	Total
Large 2	7(5.9)	40(33.9)	0(0.0)	1(0.8)	0(0.0)	48(40.7)
Large 3	1(0.8)	2(1.7)	0(0.0)	0(0.0)	0(0.0)	3(2.5)
Large 4+	1(0.8)	0(0.0)	0(0.0)	0(0.0)	0(0.0)	1(0.8)
Large Total	9(7.6)	42(35.6)	0(0.0)	1(0.8)	0(0.0)	52(44.1)
Medium 2	0(0.0)	36(30.5)	1(0.8)	0(0.0)	0(0.0)	37(31.4)
Medium 3	0(0.0)	1(0.8)	0(0.0)	0(0.0)	0(0.0)	1(0.8)
Medium 4+	0(0.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)
Medium Total	0(0.0)	37(31.4)	1(0.8)	0(0.0)	0(0.0)	38(32.2)
Small 2	1(0.8)	22(18.6)	1(0.8)	0(0.0)	0(0.0)	24(20.3)
Small 3	0(0.0)	3(2.5)	0(0.0)	0(0.0)	1(0.8)	4(3.4)
Small 4+	0(0.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)
Small Total	1(0.8)	25(21.2)	1(0.8)	0(0.0)	1(0.8)	28(23.7)
Large Total	9(7.6)	42(35.6)	0(0.0)	1(0.8)	0(0.0)	52(44.1)
Medium Total	0(0.0)	37(31.4)	1(0.8)	0(0.0)	0(0.0)	38(32.2)
Small Total	1(0.8)	25(21.2)	1(0.8)	0(0.0)	0(0.0)	28(23.7)
Grand Total	10(8.5)	104(88.1)	2(1.7)	1(0.8)	1(0.8)	118(100.0)

Table 22 - Multiple Writs 1981

No. of writs/ judgment	Separate writ against each debtor	Original writ to J.D. where judg- ment obtained; alias writ to another J.D.	Original writ to another J.D., alias to J.D. where judgment obtained	Original writ to J.D. where judg- ment obtained; alias to same J.D.	Multiple writs, <u>all</u> to some other J.D.	Total
Large 2	7(6.9)	39(38.6)	0(0.0)	0(0.0)	0(0.0)	46(45.5)
Large 3	2(2.0)	1(1.0)	0(0.0)	0(0.0)	0(0.0)	3(3.0)
Large 4+	0(0.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)
Large Total	9(8.9)	40(39.6)	0(0.0)	0(0.0)	0(0.0)	49(48.5)
Medium 2	1(1.0)	27(26.7)	1(1.0)	0(0.0)	0(0.0)	29(28.7)
Medium 3	0(0.0)	1(1.0)	0(0.0)	0(0.0)	0(0.0)	1(1.0)
Medium 4+	0(0.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)
Medium Total	1(1.0)	28(27.7)	1(1.0)	0(0.0)	0(0.0)	30(29.7)
Small 2	0(0.0)	16(15.8)	0(0.0)	4(4.0)	0(0.0)	20(19.8)
Small 3	0(0.0)	2(2.0)	0(0.0)	0(0.0)	0(0.0)	2(2.0)
Small 4+	0(0.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)	0(0.0)
Small Total	0(0.0)	18(17.8)	0(0.0)	4(4.0)	0(0.0)	22(21.8)
Large Total	9(8.9)	40(39.6)	0(0.0)	0(0.0)	0(0.0)	49(48.5)
Medium Total	1(1.0)	28(27.7)	1(1.0)	0(0.0)	0(0.0)	30(29.7)
Small Total	0(0.0)	18(17.8)	0(0.0)	4(4.0)	0(0.0)	22(21.8)
Grand Total	10(9.9)	86(85.1)	1(1.0)	4(4.0)	0(0.0)	101(100)

It is interesting to note the extensive use of alias writs. Alias writs were used in approximately 85% of the files in which multiple writs had been utilized. This indicates that there may be some value in a province-wide writ by avoiding the need to file in one district. This would be particularly useful where towns or cities (ie. Cardston, Vulcan, Devon, Bashaw) are on or very proximate to judicial district boundaries requiring the routine filing of an alias writ. It would also prevent the debtor from avoiding the creditor by moving his assets to another district.

Despite these undoubted benefits, there are a number of practical obstacles to instituting such a system. Given the present system for record keeping, namely a file card system in the Sheriff's office, the province-wide writ is impractical in terms of the sheer volume of documents and processing which is required. A provincial-wide system could operate efficiently and effectively only on a central computer system with the ability to input and update from reporting judicial districts. A changeover from the present system to a computer assisted one would require both record keeping alterations and a formal training program to standardize the processing of documents. This latter point is not without merit as considerable differences exist among the districts. The efficiency/effectiveness aspect of the Sheriff's office will be dealt with in more detail under the second area of this study.

III. Garnishee Summonses

Having examined the use of writs of execution as fully as possible from the records of the Clerk of the Court, we next turned our attention to garnishee summonses. Table 23 details the frequency of use of this remedy.

Table 23 - Enforcement by Garnishee Summons

	1980				1981			
	Large	Medium	Small	Total	Large	Medium	Small	Total
Number of judgments without enforcement	101 (16.1)	41 (12.8)	28 (13.7)	170 (14.8)	109 (16.5)	40 (12.9)	33 (16.9)	182 (15.6)
Number of judgments enforced by writ but not garnishee	354 (56.5)	180 (56.3)	112 (54.6)	646 (56.1)	340 (51.5)	178 (57.6)	109 (55.9)	627 (53.9)
Number enforced by garnishee summons and writ	154 (24.6)	78 (24.4)	56 (27.3)	288 (25.0)	193 (29.2)	56 (18.1)	45 (23.1)	294 (25.3)
Number enforced by garnishee summons but not writ	18 (2.9)	21 (6.6)	9 (4.4)	48 (4.2)	18 (2.7)	35 (11.3)	8 (4.1)	61 (5.2)
Total enforced by garnishee summons	172 (27.4)	99 (30.9)	65 (31.7)	336 (29.2)	211 (32.0)	91 (29.4)	53 (27.2)	355 (30.5)
Total enforced judgments (any method)	526 (83.9)	279 (87.2)	177 (86.3)	982 (85.2)	551 (83.5)	269 (87.1)	162 (83.1)	982 (84.4)
Total number of judgments	627 (100.0)	320 (100.0)	205 (100.0)	1152 (100.1)	660 (100.0)	309 (99.9)	195 (100.0)	1164 (100.0)
Number of judgments enforced by garnishee as a percentage of total judgments enforced	(32.7)	(35.5)	(36.7)	(34.2)	(38.3)	(33.8)	(32.7)	(36.2)

We then identified the number of garnishee summonses issued per judgment, organized according to the dollar amounts of the judgments. Tables 24 - 31 document this. Differentiation between pre- and post-judgment garnishees are indicated where applicable.

Table 24 - Number of Garnishee Summonses per Judgment - Large District 1980

Summonses	1-500	501-1004	1005-1500	1501-2000	2001-3000	3001-4000	4001-5000	5001-10000	10001-20000	Over 20000	Totals
Before judgment											
1					1		1	2	1		5
2					(0.6)		(0.6)	(1.2)	(0.6)		(2.9)
3 or more									1		1
Total before judgment					1		1	2	2		6
After judgment					(0.6)		(0.6)	(1.2)	(1.2)		(3.5)
1	19	18	7	5	10	8	5	7	3	1	83
2	(11.0)	(10.5)	(4.1)	(2.9)	(5.8)	(4.7)	(2.9)	(4.1)	(1.7)	(0.6)	(48.3)
3	5	5	3	3	8	5	1	7	2	1	40
4	(2.9)	(2.9)	(1.7)	(1.7)	(4.7)	(2.9)	(0.6)	(4.1)	(1.2)	(0.6)	(23.3)
5	3	2	3	2	2	2	1	2			17
6 or more	(1.7)	(1.2)	(1.7)	(1.2)	(1.2)	(1.2)	(0.6)	(1.2)			(9.9)
1	1	3	1		1			3		1	10
2	(0.6)	(1.7)	(0.6)		(0.6)			(1.7)		(0.6)	(5.8)
3		2		1		1					4
4		(1.2)		(0.6)		(0.6)					(2.3)
5			1	2	3		1	1		4	12
6 or more			(0.6)	(1.2)	(1.7)		(0.6)	(0.6)		(2.3)	(7.0)
Total after judgment	28	30	15	13	24	16	8	20	5	7	166
Total before and after judgment	(16.3)	(17.4)	(8.7)	(7.6)	(14.0)	(9.3)	(4.7)	(11.6)	(2.9)	(4.1)	(96.5)
Total before and after judgment	28	30	15	13	25	16	9	22	7	7	172
	(16.3)	(17.4)	(8.7)	(7.6)	(14.5)	(9.3)	(5.2)	(12.8)	(4.1)	(4.1)	(100.0)

Table 25 - Number of Garnishee Summonses per Judgment - Large District 1981

Summonses	1-500	501-1004	1005-1500	1501-2000	2001-3000	3001-4000	4001-5000	5001-10000	10001-20000	Over 20000	Totals
Before judgment											
1								1	4*		5
2					1			(0.5)	(1.9)		(2.4)
3 or more					(0.5)						(0.5)
Total before judgment					1			1	4		6
After judgment					(0.5)			(0.5)	(1.9)		(2.8)
1	20	35	14	9	12	12	10	12	11	7	142
2	(9.4)	(16.5)	(6.6)	(4.2)	(5.7)	(5.7)	(4.7)	(5.7)	(5.2)	(3.3)	(67.0)
3	6	7	7	3	7		2	4	2		38
4	(2.8)	(3.3)	(3.3)	(1.4)	(3.3)		(0.9)	(1.9)	(0.9)		(17.9)
5	1	4		1	2	1		1			10
6 or more	(0.5)	(1.9)		(0.5)	(0.9)	(0.5)		(0.5)			(4.7)
1			1	1	3		1				6
2			(0.5)	(0.5)	(1.4)		(0.5)				(2.8)
3					1						1
4					(0.5)						(0.5)
5		1		2	2		2	2			9
6 or more		(0.5)			(0.9)	(0.9)		(0.9)	(0.9)		(4.2)
Total after judgment	27	47	22	15	26	15	13	19	15	7	206
Total before and after judgment	(12.7)	(22.2)	(10.4)	(7.1)	(12.3)	(7.1)	(6.1)	(9.0)	(7.1)	(3.3)	(97.2)
Total before and after judgment	27	47	22	16	26	15	13	20	19	7	212*
	(12.7)	(22.2)	(10.4)	(7.5)	(12.3)	(7.1)	(6.1)	(9.4)	(9.0)	(3.3)	(100.0)

* - one file contained one garnishee before judgment and 6 garnishees after judgment and was counted twice.

Table 26 - Number of Garnishee Summonses per Judgment - Medium District 1980

Number of Garnishees	1-500	501-1004	1005-1500	1501-2000	2001-3000	3001-4000	4001-5000	5001-10000	10001-20000	Over 20000	Totals
1	30	12	4	3	2	2	2	6	1	1	63
	(30.6)	(12.2)	(4.1)	(3.1)	(2.0)	(2.0)	(2.0)	(6.1)	(1.0)	(1.0)	(64.3)
2	8	7	2	1	0	0	1	2	1	3	25
	(8.2)	(7.1)	(2.0)	(1.0)	(0.0)	(0.0)	(1.0)	(2.0)	(1.0)	(3.1)	(25.5)
3	1	3	0	0	0	2	0	0	0	1	7
	(1.0)	(3.1)				(2.0)				(1.0)	(7.1)
4	0	0	0	0	0	0	0	0	0	0	0
5	0	0	0	0	0	0	0	0	0	0	0
Over 6	0	1	0	1	1	0	0	0	0	0	3
		(1.0)		(1.0)	(1.0)						(3.1)
Totals	39	23	6	5	3	4	3	8	2	5	98
	(39.8)	(23.5)	(6.1)	(5.1)	(3.1)	(4.1)	(3.1)	(8.2)	(2.0)	(5.1)	(100.1)

Table 27 - Number of Garnishee Summonses per Judgment - Medium Sized District 1981

Number of Garnishees	1-500	501-1004	1005-1500	1501-2000	2001-3000	3001-4000	4001-5000	5001-10000	10001-20000	Over 20000	Totals
Before judgment	0	0	0	0	0	0	1	0	0	0	1
							(1.1)				(1.1)
After judgment	30	14	5	0	2	1	1	5	2	1	61
	(33.0)	(15.4)	(5.5)	(0.0)	(2.2)	(1.1)	(1.1)	(5.5)	(2.2)	(1.1)	(67.0)
1	8	5	0	0	2	0	0	1	0	0	16
	(8.8)	(5.5)	(0.0)	(0.0)	(2.2)	(0.0)	(0.0)	(1.1)	(0.0)	(0.0)	(17.6)
2	0	1	1	0	0	0	0	2	1	0	5
	(0.0)	(1.1)	(1.1)	(0.0)	(0.0)	(0.0)	(0.0)	(2.2)	(1.1)	(0.0)	(5.5)
3	0	2	0	1	0	0	0	0	0	0	3
		(2.2)		(1.1)							(3.3)
4	0	0	0	2	0	0	0	0	0	0	2
				(2.2)							(2.2)
5	0	0	0	1	1	1	0	0	0	0	3
				(1.1)	(1.1)	(1.1)					(3.3)
Over 6	0	0	0	1	1	1	0	0	0	0	3
				(1.1)	(1.1)	(1.1)					(3.3)
Total after judgment	38	22	6	4	5	2	1	8	3	1	90
	(41.8)	(24.2)	(6.6)	(4.4)	(5.5)	(2.2)	(1.1)	(8.8)	(3.3)	(1.1)	(98.9)
Grand Total	38	22	6	4	5	2	2	8	3	1	91
	(41.8)	(24.2)	(6.6)	(4.4)	(5.5)	(2.2)	(2.2)	(8.8)	(3.3)	(1.1)	(100.1)

Table 28 - Number of Garnishee Summonses per Judgment - Small District 1980

	1-500	501-1004	1005-1500	1501-2000	2001-3000	3001-4000	4001-5000	5001-10000	10001-20000	Over 20000	Totals
1	12 (18.5)	10 (15.4)	7 (10.8)	5 (7.7)	4 (6.2)	3 (4.6)	3 (4.6)	4 (6.2)	2 (3.1)	0 (0.0)	50 (76.9)
2	2 (3.1)	4 (6.2)	1 (1.5)	0 (0.0)	2 (3.1)	0 (0.0)	0 (0.0)	0 (0.0)	1 (1.5)	0 (0.0)	10 (15.4)
3	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	1 (1.5)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	1 (1.5)
4	0 (0.0)	0 (0.0)	0 (0.0)	1 (1.5)	1 (1.5)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	2 (3.1)
5	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	1 (1.5)	1 (1.5)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	2 (3.1)
6+	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)
Total	14 (21.5)	14 (21.5)	8 (42.3)	6 (9.2)	9 (13.8)	4 (6.2)	3 (4.6)	4 (6.2)	3 (4.6)	0 (0.0)	65 (99.9)

Table 29 - Number of Garnishee Summonses per Judgment - Small District 1981

	1-500	501-1004	1005-1500	1501-2000	2001-3000	3001-4000	4001-5000	5001-10000	10001-20000	Over 20000	Totals
1	10 (18.5)	11 (20.4)	1 (1.9)	2 (3.7)	3 (5.6)	2 (3.7)	1 (1.9)	6 (11.1)	3 (5.6)	0 (0.0)	39 (72.2)
2	1 (1.9)	1 (1.9)	1 (1.9)	0 (0.0)	4 (7.4)	1 (1.9)	0 (0.0)	1 (1.9)	0 (0.0)	0 (0.0)	9 (16.6)
3	2 (3.7)	2 (3.7)	1 (1.9)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	5 (9.3)
4	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	1 (1.9)	0 (0.0)	0 (0.0)	1 (1.9)
5	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)
6+	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)
Total	13 (24.1)	14 (25.9)	3 (5.6)	2 (3.7)	7 (13.0)	3 (5.6)	1 (1.9)	8 (14.8)	3 (5.6)	0 (0.0)	54 (100.0)

Table 30 - Number of Garnishee Summonses per Judgment - All Districts 1980

	1-500	501-1004	1005-1500	1501-2000	2001-3000	3001-4000	4001-5000	5001-10000	10001-20000	Over 20000	Totals
Before judgment	0	0	0	0	1	0	1	2	1	0	5
1					(0.3)		(0.3)	(0.6)	(0.3)		(1.5)
2	0	0	0	0	0	0	0	0	0	0	0
Over 3	0	0	0	0	0	0	0	0	1	0	1
									(0.3)		(0.3)
Total before judgment	0	0	0	0	1	0	1	2	2	0	6
					(0.2)		(0.3)	(0.6)	(0.6)		(1.8)
After judgment	61	40	18	13	16	13	10	17	6	2	196
1	(18.2)	(11.9)	(5.4)	(3.9)	(4.8)	(3.9)	(3.0)	(5.1)	(1.8)	(0.6)	(58.5)
2	15	16	6	4	10	5	2	9	4	4	75
	(4.5)	(4.8)	(1.8)	(1.2)	(3.0)	(1.5)	(0.6)	(2.7)	(1.2)	(1.2)	(22.4)
3	4	5	3	2	3	4	1	2	0	1	25
	(1.2)	(1.5)	(0.9)	(0.6)	(0.9)	(1.2)	(0.3)	(0.6)		(0.3)	(7.5)
4	1	3	1	1	2	0	0	3	0	1	12
	(0.3)	(0.9)	(0.3)	(0.3)	(0.6)			(0.9)		(0.3)	(3.6)
5	0	2	0	1	1	2	0	0	0	0	6
		(0.6)		(0.3)	(0.3)	(0.6)					(1.8)
Over 6	0	1	1	3	4	0	1	1	0	4	15
		(0.3)	(0.3)	(0.9)	(1.2)		(0.3)	(0.3)		(1.2)	(4.5)
Total after judgment	81	67	29	24	36	24	14	32	10	12	329
	(24.2)	(20.0)	(8.7)	(7.2)	(10.7)	(7.2)	(4.2)	(9.6)	(3.0)	(3.6)	(98.2)
Grand Total	81	67	29	24	37	24	15	34	12	12	335
	(24.2)	(20.0)	(8.7)	(7.2)	(11.0)	(7.2)	(4.5)	(10.1)	(3.6)	(3.6)	(100.1)

Table 31 - Number of Garnishee Summonses per Judgment - All Districts 1981

	1-500	501-1004	1005-1500	1501-2000	2001-3000	3001-4000	4001-5000	5001-10000	10001-20000	Over 20000	Totals
Before judgment	0	0	0	0	0	0	1	1	4	0	6
1							(0.3)	(0.3)	(1.1)		(1.7)
2	0	0	0	1	0	0	0	0	0	0	1
				(0.3)							(0.3)
over 3	0	0	0	0	0	0	0	0	0	0	0
Total before judgment	0	0	0	1	0	0	1	1	4	0	7
				(0.3)			(0.3)	(0.3)	(1.1)		(2.0)
After judgment	60	60	20	11	17	15	12	23	16	8	242
1	(16.8)	(16.8)	(5.6)	(3.1)	(4.8)	(4.2)	(3.4)	(6.4)	(4.5)	(2.2)	(67.8)
2	15	13	8	3	13	1	2	6	2	0	63
	(4.2)	(3.6)	(2.2)	(0.8)	(3.6)	(0.3)	(0.6)	(1.7)	(0.6)		(17.6)
3	3	7	2	1	2	1	0	3	1	0	20
	(0.8)	(2.0)	(0.6)	(0.3)	(0.6)	(0.3)		(0.8)	(0.3)		(5.6)
4	0	2	1	2	3	0	1	1	0	0	10
		(0.6)	(0.3)	(0.6)	(0.8)		(0.3)	(0.3)			(2.8)
5	0	0	0	3	0	0	0	0	0	0	3
				(0.8)							(0.8)
over 6	0	1	0	1	3	3	0	2	2	0	12
		(0.3)		(0.3)	(0.8)	(0.8)		(0.6)	(0.6)		(3.4)
Total after judgment	78	83	31	21	38	20	15	35	21	8	350
	(21.8)	(23.2)	(8.7)	(5.9)	(10.6)	(5.6)	(4.2)	(9.8)	(5.9)	(2.2)	(98.0)
Grand Total	78	83	31	22	38	20	16	36	25	8	357
	(21.8)	(23.2)	(8.7)	(6.2)	(10.6)	(5.6)	(4.5)	(10.1)	(7.0)	(2.2)	(100.0)

The above tables indicate that roughly 40% of the files in which there were garnishees contained two or more summonses. A few files contained as many as twelve. Such extensive use of multiple garnishees could indicate a need for some form of continuing garnishee whereby a series of incoming payments could be attached under one summons. The most obvious application being the garnishment of wages.

The next step was to differentiate the judgments in which one or more garnishees were issued into wage, bank account (non-wage) and other non-wage garnishees. The results, broken down into pre- and post-judgment garnishees where applicable, are set out in Tables 32 - 39.

These tables need to be read subject to the following comments:

(1) The final totals on these charts add up to more than the total number of judgments in which garnishee summonses were issued because judgments followed by separate wage and non-wage garnishees are counted twice.

(2) Whether a garnishee summons was counted as wage or non-wage depended on the drafting of the garnishee summons. No attempt was made to second guess the draftsman, although some decisions seemed peculiar (e.g., a company judgment debtor whose debt was described as "wages"). Notwithstanding the economic sense such decisions may make, they represent doubtful legal conclusions.

(3) We define "bank account non-wage" to include all non-wage garnishee summonses against banks, credit unions, caisses, or treasury branches.

Table 32 - Garnishee Designations - Large District 1980

	Wage garnishee	Bank account non-wage	Other non-wage	Total
Before judgment	2	2	2	6
1	(1.0)	(1.0)	(1.0)	(3.0)
2	0	1	0	1
		(0.5)		(0.5)
Total before judgment	2	3	2	7
	(1.0)	(1.5)	(1.0)	(3.5)
After judgment	41	36	6	83
1	(20.4)	(17.9)	(3.0)	(41.3)
2	24	20	9	53
	(11.9)	(10.0)	(4.5)	(26.4)
3	15	5	1	21
	(7.5)	(2.5)	(0.5)	(10.4)
4	6	6	2	14
	(3.0)	(3.0)	(1.0)	(7.0)
5	4	2	0	6
	(2.0)	(1.0)		(3.0)
6 or more	10	5	2	17
	(5.0)	(2.5)	(1.0)	(8.5)
Total after judgment	100	74	20	194
	(49.8)	(36.8)	(10.0)	(96.5)
Total before and after judgment	102	77	22	201
	(50.7)	(38.3)	(10.9)	(99.9)

Table 33 - Garnishee Designations - Large District 1981

	Wage garnishee	Bank account non-wage	Other non-wage	Total
Before judgment	0	1	4	5
1		(0.4)	(1.7)	(2.2)
2	0	0	0	0
Total before judgment	0	1	4	5
		(0.4)	(1.7)	(2.2)
After judgment	74	53	10	137
1	(32.3)	(23.1)	(4.4)	(59.8)
2	35	12	5	52
	(15.3)	(5.2)	(2.2)	(22.7)
3	10	4	0	14
	(4.4)	(1.7)		(6.1)
4	5	4	0	9
	(2.2)	(1.7)		(3.9)
5	1	0	0	1
	(0.4)			(0.4)
6 or more	7	2	2	11
	(3.1)	(0.9)	(0.9)	(4.8)
Total after judgment	132	75	17	224
	(57.6)	(32.8)	(7.4)	(97.8)
Total before and after judgment	132	76	21	229
	(57.6)	(33.2)	(9.2)	(100.0)

Table 34 - Garnishee Designations - Medium District 1980

No. of Garnishees	Wage	Bank Account non-wage	Other non-wage	Total
1	42 (41.2)	19 (18.6)	11 (10.8)	72 (70.6)
2	13 (12.7)	7 (6.9)	2 (2.0)	22 (21.6)
3	4 (3.9)	0	1 (1.0)	5 (4.9)
4	0	0	0	0
5	0	0	0	0
6+	3 (2.9)	0	0	3 (2.9)
Total	62 (60.8)	26 (25.5)	14 (13.7)	102 (100.0)

Table 35 - Garnishee Designations - Medium District 1981

	Wage	Bank Account non-wage	Other non-wage	Totals
Before judgment	0	1 (1.0)	0	1 (1.0)
After judgment	43 (43.4)	24 (24.2)	2 (2.0)	69 (69.7)
1	13 (13.5)	5 (5.1)	0	18 (18.2)
2	5 (5.1)	0	0	5 (5.1)
3	2 (2.0)	0	0	2 (2.0)
4	1 (1.0)	0	1 (1.0)	2 (2.0)
5	1 (1.0)	1 (1.0)	0	2 (2.0)
6+	65 (65.7)	30 (30.3)	3 (3.0)	98 (99.0)
Total after	65 (65.7)	31 (31.3)	3 (3.0)	99 (100.0)
Grand Total	65 (65.7)	31 (31.3)	3 (3.0)	99 (100.0)

Table 36 - Garnishee Designations - Small District 1980

No. of garnishees	Wage	Bank Account non-wage	Other non-wage	Total
1	25 (36.2)	23 (33.3)	8 (11.6)	56 (81.2)
2	8 (11.6)	0	0	8 (11.6)
3	2 (2.9)	0	0	2 (2.9)
4	2 (2.9)	0	0	2 (2.9)
5	1 (1.4)	0	0	1 (1.4)
6+	0	0	0	0
Total	38 (55.1)	23 (33.3)	8 (11.6)	69 (100.0)

Table 37 - Garnishee Designations - Small District 1981

No. of Garnishees	Wage	Bank Account non-wage	Other non-wage	Total
1	25 (44.6)	14 (25.0)	4 (7.1)	43 (76.8)
2	7 (12.5)	1 (1.8)	0	8 (14.3)
3	3 (5.4)	0	1 (1.8)	4 (7.1)
4	1 (1.8)	0	0	1 (1.8)
5	0	0	0	0
6+	0	0	0	0
Total	36 (64.3)	15 (26.8)	5 (8.9)	56 (100.0)

Table 38 - Garnishee Designations - All Districts 1980

	Wage Garnishee	Bank Account non-wage	Other non-wage	Total
Before judgment	2	2	2	6
1	(0.5)	(0.5)	(0.5)	(1.6)
2	0	1	0	1
		(0.3)		(0.3)
Total before judgment	2	3	2	7
	(0.5)	(0.8)	(0.5)	(1.9)
After judgment	108	78	25	211
1	(29.0)	(21.0)	(6.7)	(56.7)
2	45	27	11	83
	(12.2)	(7.3)	(3.0)	(22.3)
3	21	5	2	28
	(5.6)	(1.3)	(0.5)	(7.5)
4	8	6	2	16
	(2.2)	(1.6)	(0.5)	(4.3)
5	5	2	0	7
	(1.3)	(0.5)		(1.9)
6 or more	13	5	2	20
	(3.5)	(1.3)	(0.5)	(5.4)
Total after judgment	200	123	42	365
	(53.8)	(33.1)	(11.3)	(98.1)
Grand Total	202	126	44	372
	(54.3)	(33.9)	(11.8)	(100.0)

Table 39 - Garnishee Designations - All Districts 1981

	Wage Garnishee	Bank Account non-wage	Other non-wage	Total
Before judgment	0	2	4	6
1		(0.5)	(1.0)	(1.6)
2	0	0	0	0
Total before judgment	0	2	4	6
		(0.5)	(1.0)	(1.6)
After judgment	142	91	16	249
1	(37.0)	(23.7)	(4.2)	(64.8)
2	55	18	5	78
	(14.3)	(4.7)	(1.3)	(20.3)
3	18	4	1	23
	(4.7)	(1.0)	(0.3)	(6.0)
4	8	4	0	12
	(2.1)	(1.0)		(3.1)
5	2	0	1	3
	(0.5)		(0.3)	(0.8)
6 or more	8	3	2	13
	(2.1)	(0.8)	(0.5)	(3.4)
Total after judgment	233	120	25	378
	(60.7)	(31.3)	(6.5)	(98.4)
Grand Total	233	122	29	384
Total	(60.7)	(31.8)	(7.6)	(100.0)

We next investigated the kinds of replies made by garnishees served with garnishee summonses. We first worked out responses based on the total number of garnishee summonses issued (not the number of judgments as more than one garnishee summons was often issued after a judgment). The results for pre-judgment garnishment are outlined in Tables 40 and 41, and for post-judgment garnishment in Tables 42 - 49. "No reply" for garnishees means solely that (1) no written reply was (2) filed with the Clerk of the Court, i.e. there may have been (1) verbal communication, (2) written reply to creditor only or (3) no communication whatsoever, although by R. 475 the garnishee is required to make either a written reply or payment to the Clerk.

Table 40 - Replies to Prejudgment Garnishees - All Districts 1980

	No reply	Payment in	Nothing owed; not employed	Money in trust	Total
1 garnishee summons					
- wage	1				1
- bank					
non-wage		1	1		2
- other					
non-wage	1			1	2
2 garnishee summonses					
- wage	1				1
- bank					
non-wage			2		2
- other					
non-wage					0
Total	3	1	3	1	8

Table 41 - Replies to Pre-judgment Garnishees - All Districts 1981

	No Reply	Payment in	No monies owed; not employed	Total
1 Garnishee summons				
- wage				0
- bank				
non-wage		1	1	2
- other				
non-wage	1		2	3
2 Garnishee Summonses				
- wage				0
- bank				
non-wage				0
- other				
non-wage			2	2
Total	1	1	5	7

Table 42 - Replies to Garnishee Summonses - Large District 1980

	No Reply	Payment in	No monies owed or not employed	Debt accruing due	Debt assigned or third party rights	Monies owed less than exemptions allowed	Money in trust	Garnishee withdrawn by creditor	Other	Total
1 Garnishee summons										
- wage	25	13	4	1						43
- bank										
non-wage	9	14	10							33
- other										
non-wage	3	1	2				2			8
2 summonses										
- wage	16	9	14	2						41
- bank										
non-wage	19	7	3	1						30
- other										
non-wage	2	1	4							7
3 summonses										
- wage	16	10	9	1	3			1		40
- bank										
non-wage	6	1	2							9
- other										
non-wage	1		2							3
4 summonses										
- wage	11	5	2							18
- bank										
non-wage	5	5	5							15
- other										
non-wage	6		1							7
5 summonses										
- wage	9	7	1							17
- bank										
non-wage	1		2							3
- other										
non-wage										0
6 summonses or more										
- wage	44	44	10	2						100
- bank										
non-wage	5	4	2							11
- other										
non-wage	6	1	3		1				1	12
Totals	121	88	40	6	3			1		259
- wage	(65.8)	(72.1)	(52.6)	(85.7)	(75.0)			(100.0)		(65.3)
- bank	45	31	24	1						101
non-wage	(24.5)	(25.4)	(31.6)	(14.3)						(25.4)
- other	18	3	12		1		2		1	37
non-wage	(10.0)	(2.5)	(15.8)				(100.0)		(100.0)	(9.3)
Grand Total	184	122	76	7	4	0	2	1	1	397
Total	(100.1)	(100.0)	(100.0)	(100.0)	(100.0)		(100.0)	(100.0)	(100.0)	(100.0)
%	46.3	30.7	19.1	1.8	1.0	0.0	0.5	0.3	0.3	100.0

Table 43 - Replies to Garnishee Summonses - Large District 1981

	No reply	Payment in	No monies owed or not employed	Debt accruing due	Debt assigned or third party rights	Monies owed are less than exemptions allowed	Money in trust	Garnishee withdrawn by creditor	Totals
1 garnishee summons									
- wage	48	18	10	1		1			78
- bank									
non-wage	17	22	19						58
- other									
non-wage	9		3						12
2 summonses									
- wage	27	22	9	4					62
- bank									
non-wage	8	4	2						14
- other									
non-wage	2	1	1						4
3 summonses									
- wage	14	8	4						26
- bank									
non-wage	1	3							4
- other									
non-wage									
4 summonses									
- wage	12	2	1						15
- bank									
non-wage	8	1							9
- other									
non-wage									0
5 summonses									
- wage	1	4							5
- bank									
non-wage									0
- other									
non-wage									0
6 summonses or more									
- wage	21	31	7	2	1	1			63
- bank									
non-wage	1								1
- other									
non-wage	3	10	3						16
Totals	123	85	31	7	1	2	0	0	249
- wage	(71.5)	(67.5)	(52.5)	(100.0)	(100.0)	(100.0)			(67.8)
- bank	35	30	21	0	0	0	0	0	86
non-wage	(20.3)	(23.8)	(35.6)						(23.4)
- other	14	11	7	0	0	0	0	0	32
non-wage	(8.1)	(8.7)	(11.9)						(8.7)
Grand Total	172 (99.9)	126 (100.0)	59 (100.0)	7 (100.0)	1 (100.0)	2 (100.0)	0	0	367 (99.9)
%	47.0	34.3	16.1	1.9	0.3	0.5	0	0	100.1

Table 44 - Replies to Garnishee Summonses - Medium District 1980

	No reply	Payment in	No debt or not employed	Debt accruing due	Debt assigned or third party rights	Monies owed are less than exemptions allowed	Money in trust	Garnishee withdrawn by creditor	Other	Total
1 garnishee										
- wage	27	8	3			1				39
- bank										
non-wage	5	6	3		1					15
- other										
non-wage	7		1							8
2 garnishees										
- wage	13	8	7			1				29
-bank										
non-wage	6	7	5							18
- other										
non-wage	1	2	2							5
3 garnishees										
- wage	6	8	1			1				16
- bank										
non-wage	1	1								2
- other										
non-wage			3							3
4 garnishees										0
- wage										0
- bank										0
non-wage										0
- other										0
non-wage										0
5 garnishees										0
- wage										0
- bank										0
non-wage										0
- other										0
non-wage										0
6+ garnishees										
- wage	3	13	6			1				23
- bank										
non-wage										0
- other										0
non-wage										0
Total	49	37	17	0	0	4	0	0	0	107
- wage	(71.0)	(69.8)	(54.8)			(100.0)				(67.7)
Totals bank	12	14	8	0		0	0	0	0	35
non-wage	(17.4)	(26.4)	(25.8)		(100.0)					(22.2)
Totals other	8	2	6	0	0	0	0	0	0	16
non-wage	(11.6)	(3.8)	(19.4)							(10.1)
Grand	69	53	31	0	1	4	0	0	0	158
total	(100.0)	(100.0)	(100.0)		(100.0)	(100.0)				(100.0)
%	43.7	33.5	19.6	0.0	0.6	2.5	0.0	0.0	0.0	99.9

Table 45 - Replies to Garnishee Summonses - Medium District 1981

	No Reply	Payment in	No debt or not employed	Debt accruing due	Debt assigned or third party rights	Monies owed are less than exemptions allowed	Money in trust	Garnishee withdrawn by creditor	Other	Totals
1 garnishee										
- wage	20	11	5		1				2	39
- bank										
non-wage	5	11	5							21
- other										
non-wage			1							1
2 garnishees										
- wage	16	8	4							28
- bank										
non-wage	1		2							3
- other										
non-wage	1									1
3 garnishees										
- wage	2	9								11
- bank										
non-wage		2	2							4
- other										
non-wage										0
4 garnishees										
- wage	3	4	1			2				10
- bank										
non-wage			1							1
- other										
non-wage		1								1
5 garnishees										
- wage	3	5								8
- bank										
non-wage	1	1								2
- other										
non-wage										0
6+ garnishees										
- wage	4	3								7
- bank										
non-wage	5		4							9
- other										
non-wage	1	3	1							5
Totals	48	40	10	0	1	2	0	0	2	103
- wage	(77.4)	(69.0)	(38.5)		(100.0)	(100.0)			(100.0)	(68.2)
Totals bank	12	14	14	0	0	0	0	0	0	40
non-wage	(19.4)	(24.1)	(53.8)							(26.5)
Totals other	2	4	2	0	0	0	0	0	0	8
non-wage	(3.2)	(6.9)	(7.7)							(5.3)
Grand	62	58	26	0	1	2	0	0	2	151
total	(100.0)	(100.0)	(100.0)		(100.0)	(100.0)			(100.0)	(100.0)
%	41.1	38.4	17.2	0.0	0.7	1.3	0.0	0.0	1.3	100.0

Table 46 - Replies to Garnishee Summonses - Small District 1980

	No Reply	Payment in	No debt or not employed	Debt accruing due	Debt assigned or third party rights	Monies owed are less than exemptions allowed	Money in trust	Garnishee withdrawn by creditor	Other	Totals
1 garnishee										
- wage	13	6	3			2				24
- bank										
non-wage	9	6	8							23
- other										
non-wage	1	2								3
2 garnishees										
- wage	15	1	1							17
- bank										
non-wage	1									1
- other										
non-wage	2									2
3 garnishees										
- wage	3									3
- bank										
non-wage										0
- other										
non-wage										0
4 garnishes										
- wage		6	1							7
- bank										
non-wage										0
- other										
non-wage		1								1
5 garnishes										
- wage	4	5								9
- bank										
non-wage										0
- other										
non-wage	1									1
6+ garnishees										
- wage										0
- bank										
non-wage										0
- other										
non-wage										0
Totals	35	18	5			2				60
- wage	(71.4)	(66.7)	(38.5)							(65.9)
Totals bank	10	6	8							24
non-wage	(20.4)	(22.2)	(61.5)							(26.4)
Totals other	4	3								7
non-wage	(8.2)	(11.1)								(7.7)
Grand	49	27	13	0	0	2	0	0	0	91
total	(100.0)	(100.0)	(100.0)			(100.0)				(100.0)
%	53.8	29.7	14.3	0	0	2.2	0	0	0	(100.0)

Table 47 - Replies to Garnishee Summonses - Small District 1981

	No reply	Payment in	No debt or not employed	Debt accruing due	Debt assigned or third party rights	Monies owed are less than exemptions allowed	Money in trust	Garnishee withdrawn by creditor	Other	Totals
1 garnishee										
- wage	14	5	2			1			1	23
- bank										
non-wage	2	5	3		1					11
- other										
non-wage	1	2	2							5
2 garnishees										
- wage	4	4	6							14
- bank										
non-wage		1	3							4
- other										
non-wage										0
3 garnishees										
- wage	9		1			1				11
- bank										
non-wage			1							1
- other										
non-wage	2	1								3
4 garnishees										
- wage	4									4
- bank										
non-wage										0
- other										
non-wage										0
5 garnishees										
- wage										0
- bank										
non-wage										0
- other										
non-wage										0
6+ garnishees										
- wage										0
- bank										
non-wage										0
- other										
non-wage										0
Totals	31	9	9			2			1	52
- wage	(86.1)	(50.0)	(50.0)			(100.0)			(100.0)	(68.4)
Totals bank	2	6	7		1					16
non-wage	(5.6)	(33.3)	(38.9)		(100.0)					(21.1)
Totals other	3	3	2							8
non-wage	(8.3)	(16.7)	(11.1)							(10.5)
Grand	36	18	18	0	1	2	0	0	1	76
total	(100.0)	(100.0)	(100.0)		(100.0)	(100.0)			(100.0)	(100.0)
%	47.4	23.7	23.7	0	1.3	2.6	0	0	1.3	100.0

Table 48 - Replies to Garnishee Summonses - All Districts 1980

	No reply	Payment in	No debt or not employed	Debt accruing due	Debt assigned or third party rights	Monies owed are less than exemptions allowed	Money in trust	Garnishee withdrawn by creditor	Other	Totals
1 garnishee										
- wage	65	27	10	1	0	3	0	0	0	106
- bank										
non-wage	23	26	21	0	1	0	0	0	0	71
- other										
non-wage	11	3	3	0	0	0	2	0	0	19
2 garnishees										
- wage	44	18	22	2	0	1	0	0	0	87
- bank										
non-wage	26	4	8	1	0	0	0	0	0	49
- other										
non-wage	5	3	6	0	0	0	0	0	0	14
3 garnishees										
- wage	25	18	10	1	3	1	0	1	0	59
- bank										
non-wage	7	2	2	0	0	0	0	0	0	11
- other										
non-wage	1	0	5	0	0	0	0	0	0	6
4 garnishees										
- wage	11	11	3	0	0	0	0	0	0	25
- bank										
non-wage	5	5	5	0	0	0	0	0	0	15
- other										
non-wage	6	1	1	0	0	0	0	0	0	8
5 garnishees										
- wage	13	12	1	0	0	0	0	0	0	26
- bank										
non-wage	1	0	2	0	0	0	0	0	0	3
- other										
non-wage	1	0	0	0	0	0	0	0	0	1
6+ garnishees										
- wage	47	57	16	2	0	1	0	0	0	123
- bank										
non-wage	5	4	2	0	0	0	0	0	0	11
- other										
non-wage	6	1	3	0	1	0	0	0	1	12
Total	205	143	62	6	3	6	0	1	0	426
- wage	(67.9)	(70.8)	(51.7)	(85.7)	(60.0)	(100.0)		(100.0)		(65.9)
Total bank	67	51	40	1	1	0	0	0	0	160
non-wage	(22.2)	(25.2)	(33.3)	(14.3)	(20.0)					(24.8)
Total other	30	8	18	0	1	0	2	0	1	60
non-wage	(9.9)	(4.0)	(15.0)		(20.0)		(100.0)		(100.0)	(9.3)
Grand	302	202	120	7	5	6	2	1	1	646
total	(100.0)	(100.0)	(100.0)	(100.0)	(100.0)	(100.0)	(100.0)	(100.0)	(100.0)	(100.0)
%	46.7	31.3	18.6	1.1	0.8	0.9	0.3	0.2	0.2	100.1

Table 49 - Replies to Garnishee Summonses - All districts 1981

	No reply	Payment in	No debt or not employed	Debt accruing due	Debt assigned or third party rights	Monies owed are less than exemptions allowed	Money in trust	Garnishee withdrawn by creditor	Other	Totals
1 garnishee										
- wage	82	34	17	1	1	2	0	0	3	140
- bank										
non-wage	24	38	27	0	1	0	0	0	0	90
- other										
non-wage	10	2	6	0	0	0	0	0	0	18
2 garnishees										
- wage	47	34	19	4	0	0	0	0	0	104
- bank										
non-wage	9	5	7	0	0	0	0	0	0	21
- other										
non-wage	3	1	1	0	0	0	0	0	0	5
3 garnishees										
- wage	25	17	5	0	0	1	0	0	0	48
- bank										
non-wage	1	5	3	0	0	0	0	0	0	9
- other										
non-wage	2	1	0	0	0	0	0	0	0	3
4 garnishees										
- wage	19	6	2	0	0	2	0	0	0	29
- bank										
non-wage	8	1	1	0	0	0	0	0	0	10
- other										
non-wage	0	1	0	0	0	0	0	0	0	1
5 garnishees										
- wage	4	9	0	0	0	0	0	0	0	13
- bank										
non-wage	1	1	0	0	0	0	0	0	0	2
- other										
non-wage	0	0	0	0	0	0	0	0	0	0
6+ garnishees										
- wage	25	34	7	2	1	1	0	0	0	70
- bank										
non-wage	6	0	4	0	0	0	0	0	0	10
- other										
non-wage	4	13	4	0	0	0	0	0	0	21
Totals	202	134	50	7	2	6	0	0	3	404
- wage	(74.8)	(66.3)	(48.5)	(100.0)	(66.7)	(100.0)			(100.0)	(68.0)
Total bank	49	50	42	0	1	0	0	0	0	142
non-wage	(18.1)	(24.8)	(40.8)		(33.3)					(23.9)
Total other	19	18	11	0	0	0	0	0	0	48
non-wage	(7.0)	(8.9)	(10.7)							(8.1)
Grand	270	202	103	7	3	6	0	0	3	594
total	(99.9)	(100.0)	(100.0)	(100.0)	(100.0)	(100.0)			(100.0)	(100.0)
%	45.5	34.0	17.3	1.2	0.5	1.0	0.0	0.0	0.5	100.0

It is interesting to note that approximately one-half of the garnishee summonses were not replied to. This arose notwithstanding the provision in Rule 475(4) under which the garnishing creditor may obtain judgment against the garnishee for failing to reply. This ancillary remedy, however, is rarely used. Overall there were less than ten such instances for all three districts. Perhaps this indicates a reluctance on the part of the creditor to avail himself of the remedy or it may merely indicate that there were, in fact, informal replies which were not recorded.

We then attempted to exhibit the relative success of garnishment as a remedy. To do this, we divided the number of judgments where pre-judgment garnishment occurred and the number of judgments followed by garnishment into the following bands:

- (1) no recovery
- (2) 0-25% of judgment
- (3) 26-50%
- (4) 51-75%
- (5) 76-100%
- (6) 100% and above.

The results for pre-judgment garnishment in the large district are set out in Tables 50 and 51. No such tables were prepared for the other districts as pre-judgment garnishment was rare. Where it did occur, these are noted on the post-judgment tables in which they were included. Post-judgment results are presented in Tables 52 - 59.

The above mentioned tables should be read subject to the following notes:

- (1) We included under instances of money recovered the following situations:
 - (a) money recovered but repaid to the debtor's account because the judgment was satisfied prior to payment in by the garnishee;
 - (b) money recovered but paid back to the defendant pursuant to a court order setting aside the judgment and the writ of execution;
 - (c) money recovered which was paid over to a trustee in bankruptcy.
- (2) In a few cases, money was paid into court pending the trial of an issue. There was no record of payment out to the Sheriff or the judgment creditor. These cases were listed as "no recovery".

- (3) The band "over 100%" can be explained in one of two ways:
- (a) the creditor successfully garnisheed for his judgment and his post-judgment costs;
 - (b) the creditor garnisheed for the amount of his claim and for the amount payable in respect of other subsisting writs of execution. See Execution Creditors Act s. 5.
- (4) In several cases, garnishees were paid into court in a series of instalments rather than in one lump sum. This response does not appear to be contemplated by the Rules of Court.

Table 50 - Success of Pre-judgment Garnishment - Large District 1980

	0-500	501-1004	1005-1500	1501-2000	2001-3000	3001-4000	4001-5000	5001-10000	10001-20000	Over 20000	Totals	Total as % of total judgments enforced
No recovery					1		1	2	1		5	83.3
0-25%									1		1	16.7
26-50%												
51-75%												
76-100%												
over 100%									2		2	
Totals					1		1	2	2		6	100.0

Table 51 - Success of Pre-judgment Garnishment - Large District 1981

	0-500	501-1004	1005-1500	1501-2000	2001-3000	3001-4000	4001-5000	5001-10000	10001-20000	Over 20000	Totals	Total as % of total judgments enforced
No recovery				1				1	4		6	100.0
0-25%												
26-50%												
51-75%												
76-100%												
over 100%								1	4		6	100.0
Totals				1				1	4		6	100.0

Table 52 - Success of Post-judgment Garnishment - Large District 1980

	0-500	501-1004	1005-1500	1501-2000	2001-3000	3001-4000	4001-5000	5001-10000	10001-20000	Over 20000	Totals	Total as % of total judgments enforced
No recovery	14	17	8	4	12	11	6	11	4	3	90	54.2
0-25%		4	4	5	6	5		4	1	3	32	19.3
26-50%		3	1	2	1			2		1	10	6.0
51-75%		2	1		1			1			5	3.0
76-100%	2			1	4			1			8	4.8
over 100%	12	4	1	1			2	1			21	12.7
Totals	28	30	15	13	24	16	8	20	5	7	166	100.0

Table 53 - Success of Post-judgment Garnishment - Large District 1981

	0-500	501-1004	1005-1500	1501-2000	2001-3000	3001-4000	4001-5000	5001-10000	10001-20000	Over 20000	Totals	Total as % of total judgments enforced
No recovery	12	31	13	9	16	10	9	17	11	7	135	63.7
0-25%		4	2	3	6	2	3	7	3		30	14.2
26-50%		4	1	1	1	1		1			9	4.2
51-75%	1	2	2		1	1					7	3.3
76-100%		1		1					1		3	1.4
over 100%	14	5	4	1	2	1	1				28	13.2
Totals	27	47	22	15	26	15	13	25	15	7	212	100.0

Table 54 - Success of Garnishment - Medium district 1980

	1-500	501- 1004	1005- 1500	1501- 2000	2001- 3000	3001- 4000	4001- 5000	5001- 10000	10001- 20000	Over 20000	Totals	Total as % of judgments enforced by garnishee
No recovery	28	15	4	3	2	1	2	5	2	2	64	65.3
0-25%		4	1		1	3		3		3	15	15.3
26-50%	1			1							2	2.1
51-75%											0	0.0
76-100%							1				1	1.0
over 100%	9	5	1	1							16	16.3
Totals	38	24	6	5	3	4	3	8	2	5	98	100.0

Table 55 - Success of Garnishment - Medium District 1981

	1-500	501- 1001	1005- 1500	1501- 2000	2001- 3000	3001- 4000	4001- 5000	5001- 10000	10001- 20000	Over 20000	Totals	Total % of judgments enforced by garnishee
No recovery	24	13	3		2	2	1	4	1	1	51	56.0
0-25%	3	1		1	2	3			2		12	13.2
26-50%	2	2	1	1				1			7	7.7
51-75%	1	1	1	1							4	4.4
76-100%	1			1							2	2.2
over 100%	8	4	1		1		1*				15	16.5
Totals	39	21	6	4	5	5	2	5	3	1	91	100.0

*Includes one pre-judgment garnishee.

Table 56- Success of Garnishment - Small district 1980

	1-500	501- 1004	1005- 1500	1501- 2000	2001- 3000	3001- 4000	4001- 5000	5001- 10000	10001- 20000	Over 20000	Totals	Total as % of judgments enforced by garnishee
No recovery	11	10	7	4	5	2	1	3	2		45	69.2
0-25%	1	1		1	2		1	1			7	10.8
26-50%				1							1	1.5
51-75%						2	1				3	4.6
76-100%		1							1		2	3.1
over 100%	2	2		1	2						7	10.8
Total	14	14	8	6	9	4	3	4	3		65	100.0

Table 57 - Success of Garnishment - Small district 1981

	1-500	501- 1004	1005- 1500	1501- 2000	2001- 3000	3001- 4000	4001- 5000	5001- 10000	10001- 20000	Over 20000	Totals	Total as % of total judgments enforced
No recovery	7	9	2	2	4	3	1	7	1		36	66.7
0-25%		1	1		1			1	1		5	9.3
26-50%	1				1						2	3.7
51-75%												
76-100%	1	3									4	7.4
Over 100%	4	2			1						7	13.0
Totals	13	15	3	2	7	3	1	8	2		54	100.1

Table 58 - Success of Garnishment - All districts 1980

	1-500	501- 1004	1005- 1500	1501- 2000	2001- 3000	3001- 4000	4001- 5000	5001- 10000	10001- 20000	Over 20000	Totals	Total as a % of judgment enforced by garnishee
No recovery	53	42	19	11	20	14	10	21	9	5	204	60.9
0-25%	1	9	5	6	9	8	1	8	2	6	55	16.4
26-50%	1	3	2	3	1			2		1	13	3.9
51-75%		2	1		1	2	1	1			8	2.4
76-100%	2	1		1	4		1	1	1		11	3.3
Over 100%	23	11	2	3	2		2	1			44	13.1
Totals	80	68	29	24	37	24	15	34	12	12	355	100.0

Table 59 - Success of Garnishment - All Districts 1981

	1-500	501- 1004	1005- 1500	1501- 2000	2001- 3000	3001- 4000	4001- 5000	5001- 10000	10001- 20000	Over 20000	Totals	Total as a % of judgments enforced by garnishee
No recovery	43	53	18	12	22	15	11	29	17	8	228	62.8
0-25%	3	6	3	4	9	5	3	8	6		47	12.9
26-50%	3	6	2	2	2	1		2			18	5.0
51-75%	2	3	3	1	1	1					11	3.0
76-100%	2	4		2					1		9	2.5
Over 100%	26	11	5	1	4	1	2				50	13.8
Totals	79	83	31	22	38	23	16	39	24	8	363	100.0

As the above tables illustrate the majority of garnishees are unsuccessful. Roughly seventy-five percent of the files showed either no recovery or less than twenty-five percent recovery from garnishment. However, of the remaining twenty-five percent of the files slightly over one-half (13-14%) had their claims fully realized through garnishment.

Perhaps the most crucial factor from the creditor's point of view is what became of the monies once they were paid into court. Tables 60-62 document the disposition of these funds.

Table 60 - Recipients of Monies Paid into Court - 1980

	Large District	Medium District	Small District	Totals
Paid to creditor by consent or court order	16 (20.8)	23 (67.6)	0 (0.0)	39 (30.0)
Paid to Sheriff	39 (50.6)	7 (20.6)	13 (68.4)	59 (45.4)
Paid in part to creditor and in part to Sheriff	4 (5.2)	1 (2.9)	1 (5.3)	6 (4.6)
Paid to trustee in bankruptcy	2 (2.6)	0 (0.0)	0 (0.0)	2 (1.5)
Paid in part to creditor and in part to trustee in bankruptcy	1 (1.3)	0 (0.0)	0 (0.0)	1 (0.8)
Repaid to debtor	2 (2.6)	1 (2.9)	0 (0.0)	3 (2.3)
Paid in part to creditor, part repaid to debtor	0 (0.0)	1 (2.9)	0 (0.0)	1 (0.8)
Paid in part to Sheriff, part repaid to debtor	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)
Outcome unknown	12 (15.6)	0 (0.0)	4 (21.1)	16 (12.3)
Paid in part to creditor, outcome of remainder unknown	0 (0.0)	1 (2.9)	0 (0.0)	1 (0.8)
Paid in part to Sheriff, outcome of remainder unknown	1 (1.3)	0 (0.0)	1 (5.3)	2 (1.5)
Totals	77 (100.0)	34 (99.8)	19 (100.1)	130 (100.0)

Table 61 - Recipients of Monies Paid into Court - 1981

	Large District	Medium District	Small District	Totals
Paid to creditor by consent or court order	12 (15.4)	20 (50.0)	2 (11.1)	34 (25.0)
Paid to Sheriff	43 (55.1)	9 (22.5)	13 (72.2)	65 (47.8)
Paid in part to creditor and in part to Sheriff	0 (0.0)	2 (5.0)	0 (0.0)	2 (1.5)
Paid to trustee in bankruptcy	1 (1.3)	2 (5.0)	0 (0.0)	3 (2.2)
Paid in part to creditor and in part to trustee in bankruptcy	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)
Repaid to debtor	1 (1.3)	1 (2.5)	1 (5.6)	3 (2.2)
Paid in part to creditor, part repaid to debtor	0 (0.0)	3 (7.5)	0 (0.0)	3 (2.2)
Paid in part to Sheriff, part repaid to debtor	1 (1.3)	0 (0.0)	0 (0.0)	1 (0.7)
Outcome unknown	20 (25.6)	3 (7.5)	2 (11.1)	25 (18.4)
Paid part to creditor, outcome of remainder unknown	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)
Paid in part to Sheriff, outcome of remainder unknown	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)
Totals	78 (100.0)	40 (100.0)	18 (100.0)	136 (100.0)

Table 62 - Recipients of Monies Paid into Court - Total of 1980 and 1981

	Large District	Medium District	Small District	Totals
Paid to creditor by consent or court order	28 (18.1)	43 (58.1)	2 (5.4)	73 (27.4)
Paid to Sheriff	82 (52.9)	16 (21.6)	26 (70.3)	124 (46.6)
Paid in part to creditor and in part to Sheriff	4 (2.6)	3 (4.1)	1 (2.7)	8 (3.0)
Paid to trustee in bankruptcy	3 (1.9)	2 (2.7)	0 (0.0)	5 (1.9)
Paid in part to creditor and in part to trustee in bankruptcy	1 (0.6)	0 (0.0)	0 (0.0)	1 (0.4)
Repaid to debtor	3 (1.9)	2 (2.7)	1 (2.7)	6 (2.3)
Paid in part to creditor, part repaid to debtor	0 (0.0)	4 (5.4)	0 (0.0)	4 (1.5)
Paid in part to Sheriff, part repaid to debtor	1 (0.6)	0 (0.0)	0 (0.0)	1 (0.4)
Outcome unknown	32 (20.6)	3 (4.1)	6 (16.2)	41 (15.4)
Paid in part to creditor outcome of remainder unknown	0 (0.0)	1 (1.4)	0 (0.0)	1 (0.4)
Paid in part to Sheriff, outcome of remainder unknown	1 (0.6)	0 (0.0)	1 (2.7)	2 (0.8)
Totals	155 (99.8)	74 (100.1)	37 (100.0)	266 (100.1)

These tables show a wide divergence in procedures for payment out of monies, particularly as to whether they are paid directly to the creditor or through the Sheriff's office. It would appear that an explanation for this is the practice and attitudes of the Court Administrator.

IV. Examinations in Aid of Execution

The next area of concern was examination in aid of execution pursuant to Rule 372 or 379. We first ascertained the number of judgments in which appointments were issued. These results are displayed in Tables 63-65. Tables 66-68 demonstrate the outcome of those appointments to the extent that this could be done from the Clerk's records.

Table 63 - Examinations in Aid 1980

	Large District	Medium District	Small District	Totals
Number of judgments pursuant to which appointments issued:	28	19	9	56
- 1 appointment	(38.4)	(26.0)	(12.3)	(76.7)
- 2 appointments	11	1	1	13
	(15.1)	(1.4)	(1.4)	(17.8)
- 3 appointments	1	0	0	1
	(1.4)	(0.0)	(0.0)	(1.4)
- 4 or more appointments	3	0	0	3
	(4.1)	(0.0)	(0.0)	(4.1)
Total number of judgments with appointments	43	20	10	73
	(58.9)	(27.4)	(13.7)	(100.0)

Table 64 - Examinations in Aid 1981

	Large District	Medium District	Small District	Totals
Number of appointments per judgment:	26	16	4	46
- 1 appointment	(40.6)	(25.0)	(6.3)	(71.9)
- 2 appointments	6	5	0	11
	(9.4)	(7.8)	(0.0)	(17.2)
- 3 appointments	0	2	2	4
	(0.0)	(3.1)	(3.1)	(6.3)
- 4 or more appointments	1	2	0	3
	(1.6)	(3.1)	(0.0)	(4.7)
Total number of judgments with appointments	33	25	6	64
	(51.6)	(39.1)	(9.4)	(100.1)

Table 65 - Examinations in Aid - Total 1980 and 1981

	Large District	Medium District	Small District	Totals
Number of appointments per judgment	54	35	13	102
- 1 appointment	(39.4)	(25.5)	(9.5)	(74.4)
- 2 appointments	17	6	1	24
	(12.4)	(4.4)	(0.7)	(17.5)
- 3 appointments	1	2	2	5
	(0.7)	(1.5)	(1.5)	(3.6)
- 4 appointments or more	4	2	0	6
	(2.9)	(1.5)	(0.0)	(4.4)
Total number of judgments with appointments	76	45	16	137
	(55.5)	(32.8)	(11.7)	(99.9)

These figures show that examinations in aid are not frequently used by creditors. Examinations in aid were utilized, for example, in only 7.1% of enforced judgments in our large district over both years studied. The figure is slightly higher for our medium district, at 8.2%, but much lower in the smaller district at 4.7%. Overall, for 1980 and 1981, examinations in aid were resorted to in 7.0% of enforced judgments.

Table 66 - Outcome of Examinations in Aid 1980

	Large District	Medium District	Small District	Totals
Result of appointments	5	1	0	6
a) failure to show	(6.8)	(1.4)	(0.0)	(8.1)
b) examination held	3	2	1	6
	(4.1)	(2.7)	(1.4)	(8.1)
c) outcome unknown	35	17	10	62
	(47.3)	(23.0)	(13.5)	(83.8)
d) appointment after research period	0	0	0	0
	(0.0)	(0.0)	(0.0)	(0.0)
Total number of appointments	43	20	11	74
	(58.1)	(27.0)	(14.9)	(100.0)

Table 67 - Outcomes of Examinations in Aid 1981

	Large District	Medium District	Small District	Totals
Result of appointments	3	9	5	17
a) failure to show	(3.6)	(10.8)	(6.0)	(20.5)
b) examination held	1	0	0	1
	(1.2)	(0.0)	(0.0)	(1.2)
c) outcome unknown	26	31	5	62
	(31.3)	(37.3)	(6.0)	(74.7)
d) appointment date after research period	3	0	0	3
	(3.6)	(0.0)	(0.0)	(3.6)
Total number of appointments	33	40	10	83
	(39.8)	(48.2)	(12.0)	(100.0)

Table 68 - Outcomes of Examinations in Aid - Totals 1980 and 1981

	Large District	Medium District	Small District	Totals
Result of appointments	8	10	5	23
a) failure to show	(5.1)	(6.4)	(3.2)	(14.6)
b) examination held	4	2	1	7
	(2.5)	(1.3)	(0.6)	(4.5)
c) outcome unknown	61	48	15	124
	(38.9)	(30.6)	(10.0)	(79.0)
d) appointment date after research period	3	0	0	3
	(1.9)	(0.0)	(0.0)	(1.9)
Total number of appointments	76	60	21	157
	(48.4)	(38.2)	(13.4)	(100.0)

It is to be noted that the above three tables outline a significant proportion of appointments where the outcome was unknown. It is difficult to say whether an examination was held or not. Examinations may have taken place but without transcripts being prepared or, perhaps, the debtor may not have shown.

We looked in more detail at those files where the failure of the debtor to show was noted. The results of this inquiry are set out in Tables 69-71.

Table 69 - Outcome of no-shows 1980

	Large District	Medium District	Small District	Totals
Number of judgments where failure to show noted on file	5 (11.6)	1 (5.0)	0 (0.0)	6 (8.1)
Number of applications for order to appear or be committed	5 (11.6)	1 (5.0)	0 (0.0)	6 (8.1)
Order granted	3 (7.0)	0 (0.0)	0 (0.0)	3 (4.1)
Outcome of order				
a) no show	1 (2.3)	0 (0.0)	0 (0.0)	1 (1.4)
b) examination held	1 (2.3)	0 (0.0)	0 (0.0)	1 (1.4)
c) outcome not known	1 (2.3)	0 (0.0)	0 (0.0)	1 (1.4)

Table 70 - Outcome of no-shows 1981

	Large District	Medium District	Small District	Totals
Number of judgments where failure to show noted on file	3 (9.1)	5 (12.5)	5 (50.0)	13 (15.7)
Number of applications for order to appear or be committed	2 (6.1)	3 (7.5)	2 (20.0)	7 (8.4)
Order granted	2 (6.1)	3 (7.5)	2 (20.0)	7 (8.4)
Outcome of order				
a) no show	0 (0.0)	1 (2.5)	1 (10.0)	2 (2.4)
b) examination held	1 (3.0)	0 (0.0)	0 (0.0)	1 (1.2)
c) outcome not known	1 (3.0)	2 (5.0)	1 (10.0)	4 (4.8)

Table 71 - Outcome of no-shows - Totals 1980 and 1981

	Large District	Medium District	Small District	Totals
Number of judgments where failure to show noted on file	8 (10.5)	6 (10.0)	5 (23.8)	19 (12.1)
Number of applications for order to appear or be committed	7 (9.2)	4 (6.7)	2 (9.5)	13 (8.3)
Order granted	5 (6.6)	3 (5.0)	2 (9.5)	10 (6.4)
Outcome of order				
a) no show	1 (1.3)	1 (1.7)	1 (4.8)	3 (1.9)
b) examination held	2 (2.6)	0 (0.0)	0 (0.0)	2 (1.3)
c) outcome not known	2 (2.6)	2 (3.3)	1 (4.8)	5 (3.2)

The percentages in the above three tables are based on the total number of appointments within each judicial district for the respective years.

The final outcomes of the cases where the debtor failed to show after an order to appear was granted should be noted. In one case the debtor was committed pursuant to Rule 377 but later discharged. In another a second order to appear or be committed was granted. However the disposition of the second order was not documented. In the final case, there was no record whatsoever regarding the outcome.

V. Equitable Execution

Equitable execution as a remedy is very rarely used in Alberta. In our study we found only 7 files in which there was an application for the appointment of a receiver pursuant to Rule 466. Of these, 4 were granted. It is interesting to note that all applications and orders occurred in our medium sized district.

The 3 orders granted in 1980 all appointed the Sheriff receiver of federal government oil monies payable to native debtors living on an Indian reservation. In 1981 one order was made appointing the Sheriff receiver of monies to be payable to the debtor from an estate. Clearly each of these instances represents a rather unusual situation.

VI. Satisfaction Piece

Although satisfaction pieces do not fall under the rubric of "creditors' remedies", their frequency indicates that they are not an unimportant aspect of the system. Furthermore, they may be one indicator of success. They may represent full payment of a claim or, perhaps, they may represent part payment accepted in settlement of the whole claim. The creditor's motive may be to take partial payment directly which need not be shared with other creditors pursuant to the Execution Creditors Act. It seems unlikely that a satisfaction piece would represent a simple abandonment of the claim by the creditor given the inconvenience and cost of preparing and filing the document.

Table 72 - Satisfaction Pieces 1980

Number of judgments	Large District	Medium District	Small District	Totals
- no use of enforcement process	14 (8.6)	11 (6.8)	3 (1.9)	28 (17.3)
- writ issued	43 (26.5)	17 (10.5)	9 (5.6)	69 (42.6)
- writ and unsuccessful garnishee	15 (9.3)	8 (4.9)	4 (2.5)	27 (16.7)
- writ and partly successful garnishee	10 (6.2)	2 (1.2)	3 (1.9)	15 (9.3)
- writ and successful garnishee	0 (0.0)	3 (1.9)	2 (1.2)	5 (3.1)
- writ and appointment to examine in aid	4 (2.5)	2 (1.2)	1 (0.6)	7 (4.3)
- writ and order setting aside judgment	1 (0.6)	1 (0.6)	0 (0.0)	2 (1.2)
- writ, unsuccessful garnishee and examination in aid	0 (0.0)	2 (1.2)	0 (0.0)	2 (1.2)
- writ and order for removal and sale	0 (0.0)	2* (1.2)	1* (0.6)	3 (1.9)
- writ, unsuccessful garnishee and order for removal and sale	0 (0.0)	3* (1.9)	0 (0.0)	3 (1.9)
- unsuccessful garnishee alone	0 (0.0)	1 (0.6)	0 (0.0)	1 (0.6)
- partly successful garnishee above	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)
- successful garnishee	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)
- equitable execution	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)
Totals	87 (53.7)	52 (32.1)	23 (14.2)	162 (100.1)

* Each of these includes 1 instance in which the satisfaction piece was filed after a notice of motion for removal and sale but before any order was made. We have included them both here because we suspect that satisfaction in either case was a result of the debtor's reaction to the seizure of his goods.

Table 73 - Satisfaction Pieces - 1981

Number of judgments	Large District	Medium District	Small District	Totals
- no use of enforcement process	13 (8.7)	8 (5.3)	8 (5.3)	29 (19.3)
- writ issued	34 (22.7)	26 (17.3)	11 (7.3)	71 (47.3)
- writ and unsuccessful garnishee	11 (7.3)	2 (1.3)	4 (2.7)	17 (11.3)
- writ and partly successful garnishee	2 (1.3)	7 (4.7)	0 (0.0)	9 (6.0)
- writ and successful garnishee	1 (0.7)	0 (0.0)	0 (0.0)	1 (0.7)
- writ and appointment to examine in aid	3 (2.0)	1 (0.7)	0 (0.0)	4 (2.7)
- writ and order setting aside judgment	0 (0.0)	1 (0.7)	0 (0.0)	1 (0.7)
- writ, unsuccessful garnishee and examination in aid	3 (2.0)	0 (0.0)	1 (0.7)	4 (2.7)
- writ and order for removal and sale	0 (0.0)	2* (1.3)	0 (0.0)	2 (1.3)
- writ, unsuccessful garnishee and order for removal and sale	0 (0.0)	1 (0.7)	0 (0.0)	1 (0.7)
- unsuccessful garnishee alone	1 (0.7)	4 (2.7)	2 (1.3)	7 (4.7)
- party successful garnishee alone	0 (0.0)	1 (0.7)	0 (0.0)	1 (0.7)
- successful garnishee alone	1 (0.7)	1 (0.7)	0 (0.0)	2 (1.3)
- equitable execution	0 (0.0)	1 (0.7)	0 (0.0)	1 (0.7)
Totals	69 (46.0)	55 (36.7)	26 (17.3)	150 (100.0)

* See note to Table 72.

Table 74 - Satisfaction Pieces - Totals 1980 and 1981

Number of judgments	Large District	Medium District	Small District	Totals
- No use of enforcement process	27 (8.7)	19 (6.1)	11 (3.5)	57 (18.3)
- writ issued	77 (24.7)	43 (13.8)	20 (6.4)	140 (44.9)
- writ and unsuccessful garnishee	26 (8.3)	10 (3.2)	8 (2.6)	44 (14.1)
- writ and partly successful garnishee	12 (3.8)	9 (2.9)	3 (1.0)	24 (7.7)
- writ and successful garnishee	1 (0.3)	3 (1.0)	2 (0.6)	6 (1.9)
- writ and appointment to examine in aid	7 (2.2)	3 (1.0)	1 (0.3)	11 (3.5)
- writ and order setting aside judgment	1 (0.3)	2 (0.6)	0 (0.0)	3 (1.0)
- writ, unsuccessful garnishee and examine in aid	3 (1.0)	2 (0.6)	1 (0.3)	6 (1.9)
- writ and order for removal and sale	0 (0.0)	4 (1.3)	1 (0.3)	5 (1.6)
- writ, unsuccessful garnishee and order for removal and sale	0 (0.0)	4 (1.3)	0 (0.0)	4 (1.3)
- unsuccessful garnishee alone	1 (0.3)	5 (1.6)	2 (0.6)	8 (2.6)
- partly successful garnishee alone	0 (0.0)	1 (0.3)	0 (0.0)	1 (0.3)
- successful garnishee alone	1 (0.3)	1 (0.3)	0 (0.0)	2 (0.6)
- equitable execution	0 (0.0)	1 (0.3)	0 (0.0)	1 (0.3)
Totals	156 (50.0)	107 (34.3)	49 (15.6)	312 (99.9)

VII. Judgments Set Aside

Occasionally the files would indicate that a judgment had been set aside. Sometimes the order setting aside the judgment would also declare that the writ issued pursuant to the judgment was set aside as well, other orders would make no mention of the writ. Table 75 outlines the occurrence of writs and/or judgments being set aside.

Table 75 - Judgments Set Aside

	1980			1981			Totals			All Districts
	Large	Medium	Small	Large	Medium	Small	Large	Medium	Small	
Judgment and writ set aside	2	0	0	2	0	0	4	0	0	4
Judgment set aside - no reference to writ	1	1	1	1	1	0	2	2	1	5
Totals	3	1	1	3	1	0	6	2	1	9

VIII. Miscellany

Finally, we collected some information which was gleaned from the Clerk's files but dealt with topics we will comment on more fully in our report on the Sheriff's Office. We therefore present only the data at this point, in Table 76.

Table 76

	Large 1980	Medium 1980	Small 1980	Large 1981	Medium 1981	Small 1981	Large Total	Medium Total	Small Total	Grand Total
Files with application for removal and sale	8	11	10	9	10	3	17	21	13	51
Orders for removal and sale	7	7	7	9	7	2	16	14	9	39
Orders to break in and effect seizure	1	0	0	1	0	0	2	0	0	2
Application to sell and (no order made)	0	1	0	0	0	0	0	1	0	1

Summary of Clerk's Office Findings

1. Approximately 84% of non-matrimonial money judgments have some degree of "enforcement". "Enforcement" being defined as issuance of a garnishee summons and/or a writ of execution. (Table 2)
2. The largest percentage of judgments 46% are under \$1004 (Table 3).
3. When enforcements are correlated with the amount of judgment the degree of enforcement is found to increase with the amount of judgment (83% to 88% in Table 6).
4. In terms of judgment source, 66% of the judgments originated in the Court of Queen's Bench, 24% in Provincial Court and the remainder came from other sources such as the Reciprocal Enforcement of Judgments Act, the Workers Compensation Board, orders under labour legislation, the Alberta Health Care Insurance Plan, and the Income Tax Act. (Table 7) Of the judgments under \$1004, 35% came from the Court of Queen's Bench, 49% originated in Provincial Court and the remainder came from the other sources mentioned. (Tables 11 and 12)
5. Overall, writs were issued in approximately 80% of the judgments obtained. Of this number more than one writ was issued 10% of the time. (Tables 19 and 20)
6. In the vast majority (90%) of cases in which more than one writ was issued, the additional writs were directed to judicial districts other than the one in which judgment was obtained. The remaining 10% were files in which separate writs were issued against each of multiple defendants. (Tables 21 and 22)
7. In approximately 30% of the files the remedy of garnishment was used. 25% of the cases involved garnishee summonses coupled with writs of execution; in the remaining 5% garnishment alone was used. (Table 23)
8. The use of pre-judgment garnishment is infrequent. Only 2% of the files which utilized garnishment made use of this remedy. (Tables 30 and 31)
9. Of the 98% of files with post-judgment garnishment, one summons was issued in 62% of the cases. Two summonses were issued in 20% of these files, 6% involved three garnishee summonses and in 4% of the files more than six summonses were issued. (Tables 30 and 31)

10. Of garnishee summonses issued roughly 58% were directed towards wages, 32% sought to attach to bank accounts and the remaining 9% were aimed at other non-wage monies owing to the debtor. (Tables 38 and 39)
11. There were no formal replies to 46% of the garnishee summonses issued. In 33% of the summonses a payment was made and in 18% the garnishee indicated that no monies were owed. (Tables 48 and 49)
12. Of the files utilizing the garnishment remedy, there was no recovery in 62%. In approximately 13% of the files there was recovery of less than 25% of the claim. However, the creditor's claim was satisfied through garnishment in 13% of the cases. Not surprisingly, success was more likely the smaller the claim. (Tables 58 and 59)
13. With regard to monies paid into the Clerk of the Court, in nearly 47% of the cases monies were paid over to the Sheriff. In 27% of the cases, the payments were made directly to the creditor and in 15% the outcome of the payments was unknown. (Table 62)
14. Examinations in aid of execution were utilized in approximately 7% of judgments enforced. In 74% of the cases where examinations were used, only one appointment was made. 79% of the examinations in our sample had an outcome which was unknown. In the remaining cases the debtor failed to show 20% of the time whereas examinations were recorded as being held in only 1% of cases. (Tables 65 and 68)
15. The use of the remedy of equitable execution was rare. It arose in only 4 files in our entire sample of 2,316 enforced judgments.
16. Satisfaction pieces were most predominant where a writ alone was issued (44%). 18% of the satisfactions arose where there had been no use of the enforcement process. In 14% of the satisfactions there was a writ coupled with an unsuccessful garnishee. (Table 74)

Report on Sheriff's Officers

The first aspect of the study of the Sheriff's office was based on qualitative inquiry rather than quantitative. The researchers accompanied a cross section of the Sheriff's officers observing and questioning in an attempt to understand the impact, if any, which the bailiffs have on the creditor's remedy system.

Before discussing the actual observations made it may be useful to illustrate the framework of the Sheriff's offices. A Sheriff's officer may be categorized as an urban or rural bailiff and within that group he may be remunerated by salary or by fees.

Currently the Sheriff's department in the large district employs twelve full time bailiffs. Two additional positions are expected to be filled in the near future. The bailiffs report directly to the Deputy Sheriff who in turn answers to the Assistant Sheriff. Of the twelve officers employed in the large district, two city bailiffs are paid by salary while the remainder, including the four rural officers, are paid on a fee basis.

In the medium sized district three bailiffs are employed. All are fees officers. The officers report to one of the Assistant Court Administrators who then reports to the District Administrator, although there tends to be informal communication between the District Administrator and the bailiffs.

Three bailiffs are also employed in the small sized judicial district. All of the officers are remunerated on a fee basis. The officers report to Court Administrators in a similar fashion to the medium sized district.

Prior to the 1981 renumeration revisions, fee bailiffs were paid a certain dollar amount for each file completed (i.e. summons served, seizure effected), a portion thereof for attempts and were reimbursed for mileage costs.

With the restructuring the bailiffs currently receive an increased amount for each file completed or returned, nothing for attempts, and mileage costs are borne by the officer but billable for the department. In addition an hourly rate for waiting time is allotted where an officer is detained for an extended period of time, however, the first one half-hour is not billable. This creates a rather curious situation. For the first one-half hour in which the bailiff is working on a file where waiting time is involved he does not get paid, yet the department is reimbursed for any mileage costs incurred by the bailiff within that period. The fee structure is similar for the rural bailiffs, the only difference being that a rural bailiff receives twice the amount per file to compensate for the extra mileage which must be travelled.

The nature of the relationship between the individual officers and the Sheriff's department varies with the officer's categorization. For the salary officers the relation is of master/servant whereas for fee officers it is of an independent contract for services. Consequently with the latter there is no provision for holidays, sick leave or pension.

The training program for new officers appears overly brief. In the large district it normally consists of a new officer riding with an experienced bailiff for three days. In the small district this period could be as short as one day. Training is only slightly more extensive in the medium sized district where the practice is for the Deputy Sheriff to go over all relevant legislation with the new bailiff, followed by several days of riding with an experienced officer. The District Administrator

reviews all reports returned by the new bailiff and occasionally requires additional "apprenticeship" time if he feels there are problems.

The absence of a formal introduction to the legal system and to the role of the Sheriff's office appears to be a major criticism voiced by the officers. They feel that many exigible assets are passed over by the new baliff because of lack of training. They also feel that such training would help prevent the complaints and reprimands which appear to frequent the life of many new bailiffs.

The Sheriff's department, in the large district at least, may be trying to deal indirectly with the problem in its recruiting of officers. There appears to be an informal requirement that successful candidates have experience with organizations such as the RCMP, armed forces or a police department. According to the officers however, this does not give the new bailiff sufficient knowledge to deal with the problems that are encountered.

In addition to the above, there were a number of other criticisms raised by some officers which should be noted.

First, and probably of greatest concern to the officers in the large district is the lack of communication between themselves and the department administrators. Without any forum in which they may voice their opinions, criticisms, and objections they feel that their job is not being done most effectively and efficiently.

The second criticism is essentially an extension of the first. They feel that they are not being given deserved representation by the Attorney General's department. In particular the officers are concerned about their own legal liability/culpability which may arise while carrying out their

duties as bailiffs. It must be remembered that these officers often deal with demanding, aggressive, and even hostile individuals. The officers are occasionally physically assaulted or made targets for vicious dogs. According to the officers in one district they are sometimes reprimanded for invoking these difficult situations rather than being supported in their own personal actions or, occasionally, defences. The practice in another district however, was to support and encourage officers to bring charges under s. 118(c) of the Criminal Code against violent debtors. One need only recall the Calgary hostage taking of two Sheriff's officers by Ted Drabick to appreciate the point that bailiffs are often susceptible to dangerous situations without any choice.

The final two general criticisms which the Sheriff's officers have are directed towards solicitors. It is the bailiff's view that solicitors for the creditor are under the misconception that a letter of instruction allows the solicitor to dictate the manner in which the instruction is carried out. The bailiffs maintain however, that they are not employed by the solicitor but by the Attorney General's department and any actions taken must be consistent with the latter's policy and procedure.

The officers also dislike the actual contents of many letters of instruction. Often the officer will receive an instruction to seize all exigible assets to satisfy a claim with the debtor's location indicated as at a post box number at a central drop location. Or occasionally no instructions are given as to where the debtor is believed to be living, employed, or if he has a car registered with motor vehicles. The above cause difficulties for the bailiffs since they are reminded by the Attorney General's department that they are not investigators. It is not their job, apparently, to follow up on the debtor once such problems are encountered. However, it is clear that the officers do have to spend considerable time doing

investigations in an effort to close difficult files. Many officers have contacts with local postal stations, utility companies, general informers, or use special reports such as taxation printouts or phone book reverse lists. Consequently, while officers are not investigators, they are often requested to be such by solicitors, told not to be so by the department yet must be in order to complete their assignments.

Having documented some of the major criticisms voiced by the officers it would be useful to record some facts and impressions obtained by the researchers of the operation of the bailiffs.

Perhaps the most obvious and important observation that became readily apparent was the seemingly unfettered discretion of the bailiffs. It is to be noted from the earlier discussion that the bailiffs adamantly profess that they take directions from the Attorney General's department alone. They also indicate that they receive minimal instructions from the department with regard to policy and procedure. The logical result being that the officers have essentially total discretion to effect the requested instruction.

The amount of discretion necessary raises interesting considerations. On the one hand, each debtor is different and the various roles which a bailiff must play to accommodate the divergent personalities he is confronted with dictates that a considerable amount of discretion is fundamental. Alternatively, wide discretion leaves the creditor's remedies system open to abuse in the hands of the "friendly" bailiff, or the bailiff who has patently wrong interpretations of the applicable legislation or of his role within the system.

The second observation made involves the general attitude of the bailiffs. It was apparent that some of the bailiffs had difficulty in understanding their role in the judicial system

for debt collection. Instances indicating this include: bailiffs siezing blatantly worthless assets; bailiffs making prefunctory calls, at times when it is unlikely to find the debtor home; bailiffs asking the judgement debtor what assets he (the debtor) would prefer siezed; and bailiffs not attempting siezure until the third visit. In addition there were comments made by some bailiffs that it is the creditors fault for creating the debt problem due to lax credit policies. Perhaps the most striking indication of confusion by the bailiff as to his role was the practice of one bailiff of referring to the debtor as his "client".

[It is the opinion of the researchers that the above examples fortify the conclusion that a judgment creditor may have difficulty in enforcing a remedy due to, inter alia, the operations of a particular Sheriff's officer. This exists notwithstanding the fact that the creditor has acted bona fide and has received a formal judgment from a court of competent jurisdiction stating his entitlement to the remedy. It is submitted that a major source of such difficulty is the lack of formal training, department policy guidelines and overall awareness of the judicial process.]

The third and final observation worth documenting is the use the bailiffs make of the applicable legislation. In theory, the Seizures Act, Exemptions Act, and Execution Creditor's Act should be viewed as procedure reference manuals for the bailiffs. However, it was apparent that some of the officers had only a cursory knowledge of the Acts and respective provisions. There may be two explanations for this. The provisions may not be known simply because they cannot be understood. Perhaps this is due to the absence of a formal training and ongoing education program as discussed earlier. Another rationale may be that the provisions are ineffective or antiquated and are in need of reform to be of any use. An example which evidences this is the use of the "one-third rule"

by some of the bailiffs. Some feel that a Sheriff's auction will only bring one-third the actual value of the asset hence the exemption values should be grossed up by 33 1/3%. Consequently many assets are not seized because they are treated as being exempt when in fact they are not.

Having documented the difficulties which rendered themselves apparent in this qualitative study, and appreciating the fact that all observations and conclusions do not necessarily apply in all districts, it would appear that some proposals for change are in order. Based on this study the writers suggest the following:

1. A formal training program for new officers. Such program to include:

a) Introduction to the legal system and processes with emphasis on the role of the Sheriff's department in debt collection.

b) Education with respect to the legislation which concerns the Sheriff's officer. Emphasis on judicial consideration of the provisions so as to ensure that exigible assets, exemptions etc., are properly understood and administered.

c) Guidelines of policy and procedure administered for the officers as dictated by the department. This would allow the department to direct the seemingly necessary discretion of the officer in an effort to attain goals consistent with the philosophy of the Attorney General's department.

2. Removal of remuneration on a salary basis. The incentive aspect of fee remuneration appears to increase productivity significantly.

3. A formal refresher program for established Sheriff's officers. The approach should be analogous to proposal 1. with the exception that extra emphasis should be paid to recent changes in the relevant legislation.

4. A program of regular meetings between Sheriff's officers and department administrators should be established. Such meetings should allow for both officers and administrators to voice their concerns and suggestions with respect to the Sheriff's office and applicable procedure.

5. An in-house solicitor for the Attorney General department should be available to give opinions on difficulties which arise. Such should avoid costly litigation and accentuated problems which may arise out of the difficulties.

6. A detailed review of the legislation affecting the Sheriff's officer in order to determine the reason for provisions being ignored and/or misunderstood.

7. A memorandum to creditors and solicitors in Alberta who use the Sheriff's office explaining how it operates and detailing the difficulties it encounters which may be avoided by more efficient/effective practice on the part of solicitors. This proposal may have important ramifications in terms of changing the apparent general attitude of solicitors to use the Sheriff's department as a remedy for the creditor only as a last resort.

In summation, it is the opinion of the writers that this qualitative study shows, at the very least, the importance of the Sheriff's officer in the creditor's remedy system. While it may be difficult, given the limited nature of the study, to draw general conclusions it is clear that this area of the system cannot be ignored when considering reform.

Chapter 3 - Study of Sheriff's Office

One of the most integral aspects of the creditors' remedies system is the office of the Sheriff. Often, it is the functioning of this office which ultimately dictates the success of the judgment creditor in realizing his claim.

The manner in which the Sheriff's office is structured varies from district to district. In the medium and large sized districts the Clerk and Sheriff's offices were independently administered. In the small sized district, owing to the lesser volume of document processing, the Clerk and Sheriff functions are handled by the same people.

In terms of actual record keeping, all districts employed the use of a file card system which referenced the individual files. In the large and small judicial districts there was one file card for each Sheriff's file opened. In the medium sized district there was one file card for each judgment debtor with all subsisting writ holders listed.

The Sheriff's study began with taking the various Group III "money judgments", as derived from the three Clerk's office studies, and tracing these judgments into the Sheriff's office. From these files the various occurrences in the life of the particular writ, namely, issuance, renewal, seizure, sale distribution and discharge were documented.

II. Our first concern was the number of writs filed in both the Clerk's and Sheriff's offices in each of the districts studied. The divergence in the total number of writs filed between the two offices is based on the following:

1. The judgment, while given in one judicial district (i.e. the one being studied), is directed against the debtor in another judicial district and therefore there is no rationale for filing in the district in which the judgment had been obtained.
2. The judgment creditor has, for some unknown reason, decided not to file his claim with the Sheriff. Perhaps this is due to the creditor abandoning his claim but one must question this as it appears more logical that if one files with the Clerk he would automatically file with the Sheriff, especially given that the filing cost is only \$2.00. (Schedule E Rules of Court). A possible rationale for not filing a writ with the Sheriff stems from confusion. This occurs particularly where counsel is not involved or where the processing functions of the Clerk and Sheriff's office do not appear to be separated.

Table 1 outlines writs filed in the Sheriff's office.

Table 1 - Judgments with Writs Filed in Sheriff's Office

	1980 Large	1980 Medium	1980 Small	1980 Total	1981 Large	1981 Medium	1981 Small	1981 Total	Large Total	Medium Total	Small Total	Grand Total
Total number of judgments enforced by writs	526	258	177	961	551	234	162	947	1077	492	339	1908
Judgments with writs directed to Sheriff of J.D. in which judgment obtained	501	243	158	902	526	215	143	884	1027	459	301	1787
Judgments with writs filed with Sheriff in J.D. in which judgment obtained	458	212	147	817	485	200	135	820	943	412	282	1637
Percentage of writs not filed	(8.6)	(12.7)	(7.0)	(9.4)	(7.8)	(7.0)	(5.6)	(7.2)	(8.2)	(10.2)	(6.3)	(8.4)

It is interesting to note the general breakdown of the total 1908 judgments enforced by writs. Of the judgments enforced by this means 1637 or 86% were directed to and filed with the Sheriff of the judicial district in which the judgment was obtained. In 150 judgments or 8%, a writ was issued and directed to the Sheriff of that district but the writ was not filed in the district. Finally, in 121 cases or 6% of judgments enforced by writs the writ was directed towards a Sheriff in another judicial district than that which the judgment was obtained.

We then went on to look at what became of the judgments filed with the Sheriff's office. In a considerable number of files there was "no action" taken beyond the mere filing of the writ. "No action" is defined as a writ filed where there is no subsequent renewal, warrant, satisfaction or other positive response. Possible explanations for this may include:

1. The creditor has abandoned the claim and is allowing the writ to lapse. (Note - Sheriff's office practice is to keep the lapsed writs along with the active ones. In the large district at least, if a creditor is to receive proceeds from distribution, he is advised he must renew the writ to make it subsisting.)
2. The claim has been satisfied but a discharge has not been filed. The likelihood of this is questionable as it appears that it is solicitor practice to discharge a writ once satisfied.

Table 2 documents the number of writs without action.

Table 2 - Actions on Writs - 1980 and 1981 All Districts

	1980 Large	1980 Medium	1980 Small	1980 Total	1981 Large	1981 Medium	1981 Small	1981 Total	Large Total	Medium Total	Small Total	Grand Total
Writs with no action	171 (37.3)	62 (29.2)	38 (25.9)	271 (33.2)	200 (41.2)	63 (31.2)	50 (37.0)	313 (38.1)	371 (39.3)	125 (30.3)	88 (31.2)	584 (35.6)
Writs with some action	287 (62.7)	150 (70.8)	109 (74.1)	546 (66.8)	285 (58.8)	139 (68.8)	85 (63.0)	509 (61.9)	572 (60.7)	287 (69.7)	194 (68.8)	1055 (64.4)
Total number of writs filed	458 (100.0)	212 (100.0)	147 (100.0)	817 (100.0)	485 (100.0)	202* (100.0)	135 (100.0)	822 (100.0)	943 (100.0)	412 (100.0)	282 (100.0)	1639 (100.0)

* This figure differs from that in the previous table because of 2 files with separate writs against each of 2 defendants. These are counted separately hereafter.

Next we looked at the incidence of renewals coupled with actions or no actions. Renewals are required by s. 29 Execution Creditors Act, RSA 1980 c. E-14 which demands the Sheriff disregard a writ that is beyond the one year expiration period. It should be noted that the Sheriff's office is quite lenient with the expiration periods as stated earlier. It should be noted further that some writs are renewed far more frequently than annually. The reason being that when monies are to be paid out it is wise to have the writ renewed with updated costs and interest.

Table 3 to 6 set out renewals in terms of both action taken and the number of renewals.

Table 3 - Renewals Large District

Renewals	No action 1980	No action 1981	Monies Paid, no other action 1980	Monies Paid, no other action 1981	Action 1980	Action 1981	Total 1980	Total 1981	Grand Total
1	53 (11.6)	78 (16.1)	10 (2.2)	6 (1.2)	24 (5.2)	53 (10.9)	87 (19.0)	137 (28.2)	224 (23.8)
2	41 (9.0)	18 (3.7)	6 (1.3)	3 (0.6)	18 (3.9)	5 (1.0)	65 (14.2)	26 (5.4)	91 (9.7)
3	5 (1.1)	1 (0.2)	2 (0.4)	0 (0.0)	2 (0.4)	1 (0.2)	9 (2.0)	2 (0.4)	11 (1.2)
4	1 (0.2)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	1 (0.2)	1 (0.2)	1 (0.2)	2 (0.2)
Total	100 (21.8)	97 (20.0)	18 (3.9)	9 (1.9)	44 (9.6)	60 (12.4)	162 (35.4)	166 (34.2)	328 (34.8)

Table 4 - Renewals Medium District

Renewals	No action 1980	No action 1981	Monies Paid, no other action 1980	Monies Paid, no other action 1981	Some Action 1980	Some Action 1981	Total 1980	Total 1981	Grand Total
1	15 (7.1)	29 (14.5)	3 (1.4)	4 (2.0)	19 (9.0)	25 (12.5)	37 (17.5)	58 (29.0)	95 (23.1)
2	17 (8.0)	3 (1.5)	2 (0.9)	0 (0.0)	12 (5.7)	3 (1.5)	31 (14.6)	6 (3.0)	37 (9.0)
3	1 (0.5)	0 (0.0)	1 (0.5)	0 (0.0)	3 (1.4)	0 (0.0)	5 (2.4)	0 (0.0)	5 (1.2)
4	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)
Totals	33 (15.6)	32 (16.0)	6 (2.8)	4 (2.0)	34 (16.0)	28 (14.0)	73 (34.4)	64 (32.0)	137 (33.3)

Table 5 - Renewals: Small District

Number of renewals	No action 1980	No action 1981	Monies paid no other action 1980	Monies paid no other action 1981	Some action 1980	Some action 1981	Total 1980	Total 1981	Grand Total
1	10 (6.8)	18 (13.3)	3 (2.0)	3 (2.2)	14 (9.5)	14 (10.4)	27 (18.4)	35 (25.9)	62 (22.0)
2	8 (5.4)	3 (2.2)	2 (1.4)	0 (0.0)	8 (5.4)	1 (0.7)	18 (12.2)	4 (3.0)	22 (7.8)
3	2 (1.4)	0 (0.0)	0 (0.0)	0 (0.0)	1 (0.7)	0 (0.0)	3 (2.0)	0 (0.0)	3 (1.1)
4	0 (0.0)	0 (0.0)	1 (0.7)	0 (0.0)	0 (0.0)	0 (0.0)	1 (0.7)	0 (0.0)	1 (0.4)
Totals	20 (13.6)	21 (15.6)	6 (4.1)	3 (2.2)	23 (15.6)	15 (11.1)	49 (33.3)	39 (28.9)	88 (31.2)

Table 6 - Renewals: All Districts

Number of renewals	No action 1980	No action 1981	Monies paid no other action 1980	Monies paid no other action 1981	Some action 1980	Some action 1981	Total 1980	Total 1981	Grand Total
1	78 (9.5)	125 (15.2)	16 (2.0)	13 (1.6)	57 (7.0)	92 (11.2)	151 (18.5)	230 (28.0)	381 (23.3)
2	66 (8.1)	24 (2.9)	10 (1.2)	3 (0.4)	38 (4.7)	9 (1.1)	114 (14.0)	36 (4.4)	150 (9.2)
3	8 (1.0)	1 (0.1)	3 (0.4)	0 (0.0)	6 (0.7)	1 (0.1)	17 (2.1)	2 (0.2)	19 (1.2)
4	1 (0.1)	0 (0.0)	1 (0.1)	0 (0.0)	0 (0.0)	1 (0.1)	2 (0.2)	1 (0.1)	3 (0.2)
Totals	153 (18.7)	150 (18.3)	30 (3.7)	16 (2.0)	101 (12.4)	103 (12.6)	284 (34.8)	269 (32.8)	553 (33.8)

The percentages, indicated in brackets, are based on the number of judgments with writs directed to Sheriff of district in which judgment was obtained. Percentages are calculated in the same manner for Tables 7 and 8.

The assignment of the creditor's judgment or costs arose in a few files. Where the assignee was the Legal Aid Society, the assignment was restricted to costs alone, but where the Motor Vehicle Branch or a third party was involved the particular judgment and costs would be assigned. Table 7 documents these assignments.

Table 7 - Assignments

Assignee	Large 1980	Medium 1980	Small 1980	Total 1980	Large 1981	Medium 1981	Small 1981	Total 1981	Large Total	Medium Total	Small Total	Grand Total
Legal Aid Society	1 (0.2)	0 (0.0)	0 (0.0)	1 (0.1)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	1 (0.1)	0 (0.0)	0 (0.0)	1 (0.1)
Motor Vehicle claims	3 (0.6)	5 (2.4)	0 (0.0)	8 (1.0)	1 (0.2)	3 (1.5)	1 (0.7)	5 (0.6)	4 (0.4)	8 (1.9)	1 (0.4)	13 (0.8)
Other	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	2 (0.4)	0 (0.0)	0 (0.0)	2 (0.2)	2 (0.2)	0 (0.0)	0 (0.0)	2 (0.1)
Totals	4 (0.9)	5 (2.4)	0 (0.0)	9 (1.1)	3 (0.6)	3 (1.5)	1 (0.7)	7 (0.9)	7 (0.7)	8 (1.9)	1 (0.4)	16 (1.0)

We next looked at the frequency of files which had been marked "satisfied" or "discharged". This categorization will be discussed in greater detail under the "Success" portion of this report. Table 8 depicts satisfactions and discharges.

Table 8 - Satisfaction and discharge

	Large 1980	Medium 1980	Small 1980	Total 1980	Large 1981	Medium 1981	Small 1981	Total 1981	Total Large	Total Medium	Total Small	Grand Total
Discharge - no warrant	56 (12.2)	26 (12.3)	22 (15.0)	104 (12.7)	41 (8.5)	24 (12.0)	14 (10.4)	79 (9.6)	97 (10.3)	50 (12.1)	36 (12.8)	183 (11.2)
Discharge warrant or other*	11 (2.4)	21 (9.9)	21 (14.3)	53 (6.5)	15 (3.1)	20 (10.0)	8 (5.9)	43 (5.2)	26 (2.8)	41 (10.0)	29 (10.3)	96 (5.9)
Partial discharge as to land	3 (0.7)	2 (0.9)	1 (0.7)	6 (0.7)	4 (0.8)	2 (1.0)	2 (1.5)	8 (1.0)	7 (0.7)	4 (1.0)	3 (1.1)	14 (0.9)
Discharge - writ filed in error	1 (0.2)	0 (0.0)	0 (0.0)	1 (0.1)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	1 (0.1)	0 (0.0)	0 (0.0)	1 (0.1)
Total	71 (15.5)	49 (23.1)	44 (29.9)	164 (20.1)	60 (12.4)	46 (23.0)	24 (17.8)	130 (15.9)	131 (13.9)	95 (23.1)	68 (24.1)	294 (18.0)

* Includes garnishee monies.

We then looked at what became of actions taken on a warrant. Such took the form of attempted seizure(s) or successful seizure with the various results therefrom. The reader should note that the following four tables treat files in which there were more than one warrant as separate warrants.

Table 9 - Outcome of Warrants of Seizure

	Large 1980	Medium 1980	Small 1980	Total 1980	Large 1981	Medium 1981	Small 1981	Total 1981	Total Large	Total Medium	Total Small	Grand Total
Successful warrants (i.e. seizure)	24 (28.9)	33 (48.5)	18 (39.1)	75 (38.1)	44 (40.7)	40 (56.3)	13 (39.4)	97 (45.8)	68 (35.6)	73 (52.5)	31 (39.2)	172 (42.1)
Unsuccessful warrants (i.e. no seizure)	59 (71.1)	35 (51.5)	28 (60.9)	122 (61.9)	64 (59.3)	31 (43.7)	20 (60.6)	115 (54.2)	123 (64.4)	66 (47.5)	48 (60.8)	237 (57.9)
Total number of warrants issued	83 (100.0)	68 (100.0)	46 (100.0)	197 (100.0)	108 (100.0)	71 (100.0)	33 (100.0)	212 (100.0)	191 (100.0)	139 (100.0)	79 (100.0)	409 (100.0)

As the above table indicates there was considerably greater success on warrants in the medium district than in the small and large. The success in the medium sized district may be attributed to the following factors:

- (1) Size of district, especially in comparison to the large urban district. This is relevant when trying to locate the judgment debtor. (See Table 10)
- (2) Degree of communication between administrators in Sheriff's office and the bailiffs as well as between the bailiffs themselves. Particularly good communication and rapport was found in the medium sized office. (See Report on Sheriff's Officers supra page 2.)
- (3) Overall attitude of the particular office. In the medium district there was a noticeable "pro-creditor" perspective.

The reasons for unsuccessful attempts at seizure were examined first. The information for categorizing the attempts was obtained from the bailiff's reports. Table 10 documents attempted seizures.

Table 10 - Attempted Seizures - All Districts 1980 and 1981

Reason for unsuccessful seizure	Large 1980	Medium 1980	Small 1980	Total 1980	Large 1981	Medium 1981	Small 1981	Total 1981	Total Large	Total Medium	Total Small	Grand Total
Prior satisfaction	1 (1.7)	1 (2.9)	0 (0.0)	2 (1.6)	1 (1.6)	0 (0.0)	3 (15.0)	4 (3.5)	2 (1.6)	1 (1.5)	3 (6.3)	6 (2.5)
Payoff on attempt	4 (6.8)	5 (14.3)	2 (7.1)	11 (9.0)	3 (4.7)	3 (9.7)	2 (10.0)	8 (7.0)	7 (5.7)	8 (12.3)	4 (8.3)	19 (8.1)
Debtor whereabouts unknown	29 (49.0)	3 (8.6)	8 (28.6)	40 (32.8)	32 (50.0)	6 (19.4)	4 (20.0)	42 (36.5)	61 (49.6)	9 (13.8)	12 (25.0)	82 (34.7)
No exigible assets above exemptions	8 (13.6)	19 (54.3)	6 (21.4)	33 (27.0)	18 (28.1)	13 (41.9)	6 (30.0)	37 (32.2)	26 (21.1)	32 (49.2)	12 (25.0)	70 (29.7)
Assets owned by third party	4 (6.8)	1 (2.9)	0 (0.0)	5 (4.1)	1 (1.6)	1 (3.2)	0 (0.0)	2 (1.7)	5 (4.1)	2 (3.1)	0 (0.0)	7 (3.0)
Instruction to hold action	4 (6.8)	5 (14.3)	6 (21.4)	15 (12.3)	6 (9.4)	2 (6.5)	1 (5.0)	9 (7.8)	10 (8.1)	7 (10.8)	7 (14.6)	24 (10.2)
Nulla-bona return*	1 (1.7)	0 (0.0)	0 (0.0)	1 (0.8)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	1 (0.8)	0 (0.0)	0 (0.0)	1 (0.4)
No reason or other reason	8 (13.6)	1 (2.9)	6 (21.4)	15 (12.3)	3 (4.7)	6 (19.4)	4 (20.0)	13 (11.3)	11 (8.9)	6 (9.2)	10 (20.8)	27 (11.4)
Total	59 (100.0)	35 (100.2)	28 (99.9)	122 (99.9)	64 (100.1)	31 (100.1)	20 (100.0)	115 (100.0)	123 (99.9)	65 (99.9)	48 (100.0)	236 (100.0)

* Pursuant to s. 15(1) Seizures Act.

Table 10 shows a number of differences between the districts in terms of the reasons for unsuccessful warrants. Of particular interest is the extent of failure to seize in the large district due to the inability to locate the debtor. This may be explained in two ways:

- (1) Procedural difficulties in locating the debtor in large urban district as compared to the two smaller rural ones.
- (2) Degree of anonymity envisaged in an urban setting as contrasted to the other districts where general information regarding residents is more easily obtained.

Differences also appear in the "Payoff on attempt" category, with a larger percentage of this in the medium-sized district. This may be a result of Sheriff's office practice or bailiff's attitudes, or, particularly as the numbers involved are quite small, it may be simply a statistical aberration.

Discrepancies between the districts may also be noted for failing to seize for want of assets above exemptions. These were considerably higher in the medium district. This may simply be a result of locating a larger percentage of debtors, only to find they have no assets. It could also be due to an increased frequency of "grossed up" exemption values (see Report on sheriff's Officers supra page 6).

We then looked at files where seizures had been effected. Where possible we documented the type of asset seized. Table 11 illustrates effected seizures.

Table 11 - Type of Assets Seized

Asset seized	Large 1980	Medium 1980	Small 1980	Total 1980	Large 1981	Medium 1981	Small 1981	Total 1981	Large Total	Medium Total	Small Total	Grand Total
Motor	16	25	15	56	23	31	9	63	39	57	24	120
Vehicle	(61.5)	(75.8)	(62.5)	(67.5)	(59.0)	(68.9)	(52.9)	(62.4)	(60.0)	(72.2)	(58.5)	(64.9)
Farm machinery	0	1	3	4	0	4	2	6	0	5	5	10
Shares	(0.0)	(3.0)	(12.5)	(4.8)	(0.0)	(8.9)	(11.8)	(5.9)	(0.0)	(6.3)	(12.2)	(5.4)
Office furnishings	0	0	1	1	3	0	0	3	3	0	1	4
Other	(0.0)	(0.0)	(4.2)	(1.2)	(7.7)	(0.0)	(0.0)	(3.0)	(4.6)	(0.0)	(2.4)	(2.2)
Totals	3	0	0	3	3	4	0	7	6	4	0	10
	(11.5)	(0.0)	(0.0)	(3.6)	(7.7)	(8.9)	(0.0)	(6.9)	(9.2)	(5.1)	(0.0)	(5.4)
	7	7	5	19	10	6	6	22	17	13	11	41
	(26.9)	(21.2)	(20.8)	(22.9)	(25.6)	(13.3)	(35.3)	(21.8)	(26.2)	(16.5)	(26.8)	(22.2)
Totals	26	33	24	83	39	45	17	101	65	79	41	185
	(99.9)	(100.0)	(100.0)	(100.0)	(100.0)	(100.0)	(100.0)	(100.0)	(100.0)	(100.1)	(99.9)	(100.1)

Totals in this table may add up to a number larger than that of total successful warrants because where assets of two different types were seized on the same warrant they were counted separately.

The "other" category in Table 11 includes goods such as household furnishings (usually televisions and stereo equipment), grain, and other miscellaneous assets.

Table 11 clearly demonstrates the high frequency of motor vehicle seizures. Motor vehicles are an easy target for seizure for a number of reasons:

- 1) The ease of determining ownership through motor vehicle branch search.
- 2) The ease of accurate identification due to clearly visible license plate and serial numbers.
- 3) The ease of removal, except perhaps that a break and enter order may be required where the vehicles is stored in an "attached" garage.
- 4) Further, since there is an extensive market for used motor vehicles, it is relatively easy to determine an approximate value.

The next area of concern was the disposition of goods upon seizure. Table 12 documents the frequency of various results flowing from seizure.

Table 12 - Disposition of Seizure - All Districts

	Large 1980	Medium 1980	Small 1980	Total 1980	Large 1981	Medium 1981	Small 1981	Total 1981	Large Total	Medium Total	Small Total	Grand Total
No further action	4	0	5	9	6	2	2	10	10	2	7	19
Bailee undertaking	9	23	6	38	14	25	4	43	23	48	10	81
- debtor	(37.5)	(69.7)	(33.3)	(50.7)	(31.8)	(62.5)	(30.8)	(44.3)	(33.8)	(65.7)	(32.3)	(47.1)
- debtor's family	1	2	2	5	1	4	0	5	2	6	2	10
- other	(4.2)	(6.1)	(11.1)	(6.7)	(2.3)	(10.0)	(0.0)	(5.2)	(2.9)	(8.2)	(16.1)	(5.8)
third party	5	4	0	9	6	5	1	12	11	9	1	21
Notice of objection	(20.8)	(12.1)	(0.0)	(12.0)	(13.6)	(12.5)	(7.7)	(12.4)	(16.2)	(12.3)	(3.2)	(12.2)
Release of seizure	11	19	11	41	25	24	7	56	36	43	18	97
Order for removal and sale	(45.8)	(57.6)	(61.1)	(54.7)	(56.8)	(60.0)	(53.8)	(57.7)	(52.9)	(58.9)	(58.1)	(56.4)
Demand notice	7	12	7	26	9	13	1	23	16	25	8	49
Sale	(29.2)	(36.4)	(38.9)	(34.7)	(20.5)	(32.5)	(7.7)	(23.7)	(23.5)	(34.2)	(25.8)	(28.5)
Order for removal and sale	3	6	5	14	5	4	2	11	8	10	7	25
Demand notice	(12.5)	(18.2)	(27.8)	(18.7)	(11.4)	(10.0)	(15.4)	(11.3)	(11.8)	(13.7)	(22.6)	(14.5)
Sale	1	1	1	3	0	0	0	0	1	1	1	3
Order for removal and sale	(4.2)	(3.0)	(5.6)	(4.0)	(0.0)	(0.0)	(0.0)	(0.0)	(1.5)	(1.4)	(3.2)	(1.7)
Demand notice	4	4	3	11	4	5	1	10	8	9	4	21
Sale	(16.7)	(12.1)	(16.7)	(14.7)	(9.1)	(12.5)	(7.7)	(10.3)	(11.8)	(12.3)	(12.9)	(12.2)

The percentages (in brackets) in the above table are derived from the total number of successful seizures in each year for the respective judicial districts. We were of the opinion that by using this denominator the risk of distortion would be less than that had we used the totals for type of asset seized (Table 11). The latter figures fail to give a true picture of assets seized since the seizure of two or more articles of the same type under a single warrant is treated as one instance.

In using the total number of successful seizures distortion may arise in cases where more than one article was seized under a warrant but each was disposed of in a different manner.

Table 12 indicates considerable divergence in the manner in which seized goods are dealt with, the most notable being in the use of bailee undertakings. In the medium district the assets were left with the debtor nearly twice as often as in the small and large districts. [One can only speculate as to the reasons for this. Perhaps one motive was the curtailing of excess storage costs wherever possible. In many cases there was sufficient rapport between the debtor and the bailiffs to permit leaving the goods without great risk of disposal of the asset by the debtor. In the case of farm machinery clearly the practice was to allow the debtor to continue operations.]

There is also some divergence in the "no further action" category, ranging from approximately 3% in the medium district to 22% in the small. We have no way of explaining this, although part of it may be attributed merely to poor record keeping (i.e. seizure may have been released without this being recorded).

This table further illustrates the very low incidence of sale of seized assets. Only around 12% of assets seized are disposed by Sheriff's sale. As a percentage of total writs filed, this figure is considerably lower, at 1.3%.

Success in Sheriff's Office

In the second part of the quantitative study of the Sheriff's offices we were specifically concerned with documenting the frequency of "success" within the creditors' remedies system. We define "success" broadly to include any positive result on a file whereby the execution creditor has received some monies in full or partial payment of his claim. The following tables describe the relative degrees of success exhibited with the various modes in which monies may be collected.

A) Writs of Execution

We first viewed the instances where renewals were shown on the outstanding claim. We examined all files with renewals which indicated payment had been made, including the files in the "monies paid" column in Tables 3 to 6. Renewal credits arise from a number of sources. They may be based on straight paydowns on the outstanding balance, monies received under a garnishee summons or monies received as proceeds from a Sheriff's sale of assets seized.

Tables 13 to 16 document renewal credits.

Table 13 - Renewal Credits Large District

Percent of claim paid	No Action 1980	Some Action 1980	Total 1980	No Action 1981	Some Action 1981	Total 1981	Total No Action	Total Some Action	Grand Total
1 - 5	3	0	3 (0.7)	2	2	4 (0.8)	5 (0.5)	2 (0.2)	7 (0.7)
6 - 10	3	1	4 (0.9)	1	2	3 (0.6)	4 (0.4)	3 (0.3)	7 (0.7)
11 - 20	3	2	5 (1.1)	3	2	5 (1.0)	6 (0.6)	4 (0.4)	10 (1.1)
21 - 30	5	1	6 (1.3)	0	2	2 (0.4)	5 (0.5)	3 (0.3)	8 (0.8)
31 - 40	0	2	2 (0.4)	0	0	0	0	2 (0.2)	2 (0.2)
41 - 50	1	1	2 (0.4)	1	2	3 (0.6)	2 (0.2)	3 (0.3)	5 (0.5)
51 - 60	0	0	0	0	0	0	0	0	0
61 - 70	2	0	2 (0.4)	1	1	2 (0.4)	3 (0.5)	1 (0.1)	4 (0.4)
71 - 80	0	0	0	1	0	1 (0.2)	1 (0.1)	0	1 (0.1)
81 - 90	0	0	0	0	1	1 (0.2)	0	1 (0.1)	1 (0.1)
91+	1	0	1	0	2	2 (0.4)	1 (0.1)	2 (0.2)	3 (0.3)
Total	18 (3.9)	7 (1.5)	25 (5.5)	9 (1.9)	14 (2.9)	23 (4.7)	27 (2.8)	21 (2.2)	48 (5.1)

Table 14 - Renewal Credits Medium District

Percent of claim paid	No Action 1980	Some Action 1980	Total 1980	No Action 1981	Some Action 1981	Total 1981	Total No Action	Total Some Action	Grand Total
1 - 5	0	0	0	0	0	0	0	0	0
6 - 10	2	0	2	0	0	0	2	0	2
			(0.9)				(0.5)		(0.5)
11 - 20	3	0	3	1	2	3	4	2	6
			(1.4)			(1.5)	(1.9)	(0.5)	(1.5)
21 - 30	1	1	2	1	1	2	2	2	4
			(0.9)			(1.0)	(0.5)	(0.5)	(1.0)
31 - 40	0	2	2	0	1	1	0	3	3
			(0.9)			(0.5)		(0.7)	(0.7)
41 - 50	0	0	0	0	1	1	0	1	1
						(0.5)		(0.2)	(0.2)
51 - 60	0	2	2	1	0	1	1	2	3
			(0.9)			(0.5)	(0.2)	(0.5)	(0.7)
61 - 70	0	2	2	0	1	1	0	3	3
			(0.9)			(0.5)		(0.7)	(0.7)
71 - 80	0	0	0	1	1	2	1	1	2
						(1.0)	(0.2)	(0.2)	(0.5)
81 - 90	0	0	0	0	1	1	0	1	1
						(0.5)		(0.2)	(0.2)
90+	0	1	1	0	2	2	0	3	3
			(0.5)			(1.0)		(0.7)	(0.7)
Total	6	8	14	4	10	14	10	18	28
	(2.8)	(3.8)	(6.6)	(2.0)	(5.0)	(7.0)	(2.4)	(4.4)	(6.8)

Table 15 - Renewal Credits Small District

Percent of claim paid	No Action 1980	Some Action 1980	Total 1980	No Action 1981	Some Action 1981	Total 1981	Total No Action	Total Some Action	Grand Total
1 - 5	0	0	0	0	0	0	0	0	0
6 - 10	0	2	2	1	0	1	1	2	3
			(1.4)			(0.7)	(0.4)	(0.7)	(1.1)
11 - 20	0	1	1	0	2	2	0	3	3
			(0.7)			(1.5)		(1.1)	(1.1)
21 - 30	0	0	0	1	3	4	1	3	4
						(3.0)	(0.4)	(1.1)	(1.4)
31 - 40	0	2	2	0	0	0	0	2	2
			(1.4)					(0.7)	(0.7)
41 - 50	1	1	2	1	0	1	2	1	3
			(1.4)			(0.7)	(0.7)	(0.4)	(1.1)
51 - 60	4	1	5	0	0	0	4	1	5
			(3.4)				(1.4)	(0.4)	(1.8)
61 - 70	0	0	0	0	0	0	0	0	0
71 - 80	0	0	0	0	0	0	0	0	0
81 - 90	0	1	1	0	0	0	0	1	1
			(0.7)					(0.4)	(0.4)
91+	1	0	1	0	0	0	1	0	1
			(0.7)				(0.4)		(0.4)

Table 16 - Renewal Credits All Districts

Percent of claim paid	No Action 1980	Some Action 1980	Total 1980	No Action 1981	Some Action 1981	Total 1981	Total No Action	Total Some Action	Grand Total
1 - 5	3	0	3 (0.4)	2	2	4 (0.5)	5 (0.3)	2 (0.1)	7 (0.4)
6 - 10	5	3	8 (1.0)	2	2	4 (0.5)	7 (0.4)	5 (0.3)	12 (0.7)
11 - 20	6	3	9 (1.1)	4	6	10 (1.2)	10 (0.6)	9 (0.5)	19 (1.2)
21 - 30	6	2	8 (1.0)	2	6	8 (1.0)	8 (0.5)	8 (0.5)	16 (1.0)
31 - 40	0	6	6 (0.7)	0	1	1 (0.1)	0	7 (0.4)	7 (0.4)
41 - 50	2	2	4 (0.5)	2	3	5 (0.6)	4 (0.2)	5 (0.3)	9 (0.5)
51 - 60	4	3	7 (0.9)	1	0	1 (0.1)	5 (0.3)	3 (0.2)	8 (0.5)
61 - 70	2	2	4 (0.5)	1	2	3 (0.4)	3 (0.2)	4 (0.2)	7 (0.4)
71 - 80	0	0	0 (0.1)	2	1	3 (0.4)	2 (0.1)	1 (0.1)	3 (0.2)
81 - 90	0	1	1 (0.1)	0	2	2 (0.2)	0	3 (0.2)	3 (0.2)
91+	2	1	3 (0.4)	0	4	4 (0.5)	2 (0.1)	5 (0.3)	7 (0.4)
Total	30 (3.7)	23 (2.8)	53 (6.5)	16 (2.0)	29 (3.5)	45 (5.5)	46 (2.8)	52 (3.2)	98 (6.0)

The percentages in the above four tables are based on the total number of writs filed for that district.

We then looked more closely at the files which had been marked "discharged" or "satisfied" as referenced earlier in Table 8. There appears to be no magic in either of these terms. The wording difference stems from the letter of instruction from the solicitor for the creditor.

There is some difficulty in determining the meaning of the term "discharged". While it may be possible that a file is discharged because the creditor feels his attempts at collection are futile, it is more likely that he will allow the writ to lapse which involves no processing costs. Therefore we will assume that a "discharge", like a "satisfaction", represents a positive response for the creditor. We cannot, however, assume that each and every discharged writ has been satisfied to the full amount of the claim. Rather, we must accept that it has been realized to the extent only that the judgment creditor feels is sufficient. Tables 17 to 19 document in greater detail the discharge of writs.

Table 17 - Discharges 1980 All Districts

	Large	Medium	Small	Total
No warrant (i.e. no action other than writ filed and/or renewal(s))	56 (12.2)	22 (10.4)	22 (15.0)	100 (12.2)
Partial discharge re land	3 (0.7)	2 (0.9)	1 (0.7)	6 (0.7)
Writ filed in error	1 (0.2)	0	0	1 (0.1)
Warrant - no seizure	4 (0.9)	8 (3.8)	6 (4.1)	18 (2.2)
Warrant - seizure	5 (1.1)	13 (6.1)	9 (6.1)	27 (3.3)
Sale	0	0	0	0
Garnishee monies paid through Sheriff's office	1 (0.2)	0	4 (2.7)	5 (0.6)
Warrant (no seizure) and garnishee monies	0	0	2 (1.4)	2 (0.2)
Warrant (seizure) and garnishee monies	1 (0.2)	0	0	1 (0.1)
Sale and garnishee monies	0	0	0	0
"Spin-off" payments	0	4 (1.9)	0	4 (0.5)
Totals	71 (15.5)	49 (23.1)	44 (29.9)	163 (20.0)

Table 18 - Discharges 1981 All Districts

	Large	Medium	Small	Total
No warrant (i.e no action other than writ filed and or renewal(s))	41 (8.5)	14 (6.9)	14 (10.4)	69 (8.4)
Partial discharge re land	4 (0.8)	2 (1.0)	2 (1.5)	8 (1.0)
Writ filed in error	0	0	0	0
Warrant - no seizure	8 (1.6)	9 (4.5)	4 (3.0)	21 (2.6)
Warrant - seizure	3 (0.6)	16 (7.9)	2 (1.5)	21 (2.6)
Sale	0	0	0	0
Garnishee monies paid through Sheriff	3 (0.6)	3 (1.5)	2 (1.5)	8 (1.0)
Warrant (no seizure) and garnishee monies	1 (0.2)	0	0	1 (0.1)
Warrant (seizure) and garnishee monies	0	0	0	0
Sale and garnishee monies	0	0	0	0
"Spin-off" payments	0	3 (1.5)	0	3 (0.4)
Totals	60 (12.4)	47 (23.3)	24 (17.8)	131 (15.9)

Table 19 - Discharges All Districts 1980 and 1981

	Large	Medium	Small	Total
No warrant (i.e. no action other than writ filed and/or renewals)	97 (10.3)	36 (8.7)	36 (12.8)	169 (10.3)
Partial discharge re land	7 (0.7)	4 (1.0)	3 (1.1)	14 (0.9)
Writ filed in error	1 (0.1)	0	0	1 (0.1)
Warrant - no seizure	12 (1.3)	17 (4.1)	10 (3.5)	39 (2.4)
Warrant - seizure	8 (0.8)	29 (7.0)	11 (3.9)	48 (2.9)
Sale	0	0	0	0
Garnishee monies paid through Sheriff's office	4 (0.4)	3 (0.7)	6 (2.1)	13 (0.8)
Warrant (no seizure) and garnishee monies	1 (0.1)	0	2 (0.7)	3 (0.2)
Warrant (seizure) and garnishee monies	1 (0.1)	0	0	1 (0.1)
Sale and garnishee monies	0	0	0	0
"Spin-off" payments	0	7 (1.7)	0	7 (0.4)
Totals	131 (13.9)	96 (23.3)	68 (24.1)	295 (18.0)

Percentages in the above three tables are taken out of the total number of writs filed in each district for the years involved.

There are a number of interesting points to be noted from the prior three tables. The partial discharge of the writ with respect to land category accounts for situations where the creditor has agreed to remove the encumbrance on the land in the hope of receiving some sale or lease proceeds. The warrant with no seizure category, as well as some of the other categories to a lesser extent, represent the degree to which the creditors' remedy system operates on "threats". Often, the threat of a warrant to seize assets will prompt the debtor to settle the claim resulting in a discharge being filed.

Perhaps the most striking fact which can be observed from these tables is the absence of discharges where there has been a sale. There may be several explanations for this:

1. The debt has been satisfied but no formal discharge has been filed, however Table 22 shows that the incidence of claim realization as a result of sale is minimal. In the cases where there is a realization it may be plausible for a discharge not to be filed. In such a case, the creditor has obtained the monies due and the debtor has extinguished the claim against him. Since both of these matters will be documented on the Sheriff's record, a further court record appears unnecessary.
2. The proceeds from the sales are insufficient to satisfy the claims. This may be due to various factors:
 - a) The amount of the judgment claim greatly exceeds the assets owned by the debtor.
 - b) The assets that were seized were not the most valuable assets available for seizure.
 - c) The Sheriff sale process does not allow for realization of full market value of the asset.
 - d) Procedural and administrative costs such as towing, storage and baliff fees may become substantial.

We then looked at files where proceeds were paid to the plaintiff arising out of the sale of seized assets. Tables 20 to 22 list distributions as a percentage of the claim of monies received directly by the creditor or indirectly out of the sale of assets seized by another. (s. 17(3) of the Execution Creditor's Act.)

Table 20 - Sale Proceeds 1980 All Districts

	Large Direct	Large Indirect	Medium Direct	Medium Indirect	Small Direct	Small Indirect	Total Direct	Total Indirect	Grand Total
0 or less	2	1	2	0	1	0	5	1	6
1 - 5%	0	0	0	5	0	0	0	5	5
6 - 10%	0	0	0	1	1	0	1	1	2
11 - 20%	0	0	0	0	0	1	0	1	1
21 - 30%	0	0	0	1	1	0	1	1	2
31 - 40%	0	0	0	0	0	0	0	0	0
41 - 50%	0	0	1	0	0	0	1	0	1
51 - 60%	0	0	0	0	0	0	0	0	0
61 - 70%	0	0	0	0	0	0	0	0	0
71 - 80%	0	0	0	0	0	0	0	0	0
81-90%	0	0	0	0	0	0	0	0	0
+91%	1	0	1	0	0	0	2	0	2
Totals	3	1	4	7	3	1	10	9	19
Percentage out of writs filed	(0.2)	(0.0)	(0.9)	(3.3)	(1.4)	(0.7)	(0.6)	(1.0)	(1.6)
Percent out of number of seizures	(4.2)	(0.0)	(6.1)	(21.2)	(11.1)	(5.6)	(6.7)	(10.7)	(17.3)

Table 21 - Sale Proceeds - 1981 All Districts

	Large Direct	Large Indirect	Medium Direct	Medium Indirect	Small Direct	Small Indirect	Total Direct	Total Indirect	Grand Total
0 or less	0	0	2	0	0	0	2	0	2
1 - 5	2	0	1	1	0	1	3	2	5
6 - 10	0	0	0	0	0	2	0	2	2
11 - 20	1	0	2	0	1	0	4	0	4
21 - 30	0	0	0	0	0	1	0	1	1
31 - 40	0	0	0	0	0	0	0	0	0
41 - 50	1	0	0	0	0	0	1	0	1
51 - 60	0	0	0	0	0	1	0	1	1
61 - 70	0	0	0	0	0	0	0	0	0
71 - 80	0	0	0	0	0	0	0	0	0
81 - 90	0	0	0	0	0	0	0	0	0
91 and over	1	0	1	0	0	0	0	0	0
Total	5	0	6	1	1	5	10	6	16
Percent out of writs filed	1.0	0.0	2.0	0.5	0.7	3.7	1.0	0.7	1.7
Percent out of number of seizures	11.4	0.0	10.0	2.5	7.7	38.5	8.2	6.2	14.4

Table 22 - Sale Proceeds 1980 and 1981 - All Districts

	Large Direct	Large Indirect	Medium Direct	Medium Indirect	Small Direct	Small Indirect	Total Direct	Total Indirect	Grand Total
0 or less*	2	1	4	0	1	0	7	1	8
1 - 5%	2	0	1	6	0	1	3	7	10
6 - 10%	0	0	0	1	1	2	1	3	4
11 - 20%	1	0	2	0	1	1	4	1	5
21 - 30%	0	0	0	1	1	1	1	2	3
31 - 40%	0	0	0	0	0	0	0	0	0
41 - 50%	1	0	1	0	0	0	2	0	2
51 - 60%	0	0	0	0	0	1	0	1	1
61 - 70%	0	0	0	0	0	0	0	0	0
71 - 80%	0	0	0	0	0	0	0	0	0
81 - 90%	0	0	0	0	0	0	0	0	0
+91%	2	0	2	0	0	0	4	0	4
Totals	8	1	10	8	4	6	22	15	37
Percent out of writs filed	0.6	0.0	1.5	1.9	1.1	2.4	0.9	0.9	1.8
Percent out of number of seizures	11.8	1.5	13.7	11.0	12.9	19.4	12.8	8.7	21.5

* The zero or less category can be explained in the following way. In a number of cases the creditor would seize and remove a motor vehicle and because of the delays in selling it, or low value received for the vehicle upon sale, or both, sale proceeds would not even cover towing and storage charges. As a result the creditor ends up paying these excess charges himself. These figures are not included in the percentages.

[As the above tables indicate there are relatively few cases (5 out of 37) where the creditor receives more than half of his claim. Such observation leads one to the conclusion that the sale process is not a very effective creditor remedy.]

B) Garnishee Summonses

The next area of concern was the incidence of garnishee monies being paid into the Sheriff's office and then distributed to the plaintiff. Within this area we documented situations where the proceeds paid to the plaintiff were a direct result of his garnishee summons and also where there was a distribution payment. The latter arise on the distribution of monies garnisheed by another creditor, pursuant to s. 6 of the Execution Creditors Act. Tables 23 to 25 illustrate returns to the plaintiff in terms of percentages of the claim, both for direct and indirect garnishee proceeds.

Table 23 - Garnishee Proceeds - 1980 - All Districts

	Large Direct	Large Indirect	Medium Direct	Medium Indirect	Small Direct	Small Indirect	Total Direct	Total Indirect	Grand Total
0	0	1	0	0	0	0	0	1	1
1 - 5%	2	2	2	3	1	0	5	(0.3)	10
6 - 10%	1	3	2	2	1	1	4	(1.5)	10
11 - 20%	5	0	0	1	1	0	6	(1.8)	7
21 - 30%	0	2	0	0	0	1	0	3	3
31 - 40%	0	0	0	4	1	0	1	(0.9)	5
41 - 50%	1	1	0	2	1	0	2	(1.2)	5
51 - 60%	1	0	0	0	3	1	4	(0.6)	5
61 - 70%	1	0	1	1	1	0	3	(1.2)	4
71 - 80%	2	0	0	0	1	0	3	(0.9)	3
81 - 90%	0	0	0	0	0	0	0	0	0
91 and over	7	3	1	1	7	0	15	(4.5)	19
Total	20	12	6	14	17	3	43	29	72
%	11.6	7.0	6.1	14.1	26.1	4.6	12.8	8.6	21.4

Table 24 - Garnishee Proceeds - 1981 All Districts

	Large Direct	Large Indirect	Medium Direct	Medium Indirect	Small Direct	Small Indirect	Total Direct	Total Indirect	Grand Total
0	0	2	0	0	0	2	0	4	4
								(1.1)	(1.1)
1 - 5%	3	0	1	3	3	0	7	3	10
							(2.0)	(0.8)	(2.8)
6 - 10%	1	1	1	4	1	1	3	6	9
							(0.8)	(1.7)	(2.5)
11 - 20%	6	4	6	1	6	4	18	9	27
							(5.1)	(2.5)	(7.6)
21 - 30%	1	2	0	0	1	2	2	4	6
							(0.6)	(1.1)	(1.7)
31 - 40%	1	0	1	1	1	0	3	1	4
							(0.8)	(0.3)	(1.1)
41 - 50%	0	0	0	0	0	0	0	0	0
51 - 60%	1	1	0	0	1	1	2	2	4
							(0.6)	(0.6)	(1.1)
61 - 70%	2	0	0	0	2	0	4	0	4
							(1.1)		(1.1)
71 - 80%	0	0	0	1	0	0	0	1	1
								(0.3)	(0.3)
81 - 90%	2	0	0	0	2	0	4	0	4
							(1.1)		(1.1)
91 and over	12	1	3	2	12	1	26	4	30
							(7.3)	(1.1)	(8.5)
Totals	29	11	12	12	29	11	70	34	104
	(13.7)	(5.2)	(13.2)	(13.2)	(54.7)	(20.8)	(19.7)	(9.6)	(29.3)

Table 25 - Garnishee Proceeds - All Districts 1980 and 1981

	Large Direct	Large Indirect	Medium Direct	Medium Indirect	Small Direct	Small Indirect	Total Direct	Total Indirect	Grand Total
0	0	3	0	0	0	2	0	5 (0.7)	5 (0.7)
1 - 5%	5	2	3	6	4	0	12 (1.7)	8 (1.2)	20 (2.9)
6 - 10%	2	4	3	6	2	2	7 (1.0)	12 (1.7)	19 (2.7)
11 - 20%	11	4	6	2	7	4	24 (3.5)	10 (1.4)	34 (4.9)
21 - 30%	1	4	0	0	1	3	2 (0.3)	7 (1.0)	9 (1.3)
31 - 40%	1	0	1	5	2	0	4 (0.6)	5 (0.7)	9 (1.3)
41 - 50%	1	1	0	2	1	0	2 (0.3)	3 (0.4)	5 (0.7)
51 - 60%	2	1	0	0	4	2	6 (0.9)	3 (0.4)	9 (1.3)
61 - 70%	3	0	1	1	3	0	7 (1.0)	1 (0.1)	8 (1.2)
71 - 80%	2	0	0	1	1	0	3 (0.4)	1 (0.1)	4 (0.6)
81 - 90%	2	0	0	0	2	0	4 (0.6)	0	4 (0.6)
91 and over	19	4	4	3	19	1	41 (5.9)	8 (1.2)	49 (7.1)
Totals	49 (12.8)	23 (6.0)	18 (9.5)	26 (13.7)	46 (39.0)	14 (11.9)	113 (16.4)	83 (12.0)	176 (25.5)

Percentages in the above 3 tables are out of the total number of files with garnishee summonses for each district and year, as taken from Table 23 in the Clerk's office study.

It is interesting to note that there was only one file in our entire sample in which the creditor received both garnishee monies through the Sheriff's office and sale proceeds. This combination resulted in full realization of the creditor's claim.

The above notation does not necessarily indicate that sale and garnishment are mutually exclusive remedies or that they are viewed as such by the creditor. This part of the study does not record unsuccessful garnishees nor does it document successful garnishees where the money is not paid out through the Sheriff's office.

IV. Total Success

The final tables attempt to illustrate success in an overall framework by combining monies paid to the creditor both from the Clerk's and the Sheriff's office. The values shown indicate the percentage of which the receipts are of the total claim. The values are further classified into dollar bands to illustrate the quantum of claim which one is more likely to be successful with.

Numbers appearing in square brackets in Tables 26 - 33 represent the number of files in which there was a satisfaction piece or a discharge. For example in Table 26 in the 1-500 dollar band, there were 85 files in which no recovery is documented through the system, but there were satisfaction pieces (which probably represent some positive action) in 16 of these.

Table 26 - Total Success Large 1980

	1-500	501- 1000	1005- 1500	1501- 2000	2001- 3000	3001- 4000	4001- 5000	5001- 10000	10001- 20000	Over 20000	Total	Total %
No recovery	88 [18]	84 [21]	52 [10]	38 [9]	53 [74]	36 [9]	27 [8]	54 [19]	28 [11]	30 [9]	490 [128]	70.1 [18.3]
1 - 5%			1		2 [1]	1		1		2	7 [1]	1.0 [0.1]
6 - 10%	3	1	1	1 [1]	4	1	1	1		1	14 [1]	2.0 [0.1]
11 - 20%		1	2	1	2	1		1	1	1	10	1.4
21 - 30%		2	1	2	1		1	2 [1]			9 [1]	1.3 [0.1]
31 - 40		1		1	1 [1]						3 [3]	0.4 [0.1]
41 - 50%	1	1					1				3	0.4
51 - 60%					2			1			3	0.4
61 - 70%					1 [1]						1 [1]	0.1 [0.1]
71 - 80%		1		1	1			1			4	0.5
81 - 90%	1		1								2	0.3
Over 91%	10 [2]	3 [1]		1	1	1		1			17 [3]	2.4 [0.4]
Total without satisfaction pieces	103 (14.7)	94 (13.4)	58 (8.3)	45 (6.4)	68 (9.7)	40 (5.7)	30 (4.3)	62 (8.9)	29 (4.1)	34 (4.9)	563 (80.5)	80.5
Satisfaction pieces	[20] (2.9)	[22] (3.1)	[10] (1.4)	[10] (1.4)	[17] (2.4)	[9] (1.3)	[8] (1.1)	[20] (2.9)	[11] (1.6)	[9] (1.3)	[136] (19.5)	[19.5]
Grand Total	123 (17.6)	116 (16.6)	68 (9.7)	55 (7.9)	85 (12.2)	49 (7.0)	38 (5.4)	82 (11.7)	40 (5.7)	43 (6.2)	699 (100.0)	100.0

Table 27 - Total Success Large District 1981

	1-500	501- 1004	1005- 1500	1501- 2000	2001- 3000	3001- 4000	4001- 5000	5001- 10000	10001 20000	Over 20000	Total	Total %
No recovery	69 [21]	106 [23]	54 [16]	39 [13]	69 [18]	28 [9]	26 [9]	48 [19]	36 [9]	28 [14]	503 [151]	85.5 [25.7]
1 - 5%	1	1			1	1	3	3	1 [1]	1	12 [1]	2.0 [0.2]
6 - 10%	1			1	2			1	2		7	1.2
11 - 20%		2	1	1	4 [1]		1 [1]	6 [1]	1	1	17 [3]	2.9 [0.5]
21 - 30%		1 [1]	3		1 [1]	1		1			7 [2]	1.2 [0.3]
31 - 40%	1	1 [1]	1		1						4 [1]	0.7 [0.2]
41 - 50%				1				1	1		3	0.5
51 - 60%		2	1								3	0.5
61 - 70%		1	1		1		1		1 [1]		5 [1]	0.9 [0.2]
71 - 80%											3	0.5
81 - 90%			1	1	1						3	0.5
Over 91%	16 [3]	4	2 [1]		2 [1]						24 [5]	4.1 [0.9]
Total without satisfaction pieces	64 (10.9)	93 (15.8)	47 (8.0)	30 (5.1)	61 (10.4)	21 (3.6)	21 (3.6)	40 (6.8)	31 (5.3)	16 (2.7)	424 (72.1)	72.1
Satisfaction pieces	[24] (4.1)	[25] (4.3)	[17] (2.9)	[13] (2.2)	[21] (3.6)	[9] (1.5)	[10] (1.7)	[20] (3.4)	[11] (1.9)	[14] (2.4)	[164] (27.9)	[27.9]
Grand Total	88 (15.0)	118 (20.1)	64 (10.9)	43 (7.3)	82 (13.9)	30 (5.1)	31 (5.3)	60 (10.2)	42 (7.1)	30 (5.1)	588 (100.0)	100.0

Table 28 - Total Success Medium District 1980

	1-500	501-1004	1005-1500	1501-2000	2001-3000	3001-4000	4001-5000	5001-10000	10001-20000	Over 20000	Total	%
No recovery	75 [13]	50 [11]	16 [6]	12 [2]	9 [4]	7 [3]	8 [1]	17 [1]	10 [2]	7 [3]	211 [46]	75.6 [16.5]
1 - 5%	3	2	3	1	1 [1]	1	0	1 [1]	0	3	15 [2]	5.4 [0.7]
6 - 10%	0	0	0	1	0	1	0	1	1 [1]	0	4 [1]	1.4 [0.4]
11 - 20%	0	5	0	1	2 [1]	1	0	1	1	0	1 [11]	3.9 [0.4]
21 - 30%	0	2	0	0	0	0	0	0	0	0	2 [0]	0.7 [0]
31 - 40%	3	1 [1]	0	0	0	0	0	1	0	0	5 [1]	1.8 [0.4]
41 - 50%	3	0	0	0	0	0	0	0	0	0	3 [0]	1.1 [0]
51 - 60%	0	0	0	0	1	0	0	0	0	0	1 [0]	0.4 [0]
61 - 70%	1	0	1	1 [1]	0	0	1 [1]	1	0	0	5 [2]	1.8 [0.7]
71 - 80%	0	0	0	0	0	0	0	0	0	0	0	0
81 - 90%	1	0	0	0	0	1	0	0	0	0	2 [0]	0.7 [0]
91% and over	11 [1]	4 [2]	3 [1]	0	0	0	2	0	0	0	20 [4]	7.2 [1.4]
Total without satisfaction pieces	83 (29.7)	50 (17.9)	16 (5.7)	13 (4.7)	7 (2.5)	8 (2.9)	9 (3.2)	20 (7.2)	9 (3.2)	7 (2.5)	222 (79.6)	79.6
Satisfaction pieces	[14] (5.0)	[14] (5.0)	[7] (2.5)	[3] (1.1)	[6] (2.2)	[3] (1.1)	[2] (0.7)	[2] (0.7)	[3] (1.1)	[3] (1.1)	[57] (20.4)	[20.4]
Grand Total	97 (34.8)	64 (22.9)	23 (8.2)	16 (5.7)	13 (4.7)	11 (3.9)	11 (3.9)	22 (7.9)	12 (4.3)	10 (3.6)	279 (100.0)	100.0

Table 29 - Total Success Medium District 1981

	1-500	501-1004	1005-1500	1501-2000	2001-3000	3001-4000	4001-5000	5001-10000	10001-20000	Over 20000	Total	%
No recovery	64 [11]	32 [8]	20 [4]	15 [5]	15 [5]	11 [1]	11 [2]	19 [4]	6 [1]	12 [2]	205 [43]	76.2 [16.0]
1 - 5%	2 [1]	0	0	0	0	1	0	3	1	0	7 [1]	2.6 [0.4]
6 - 10%	0	1	0	0	1	0	1	1	0	0	4 [0]	1.5 [0]
11 - 20%	1	2	1	3	0	1	0	2 [1]	1	0	11 [1]	4.1 [0.4]
21 - 30%	1	0	0	1 [1]	2	0	1	1	0	0	6 [1]	2.2 [0.4]
31 - 40%	2 [1]	1	1	0	0	0	0	0	0	1	5 [1]	1.9 [0.4]
41 - 50%	0	0	0	0	1	0	0	0	0	0	1 [0]	0.4 [0]
51 - 60%	0	3 [1]	0	0	0	0	0	0	0	0	3 [1]	1.1 [0.4]
61 - 70%	0	0	0	0	0	0	0	0	0	0	0	0
71 - 80%	0	0	1 [1]	0	1	1	0	0	0	0	3 [1]	1.1 [0.4]
81 - 90%	0	0	0	0	0	0	0	0	0	0	0	0
91% and over	12 [2]	6 [2]	1 [1]	2 [1]	1 [1]	0	1	1 [1]	1	0	24 [8]	8.9 [3.0]
Total without satisfaction pieces	67 (24.9)	34 (12.6)	18 (6.7)	14 (5.2)	15 (5.6)	13 (4.8)	12 (4.5)	21 (7.8)	7 (2.6)	11 (4.1)	212	78.8
Satisfaction pieces	[15] (5.6)	[11] (4.1)	[6] (2.2)	[7] (2.6)	[6] (2.2)	[1] (0.4)	[2] (0.7)	[6] (2.2)	[1] (0.4)	[2] (0.7)	[57] (21.2)	[21.2]
Grand Total	82 (30.5)	45 (16.7)	24 (8.9)	21 (7.8)	21 (7.8)	14 (5.2)	14 (5.2)	27 (10.0)	8 (3.0)	13 (4.8)	269 (100.0)	100.0

Table 30 - Total Success - Small District 1980

	1-500	501-1004	1005-1500	1501-2000	2001-3000	3001-4000	4001-5000	5001-10000	10001-20000	Over 20000	Total	%
No recovery	37 [10]	34 [7]	16 [4]	8 [2]	17 [2]	7 [4]	4 [1]	15 [3]	8 [2]	3 [1]	149 [36]	84.2 [20.3]
1 - 5%	0	0	0	0	0	0	1	0	0	0	1 [0]	0.6 [0]
6 - 10%	1	0	0	0	1	1 [1]	0	0	0	0	3 [1]	1.7 [0.6]
11 - 20%	0	0	0	0	0	0	0	1	0	0	1 [0]	0.6 [0]
21 - 30%	0	0	1	1	0	0	0	0	0	0	2 [0]	1.1 [0]
31 - 40%	0	0	1 [1]	0	0	0	1 [1]	0	0	0	2 [2]	1.1 [1.1]
41 - 50%	0	0	1	0	0	0	0	0	0	0	1 [0]	0.6 [0]
51 - 60%	1	0	0	1	0	1	0	0	1 [1]	0	4 [1]	2.3 [0.6]
61 - 70%	0	0	0	0	0	1 [1]	0	0	0	0	1 [1]	0.6 [0.6]
71 - 80%	0	1 [1]	0	0	0	0	0	0	0	0	1 [1]	0.6 [0.6]
81 - 90%	0	0	0	0	0	0	0	0	0	0	0	0
91% and over	5 [2]	3 [1]	1	0	2 [1]	1	0	0	0	0	12 [4]	6.8 [2.3]
Total without satisfaction pieces	32 (18.1)	29 (16.4)	15 (8.5)	8 (4.5)	17 (9.6)	5 (2.8)	4 (2.3)	13 (7.3)	6 (3.4)	2 (1.1)	131 (74.0)	(74.0)
Satisfaction pieces	[12] (6.8)	[9] (5.1)	[5] (2.8)	[2] (1.1)	[3] (1.7)	[6] (3.4)	[2] (1.1)	[3] (1.7)	[3] (1.7)	[1] (0.6)	[46] (26.0)	(26.0)
Grand Total	44 (24.9)	38 (21.5)	20 (11.3)	10 (5.6)	20 (11.3)	11 (6.2)	6 (3.4)	16 (9.0)	9 (5.1)	3 (1.7)	177 (100.0)	(100.0)

Table 31 - Total Success Small District 1981

	1-500	501-1000	1005-1500	1501-2000	2001-3000	3001-4000	4001-5000	5001-10000	10001-20000	Over 20000	Total	Total %
No recovery	41 [7]	19 [4]	16 [3]	13 [3]	10 [2]	7 [1]	4	17 [4]	9 [2]	2 [1]	138 [27]	85.2 [16.7]
1 - 5%								1			1	0.6
6 - 10%	1							2			3	1.9
11 - 20%	2						1	1			4	2.5
21 - 30%		1 [1]									1 [1]	0.6 [0.6]
31 - 40%		1									1	0.6
41 - 50%	1	1		1							3	1.9
51 - 60%		1									1	0.6
61 - 70%											0	0
71 - 80%		2									2	1.2
81 - 90%											0	0
Over 91%	4	3		1 [1]							8 [1]	4.9 [0.6]
Total without satisfaction pieces	42 (26.0)	23 (14.2)	13 (8.0)	10 (6.2)	9 (5.6)	6 (3.7)	5 (3.1)	17 (10.5)	7 (4.3)	1 (0.6)	133 (82.1)	82.1
Satisfaction pieces	[7] (4.3)	[5] (3.1)	[3] (1.9)	[3] (1.9)	[3] (1.9)	[1] (0.6)	[0] (0.0)	[4] (2.5)	[2] (1.2)	[1] (0.6)	[29] (17.9)	[17.9]
Grand Total	49 (30.2)	28 (17.3)	16 (9.9)	13 (8.0)	12 (7.4)	7 (4.3)	5 (3.1)	21 (3.0)	9 (5.6)	2 (1.2)	162 (100.0)	100.0

Table 32 - Total Success All Districts 1980

	1-500	501-1004	1005-1500	1501-2000	2001-3000	3001-4000	4001-5000	5001-10000	10001-20000	Over 20000	Total	%
No recovery	200 [41]	168 [39]	84 [20]	58 [13]	79 [20]	50 [16]	39 [10]	86 [23]	46 [15]	40 [13]	850 [210]	73.6 [18.2]
1 - 5%	3	2	4	1	3 [2]	2	1	2 [1]	0	5	23 [3]	2.0 [0.3]
6 - 10%	4	1	1	2 [1]	5	3 [1]	1	2	1 [1]	1	21 [3]	1.8 [0.3]
11 - 20%	0	6	2	2	4 [1]	2	0	3	2	1	22 [1]	1.9 [0.1]
21 - 30%	0	4	2	3	1	0	1	2 [1]	0	0	13 [1]	1.1 [0.1]
31 - 40%	3	2 [1]	1 [1]	1	1 [1]	0	1 [1]	1	0	0	10 [4]	0.9 [0.3]
41 - 50%	4	1	1	0	0	0	1	0	0	0	7 [0]	0.6 [0.0]
51 - 60%	1	0	0	1	3	1	0	1	1 [1]	0	8 [1]	0.7 [0.1]
61 - 70%	1	0	1	1 [1]	1 [1]	1 [1]	1 [1]	1	0	0	7 [4]	0.6 [0.3]
71 - 80%	0	2 [1]	0	1	1	0	0	1	0	0	5 [1]	0.4 [0.1]
81 - 90%	2	0	1	0	0	1	0	0	0	0	4 [0]	0.3 [0.0]
91% and over	26 [5]	10 [4]	4 [1]	1	3 [1]	2	2	1	0	0	49 [11]	4.2 [1.0]
Total without satisfaction pieces	218 (18.9)	173 (15.0)	89 (7.7)	66 (5.7)	92 (8.0)	53 (4.6)	43 (3.7)	95 (8.2)	44 (3.8)	43 (3.7)	916 (79.3)	79.3 [20.7]
Satisfaction pieces	[46] (4.0)	[45] (3.9)	[22] (1.9)	[15] (1.3)	[26] (2.2)	[18] (1.6)	[12] (1.0)	[25] (2.2)	[17] (1.5)	[13] (1.1)	[239] (20.7)	
Grand Total	264 (22.9)	218 (18.9)	111 (9.6)	81 (7.0)	118 (10.2)	71 (6.1)	55 (4.8)	120 (10.4)	61 (5.3)	56 (4.8)	1155 (100.0)	

Table 33 - Total Success All Districts 1981

	1-500	501-1004	1005-1500	1501-2000	2001-3000	3001-4000	4001-5000	5001-10000	10001-20000	Over 20000	Total	Total %
No recovery	174 [39]	157 [35]	90 [23]	67 [21]	94 [25]	46 [11]	41 [11]	84 [27]	51 [12]	42 [17]	846 [221]	83.0 [21.7]
1- 5%	.3 [1]	1	0	0	1	2	3	7	2 [1]	1	20 [2]	2.0 [0.2]
6 - 10%	2	1	0	1	3	0	1	4	2	0	14 [0]	1.4 [0.0]
11 - 20%	3	4	2	4	4 [1]	1	2 [1]	9 [2]	2	1	32 [4]	3.1 [0.4]
21 - 30%	1	2 [2]	3	1 [1]	3 [1]	1	1	2	0	0	14 [4]	1.4 [0.4]
31 - 40%	3 [1]	3 [1]	2	0	1	0	0	0	0	1	10 [2]	1.0 [0.2]
41 - 50%	1	1	0	2	1	0	0	1	1	0	7 [0]	0.7 [0.0]
51 - 60%	0	6 [1]	1	0	0	0	0	0	0	0	7 [1]	0.7 [0.1]
61 - 70%	0	1	1	0	1	0	1	0	1 [1]	0	5 [1]	0.5 [0.1]
71 - 80%	0	2	1 [1]	0	1	1	0	0	0	0	5 [1]	0.5 [0.1]
81 - 90%	0	0	1	1	1	0	0	0	0	0	3 [0]	0.3 [0.0]
Over 91%	32 [5]	13 [2]	3 [2]	3 [2]	3 [2]	0	1	1 [1]	0	0	56 [14]	5.5 [1.4]
Total without satisfaction pieces	173 (17.0)	150 (14.7)	78 (7.7)	54 (5.3)	85 (8.3)	40 (3.9)	38 (3.7)	78 (7.7)	45 (4.4)	28 (2.7)	769 (75.5)	(75.5)
Satisfaction pieces	[46] (4.5)	[41] (4.0)	[26] (2.6)	[23] (2.3)	[30] (2.9)	[11] (1.1)	[12] (1.2)	[30] (2.9)	[14] (1.4)	[17] (1.7)	[250] (24.5)	[24.5]
Grand Total	219 (21.5)	191 (18.7)	104 (10.2)	77 (7.6)	115 (11.3)	51 (5.0)	50 (4.9)	108 (10.6)	59 (5.8)	45 (4.4)	1019 (100.0)	(100.0)

Summary of Sheriff's Office Findings

1. Slightly over 8% of the writs of execution filed with the Clerk of the court were never filed in the Sheriff's office. (Table 1)
2. Of the writs of execution filed in the various Sheriff's office, approximately 35% had no further action recorded on the claim other than the initial filing of the writ. (Table 2)
3. Approximately 34% of writs filed were renewed at least once. Of this figure 23% of the files were renewed only once, 9% were renewed twice and the remainder were renewed three or more times. (Table 6)
4. Assignment of judgment arose infrequently with a total amounting to roughly 1%. The majority of the assignments were motor vehicle accident claims. (Table 7)
5. In 18% of the writs filed a discharge or satisfaction was recorded. In the majority of cases the discharge was filed without any warrant to seize being issued. (Table 8)
6. Of the 1055 files in which some action was recorded, 409 warrants of seizure were issued. Seizures were made on 42% of the warrants issued. (Table 9)
7. The most common reason given for seizure not being made on a warrant was that the whereabouts of the debtor was unknown (35% of unsuccessful attempts). In 30% of unsuccessful attempts at seizure the debtor had no exigible assets above exemptions according to the bailiff's explanation. Other reasons included

instruction to hold action (10%), payment upon attempt (8%), prior satisfaction (3%), assets owned by a third party (3%). (Table 10)

8. Where seizures were made the most common assets seized were motor vehicles (65%). Seizures of farm machinery and of office furnishings each account for 5% of seizures made. (Table 11)

9. In 53% of seizures the asset(s) were left with the debtor or a member of his family under a bailee's undertaking. Notices of objection were frequently used by debtors who filed such in 56% of seizures. Orders for removal and sale were obtained in 15% of seizures, whereas 29% of seizures were released by the creditor. Judicial sale of assets occurred in only 12% of seizures. (Table 12)

10. Monies were received and credited on renewals in 6% of the files. Of the 6% credited, approximately one quarter showed payments of 50% or more of the claim. (Table 16)

11. In the sample 18% of the writs filed were discharged. In slightly more than half this figure no action had been taken. (Table 19)

12. Out of the number of writs filed 2% received some proceeds from a Sheriff's sale of seized assets. Of the files with sale proceeds, only 17% received 50% or more of the original claim. (Table 22)

13. In 25% of the files utilizing garnishment, there was payment out of monies to the creditor through the Sheriff's offices. In terms of total writs filed with the Sheriff's office, this represents approximately 11%. (Table 25)

14. In our final analysis, which combines monies paid to the creditor through the Clerk's office and the Sheriff's office,

more than 50% of the judgement was realized in approximately 7% of the files. However, in the files in which less than 50% of the claim was realized satisfaction pieces occurred in 21%.

(Table 32 and 33)