

EXPLANATORY NOTES

CONTESTATION OF THE GARNISHEE'S DECLARATION (SJ-857-06A)

The "Contestation of the Garnishee's Declaration" form is used if you want to contest the garnishee's declaration. You have 10 days to contest.

IMPORTANT: Any application, contestation or opposition with respect to execution of a judgment is presented in the district of the court that rendered the judgment that gave rise to the initial notice of execution. For further information, you may contact the executing bailiff or the clerk.

TYPES OF FORMS

- Dynamic PDF:

After completing the form, you can print it on letter-sized paper, i.e. 8.5 inches by 11 inches (215.9 mm by 279.4 mm).

- Paper:

If you complete the form by hand, please write legibly in block letters.

PROCEDURE

Once the form is completed, you should keep a copy for your files.

You will need to contact the Small Claims Division office to obtain information to complete the "Notice of Summons" section of the form.

FILING AT THE COURT OFFICE

You must then submit the contestation without delay to the Small Claims Division office.

To do this, you may use the Digital Court Office of Québec (GNJQ), which is accessible via the website of the Ministère de la Justice at www.justice.gouv.qc.ca.

The clerk will immediately notify the other parties involved and call them to a hearing.

For further information, as well as the contact information for all [courthouses](#) in the province of Québec, consult the website of the Ministère de la Justice.

► How to complete the form “Contestation of the Garnishee’s Declaration”

- Provide all the information requested in all the required sections.
- The numbers of the explanatory notes refer to the corresponding sections of the form.

HEADING

1 To complete the heading of the form:

- As regards the district, locality, file number and identity of the plaintiff and defendant: enter in the appropriate spaces, the information given in the heading of the judgment, the notice of execution or the bailiff’s minutes of seizure.

INFORMATION CONCERNING THE GARNISHEE’S DECLARATION

2 In the appropriate spaces, enter:

- the name of the declarant and the date of the declaration;
- that which was indicated in the garnishee’s declaration.

GROUND(S) FOR CONTESTING THE GARNISHEE’S DECLARATION

3 State your ground(s) for contesting the declaration.

CONCLUSIONS SOUGHT

4 Check and complete the conclusions that apply to your situation, taking care to enter the required information.

BOTTOM OF PAGE

5 In the appropriate space, enter:

- the place and date of signing;
- your signature;
- in what capacity you are acting (for example: plaintiff or defendant).

1

_____ _____ _____ Plaintiff _____ _____	_____ _____ _____ Defendant and _____ _____
Executing bailiff	Garnishee

CONTESTATION OF THE GARNISHEE'S DECLARATION
(a. 711, Code of Civil Procedure)

2

The ☐ Plaintiff ☐ Defendant asks the Court to dismiss the declaration of _____ ,
the garnishee, signed on _____ , which indicates that:

3

The ☐ Plaintiff ☐ Defendant invokes the following grounds to justify its contestation:

ON THESE GROUNDS, THE ☐ PLAINTIFF ☐ DEFENDANT ASKS THE COURT TO:

4

☐ **DISMISS** the garnishee's declaration signed on _____ ;

☐ **DECLARE** that, at the time of notification of the seizure in the hands of a third person, i.e. on _____ ,
the garnishee owed the defendant an amount greater than that declared, and **ORDER** the garnishee to pay the plaintiff
the amount owed to the defendant, in principal and interest, up to the amount of the claim;

☐ **DECLARE** that, at the time of notification of the seizure in the hands of a third person, i.e. on _____ ,
the garnishee held the following movables belonging to the defendant:

_____ ;

and **ORDER** the garnishee to remit to the executing bailiff the above-mentioned movables belonging to the defendant,
so that they may be sold by way of judicial sale and the proceeds of the sale distributed according to law.

☐ _____

THE WHOLE with legal costs against the garnishee.

5 At _____ , on _____

☐ Plaintiff ☐ Defendant

NOTICE OF SUMMONS

TO: _____
Plaintiff

TO: _____
Defendant

TO: _____
Garnishee

Take notice that this contestation was filed in the present case.

Consequently, in accordance with articles 566 and 711 of the Code of Civil Procedure, you are summoned to a hearing of this contestation to be held at the _____ courthouse, located at _____, on _____, at _____ a.m./p.m., room _____.

For the purposes of the hearing, bring the documents you see fit to submit to the Court.

At _____, on _____

Clerk