

UNEDITED

The Exemptions Act

being

Chapter 88 of *The Revised Statutes of Saskatchewan, 1953*
(effective February 1, 1954).

FOR HISTORICAL REFERENCE ONLY

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER 88

An Act exempting Certain Property from Seizure and Sale under Execution

SHORT TITLE

Short title

1 This Act may be cited as *The Exemptions Act*.

R.S.S. 1953, c.88, s.1.

EXEMPTIONS

Exemptions under executions

2(1) The following real and personal property of an execution debtor and his family is hereby declared free from seizure by virtue of writs of execution, namely:

- 1 The necessary and ordinary clothing of himself and his family;
- 2 Furniture and household furnishings and household appliances, to the extent of \$1,000;
- 3 Grain, flour, vegetables and meat, whether prepared for use or on foot, or any of them, sufficient when converted into cash to provide food and fuel for heating purposes for the execution debtor and his family until the next ensuing harvest;
- 4 All animals, harness, farm machinery, dairy utensils and farm equipment, including one automobile or one motor truck, that are reasonably necessary for the proper and efficient conduct of the execution debtor's agricultural operations for the next ensuing twelve months;
- 5 One motor vehicle where the same is necessary for the proper and efficient conduct of the execution debtor's trade, calling or profession; provided that such motor vehicle is not in addition to the automobile or motor truck mentioned in paragraph 4;
- 6 The books of a professional man;
- 7 The tools and necessary implements and office furniture and equipment, to the extent of \$1,000, used by the execution debtor in the practice of his trade, calling or profession;
- 8 Seed grain sufficient to sow all his land under cultivation at the rate of two bushels per acre, the execution debtor to have choice of seed, and fourteen bushels of potatoes for planting;

9 The crop of the execution debtor to such extent as is sufficient when converted into cash, along with any other means that he may have, to pay all unpaid legitimate costs of harvesting the crop and to provide a necessary living allowance for the support of himself and his family until the crop of the following year is about to be harvested and to provide necessary costs of his farming operations until that time. Where an exemption of crops is claimed by the execution debtor and allowed by the sheriff as being necessary, in addition to the exemptions granted by the foregoing paragraphs, for the purpose of providing such living allowance or for the purpose of providing costs of such farming operations, then any article in respect of the purchase of which an exemption of crops is allowed, if purchased before the crop of the following year is harvested, shall be free from seizure;

10 The homestead, provided the same is not more than one hundred and sixty acres; and if it is more the surplus may be sold subject to any lien or encumbrance thereon;

11 The house and buildings occupied by the execution debtor and also the lot or lots on which the same are situated according to the registered plan of the same to the extent of \$8,000.

(2) No seed grain exempt from seizure under this section and no crop so exempt and no cash received from the sale of any crop so exempt shall be disposed of or used by the execution debtor except for the purpose or purposes for which an exemption of seed grain or crop is provided by this section and allowed by the sheriff.

1953, c.35, s.2; R.S.S. 1953, c.88, s.2.

CHATTELS UNDER MORTGAGE

Exemptions under chattel mortgage

3(1) Notwithstanding anything contained in any Act in force in Saskatchewan or in any agreement to the contrary, any person who, after the first day of June, 1953, executes a chattel mortgage on any of the chattels mentioned in subsection (1) of section 2 shall, in case of a seizure under the mortgage, have the right to claim as exempt from seizure and from sale any such chattels covered by the mortgage which cannot be seized or sold without depriving the mortgagor of the number, or part of the number, of the kind of such chattels which, by virtue of section 2, he may hold free from seizure under execution:

Provided that where a mortgage on any of the chattels mentioned in subsection (1) of section 2 is given to the Canadian Farm Loan Board, the mortgagor may agree with the board to waive the right conferred upon him by this section, and any agreement so made shall be valid and binding upon the mortgagor.

(2) Subsection (1) does not apply with respect to a chattel mortgage executed as security for:

- (a) the purchase price of seed grain or of meat, groceries, flour, clothing, coal or binder twine;
- (b) a loan guaranteed under the *Home Improvement Loans Guarantee Act (Canada)*; or
- (c) a guaranteed farm improvement loan within the meaning of the *Farm Improvement Loans Act (Canada)*.

R.S.S. 1940, c.80, s.3; 1953, c.35, s.3; R.S.S.
1953, c.88, s.3.

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Interpleader

4 In the event of a dispute arising as to the mortgagor's right to have any chattels covered by a chattel mortgage exempted from seizure and sale under the mortgage, the rules of court as to interpleader shall apply and the proceedings shall be taken in the district court for the judicial district in which the chattels or any part thereof are situated.

R.S.S. 1940, c.80, s.4; R.S.S. 1953, c.88, s.4.

GENERAL

Exceptions

5(1) Except in the case of the food, clothing and bedding of the execution debtor and his family, nothing in this Act shall exempt from seizure any article the price of which forms the subject matter of the judgment upon which the execution is issued.

(2) Except in the case of the food, clothing and bedding of the mortgagor and his family, nothing in this Act shall exempt from seizure and sale under a chattel mortgage any article the price of which forms the consideration for which the mortgage was given.

R.S.S. 1940, c.80, s.5; R.S.S. 1953, c.88, s.5.

Deceased debtor

6 In case of the death of an execution debtor, or of a mortgagor referred to in section 3, his property exempt from seizure under execution or under the mortgage shall be so exempt as against his personal representative if it is in the use and enjoyment of the widow and children or widow or children of the deceased and is necessary for the maintenance and support of the widow and children or any of them.

R.S.S. 1940, c.80, s.6; R.S.S. 1953, c.88, s.6.

Right of selection

7 The debtor or mortgagor, his widow or family, or, in the case of infants, their guardian, may select from a greater quantity of the same kind of chattels, the chattels exempt from seizure.

R.S.S. 1940, c.80, s.7; R.S.S. 1953, c.88, s.7.

Absconding debtors

8 The provisions of sections 2 and 3 do not apply to cases where a debtor or mortgagor has absconded or is about to abscond from Saskatchewan leaving no wife or family behind; nor do the provisions of section 2 apply to executions issued upon judgments or orders for the payment of alimony or for the payment of maintenance by a husband to his wife or his former wife, as the case may be, or for the payment of maintenance for any child of the debtor or judgments founded upon separation agreements.

R.S.S. 1940, c.80, s.8; 1953, c.35, s.4; R.S.S. 1953, c.88, s.8.

GOVERNMENT ANNUITIES

Interest in annuity exempt

9 The property and interest of an annuitant in an annuity or of any person interested in or entitled to a contract for an annuity under the *Government Annuities Act (Canada)*, and any moneys payable or paid under a contract for an annuity, shall be exempt from seizure, levy or attachment by or under the process of any court, and shall not be affected by any trust, charge or lien:

Provided that nothing contained in this Act is intended to conflict or be inconsistent with any enactment or provision of the *Government Annuities Act (Canada)* or any amendments thereto.

R.S.S. 1940, c.80, s.9; R.S.S. 1953, c.88, s.9.