

## Part 50 Exhibits

### Exhibits

**699(1)** Exhibits filed on a hearing or trial shall be dated, numbered and marked to indicate the parties involved, whose property they are and by whom filed, and a list thereof, briefly describing the exhibits and stating by whom put in, shall be entered in the books mentioned in Rule 719.

**(2)** Exhibits at the trial may be delivered out to the party whose property they are, at any time after judgment without any order, on the consent of the opposite party; or by order on notice to the opposite party at any time after the time for appealing has expired, if no notice of appeal has been given.

**(3)** Where exhibits have not been applied for within two years from the date of trial, or, if an appeal has been taken, within two years of the conclusion of the appeal, the clerk or Registrar may serve notice on the solicitor for the parties that unless the exhibits are applied for in three months they will destroy or otherwise dispose of them and subject to subrule (4), unless the exhibits are applied for within that period, the clerk or Registrar may on order of a judge, destroy or otherwise dispose of them.

**(4)** Where it is made to appear to a court that service cannot be effected, the court may order substitutional service or may dispense with service.

**(5)** The Clerk may return exhibits to the respective lawyers or parties who put the exhibits in evidence at the trial after

- (a) expiration of the time for appeal, or
- (b) disposition of the appeal.

AR 390/68 s699;101/99

### Authenticated photographs of personal property

**699.1(1)** If a party wishes to put personal property in evidence, the party may, in addition to or in substitution for the property, file one or more photographs

- (a) if permitted or directed by the Court, or
- (b) with the agreement of the other party or parties.

**(2)** The party filing the photographs must provide an accompanying certificate of authentication by the photographer certifying, with respect to each photograph:

- (a) the date, time and place at which the photograph was taken;

- (b) the name of the photographer;
- (c) whether the photograph has been modified, enhanced or altered in any way, or otherwise tampered with;
- (d) any other matter directed by the Court.

**(3)** An authenticated photograph filed under subrule (1) must be treated by the Court in the same manner as if the personal property had been received in evidence, but if in the opinion of the Court the quality or contents of a photograph is not adequate, the Court may

- (a) direct that the photograph not be used, or
- (b) give any other direction the Court considers appropriate in the circumstances.

AR 101/99 s13

## Part 51 Size of Documents

### Printing & size

**700(1)** Unless otherwise provided, all documents shall be printed, typewritten, or reproduced legibly in a clear and legible manner upon one side of good quality paper not exceeding 8 1/2 inches in width or 11 inches in length.

**(2)** A clerk or Registrar may under special circumstances accept any document which is not in conformity with this Rule.

AR 390/68 s700

## Part 52 Sanctions

### No attachment or committal for civil contempt

**701** No order shall be made for attachment for civil contempt or for committal for civil contempt.

AR 390/68 s701

### Declaration of court

**702(1)** The court may, of its own motion or upon application, declare that any person is in civil contempt.

**(2)** The court may order any person to appear before it or may order any person taken into custody and brought before it to show cause why he should not be held in civil contempt.

**(3)** If a lawyer is served with a notice or an application seeking an order of contempt against that lawyer's client, the lawyer must notify the client of the notice or application as soon as possible after being served.

AR 390/68 s702;172/99

### Civil contempt

**703(1)** Every person is in civil contempt who

- (a) fails, without adequate excuse, to obey any order of the court, other than an order for the payment of money, or
- (b) fails, without adequate excuse, to obey a notice to attend as witness, served upon him, or to attend for examination for discovery in accordance with an appointment therefore served upon him, or to comply with any notice or order for production of documents, within his power or possession, served upon him, or
- (c) being a witness in any action or proceeding or upon examination for discovery refuses to be sworn or to affirm or to answer proper questions, or
- (d) fails, without adequate excuse, to perform and observe the terms of any undertaking given to the court, or
- (e) being a member of the Law Society of Alberta, fails, without adequate excuse, to file a statement of defence or demand of notice in accordance with his written undertaking so to do, or
- (f) has done or failed to do any act or thing which by these Rules or by any statute of Alberta is contempt of court or civil contempt.

**(2)** Nothing in this Part provides, or is to be construed as providing, a penalty or punishment or other mode of proceeding to enforce the *Protection Against Family Violence Act*, or that is a penalty or punishment in relation to the enforcement of that Act.

(3) Nothing in this Part prevents, or is to be construed as preventing, the Court, as a superior court, from exercising its inherent power to punish and cite in contempt those who disobey the lawful orders of the Court, or who otherwise display contempt for its process, including, where appropriate, contempt for orders made under the *Protection Against Family Violence Act*.

AR 390/68 s703;101/99

## **Punishment**

**704(1)** Every person in civil contempt is liable to any one or more of the following:

- (a) imprisonment until he has purged his contempt;
- (b) imprisonment for not more than 2 years;
- (c) a fine and in default of paying the fine to imprisonment for not more than 2 years;
- (d) if a party to an action or proceeding
  - (i) to have his pleadings or part thereof struck out;
  - (ii) to have his action or proceeding stayed;
  - (iii) to have his action dismissed or judgment entered against him;
  - (iv) to be prohibited from introducing in evidence designated documents, or things or testimony.

(2) The court may also order any person in civil contempt to pay any other person such costs and expenses as may be considered proper.

(3) The court may waive the imposition of any sanction or suspend any punishment where a person held in civil contempt has purged his contempt.

(4) The judge by whom any sanction has been imposed for civil contempt under this Rule may, upon such notice as may be directed, vary or remit the sanction.

(5) An appeal lies to the Court of Appeal in respect of an order holding any person in civil contempt and in respect of the penalty imposed therefor.

(6) An application for bail pending appeal may be made to a judge of the Court of Appeal who may in appropriate cases order that the appellant be released pending the determination of his appeal.

(7) The Bail Rules of the Court of Appeal apply, with necessary changes, to an application under subrule (6).

AR 390/68 s704;209/74;338/83;87/92

**Mental disorder**

**704.1(1)** In this Rule,

- (a) “examination” means a medical examination conducted for the purposes of determining a person’s mental state;
- (b) “facility” means
  - (i) a facility as defined in section 1 of the *Mental Health Act*, or
  - (ii) a correctional institution as defined in section 1 of the *Corrections Act*.

**(2)** Where a person has been held to be in civil contempt and the court is satisfied that there are reasonable and probable grounds to believe that the person

- (a) is suffering from a mental disorder,
- (b) is in a condition presenting or likely to present a danger to himself or others, and
- (c) would otherwise be unwilling on that person’s own initiative to attend an examination,

the court may order that the person be taken into custody by a peace officer and conveyed to a facility for the purposes of examination and a report to the court, as directed by the court.

**(3)** Where a person is taken into custody under subsection (2), the order made under subsection (2) is sufficient authority to examine, care for, observe, assess, detain and control the person named in the order.

AR 243/96 s34

## Part 53 Sittings of Courts

### Time and place

**705** The judges of the Court of Queen's Bench and Court of Appeal shall appoint the days and places upon which sittings for trial of actions shall be held, but a judge may hold a special sitting at any other time or place.

AR 390/68 s705;338/83

### Chamber sittings

**706** Sittings in chambers shall be held at such times and places as the judges appoint.

AR 390/68 s706

### Adjournment from chambers into court

**707** The hearing of any application or petition in chambers may be adjourned from chambers into court and, subsequently, from court into chambers.

AR 390/68 s707

### Absence of judge

**708** If from illness or other cause there is no judge present at the time and place appointed for holding a sitting, the clerk may make such adjournment or adjournments as may be necessary.

AR 390/68 s708

### Adjournment

**709** Any sittings either in court or in chambers may be adjourned from time to time and from place to place.

AR 390/68 s709

### Hearing in vacation

**710** One or more of the judges shall be selected for the hearing (in Edmonton and Calgary) during the vacations of all such applications as may require to be heard promptly.

AR 390/68 s710



## Part 54 Officers and Offices

### Repealed

**711** Repealed AR 338/83 s25.

### Personal attendance

**712(1)** No business shall be transacted in any of the offices of the Court of Queen's Bench, either in procuring or issuing process or in entering judgments or taking any proceeding whatever in a cause or matter, unless upon the personal attendance of the party on whose behalf the business is required to be transacted or of the solicitor of the party or the clerk or agent of the solicitor or the clerk of the agent.

**(2)** Notwithstanding subrule (1) the clerk of the court may issue summonses, statements of claim, file defences or any documents, make all necessary searches, note defendants in default, enter default judgments, tax costs in default judgments, issue executions and perform other ex parte transactions of a like nature in all cases in which the necessary documents are forwarded with necessary and specific instructions to the clerk of the court, fully completed and without blanks except dates, and accompanied by fully prepaid and addressed envelopes for the return of documents when return by mail is requested.

AR 390/68 s712;313/81;338/83;87/92

### Absence of clerk of court

**713** In case of the absence or illness of any officer to whom any special duty is assigned the duty may be performed by such other officer as may be designated for that purpose by the Chief Justice, or, in the absence of the Chief Justice, by the Chief Justice of the Court of Queen's Bench.

AR 390/68 s713;338/83

### Clerk may appoint person

**714(1)** A clerk, registrar, deputy clerk, deputy registrar or process issuer, being absent or ill, may in writing appoint some person to act for him and that person during the absence or illness has and shall use and exercise all the powers, duties and functions of the officer appointing him.

**(2)** Any clerk, registrar, deputy clerk or deputy registrar may, in writing, designate a member of his staff to sign or certify documents on his behalf while the clerk, registrar, deputy clerk or deputy registrar is engaged in other duties.

**(3)** The responsibility of the clerk, registrar, deputy clerk or deputy registrar does not cease by reason of an appointment under this Rule.

AR 390/68 s714;243/96

**Office in which action commenced**

**715(1)** The office in which the first document in a cause or matter is required to be filed shall be deemed to be the office in which the cause or matter is commenced.

**(2)** Proceedings commenced in the office of a process issuer shall for the purposes of this Rule be deemed to have commenced in the office of the clerk of the court in the judicial district for which the process issuer is appointed.

AR 390/68 s715

**Office proceedings carried on**

**716** Unless otherwise ordered all proceedings in a cause or matter shall be carried on in the office in which the cause or matter is commenced.

AR 390/68 s716

**Issue of statement of claim**

**717** Each clerk of court and deputy clerk and process issuer shall issue any statement of claim required for the commencement of an action upon receiving a copy thereof to be filed in his office.

AR 390/68 s717

**Seal**

**718** Each clerk of court, deputy clerk and process issuer shall have a seal and he shall seal therewith and sign all writs, statements of claim and process issued by him.

AR 390/68 s718

**Duties of clerk of court**

**719** Every clerk and deputy clerk in addition to any other duties which he may be required by law to perform, shall:

- (a) receive, file and have the custody of all pleadings, petitions, reports, depositions, affidavits, bonds and other papers in every action, suit, matter and proceeding in the court of which he is clerk or deputy clerk, and make or cause to be made entries thereof in the proper books;
- (b) amend pleadings, enter notes of default in pleadings and give certificates thereof;
- (c) have the care and custody of all documents required or ordered to be deposited for safekeeping or otherwise under any order of the court or any Act of Parliament, and make or cause to be made entries thereof in proper books;
- (d) issue all writs, commissions and orders and issue writs of enforcement and other process under judgments or orders;
- (e) certify proceedings, examine and authenticate office copies of

pleadings and other proceedings, prepare, sign and issue certificates for registration, receive commissions and attend the opening of them;

- (f) sign all judgments required to be signed in his office, issue all such judgments and all orders pronounced within the judicial district of which he is clerk or deputy clerk and enter such thereof as by the Rules and practice are required to be entered and have the custody of judgment and order books;
- (g) set down actions for trial, motions, appeals, special cases and other business coming before the court or a judge thereof;
- (h) attend with records, exhibits and papers on the court or judges thereof;
- (i) act by himself or by some person designated by him as clerk of the court or to a judge at any sitting for the trial of civil or criminal causes, matters or proceedings in court, and in chambers where there is no clerk in chambers enter in proper books a record of all such proceedings and settle and issue all judgments and settle and sign all orders pronounced thereat;
- (j) keep an account or accounts of all fines, fees and moneys payable to or paid into and out of court in proper and approved books;
- (k) tax costs and act as examiner and as referee when required;
- (l) keep such books as are required by these Rules or by the Attorney General and do and perform all such other acts and duties as may be required of him by the judges or by the Attorney General or by any Act;
- (m) in accordance with the directions of the Court, record and keep a detailed log of proceedings of the Court and ensure that the tape and log are properly and securely stored along with any record that is capable of being represented or reproduced visually or by sound, or both.

AR 390/68 s719;277/95;152/2000

#### Process issuer

**720** A process issuer shall be supplied by the clerk of the court or deputy clerk with blank forms, original and *mesne* processes and shall issue same. He shall sign each one before issuing it, collect the fees payable in respect thereof and make the proper entries in the record book. Immediately upon issuing process by which an action or proceeding is commenced he shall mail to the clerk of the court or deputy clerk from whom he received the process the copy thereof left with him, if any, or if no copy be filed, then a notice setting out the style of cause, the nature of the process, the date of same and the particulars in regard to the claim.

AR 390/68 s720

**Clerk in chambers**

**721** The clerk in chambers shall be attached to the office of the clerk of the court and shall perform such duties as may be assigned to him by the clerk or by the Rules of Court. He shall attend all sittings of a judge in chambers and enter in a proper book a complete record of all proceedings; he shall settle and sign all orders and settle and issue all judgments made by a judge in chambers.

AR 390/68 s721

**Notice to be given**

**721.1(1)** Every party

- (a) who receives an order, or
- (b) in whose favour the Court makes an order,

imposing duties on an officer to whom this Part applies shall, unless the Court otherwise directs, give to that officer written notice of the order and of the duty imposed pursuant to the order.

**(2)** The filing of an order made under subrule (1) does not constitute notice to the officer.

AR 277/95 s43

**Repealed**

**722** Repealed AR 338/83 s28.

**Duties of Registrar**

**723** A registrar of the court shall perform such duties as may be required of him under any Rule or assigned to him by a judge of the Court of Appeal or by the Attorney General and shall:

- (a) receive and file notices of appeal and of motions to the Court of Appeal and all papers and documents in connection therewith;
- (b) forthwith, after appeal records in a case have been filed, transmit to each judge before whom the appeal is to be heard, a copy of the appeal record;
- (c) enter in a proper book provided for that purpose a list of appeals and motions set down for hearing at each sitting of the court; make out and post a list of the appeals and motions and furnish each judge of the court with a copy thereof;
- (d) have control and custody of appeal records, records, exhibits, affidavits and papers relating to appeals, motions and matters before the court until the conclusion thereof;
- (e) attend with records, exhibits and papers on the court or the judges thereof and keep a full and complete record of all

proceedings before the court or the judges thereof, showing the names of the judges present, the date, the style of cause in each case, the names of counsel and for whom appearing, the particulars of the appeal or motion, the result, the judgment or judgments, if any, given, and the time occupied in hearing;

- (f) settle and issue all judgments and settle and sign all orders made by the court at which he attended and all orders made by a judge thereof, and tax the costs of motions and appeals before the court;
- (g) unless otherwise ordered, at the conclusion of an appeal and after issue of the order of judgment and the taxation of costs; transmit to the office in which the action or proceeding was commenced all papers relating thereto except the appeal records; retain possession of the appeal records in appeals entered for hearing at the place where he has his office.

AR 390/68 s723;338/83;97/2008

### Official court reporter

**724** An official court reporter is an officer of the court and shall perform such duties as may be required of him under the Rules or assigned to him by the Attorney General, and in addition to any other duties which he may be required by law to perform shall

- (a) attend on the court or the judges thereof when required and take down in shorthand a full and complete record of the proceedings before the court or judge thereof,
- (b) attend when required and take down in shorthand any oral examination under oath pursuant to the Rules,
- (c) keep in safe custody all shorthand notes of any proceedings or examinations taken by him, and
- (d) faithfully transcribe all shorthand notes of those proceedings or examinations and deliver a copy of the transcript whenever legally required to do so.

AR 390/68 s724;182/76;16/2002

### Copy of transcript

**725** An official court reporter or a shorthand reporter employed to take shorthand in any actions, suit, matters and proceedings before the court or a judge or upon any examination shall upon receipt of his fees furnish copies of the transcript of his notes therein to the parties interested in the order in which they are required of him unless otherwise ordered by a court.

AR 390/68 s725

### Fees

**726** The fees payable for copies of evidence shall be fees fixed by the Attorney General.

AR 390/68 s726

**Dispute to be settled by court**

**727** Any dispute regarding the amount of fees payable to an official court reporter or shorthand reporter shall be settled by a court.

AR 390/68 s727

**Powers of reporter on oral examination**

**728** Whenever an official court reporter attends on and takes down in shorthand any oral examination under oath held pursuant to a Rule it is not necessary for the examiner, commissioner, clerk or deputy clerk, as the case may be, to be present at the examination, and an official court reporter so attending in the absence of the examiner, commissioner, clerk or deputy clerk, as the case may be, has power to perform the duties of the examiner, commissioner, clerk or deputy clerk, and in particular but not so as to restrict the generality of the foregoing has power to administer oaths, to take affidavits, to receive affirmations and to mark exhibits.

AR 390/68 s728

**Transcript as evidence**

**729** Any transcript of shorthand notes taken by an official court reporter in the course of his official duties is when certified by him to be a true and faithful transcript receivable in evidence, saving all just exceptions, without proof of his signature.

AR 390/68 s729

## Part 54.1 Use of Telecopiers

### Repealed

**729.1** Repealed AR 277/95 s44.

### Filing of documents

**729.2(1)** Notwithstanding Rule 712,

- (a) any document that may be issued or filed, and
- (b) any transaction that may be carried out,

by means of mail under Rule 712(2) may be issued or filed or carried out by means of a telecopier in accordance with this Part.

**(2)** Notwithstanding subrule (1), the clerk of the court may refuse to issue or file a document under this Part if in the opinion of the clerk of the court the document is of a type or has physical characteristics that are such that the document should not be issued or filed under this Part.

AR 50/93 s3

### Use of telecopiers

**729.3(1)** Documents shall only be transmitted and transactions shall only be carried out pursuant to this Part

- (a) from locations, and
- (b) by means of telecopiers,

that are designated by the clerk of the court as eligible locations and eligible telecopiers.

**(2)** A person is not eligible to transmit a document or carry out a transaction by means of telecopier under this Part unless that person has entered into an agreement with the clerk of the court governing, subject to these Rules, the provision of services under this Part and the payments to be made for the provision of those services.

AR 50/93 s3

### Validity of copies

**729.4** Where the clerk of the court

- (a) issues or files a document under this Part, and
- (b) returns by telecopier or otherwise to the person who submitted the document for issuing or filing a true copy of that issued or filed document bearing a notation that the document was issued

or filed by means of a telecopier,

that copy of the issued or filed document is valid for the purposes of any Rule that refers to an original, true copy, certified copy or concurrent copy.

AR 50/93 s3;160/93

#### **Affidavits**

**729.5** Notwithstanding Rule 729.4, where an affidavit is filed with a clerk by means of a telecopier, the original of that affidavit must be filed with that clerk within 15 days from the day that the affidavit was filed with that clerk by means of a telecopier.

AR 269/97 s17

**Part 55**  
**Rules as to Practice and Procedure**  
**Made Under the Reciprocal**  
**Enforcement of Judgments Act**

**Ex parte application**

**730** An ex parte application pursuant to section 2(2) of the *Reciprocal Enforcement of Judgments Act* for an order to register a judgment may be made without commencing proceedings by petition, originating notice, statement of claim or any other pleading.

AR 390/68 s730;87/92

**Originating notice**

**731** In a case to which section 2(2) of the *Reciprocal Enforcement of Judgments Act* does not apply, notice of the application shall be given to the judgment debtor by an originating notice.

AR 390/68 s731;87/92

**Affidavit**

**732** Where proceedings are commenced by originating notice as required by Rule 731, the application shall be supported by an affidavit exhibiting an exemplification or certified copy of the judgment.

AR 390/68 s732

**Style of cause**

**733** All pleadings under the *Reciprocal Enforcement of Judgments Act* shall have a style of cause in the following form:

“In the matter of the *Reciprocal Enforcement of Judgments Act* and in the matter of a judgment of (describe court) obtained by (describe the cause or matter) and dated the \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_”.

AR 390/68 s733;87/92

**Service of notice of registration**

**734** A notice of registration to be served on a judgment debtor pursuant to section 6(1) of the *Reciprocal Enforcement of Judgments Act* shall contain full particulars of the judgment registered and of the order for registration and shall

- (a) state the name and address of the judgment creditor, or of his solicitor or agent, upon whom and where service of any notice issued by the judgment debtor may be served, and
- (b) state that the judgment debtor, within one month after he has had notice of the registration, may apply to the registering court to

have the registration set aside upon any of the grounds mentioned in section 2(6) of the *Reciprocal Enforcement of Judgments Act*.

AR 390/68 s734;87/92

**Setting aside**

**735** An application to have the registration of a judgment set aside shall be made by notice of motion.

AR 390/68 s735

**Repealed**

**736** Repealed AR 277/95 s45.

**Part 55.1**  
**Reciprocal Enforcement of**  
**United Kingdom Judgments**  
**(under the Convention between Canada**  
**and the United Kingdom of Great Britain**  
**and Northern Ireland Providing for the**  
**Reciprocal Recognition and Enforcement**  
**of Judgments in Civil and**  
**Commercial Matters)**

**Definitions**

**736.1** In this Part,

- (a) “Act” means Part 3 of the *International Conventions Implementation Act* and includes the Convention;
- (b) “certified copy” means the original document or a copy of the document certified as being a true copy by the original or facsimile signature of a proper officer of the foreign court;
- (c) “Convention” means the Convention in Schedule 3 to the Act;
- (d) “court” means the Court of Queen’s Bench;
- (e) “judgment”, “judgment creditor”, “judgment debtor” and “original court” have the same meaning as in the Convention.

AR 35/93 s2

**Scope**

**736.2(1)** This Part is subject to the Act.

**(2)** Nothing in this Part affects any other rights, remedies or proceedings provided by law.

**(3)** Except as otherwise provided in this Part, the Rules of Court apply to proceedings under this Part, and where a matter is not provided for in this Part, the practice shall as far as possible be regulated by analogy to the Rules of Court.

AR 35/93 s2

**Application to court**

**736.3(1)** A judgment creditor may apply to the court by originating notice for an order to register a judgment.

**(2)** An application under subrule (1) must be brought within the time limited by the Act.

**(3)** All pleadings under this Part shall be headed as follows:

In the matter of the International Conventions Implementation Act (SA 1990, I-6.8),

And in the matter of a judgment of (describe court) dated \_\_\_\_\_  
19\_\_\_\_.

AR 35/93 s2

### **Affidavit**

**736.4(1)** An originating notice under Rule 736.3(1) must be supported by an affidavit

- (a) exhibiting a certified copy of the judgment and, where applicable, a translation into English authenticated by affidavit or any other method acceptable to the court,
- (b) stating that the applicant is entitled to enforce the judgment and, where applicable, providing full particulars of the entitlement, whether by assignment or otherwise,
- (c) stating in the original currency of the judgment
  - (i) the unpaid balance and interest as of a fixed date that is within the 60 days preceding the date of the originating notice, and
  - (ii) the daily interest payable after that fixed date,
- (d) where applicable, stating the provisions of the judgment which are sought to be registered,
- (e) in a case to which Rule 736.5(1)(a) applies, exhibiting proof that the initiating documents were served on the judgment debtor in the original action, unless this appears in the judgment,
- (f) in a case to which Rule 736.5(1)(b) applies, stating the manner in which the judgment debtor submitted to the jurisdiction of the original court,
- (g) listing the reasonable costs of and incidental to registration and certifying that the applicant has incurred them, is liable to pay them or is otherwise entitled to collect them, as the case may be, and
- (h) containing or attaching any further information or document that the court may require.

**(2)** An affidavit may contain information and belief if accompanied by the source of the information and a statement of the deponent's belief.

AR 35/93 s2

**Service**

**736.5(1)** An application under Rule 736.3 may be made ex parte if the judgment debtor

- (a) was personally served with the initiating documents in the original action, or
- (b) appeared, defended, attorned or otherwise submitted to the jurisdiction of the original court.

**(2)** In cases to which subrule (1) does not apply, the originating notice and affidavit shall be served on the judgment debtor personally or as the court may direct.

AR 35/93 s2

**Court order**

**736.6(1)** On hearing an application under Rule 736.3, the court may, after considering the Act, order that the judgment be registered for an amount to be calculated under subrule (2).

**(2)** On presentation of an order referred to in subrule (1) and a further copy of the judgment, the clerk of the court shall register the judgment by

- (a) writing on the judgment
  - (i) the unpaid balance and interest to the date the clerk registers the judgment,
  - (ii) the reasonable costs of and incidental to registration, and
  - (iii) the following notation:

Registered in the Court of Queen's Bench of Alberta on  
\_\_\_\_\_ 19\_\_ pursuant to the Order of \_\_\_\_\_ dated  
\_\_\_\_\_.

and

- (b) filing the order made under subrule (1), including the further copy of the judgment.

**(3)** The clerk of the court shall convert the amounts referred to in subrule (2) to Canadian currency at the exchange rate prevailing at any branch of any bank as defined in the *Interpretation Act* on the date the clerk registers the judgment.

AR 35/93 s2

**Debtor's application to set aside**

**736.7(1)** Where the court hears an application ex parte under Rule 736.5(1) and makes an order granting part or all of the relief claimed, the judgment debtor may, within 45 days after being served with the order and registered judgment, apply to the court by notice of motion to set aside that order and the registration of the judgment.

(2) The time period set out in subrule (1) may not be extended under Rule 548.

(3) On hearing an application under this Rule, the court may make any order it thinks fit that is consistent with this Part.

(4) An order under this Rule may be appealed to the Court of Appeal.

AR 35/93 s2

**Creditor's appeal**

**736.8(1)** Where the court hears an application ex parte under Rule 736.5(1) and makes an order refusing to grant part or all of the relief claimed, the judgment creditor may appeal that decision to the Court of Appeal.

(2) The judgment debtor must be a party to an appeal under this Rule.

AR 35/93 s2

**Appeal when order is made on notice**

**736.9** Where the court hears an application made on notice under Rule 736.5(2), the judgment creditor or the judgment debtor may appeal to the Court of Appeal from any order made.

AR 35/93 s2

**Proceedings**

**736.10** In any proceeding under this Part, the Court of Queen's Bench or the Court of Appeal, as the case may be, shall apply all of the factors listed in Articles IV.1 and IV.2 of the Convention and may consider any other proper grounds.

AR 35/93 s2