

## NOTICE OF EXERCISING POWER OF SALE Form C4.1

1. TO:

AND TO WHOM IT MAY CONCERN

2. CIVIC ADDRESS / LOCATION \_\_\_\_\_

3. LAND DESCRIPTION

TITLE NUMBER(S) \_\_\_\_\_

see schedule 

4. \_\_\_\_\_ Condominium Corporation No. \_\_\_\_ (the "Corporation") gives notice that it is hereby commencing sale and foreclosure proceedings under *The Real Property Act*, as allowed by *The Condominium Act* (the "Act"), based upon the following:

(a) As a result of a default in the payment of monies owing by you to the Corporation, a lien against the land described above was created in favour of the Corporation and was registered in the \_\_\_\_\_ Land Titles Office as number \_\_\_\_\_ (the "Lien"). The default has continued for at least one month.

(b) By virtue of the Act, the Corporation has the right to enforce the Lien in the same manner as a mortgage is enforced under *The Real Property Act*, through sale and foreclosure proceedings.

(c) By virtue of section 164 of the Act, the Lien has priority over every registered and unregistered encumbrance that secures the payment of money or the performance of any other obligation and including a charge, mortgage or lien, unless stated otherwise in the Act or the regulations thereto.

(d) The **DATE OF DEFAULT** in payment that created the Lien is \_\_\_\_\_.

(e) The particulars of the default in payment are as follows: *Delete inappropriate statement(s)*

(i) A default in the payment of common expenses assessed to you in the amount of \$ \_\_\_\_\_ occurred on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

(ii) A default in the payment of reserve fund contributions assessed to you in the amount of \$ \_\_\_\_\_ occurred on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

(f) As of the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, the total amount of \$ \_\_\_\_\_ has not been paid and is a debt due to the Corporation. This amount includes the default specified above, together with such penalties and interest on the unpaid amount as are specified in the Declaration and / or By-laws of the Corporation, all payments of common expenses and / or reserve fund contributions which have become due subsequent to the initial default and have not yet already been paid.

see schedule 

(g) The Corporation has incurred and is incurring costs as a result of such default for which you may be liable. Those costs may also include all reasonable legal costs and expenses incurred by the Corporation in collecting or attempting to collect the unpaid amount and interest owing, including the costs of preparing and registering the Lien and its discharge.

5. **YOU MAY STOP THESE PROCEEDINGS AT ANY TIME PRIOR TO THE SALE OF THE PROPERTY OR THE ISSUANCE OF TITLE TO THE CORPORATION BY PAYING ALL MONIES OWING BY YOU TO THE CORPORATION.**

(a) DETAILS OF HOW TO STOP THESE PROCEEDINGS: *Strike out inappropriate statement(s)*

(i) Remedy the default set out in paragraph 4(e) by paying the amount specified in 4(f) above; and

(ii) Pay the costs of the Corporation for these proceedings; and

(iii) Pay to the Corporation interest at the rate of \_\_\_\_\_ % per annum on the total amount owing specified in 4(f) above, from the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ to the date of payment (currently \$ \_\_\_\_\_ per day); and

(iv) Pay to the Corporation any further assessments of the common expenses which may have become due after the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, together with interest at the rate of \_\_\_\_\_ % per annum from the date that they were due to the date of payment to the Corporation.

see schedule

6. **FAILURE TO STOP THESE PROCEEDINGS:** If all the monies owing as set out above are not paid in full, the Corporation will be entitled to resort to all the remedies provided for under *The Real Property Act*, including:

(a) **SALE:** The land may be sold by public auction or private contract. If the land sells for less than the amount of all monies owing as set out above, you will be liable to the Corporation for the shortfall;

(b) **FORECLOSURE:** If the land is not sold at public auction or by private contract and if all the monies owing as set out above have not been fully paid within six months after the **DATE OF DEFAULT** as set out in 4(d) above, the Corporation may apply to become the owner of the land (foreclose).

7. **PAYMENT AND/OR INQUIRY MAY BE MADE TO:  
SAME AS SET OUT IN BOX #9 BELOW OR**

8. **SIGNATURE OF CORPORATION/AGENT**

...../...../.....

**Name** **signature** **date (YYYY/MM/DD)**

9. **INSTRUMENT PRESENTED FOR REGISTRATION BY** *include address, postal code, contact person and phone number and lien reference #*

**SALE AND FORECLOSURE SCAMS**

Losing your home or real estate through sale or foreclosure is frightening. Manitoba property owners are falling victim to con artists who offer to help you save your property, but will only make things worse.

The offer may sound good, but it is probably a scam.

- The con artist may urge you to sign a paper that gives your property to the con artist in exchange for low or no payments.
- The con artist may promise to give your property back to you after you meet certain conditions, such as making payments in very tight time limits.
- The con artist may tell you this is just another way to secure a loan.

If you are contacted by somebody who says they will “help you save your property”:

- Contact your corporation. They may be able to work out an agreement with you that is within your budget.
- Get advice from a trusted lawyer or accountant.
- Don't sign anything until you talk to a trusted advisor.
- Don't trust any offer to lease back your property so you can buy it back over time. The offer may sound good but the conditions often make it impossible to buy back the property.
- Don't sign any papers in blank or with blank parts; information can be added later without you knowing. Demand copies of all documents you sign.

**If you feel you have been the victim of fraud, contact the police.**

**RIGHT TO TAXATION OF MORTGAGEE'S COSTS**

You are required to pay the costs of the mortgagee to stop these proceedings.

These costs must be in accordance with the Tariff of Costs established by the Registrar-General.

The Tariff of Costs is available online at <http://www.tprmb.ca>

If you believe that the costs you are being asked to pay are not in accordance with this Tariff, subsection 143(1) of *The Real Property Act* allows you to request a review of those costs by the District Registrar.

Subsection 143(2) of *The Real Property Act* provides that in conducting such a review, the District Registrar is to be guided by the Tariff of Costs.

More information about this process is available by calling 1-844-737-5684.