

Execution of Judgments against Real Estate Amendment.

ANALYSIS.

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A BILL INTITULED

AN ACT to amend "The Execution of Judgments against Real Estate Act, 1867." Title.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled and by the authority of the same as follows—

1. The Short Title of this Act shall be "The Execution of Judgments against Real Estate Act Amendment Act 1869." Short Title.

2. "The Execution of Judgments against Real Estate Act 1867" herein called "the said Act" shall be taken from the passing thereof to have applied as well to leasehold and other chattel interests legal and equitable in lands tenements and hereditaments corporeal and incorporeal as to freehold interests therein. Principal Act to be taken to apply to leaseholds &c.

3. It shall not be necessary to insert in any memorial registered under the said Act the date of delivering to the Sheriff (or other officer charged with the execution of the process of the Court) of the writ of *fiery facias* Provided always that no such writ of execution shall affect at law or equity any lands tenements or hereditaments or any estate or interest therein as to purchasers mortgagees or execution creditors (any notice of any such execution to any such purchaser mortgagee or creditor in anywise notwithstanding) unless and until the same be delivered to the Sheriff or to such other person as is charged with the execution of the process of the Court for execution and unless a memorial of the judgment rule decree or order as provided by the said Act and this Act shall have been left for registration as required by the said Act and this Act Provided further that such memorial may be left for registration before or after the delivery of such writ. The memorial registered need not show date of delivery of writ.
Proviso.

4. Instead of the words "three calendar month" and "three calendar month's" wherever they occur in the ninth section of the said Act there shall be substituted from and after the passing of this Act the words "one calendar month's." Length of notice of sale one month instead of three.

5. It shall be lawful for the Supreme Court or any Judge thereof from time to time upon a summary application whether the said period of one calendar month shall have expired or not to order that some longer or other notice than that provided for by the said Act and this Act shall be given before any sale under the said Act or this Act And upon the making of every such order the said Court or Judge may make such order as to payment of the costs of giving such longer or further notice as shall seem just And whenever the length of notice aforesaid shall have been extended by such order the time within which a deed or instrument of transfer upon a sale under the execution must be left for registration as provided by the seventh section of the said Act shall be extended by a period equal to that by which the length of notice shall have been extended by the said order. Judge may extend notice.

6. In the construction of the said Act and of this Act the terms "judgment" "rule" "decree" and "order" shall be taken to mean a judgment rule decree or order under which a writ of execution Interpretation of words "judgment" "rule" "decree" and "order."