

FORM 5a (Rule 15)

IN THE COURT OF APPEAL FOR SASKATCHEWAN

Between

_____ Appellant (*status in court appealed from*)

- and -

_____ Respondent (*status in court appealed from*)

NOTICE OF MOTION TO
LIFT STAY OF EXECUTION

TAKE NOTICE:

1. THAT the Respondent intends to apply to the presiding judge in Chambers at the Court House, 2425 Victoria Avenue, Regina, Saskatchewan on _____ the _____ day of _____, _____ at 10:00 a.m. for the following relief:

- (a) An order pursuant to Rule 15 of *The Court of Appeal Rules*, lifting the stay of execution of the judgment (or order) of the Honourable Mr./Madam Justice _____ issued the _____ day of _____, _____.
- (b) Alternatively, an order requiring, as a condition of the continuation of the stay, that the following steps be taken:

(Here set forth the terms the Respondent wishes to see imposed if the stay is to be continued in whole or in part, as for example:

- (i) That the Appellant pay into this Honourable Court the sum of \$_____ on or before the _____ day of _____, _____.
- (ii) That this sum to be deposited by the Registrar into an interest bearing account to be held there pending the determination of this appeal.)

2. That the following material will be filed in support of this application:

- (a) This notice of motion with proof of service.
- (b) The affidavit of _____.
- (c) The formal judgment (or order) from which the Appellant desires to appeal.
- (d) The decision of the Honourable Mr./Madam Justice _____ upon which the judgment (or order) is based.
- (e) A draft order of the relief sought.
- (f) A memorandum specifying the basis for seeking a lift of the stay.

DATED at _____, Saskatchewan, this _____ day of _____, _____.

Name and Signature of the Lawyer for the Respondent

TO: _____
The Appellant(s)