



COURT OF KING'S BENCH FOR
SASKATCHEWAN

CIVIL PRACTICE DIRECTIVE #4

TEMPLATE ORDERS FOR USE IN BANKRUPTCY DISCHARGE APPLICATIONS

REFERENCE: CIV-PD #4

Effective: April 1, 2017

Revised: November 1, 2023

Bankruptcy trustees and counsel shall use the template orders attached hereto in all proceedings where the following bankruptcy discharge orders are sought:

1. Order for Absolute Discharge (Appendix A);
2. Order Refusing Discharge (Appendix B);
3. Order of Conditional Discharge (Appendix C);
4. Order for Absolute Discharge (Conditions Met) (Appendix D);
5. Order of Suspended Discharge (Appendix E); and
6. Order Adjourning Application for Discharge Indefinitely (Appendix F).

Any addition, deletion or variation to a template order filed with the Court must be underlined or highlighted in bold letters and brought to the attention of the presiding judge or registrar.

Chief Justice M.D. Popescul
Court of King's Bench for Saskatchewan

APPENDIX A

COURT FILE _____
 ESTATE NO _____
 COURT OF KING'S BENCH FOR SASKATCHEWAN IN BANKRUPTCY
 IN THE MATTER OF THE BANKRUPTCY OF _____

ORDER FOR ABSOLUTE DISCHARGE

Order made this _____ day of _____, 2_____.

Before Registrar _____ in chambers, the _____ day of _____, 2_____.

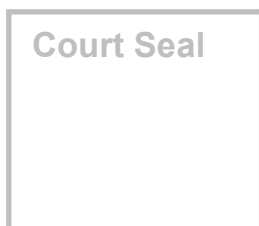
On the application of _____ (*bankrupt, trustee or creditor; or, lawyer on behalf of bankrupt, trustee or creditor, as the case may be*) and on hearing _____ (*bankrupt, trustee or creditor; or, lawyer on behalf of bankrupt, trustee or creditor, as the case may be*) and on reading the report of the trustee as to the bankrupt's conduct and affairs (*and the report of the superintendent, if any, and material filed in support of the application*), all filed;

And whereas no facts mentioned in section 173 of the *Bankruptcy and Insolvency Act*, RSC 1985, c B-3, have been established;

And whereas it has not been established that the bankrupt has been guilty of any misconduct in relation to the bankrupt's property or affairs;

It is ordered that the bankrupt is discharged from bankruptcy.

ISSUED at _____, Saskatchewan, this _____ day of _____, 2_____.



 Registrar in Bankruptcy

If an order is issued pursuant to an application without notice, the endorsement required by subrule 10-3(5) (of The King's Bench Rules) must appear here.

NOTICE

(To be used if the order is issued pursuant to an application without notice.)

Take notice that, unless the order is consented to by a person affected by the order or unless otherwise authorized by law, every order made without notice to a person affected by the order may be set aside or varied on application to the Court. You should consult your lawyer as to your rights.

APPENDIX B

COURT FILE _____
ESTATE NO _____
COURT OF KING'S BENCH FOR SASKATCHEWAN IN BANKRUPTCY
IN THE MATTER OF THE BANKRUPTCY OF _____

ORDER REFUSING DISCHARGE

Order made this _____ day of _____, 2_____.

Before Registrar _____ in chambers, the _____ day of _____, 2_____.

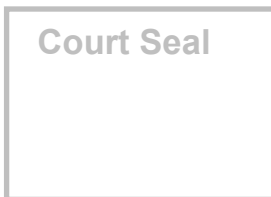
On the application of _____ (*bankrupt, trustee or creditor; or, lawyer on behalf of bankrupt, trustee or creditor, as the case may be*) and on hearing _____ (*bankrupt, trustee or creditor; or, lawyer on behalf of bankrupt, trustee or creditor, as the case may be*) and on reading the report of the trustee as to the bankrupt's conduct and affairs (*and the report of the superintendent, if any, and material filed in support of the application*), all filed:

And whereas the following fact(s) under section 173 of the *Bankruptcy and Insolvency Act*, RSC 1985, c B-3, have been established:
(*insert applicable description of section 173 fact*);

And whereas it has been established that the bankrupt has conducted himself/herself in the following ways:
(*describe bankrupt's conduct, if applicable*)

It is ordered that the application for the bankrupt's discharge is refused.

ISSUED at _____, Saskatchewan, this _____ day of _____, 2_____.



Registrar in Bankruptcy

If an order is issued pursuant to an application without notice, the endorsement required by subrule 10-3(5) (of The King's Bench Rules) must appear here.

NOTICE

(To be used if the order is issued pursuant to an application without notice.)

Take notice that, unless the order is consented to by a person affected by the order or unless otherwise authorized by law, every order made without notice to a person affected by the order may be set aside or varied on application to the Court. You should consult your lawyer as to your rights.

APPENDIX C

COURT FILE _____
 ESTATE NO _____
 COURT OF KING'S BENCH FOR SASKATCHEWAN IN BANKRUPTCY
 IN THE MATTER OF THE BANKRUPTCY OF _____

ORDER OF CONDITIONAL DISCHARGE

Order made this _____ day of _____, 2_____.

Before Registrar _____ in chambers, the _____ day of _____, 2_____.

On the application of _____ (*bankrupt, trustee or creditor; or, lawyer on behalf of bankrupt, trustee or creditor, as the case may be*) and on hearing _____ (*bankrupt, trustee or creditor; or, lawyer on behalf of bankrupt, trustee or creditor, as the case may be*) and on reading the report of the trustee as to the bankrupt's conduct and affairs (*and the report of the superintendent, if any, and material filed in support of the application*), all filed:

And whereas the following fact(s) under section 173 of the *Bankruptcy and Insolvency Act*, RSC 1985, c B-3, have been established:

(insert applicable description of section 173 fact)

And whereas it has been established that the bankrupt has conducted himself/herself in the following ways:

(describe bankrupt's conduct, if applicable)

It is ordered that:

1. The bankrupt pays the sum of \$_____, to the trustee, by making minimum monthly payments of \$_____, starting on _____ and continuing on the _____ day of every month that follows until fully paid;
2. Second condition (*if applicable*);
3. The bankrupt shall have a right of prepayment (*if applicable*); and
4. The bankrupt's discharge shall be suspended until _____ (*if applicable*).

It is further ordered, that when the bankrupt has completed the term of the suspension and has fulfilled the foregoing conditions, the trustee may apply for an order for absolute discharge.

ISSUED at _____, Saskatchewan, this _____ day of _____, 2_____.



 Registrar in Bankruptcy

If an order is issued pursuant to an application without notice, the endorsement required by subrule 10-3(5) (of The King's Bench Rules) must appear here.

NOTICE

(To be used if the order is issued pursuant to an application without notice.)

Take notice that, unless the order is consented to by a person affected by the order or unless otherwise authorized by law, every order made without notice to a person affected by the order may be set aside or varied on application to the Court. You should consult your lawyer as to your rights.

APPENDIX D

COURT FILE _____
ESTATE NO _____
COURT OF KING'S BENCH FOR SASKATCHEWAN IN BANKRUPTCY
IN THE MATTER OF THE BANKRUPTCY OF _____

ORDER FOR ABSOLUTE DISCHARGE (CONDITIONS MET)

Order made this _____ day of _____, 2_____.

Before Registrar _____ in chambers, the _____ day of _____, 2_____.

On the application of _____ (*bankrupt, trustee or creditor; or, lawyer on behalf of bankrupt, trustee or creditor, as the case may be*) and on hearing _____ (*bankrupt, trustee or creditor; or, lawyer on behalf of bankrupt, trustee or creditor, as the case may be*) and on reading the report of the trustee as to the bankrupt's conduct and affairs (*and the report of the superintendent, if any*) all filed;

And whereas the Registrar is satisfied the bankrupt has complied with the conditions set in the order of conditional discharge dated _____, 2_____;

It is ordered that the bankrupt is discharged from bankruptcy.

ISSUED at _____, Saskatchewan, this _____ day of _____, 2_____.



Registrar in Bankruptcy

If an order is issued pursuant to an application without notice, the endorsement required by subrule 10-3(5) (of The King's Bench Rules) must appear here.

NOTICE

(To be used if the order is issued pursuant to an application without notice.)

Take notice that, unless the order is consented to by a person affected by the order or unless otherwise authorized by law, every order made without notice to a person affected by the order may be set aside or varied on application to the Court. You should consult your lawyer as to your rights.

APPENDIX E

COURT FILE _____
 ESTATE NO _____
 COURT OF KING'S BENCH FOR SASKATCHEWAN IN BANKRUPTCY
 IN THE MATTER OF THE BANKRUPTCY OF _____

ORDER OF SUSPENDED DISCHARGE

Order made this _____ day of _____, 2_____.

Before Registrar _____ in chambers, the _____ day of _____, 2_____.

On the application of _____ (*bankrupt, trustee or creditor; or, lawyer on behalf of bankrupt, trustee or creditor, as the case may be*) and on hearing _____ (*bankrupt, trustee or creditor; or, lawyer on behalf of bankrupt, trustee or creditor, as the case may be*) and on reading the report of the trustee as to the bankrupt's conduct and affairs (*and the report of the superintendent, if any*);

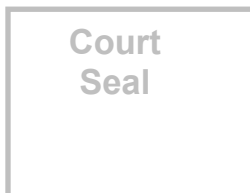
And whereas the following fact(s) under section 173 of the *Bankruptcy and Insolvency Act*, RSC 1985, c B-3, have been established:

(insert applicable description of section 173 fact)

And whereas it has been established that the bankrupt has conducted himself/herself in the following ways:

(describe bankrupt's conduct, if applicable)

It is ordered that the bankrupt's discharge shall be suspended until _____, 2_____.



 Registrar in Bankruptcy

If an order is issued pursuant to an application without notice, the endorsement required by subrule 10-3(5) (of The King's Bench Rules) must appear here.

NOTICE

(To be used if the order is issued pursuant to an application without notice.)

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APPENDIX F

COURT FILE _____
ESTATE NO _____
COURT OF KING'S BENCH FOR SASKATCHEWAN IN BANKRUPTCY
IN THE MATTER OF THE BANKRUPTCY OF _____

ORDER ADJOURNING APPLICATION FOR DISCHARGE INDEFINITELY

Order made this _____ day of _____, 2_____.

Before Registrar _____ in chambers, the _____ day of _____, 2_____.

On the application of _____ (*bankrupt, trustee or creditor; or, lawyer on behalf of bankrupt, trustee or creditor, as the case may be*) and on hearing _____ (*bankrupt, trustee or creditor; or, lawyer on behalf of bankrupt, trustee or creditor as the case may be*) and on reading the report of the trustee as to the bankrupt's conduct and affairs (*and the report of the superintendent, if any, and material filed in support of the application*), all filed:

And whereas the following fact(s) under section 173 of the *Bankruptcy and Insolvency Act*, RSC 1985, c B-3 have been established:

(insert applicable description of section 173 fact)

And whereas it has been established that the bankrupt has conducted himself/herself in the following ways:

(describe bankrupt's conduct, if applicable)

It is ordered that the application for the bankrupt's discharge is adjourned indefinitely, to be brought back before the court on 30 days' notice to the trustee and the Office of the Superintendent of Bankruptcy and any objecting creditor.

ISSUED at _____, Saskatchewan, this _____ day of _____, 2_____.



Registrar in Bankruptcy

If an order is issued pursuant to an application without notice, the endorsement required by subrule 10-3(5) (of The King's Bench Rules) must appear here.

NOTICE

(To be used if the order is issued pursuant to an application without notice.)

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