

FORM 5b
[Rule 15]

CACV _____

IN THE COURT OF APPEAL FOR SASKATCHEWAN

BETWEEN:

Appellant
(insert status in court appealed from)

AND:

Respondent
(insert status in court appealed from)

BEFORE THE HONOURABLE
JUSTICE

}
}

Wednesday (Monday),

IN CHAMBERS:

(date)

DRAFT ORDER

ON THE APPLICATION of the Appellant, and having read the notice of application with proof of service, the affidavit of _____, the formal judgment (*or order*) and the decision of the Honourable Justice _____, together with such other material as was filed in support of the application, and having regard for the submissions made on behalf of the parties:

IT IS HEREBY ORDERED THAT:

1. A stay of execution (*or a stay of proceedings, or both a stay of execution and a stay of proceedings*) be imposed pursuant to Rule 15 of *The Court of Appeal Rules*. (*If only seeking the imposition of a stay for part of the judgment, identify those portions of the judgment in numbered paragraphs.*)

OR

1. A stay of execution (*or a stay of proceedings, or both a stay of execution and a stay of proceedings*) be imposed pursuant to Rule 15 of *The Court of Appeal Rules* on the following condition(s):

(Here put the proposed conditions on which the stay pending appeal may be imposed. For example, in the case of an order for the payment of funds into court:

- (a) *The Appellant shall deposit with the Registrar, not later than _____ a sum equal*
(date)
to the judgment appealed from, or a surety bond or irrevocable letter of credit in the amount of the judgment and satisfactory to the Registrar.
- (b) *All monies deposited with the Registrar shall be invested by the Registrar in an interest bearing account, and any surety bond or letter of credit filed with the Registrar shall be retained by the Registrar until further order or final determination of the appeal.*

- (c) Anything realized by means of a writ of execution or garnishee shall be retained by the Sheriff or Local Registrar until further order or the final determination of the appeal.
- (d) (Further terms as required.)

2. Pursuant to Rule 52 of *The Court of Appeal Rules*, the costs of this application shall be (insert cost order requested).

ISSUED at _____, Saskatchewan, on _____ (date)

Registrar, Court of Appeal

TO: Respondent _____

TO: REGISTRAR
COURT OF APPEAL FOR SASKATCHEWAN
2425 VICTORIA AVENUE
REGINA, SASKATCHEWAN
S4P 4W6
Telephone: 306-787-5382
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THIS DOCUMENT IS FILED BY:

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Lawyer in charge of the file (if any): _____
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(office address for represented individual, or, residential or business address for self-represented individual)
Telephone: _____
Email address: _____
Fax number (if any): _____