

CHAPTER 22.

EXECUTION AGAINST REAL PROPERTY.

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SECTION.

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CHAPTER 22.

EXECUTION AGAINST REAL PROPERTY.

30 of 1906.

An Ordinance subjecting Real Estate to the payment of Debts.

[20TH DECEMBER, 1906.]

Short title.

1. This Ordinance may be cited as the Execution against Real Property Ordinance.

Liability of
real estate
to be seized
for debts.

2. The houses, lands and other hereditaments and real estate situate or being within any part of the Colony, belonging to any person whatsoever indebted, shall be liable to, and chargeable with, all just debts, dues and demands, of what nature or kind soever, owing by, or due from any such person to Her Majesty, or any of her subjects, and shall be and are hereby made chattels for the satisfaction thereof, in like manner as personal estates within the Colony are seized, extended, sold or disposed of for the satisfaction of debts.

Liability of
lands devised
not subject to
payment of
debts.

3. When any person shall die seised of or entitled to any estate or interest in lands, tenements, hereditaments or other real estate, which he shall not by his last will have charged with, or devised subject to, or for the payment of, his debts, the same shall be assets to be administered for the payment of all just debts of such person.

4. When and as often as any writ for *fiери facias* shall issue against any lands or other real estates, the same shall be in the form in Schedule A hereto with such variations as circumstances may require.

Form of writ of *fiери facias*.

5. When and as often as any writ of *fiери facias* shall issue against any lands or other real estate, the sheriff or other officer shall levy the debt or damages and costs mentioned in such writ according to the command thereof; and such sheriff or other officer that sold the same shall, in his own name, make unto the purchaser a deed of conveyance, therein reciting the execution or other process requiring such sale to be made, by virtue whereof the premises were sold as aforesaid, according to the form in Schedule B hereto and shall put him into possession thereof, and by such deed, being first registered at the Office of the Registrar General of the Colony, under the provisions of the Registration of Instruments Ordinance, the purchaser shall be, and is hereby declared to be, vested in as good and perfect an estate as the owner of such houses, lands, hereditaments or other real estate was seised of, or entitled unto, at or before the sale thereof as aforesaid, and as fully to all intents and purposes as if the person, against whom such writ of execution shall be granted, had sold such lands and premises to such purchaser and signed, sealed and delivered a good deed for the same, and received the consideration money himself.

Sheriff to make conveyance, etc.

Cap. 256.

6. The purchaser, his executors, administrators or assigns shall hold the premises purchased under the provisions of this Ordinance free and clear of all judgments or recognisances whatsoever, by virtue whereof no execution has been executed upon the real estate so purchased, any law, usage or custom to the contrary thereof notwithstanding.

Purchaser to hold free of judgments.

7. Any defendant whose houses, lands, hereditaments or real estate shall, or hereafter may, be taken in execution shall have free election by himself, his attorney, his executors or administrators as to what part or portion of the said houses, lands, hereditaments or other real estate shall be sold sufficient to satisfy the monies due and payable on such execution by signifying the same in writing to the officer who is to make the sale at any time, twenty days before such sale is made.

Owner to have election as to portion to be sold.

8. If any judgment or process by virtue of which such sale shall be made as aforesaid shall happen to be reversed for error, yet the said reversal shall not be given in evidence or be

Reversal of judgment not to affect *bona fide* purchase.