



FORM 1

File N°:

THE MOTOR VEHICLE ACCIDENT CLAIMS FUND

In the Matter of an Application for payment under Section 7 of the *Motor Vehicle Accident Claims Act*,
R.S.O. 1990, Chapter M.41.

B E T W E E N:

PLAINTIFF(S)

- and -

DEFENDANT(S)

I (We) of in the
in the make oath and say,

1. I (We) am (are) the Judgment Creditor(s) in the said action

2. I (We) was (were) awarded Judgment in the said action by at
on and I (we) was (were)

awarded the sum of \$ apportioned as follows: **(set out amount awarded to
each Judgment Creditor, including pre-Judgment Interest)**

.....	\$
.....	\$
.....	\$
.....	\$

and costs which have been taxed (fixed by the trial judge) at \$

OR

(3) The Judgment was taken by consent of the Minister of Finance (Financial Services Commission of Ontario) who defended the action on behalf and in the name of the pursuant to Section 8 of the *Motor Vehicle Accident Claims Act*.

10. My (our) application for payment out of the Fund is not made by or on behalf of an insurer in respect of any amount paid or payable by an insurer by reason of the existence of a policy of insurance within the meaning of the *Insurance Act*, other than a policy of life insurance;

And no part of the amount sought to be paid out of the Fund is sought in lieu of making a claims or receiving a payment that is payable by reason of the existence of a policy of insurance within the meaning of the *Insurance Act*, other than a policy of life insurance;

And no part of the amount so sought is sought for payment to an insurer in respect of any amount paid or payable by an insurer by reason of the existence of a policy of insurance within the meaning of the *Insurance Act*, other than a policy of life insurance.

11. The following amount contained in the Judgment was awarded in respect of damage to property

(name)

(amount)

12. I (We) have recovered the following amount in respect of the Judgment \$.....

13. (1) I (We) was (were) paid or am (are) entitled to be paid a portion of the loss under a policy of insurance within the meaning of the *Insurance Act* (other than a policy of life insurance) in the amount of \$

(2) An insurer has (or insurers have) an interest in the Judgment by reason of the following payments for:

- 1. Damage to automobile \$.....
- 2. Damage to other property \$.....
- 3. Medical Expenses \$.....

(3) I (We) have apportioned the costs in accordance with subsection 2 of Section 26 of the *Motor Vehicle Accident Claims Act* in the amount of \$

14. I (We) am (are) satisfied that the said Judgment Debtor(s) is (are) not insured with a policy of insurance that would cover any part of the Judgment.

15. I (We) have not been given notice nor have any actual notice of bankruptcy proceedings instituted by the Judgment Debtor(s).

OR

I (We) have been given notice or have any actual notice of bankruptcy proceedings instituted by the Judgment Debtor(s).

16. Annexed hereto and marked,

- (a) Exhibit A is the Original Judgment above referred to;
- (b) Exhibit B is the Certificate of the Taxing Officer with respect to costs as taxed pursuant to the said Judgment;
- (c) Exhibit C is the Solicitor and Client Bill of Costs duly taxed and certified;
- (d) Exhibit D is a copy of the Statement of Claim filed in the said action;
- (e) Exhibit E is the Assignment of Judgment.

17. To the best of my knowledge the following description of the Defendant is reasonably accurate:

Full name

Residence

Business Address

Employer

Occupation

Approximate Age

And the assignor(s), for himself, (herself, themselves) his (her, their) executors, and administrators hereby covenant(s) with the assignee, his successors and assigns, that the said Judgment is in full force and effect, and the whole of the said Judgment remains unpaid and owing thereunder.

And the said assignor(s) further covenant(s) that the he (she, they) hath (have) good right to assign the said Judgment, and that he, (she, they) the assignor(s) and all persons claiming under him (her, them) will execute such further assurances of the said Judgment unto the assignee, his successors and assigns, as may be required.

IN WITNESS WHEREOF the assignor(s) has (have) hereto set his (her, their) hand(s) and seal(s) the day of the month and year first above written.

SIGNED, SEALED and DELIVERED

in the presence of

(L.S.)

I, _____ of the City of _____

in the County of _____ make oath and say:

1. That I was personally present and did see the within instrument duly signed, sealed and executed by the part thereto.
2. That the said instrument was so executed at _____ .
3. That I know the said party (parties).
4. That I am a subscribing witness to the said instrument.

SWORN before me at _____)
 _____)
 _____)
 on the _____ day of _____)
 _____)
 20 _____)
 _____)
 A Commissioner etc. _____)
 _____)
 _____)



IN THE MATTER OF

_____ (Style of Cause)

Having completed the application and Affidavit for payment out of the Motor Vehicle Accident Claims Fund
in the above matter

and

Having issued and filed execution with the Sheriff of the County of

_____ at _____

_____ at _____

Against

_____ at _____
(Surname of Execution Debtor) (Given name(s) as required by
Section 9(a) of the *Execution Act*)

Date of Issuance of Writ of Seizure and Sale _____

Date of Filing Execution with Sheriff _____

Date of Filing Execution with Land Titles _____

I request payment of the statutory fee pursuant to Section 26(3) of the *Motor Vehicle Accident Claims Act, R.S.O. 1990, Chapter M.41* \$30.00

DATE

Solicitor for the Applicant(s)

Address