

**SUPREME COURT OF NOVA SCOTIA**

**Citation:** Farm Credit Canada v. Wolfridge Farm Ltd., 2015 NSSC 240

**Date:** 2015-08-19

**Docket:** Hfx No. 429150

**Registry:** Halifax

**Between:**

Farm Credit Canada

*Plaintiff/Respondent*

v.

Wolfridge Farm Limited, John Early and Lydia Early

*Defendants/Applicants*

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**Judge:** The Honourable Justice James L. Chipman

**Heard:** August 5, 2015 in Halifax, Nova Scotia

**Oral Decision:** August 7, 2015

**Subject:** Order for Foreclosure, Sale and Possession  
Default Judgment

**Summary:** Application to set aside a foreclosure sale on the basis that the Defendants/Applicants were entitled to notice before filing their Defence.

**Issues:** (1) Did the Applicants meet the three part test to set aside the default judgment?  
(2) Was a stay warranted?

**Result:** Dismissed the Application on the basis that the Defendants failed on all three parts of the test and that there was no evidence to warrant a stay. Found that the Rule 31.12 requirement was met as the Plaintiff/Respondent put the Defendants/Applicants on notice regarding the default judgment.

***THIS INFORMATION SHEET DOES NOT FORM PART OF THE COURT'S DECISION.  
QUOTES MUST BE FROM THE DECISION, NOT THIS LIBRARY SHEET.***