

CASE NO.

VOL. NO.

PAGE

CIBC MORTGAGE CORPORATION

PLAINTIFF

- and -

J. WILLIAM JORDAN & MARGARET R. JORDAN

DEFENDANTS

- and -

N/A

DEFENDANT/GUARANTOR

2000

S. H. No. 162865

Halifax, Nova Scotia

Davison, J.

[Cite as: CIBC Mortgage Corporation v. Jordan, 2001 NSSC 28]

HEARD: **The Honourable Justice John M. Davison, Supreme Court of Nova Scotia, on February 7th, 2001, at Halifax, Nova Scotia, in Chambers.**

DECISION: **February 12th, 2001**

SUBJECT: **Foreclosure and Sale**

SUMMARY: **Section 42 of the *Judicature Act*, which provides for a discontinuance of a foreclosure and sale proceeding is not available when the term of the mortgage and renewals have ended. It also requires as a prerequisite, payment of arrears. The mortgage was fourteen months in arrears and there was insufficient evidence to grant an adjournment.**

FINDING: **The order for foreclosure and sale will be granted.**

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