

Parties whose interest is under judgment, execution, &c.

**16.** In case parties to be served, are persons whose interest in the equity of redemption, is under or by virtue of a judgement, or an execution, or attachment, and, if any of them are individually named in the notice of foreclosure, these shall be served as in other cases; (2) and if any such parties are not individually named in the notice of foreclosure, they may be either served in the same manner, or by inserting a copy of the notice for        weeks, in the "Canada Gazette," and in a newspaper of the County where any part of the mortgaged property lies; and the time of the last publication under this section, shall be the time when the service shall be deemed to be complete.

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All parties to be served, but non-service on some not to vitiate proceeding as to those served.

**17.** All the persons to whom the notice of foreclosure is addressed shall be served in manner provided by the preceding sections of this Act; but if those to whom the notice is addressed do not comprehend all who are interested in the equity of redemption, and who would be necessary parties to a Bill of foreclosure; this shall not vitiate the notice, nor prevent the foreclosure of those to whom it is addressed.

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#### EFFECT OF CHANGE OF PARTIES.

Death of parties.

**18.** The death of any person giving a notice under this Act, shall not invalidate the notice, but the monies shall be paid or tendered at the place and in the manner named in the notice, or in default, there shall be a foreclosure, as if the death had not occurred.

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Death of father or guardian of infant.

**19.** In case any person notified to redeem, or in case the father or guardian of an infant notified to redeem, dies before the day of payment under the notice arrives, default in paying according to the notice shall not be effectual to foreclose the estate or interest of such infant or other person, but shall have the same effect in regard to other persons served as if the death had not occurred.

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Registry of service.

**20.** After the notice is served, the same, on affidavit of such service, may be registered in the Registry Office of each or any County in which the property lies.

Transfer of claim of party giving notice.

**21.** In case after the registration of the notice, a transfer, either total or partial, is made, or a charge or lien is created or obtained in any way of or on the interest of any person giving the notice, or of any person to whom the notice is addressed, the same shall not affect the validity of the notice, so far as relates to the property in any County in which the notice is registered; and the foreclosure shall take place on default as in other cases, without any further notice or proceeding.

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#### EFFECT OF SUBSEQUENT PAYMENTS.

Effect of subsequent payments or receipts on account.

**22.** Partial payments or receipts on account of the mortgage, whether by way of rent or otherwise, after the date of the notice, shall not prevent foreclosure in case of default in paying at the time appointed by the notice; but if the Judge's certificate of foreclosure under the subsequent provisions of this Act is obtained, or if the foreclosure is otherwise insisted upon, any money so paid or received after the date of the notice, except for the rents and profits of the premises, may be recovered from the party who received the same, and shall be a charge on the property till paid, except as against purchasers for value without notice.

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#### FURTHER TIME TO PAY.

Judge may allow further time.

**23.** Any Judge of the Court of Chancery, or any Judge of the County Court of the County in which the land or part thereof lies, may,