

## **RULE 41**

### **APPOINTMENT OF RECEIVER**

#### **DEFINITION**

**41.01** In Rules 41.02 to 41.06, "receiver" means a receiver or receiver and manager.

#### **HOW OBTAINED**

**41.02** The appointment of a receiver under section 44 of the *Judicature Act* may be obtained on motion to a judge in a pending or intended proceeding.

#### **FORM OF ORDER**

**41.03** An order appointing a receiver shall,

- (a) name the person appointed or refer that issue in accordance with Rule 54;
- (b) specify the amount and terms of the security, if any, to be furnished by the receiver for the proper performance of his duties, or refer that issue in accordance with Rule 54;
- (c) state whether the receiver is also appointed as manager and, if necessary, define the scope of his managerial powers; and
- (d) contain such directions and impose such terms as are just.

#### **REFERENCE OF CONDUCT OF RECEIVERSHIP**

**41.04** An order appointing a receiver may refer the conduct of all or part of the receivership in accordance with Rule 54.

#### **DIRECTIONS**

**41.05** A receiver may obtain directions at any time on motion to a judge, unless there has been a reference of the conduct of the receivership, in which case the motion shall be made to the referee.

#### **DISCHARGE**

**41.06** A receiver may be discharged only by the order of a judge.