



Province of Alberta

## **CROP PAYMENTS ACT**

Revised Statutes of Alberta 2000  
Chapter C-33

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# **CROP PAYMENTS ACT**

## **Chapter C-33**

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HER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of Alberta, enacts as follows:

#### **Definition**

- 1** In this Act, “mortgage” includes encumbrance.

RSA 1980 cC-35 s1

#### **Crop share agreement**

**2(1)** When, in a lease, agreement for sale or first mortgage of land, provision is made for the payment in whole or in part of the rent, purchase money or mortgage money by the delivery of a share of the crops grown on the land, or of the proceeds of the sale of the share, then the lessor, vendor or mortgagee is deemed to be and to have been the owner of the share from the sowing of the crops until the share of the crops or the proceeds of the sale of the share have been delivered into the possession of the lessor, vendor or mortgagee.

**(2)** Neither the lessee, purchaser, mortgagor nor a person claiming through or under the lessee, purchaser or mortgagor as an enforcement creditor, purchaser, mortgagee or otherwise has any claim to the crops or a share of the crops in priority to that of the lessor, vendor or mortgagee.

(3) Notwithstanding anything in this Act, a mortgagor may retain from the share of the crops belonging to and to be delivered to a first mortgagee a part that, together with the remainder of the crops, is not more than the portion of the crops that would under the *Civil Enforcement Act* and apart from this Act be exempt from seizure in writs proceedings.

(4) No part of the portion so exempt from seizure may be distrained for rent.

RSA 1980 cC-35 s2;1994 cC-10.5 s120

### Crops

3 This Act does not operate

- (a) to vest in a lessor, vendor or mortgagee more than 1/3 share of the crops, or
- (b) to confer on any of the persons mentioned in clause (a) any priority with regard to crops agreed to be delivered in excess of the 1/3 share.

RSA 1980 cC-35 s3

### Application for relief

4(1) If a farmer is under an obligation to deliver a share of a crop on account of an indebtedness under an agreement for the sale of land or a mortgage, the farmer may apply for relief to a judge of the Court of Queen's Bench.

(2) The judge on such notice to the persons entitled to receive the share of the crop as the judge considers proper, may proceed to hear the application in a manner that the judge considers proper.

(3) If it appears to the judge that in the circumstances the delivery of the full share of the crop

- (a) will leave the applicant without a reasonable return out of the crop, and
- (b) will render the applicant unable to carry on farming operations,

the judge shall determine what amount, if any, of the crop in the judge's opinion is to be delivered by the applicant on account of the deliverable share of the crop for that year, and order that on delivery of that amount being made to the person entitled to receive the share of the crop, the interest in the crop of the person so entitled ceases.

RSA 1980 cC-35 s4

**Crop payment lease**

**5(1)** The Lieutenant Governor in Council may make regulations prescribing a form of crop payment lease

- (a) to be used in all cases where land is leased by a mortgagee or vendor to a mortgagor or purchaser, and
- (b) containing or setting out
  - (i) the covenants, conditions, stipulations and agreements on the part of the lessee to be contained in it, and
  - (ii) the covenants, conditions, stipulations and agreements on the part of the lessee that shall be implied by reason of the execution of a crop payment lease in the prescribed form.

**(2)** No crop payment lease entered into between a mortgagee or vendor of land and a mortgagor or purchaser shall be entered into after publication in The Alberta Gazette of the regulations unless it is in substantial conformity with the prescribed form, and in case of divergence between the terms of a crop payment lease and those of the prescribed form, the crop payment lease shall be construed as if it had been in the form prescribed.

RSA 1980 cC-35 s5