Can a creditor who institutes a hypothecary recourse recover "Extra-judicial professional fees...for services"? A Quebec Court rules

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Since the amendments made to the *Civil Code of Québec* (“C.C.Q.”) in 2002, article 2762 provides that:

2762. A creditor having given prior notice of the exercise of a hypothecary right is not entitled to demand any indemnity from the debtor except interest owing and costs.

Notwithstanding any stipulation to the contrary, costs exclude extra-judicial professional fees payable by the creditor for services required by the creditor in order to recover the capital and interest secured by the hypothec or to conserve the charged property.

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