**Form 4.04A**
(rule 4.04(2))

***Rules of the Supreme Court of Newfoundland and Labrador, 1986***

**Practice Note**

PN. No. [Year - consecutive number]

DATE ISSUED:

RULES AFFECTED:

EFFECTIVE DATE:

PREVIOUS PRACTICE NOTES REVISED:

The following Practice Note was filed with the Registrar and is published pursuant to rule 4.04 of the *Rules of the Supreme Court, 1986*:

1.

2.

3.

AUTHORIZED BY:

_____
Chief Justice, Trial Division

**Form 5.03A**
(rule 5.03)

20_____ ____G _____

In the Supreme Court of Newfoundland and Labrador
Trial Division (General)

BETWEEN

_____ PLAINTIFF

AND

_____ DEFENDANT

**Statement of Claim**

1. (*Set forth material facts*)

2. The plaintiff therefore claims:

(A) (*Set forth relief claimed*)

(B)

(C)

DATED at _____, Newfoundland and Labrador this _____ day of _____ 20_____

_____
Plaintiff
(or solicitor for plaintiff)

(*insert address for service*)

To: (Defendant or Solicitor for the defendant)
(*insert address*)

ISSUED at _____, Newfoundland and Labrador this _____day of _____, 20_____

(*Seal of the court*)

_____
Registrar

20_____ ____G _____

In the Supreme Court of Newfoundland and Labrador
Trial Division (General)

(*Title of proceeding*)

**Notice to Defendant(s)**

You are hereby notified that the plaintiff(s) may enter judgment in accordance with the statement of claim or such order as, according to the practice of the Court, the plaintiff is entitled to, without any further notice to you unless within _____ days, after service hereof upon you, you cause to be filed with the Supreme Court of Newfoundland and Labrador at _____ a defence and unless within the same time a copy of your defence is served upon the plaintiff(s) or the plaintiff's solicitor(s) at the plaintiff's solicitor(s) stated address(es) for service.

Provided that if the claim is for a debt or other liquidated demand and you pay the amount claimed in the statement of claim and the sum of $_____ (or such sum as may be allowed on taxation) for costs to the plaintiff(s) or the plaintiff's solicitor(s) within _____ days from the service of this notice upon you, then this proceeding will be stayed.

To: (Defendant or Solicitor for the defendant)
(*insert address*)

**Endorsements**

RECEIVED on _____, the _____ day of _____ 20_____

This statement of claim and attached notice to defendant(s) was served by me on the defendant(s), at _____, the _____ day of _____ 20_____ before the hour of _____ .m.

Endorsed on _____, the _____ day of _____ 20_____

_____

(*Signed*)
(*insert address*)

**Affidavit of Service**

I, _____ of _____ Street, (place) _____, Newfoundland and Labrador (*insert occupation*), make oath (or affirm) and say that I did on _____, the _____ day of _____ 20_____, at approximately _____.m., serve, _____ with the within statement of claim by leaving a true copy of the same with _____personally at _____, and that I endorsed the date of the service thereon on _____, the _____ day of _____ 20_____

SWORN (OR AFFIRMED) to at _____ in the Province of _____ the _____ day of _____ 20_____, before me

_____
A Commissioner, etc.

**Form 5.05A**
(rule 5.05)

**Concurrent Originating Document**

I certify this to be a concurrent originating document, (as amended) filed with the Supreme Court of Newfoundland and Labrador, Trial Division, at _____, Newfoundland and Labrador, and issued in this proceeding on the _____ day of _____ 20_____

_____
Registrar

**Form 5A.01B**
(rule 5A.01(1)(h))

20_____ ____G _____

In the Supreme Court of Newfoundland and Labrador
Trial Division (General)

*(Title of Proceeding)*

**Order**

The Defendant, having failed to pay the fine(s), late payment penalty(ies), forfeiture(s), assessment(s) or tax(es) listed on the Certificate filed herein as owing to the Claimant within the time allowed for payment, as certified by the designated certifying official,

It is hereby ordered that judgment be entered against the Defendant in favour of the Claimant pursuant to the provisions of _____ the sum of $_____, being the total amount of the fine(s), late payment penalty(ies), forfeiture(s), assessment(s) and tax(es) listed on the said Certificate filed herein as owing by the Defendant, and that a copy of this Order be served on the Defendant either personally or by ordinary mail at the Defendant's last known address.

Dated at St. John's, Newfoundland and Labrador, this _____ day of _____ 20_____

_____
Registrar

**Form 11.02A**
(rule 11.02(1))
20_____ ____G _____

In the Supreme Court of Newfoundland and Labrador
Trial Division (General)

BETWEEN

_____ PLAINTIFF

AND

_____ DEFENDANT

AND BETWEEN

_____ PLAINTIFF by counterclaim

AND

_____ DEFENDANT by counterclaim

**Counterclaim**

1. (*Set forth material facts*)

2. The plaintiff (by counterclaim) therefore claims:

(A)

(B)

(C)

DATED at _____, Newfoundland and Labrador this _____ day of _____ 20_____

_____
Plaintiff by counterclaim
(or solicitor for plaintiff by counterclaim)
(*insert address for service*)

To: (Defendant by counterclaim

or solicitor for the defendant by counterclaim)
(*insert address*)

ISSUED at _____, Newfoundland and Labrador this _____day of _____, 20_____

(*Seal of the court*)

_____
Registrar

20_____ ____G _____

In the Supreme Court of Newfoundland and Labrador
Trial Division (General)

(*Title of proceeding*)

**Notice to Defendant(s) (by counterclaim)**

You are hereby notified that the plaintiff(s) (by counterclaim) may enter judgment in accordance with the statement of claim or such order as, according to the practice of the Court, the plaintiff (by counterclaim) is entitled to, without any further notice to you unless within _____ days, after service hereof upon you, you cause to be filed with the Supreme Court of Newfoundland and Labrador at _____ a defence and unless within the same time a copy of your defence is served upon the plaintiff(s) (by counterclaim) or the plaintiff's solicitor(s) at the plaintiff's (solicitor(s) stated address(es) for service.

Provided that if the claim is for a debt or other liquidated demand and you pay the amount claimed in the statement of claim and the sum of $_____ (or such sum as may be allowed on taxation) for costs to the plaintiff(s) (by counterclaim) or the plaintiff's solicitor(s) within _____ days from the service of this notice upon you, then this proceeding will be stayed.

To: (Defendant by counterclaim
or solicitor for the defendant by counterclaim)
(*insert address*)

**Endorsements**

RECEIVED on _____, the _____ day of _____ 20_____

This statement of claim and attached notice to defendant(s) (by counterclaim) was served by me on the defendant(s) (by counterclaim), at _____, the _____ day of _____ 20_____ before the hour of _____ .m.

Endorsed on _____, the _____ day of _____ 20_____

_____
(*Signed*)
(*insert address*)

**Affidavit of Service**

I, _____ of _____ Street, (place) _____, Newfoundland and Labrador (*insert occupation*), make oath (or affirm) and say that I did on _____, the _____ day of _____ 20_____, at approximately _____.m., serve, _____ with the within statement of claim by leaving a true copy of the same with _____personally at _____, and that I endorsed the date of the service thereon on _____, the _____ day of _____ 20_____

SWORN (OR AFFIRMED) to at _____ in the Province of _____ the _____ day of _____ 20_____, before me

_____
A Commissioner, etc.

**Form 12.02A**
(rule 12.02)

20_____ ____G _____

In the Supreme Court of Newfoundland and Labrador
Trial Division (General)

BETWEEN

_____ PLAINTIFF

AND

_____ DEFENDANT

AND

_____ THIRD PARTY

**Third Party Notice**

TO THE THIRD PARTY:

TAKE NOTICE that this proceeding has been brought by the plaintiff against the defendant and by the defendant against you as a third party. In the proceeding, the plaintiff claims against the defendant _____ (*here state concisely the nature of the plaintiff's claim*) as appears from the originating document, a copy of which is attached hereto as Schedule A.

AND TAKE NOTICE that the defendant also claims against you in respect of the claim set out in the statement of claim attached hereto as Schedule B.

AND TAKE NOTICE that you will be deemed to admit the plaintiff's claim against the defendant and the defendant's claim against you, and the defendant may enter judgment against you in accordance with the defendant's claim attached hereto as Schedule B without further notice to you, unless (where a defence is to be filed) [within

> (*insert the period of time prescribed by the Rules or order in the latter case, add the following words* "being the period prescribed by order dated the the _____ day of _____ 20_____,")

days after the service of this third party notice upon you, excluding the day of service,

(a) you or your solicitor cause your defence to the statement of claim to be filed with the Court by either delivering or mailing the defence to the Registry; and

(b) within the same time, you or your solicitor cause a copy of your defence to be served upon the defendant or the defendant's solicitor at the address given in the statement of claim for service by either delivering or mailing the copy to him or her at that address;] or,

(where the application is to Court) — [unless you appear on the hearing of the originating document.].

**Schedule A**

(*Attach copy of originating document in the preceeding between the plaintiff and defendant*)

**Schedule B**

(*Attach copy of the defendant's statement of claim or affidavit containing his claim against third party*)

_____
(*Signed*)
(*insert address*)

ISSUED at _____, Newfoundland and Labrador this _____day of _____, 20_____

(*Seal of the court*)

_____
Registrar

**Endorsements**

RECEIVED on _____, the _____ day of _____ 20_____

This third party notice was served by me on _____, before the hour of _____ .m.

Endorsed on _____, the _____ day of _____ 20_____

_____
(*Signed*)
(*insert address*)

**Affidavit of Service**

I, _____ of _____ Street, (place) _____, Newfoundland and Labrador, (*insert occupation*), make oath (or affirm) and say that I did on _____, the _____ day of _____ 20_____, at approximately _____.m., serve, _____ with the third party notice by leaving the same with him or her personally at _____.

SWORN (OR AFFIRMED) to at _____ in the Province of _____ the _____ day of _____ 20_____, before me

_____
A Commissioner, etc.

**Form 27.03A**
(rule 27.03)

20_____ ____G _____

In the Supreme Court of Newfoundland and Labrador
Trial Division (General)

(*Title of proceeding*)

**Applicant's Bond for a Recovery Order**

WHEREAS the applicant, A.B., seeks to obtain a recovery order herein against C.D., to recover the property described in the schedule;

NOW KNOW ALL MEN by these presents that I, A.B., as applicant, and (M.N. and O.P. as sureties) (upon the applicant depositing with the Court at _____, Newfoundland and Labrador, the money or securities listed below as security hereunder) firmly (bind myself), (jointly and severally bind ourselves) to C.D., his or her executors, administrators or assigns, to pay to him, her or them the penal sum of _____ Dollars upon breach of the following conditions, namely that the applicant shall,

(a) on the delivery of the property to the applicant, or the filing of a bond under rule 27.06 of the *Rules of the Supreme Court, 1986* obtain, without delay, an order settling who is entitled to the ownership or possession of the property;

(b) return the property to the party or person from whom it was taken if the applicant fails without delay to obtain the order referred to in paragraph (a), or the Court so orders; and

(c) pay such damages and costs awarded by the Court against the applicant as the result of the issue of the recovery order;

and upon the applicant fulfilling these conditions, or if the sheriff fails to recover any part of the property sought to be recovered herein and deliver the same to the applicant, this bond shall be void, but unless the Court otherwise orders, it shall remain in full force and effect.

This bond shall enure to the benefit of and be binding upon the parties hereto, their and each of their executors, administrators, successors and assigns.

Dated at _____, Newfoundland and Labrador, this _____ day of _____ 20_____

SIGNED, SEALED AND DELIVERED _____ in the presence of:

_____

_____

_____

**Schedule**
(*insert a description of the property sufficiently to identify it*)

20_____ ____G _____

In the Supreme Court of Newfoundland and Labrador
Trial Division (General)

(*Title of proceeding*)

I_____ of _____ in the Province of _____ make oath (or affirm) and say that I was present and did see the within bond duly executed by the parties named therein, and that the name _____set and subscribed as a witness thereto, is of the proper handwriting of me, this deponent, and that the same was executed at _____

SWORN (OR AFFIRMED) AT _____, this _____ day of _____ 20_____ before me

_____
A Commissioner, etc.

20_____ ____G _____

In the Supreme Court of Newfoundland and Labrador
Trial Division (General)

(*Title of proceeding*)

We, M.N. and O.P._____ of _____ in the Province of _____ and _____ of _____ in the Province of _____, severally make oath (or affirm) and say:

That we are the proposed sureties on behalf of A.B. _____ the applicant named in the foregoing bond; and I the said M.N. _____ for myself make oath (or affirm) and say that I am worth property of the amount of _____ dollars, over and above all encumbrances, and over and above what will pay my debts and every other sum for which I am now bail, or for which I am liable as surety or endorser, or otherwise; and I the said _____ O.P. for myself make oath (or affirm) and say that I am worth property to the amount of _____ dollars over and above what will pay my debts, and every other sum for which I am now bail, or for which I am liable as surety or endorser, or otherwise.

The above named _____, and _____ were severally sworn (or affirmed) at _____ this _____ day of _____ 20_____ before me

_____
A Commissioner, etc.

**Form 27.04A**
(rule 27.04)

20_____ ____G _____

In the Supreme Court of Newfoundland and Labrador
Trial Division (General)

*(Title of Proceeding)*

**Interlocutory Recovery Order**

TO THE SHERIFF OF NEWFOUNDLAND AND LABRADOR:

Before the Honourable _____ Justice _____

UPON being satisfied that the applicant has filed with this Honourable Court, an affidavit and bond in compliance with the *Rules of the Supreme Court, 1986* which documents are open for inspection by any person

IT IS ORDERED that,

1. the sheriff shall recover and take immediate possession of the following property described in the schedule which is of the value of $_____ (*insert description of the property sought to be recovered in the schedule thereof, and make an inventory of the property so recovered*);

2. when the property or any part is recovered, the sheriff shall serve a true copy of this order on the party from whom the property is recovered, and on any adult person in possession of the property at the time possession is taken, and, where real property is recovered, shall post a true copy of this order in a conspicuous place thereon;

3. if the party from whom the property was recovered files a bond with the Court pursuant to rule 27.06 of the *Rules of the Supreme Court, 1986* the Registrar shall deliver a certificate to the party stating the bond has been filed, and, on this certificate being delivered to the sheriff within three days after the service of this order on the party, the sheriff shall return the property to the party, otherwise the sheriff shall deliver possession of the property to the applicant;

4. upon delivery of the property to the applicant or upon filing the bond with the Court as provided in the preceding paragraph, the applicant shall forthwith continue the proceeding until judgment is entered; and

5. before the expiration of ninety days after the issue of this order, or within such further time as the Court orders, the sheriff shall file this order, with a report of any action taken by the sheriff hereunder, endorsed thereon or attached thereto, with the Court.

DATED at _____, Newfoundland and Labrador this _____ day of _____, 20 _____.

The solicitor for the applicant _____ is _____ of _____, Newfoundland and Labrador

_____
Registrar

**Schedule**

*(Insert description of the property sought to be recovered in the schedule thereof, and make an inventory of the property so recovered.)*

**Form 27.06A**
(rule 27.06)

20_____ ____G _____

In the Supreme Court of Newfoundland and Labrador
Trial Division (General)

*(Title of Proceeding)*

**Bond to Retain Property Under an Interlocutory Recovery Order**

WHEREAS C.D. seeks to retain or recover property taken from C.D. under the interlocutory recovery order issued herein on the _____ day of _____, _____, and is filing this bond with this Honourable Court in compliance with rule 27.06 of the *Rules of the Supreme Court, 1986*;

NOW KNOW ALL MEN by these presents that I, C.D., as principal, and (M.N. and O.P. as sureties) (upon C.D. depositing with the Court at _____, Newfoundland and Labrador, the money or securities listed below as security hereunder) firmly (bind myself,) (jointly and severally bind ourselves) to A.B., the applicant, for the interlocutory recovery order herein, his or her executors, administrators and assigns, to pay to him or her or them the penal sum of _____ dollars upon breach of the condition that I, C.D. shall

(a) deliver the property retained or recovered by me from the sheriff herein, as listed in the inventory attached hereto, to the applicant if it is so ordered; or

(b) pay to the applicant when ordered by the Court, an amount equal to the value of the property so retained or recovered which payment shall not exceed the amount secured by the bond;

and upon C.D. fulfilling these conditions this bond shall be void, but unless the Court otherwise orders, it shall remain in full force and effect.

This bond shall enure to the benefit of and be binding upon the parties hereto, each of their executors, administrators, successors and assigns.

DATED at _____, Newfoundland and Labrador, this _____ day of _____, _20_____.

SIGNED, SEALED AND DELIVERED _____ in the presence of:

_____

_____

_____

*(Attach inventory)*
*(insert a description of the property to sufficiently identify it)*

20_____ ____G _____

In the Supreme Court of Newfoundland and Labrador
Trial Division (General)

*(Title of Proceeding)*

I, _____ of _____ in the Province of _____ make oath (or affirm) and say that I was present and did see the within bond duly executed by the parties named therein, and that the name _____ set and subscribed as a witness thereto, is of the proper handwriting of me, this deponent, and that the same was executed at _____

SWORN (OR AFFIRMED) at _____ this _____ day of

_____, 20_____, before me

_____
A Commissioner, etc.

20_____ ____G _____

In the Supreme Court of Newfoundland and Labrador
Trial Division (General)

*(Title of Proceeding)*

We, M.N. of _____ in the Province of _____ and O.P. of _____ in the Province of _____, severally make oath (or affirm) and say:

That we are the proposed sureties on behalf of C.D. _____, the principal named in the foregoing bond; and I the said M.N. _____

for myself make oath (or affirm) and say that I am worth property to the amount of _____ dollars, over and above all encumbrances, and over and above what will pay my debts, and every other sum for which I am now bail, or for which I am liable as surety or endorser, or otherwise; and I the said _____ for myself make oath and say that I am worth property to the amount of _____ dollars over and above what will pay my debts, and every other sum for which I am now bail, or for which I am liable as surety or endorser, or otherwise.

The above named _____ and _____ were severally sworn (or affirmed) at _____ this _____ day of _____, 20_____, before me

_____
A Commissioner, etc.

**Form 27.13A**
(rule 27.13)

20_____ ____G _____

In the Supreme Court of Newfoundland and Labrador
Trial Division (General)

*(Title of Proceeding)*

**Order for Sheriff to Deliver Possession of Property**

TO THE SHERIFF OF NEWFOUNDLAND AND LABRADOR:

UPON READING the order of _____ Justice _____ dated the _____day of _____, 20_____, filed herein, that (the plaintiff, A.B., or the defendant, C.D., as the case may be) recover from (the defendant, C.D., or the plaintiff A.B., as the case may be) possession of (or as the case may be and describing the property) that was ordered to be recovered from the defendant (or plaintiff);

IT IS ORDERED THAT you, as Sheriff of Newfoundland and Labrador, enter upon the lands of _____ and cause the plaintiff (or as the case may be) to have possession of the above described property; and

IT IS FURTHER ORDERED THAT upon the execution of this order, you shall forthwith file it with the Court with a report on your doings under the order endorsed thereon.

ISSUED at _____, Newfoundland and Labrador this _____day of _____, 20_____

_____
Registrar

**Form 47.01A**
(rule 47.01(2)(a))

20_____ ____G _____

In the Supreme Court of Newfoundland and Labrador
Trial Division (General)

*(Title of Proceeding)*

**Order for Examination of Persons within the Jurisdiction**

Before the Honourable _____ Justice _____
ON HEARING _____, and ON READING the affidavit of _____, sworn to (or affirmed) on the _____ day of _____, _20_____.

IT IS ORDERED THAT A.B.,of _____, and C.D., of _____ persons to be examined on behalf of the (plaintiff) (defendant) and any other person as solicitors or agents of the parties mutually request the examiner in writing to examine, be orally examined, cross-examined and re-examined on oath or affirmation, before _____, as Examiner.

AND IT IS ORDERED THAT the examiner appoint a time and place for the examination and give _____ days notice in writing of the time and place to each person to be examined and to each party, his or her solicitor or agent, unless the notice is waived.

AND IT IS ORDERED THAT the depositions taken at the examination, together with any book, letter, paper or document referred to therein, or certified copies of the same or extracts therefrom be filed with the Supreme Court of Newfoundland and Labrador at _____ and that a certified copy may be read and used in evidence at the (trial) (hearing) of this proceeding, saving all just exceptions, without any further proof of the absence at the (trial) (hearing) of any of the persons examined other than the affidavit of the solicitor or agent of the party using the same, as to his or her belief, and that the costs of this application and the examination be _____.

DATED at _____, Newfoundland and Labrador this _____ day of _____, _20_____.

_____
Registrar

**Form 47.01B**
(rule 47.01(2)(b))

20_____ ____G _____

In the Supreme Court of Newfoundland and Labrador
Trial Division (General)

*(Title of Proceeding)*

**Order for Examination of Persons Out of the Jurisdiction**

Before the Honourable _____ Justice _____
ON HEARING _____, and ON READING the affidavit of _____, sworn to (or affirmed) on the _____ day of _____, _20_____.

IT IS ORDERED THAT _____ of _____, is appointed an examiner for the purpose of taking the examination, cross-examination and re-examination orally, on oath or affirmation, of A.B., of _____, and C.D. of _____ persons to be examined on the part of the (plaintiff) (defendant), and of any other persons as the solicitors or agents of the parties shall mutually request the examiner in writing to examine, _____ in (*name of province, territory or country*).

AND IT IS ORDERED THAT the solicitor for the applicant give to the solicitor of each of the other parties _____ days notice in writing of the date on which the solicitor for the applicant proposes to send out this order to the examiner for execution, and that _____ days after the service of the notice the solicitors for the parties respectively do exchange the names of their solicitors or agents at _____, to whom notice relating to the examination of the persons may be sent.

AND IT IS ORDERED THAT _____ days notice (exclusive of Saturday and Sunday) before the examination of any person hereunder shall be given by the examiner to the solicitor or agent of each of the parties and to each person to be examined unless the notice is waived.

AND IT IS ORDERED THAT the examination be conducted in accordance with the enclosed instructions, with such modifications as may be necessary.

AND IT IS ORDERED THAT the depositions when taken, together with any book, letter, paper or document, referred to therein, or certified copies of the same or extracts therefrom, be sent by the examiner, under seal, to the Supreme Court of Newfoundland and Labrador at _____, on or before the _____

day of _____, 20_____, or such further or other day as may be ordered, thereto to be filed.

AND IT IS ORDERED THAT either party be at liberty to read and use the depositions in evidence on the (trial) (hearing) of this proceeding, saving all just exceptions, without any further proof of the absence at the (trial) (hearing) of the persons examined other than the affidavit of the solicitor or agent of the party using the same as to his or her belief.

AND IT IS ORDERED THAT the (trial) (hearing) of this proceeding is stayed until the filing of the depositions, and that the costs of and incidental to this order and the examination be _____.

DATED at _____, Newfoundland and Labrador this _____ day of _____, _20_____.

_____
Registrar

**Form 47.01C**
(rule 47.01(2)(c))

20_____ ____G _____

In the Supreme Court of Newfoundland and Labrador
Trial Division (General)

*(Title of Proceeding)*

**Order for Issue of a Letter of Request of Judicial Authority Out of the Jurisdiction**

Before the Honourable _____ Justice _____

ON HEARING _____, and ON READING the affidavit of _____, sworn to (or affirmed) on the _____ day of _____, _20_____.

IT IS ORDERED THAT a letter of request be issued directed to the proper judicial authority for the examination of the following persons, namely:

> E.F. of _____, G.H. of _____ and such other persons as the solicitors or agents of the parties shall mutually request the judicial authority in writing to examine.

AND IT IS ORDERED THAT the depositions taken pursuant thereto, when received, be filed with the Supreme Court of Newfoundland and Labrador at, _____, Newfoundland and Labrador, and that the certified copy thereof may be read and used in evidence on the (trial) (hearing) of this proceeding, saving all just exceptions, without any further proof of the absence at the (trial) (hearing) of any of the persons examined other than the affidavit of the solicitor or agent of the party using the same as to his or her belief.

AND IT IS ORDERED THAT the (trial) (hearing) of this proceeding be stayed until the depositions have been filed, and that the costs of and incidental to this order, letter of request and examination be _____.

DATED at _____, Newfoundland and Labrador this _____ day of _____, _20_____.

_____
Registrar

**Form 47.01D**
(rule 47.01(2)(c))

20_____ ____G _____

In the Supreme Court of Newfoundland and Labrador
Trial Division (General)

*(Title of Proceeding)*

**Letter of Request for Examination of Witness Out of the Jurisdiction**

To the Judicial Authority of _____ in the _____ of _____

WHEREAS a proceeding is now pending in the Supreme Court of Newfoundland and Labrador, Trial Division (General / Family) in which A.B. is plaintiff and C.D. is defendant and in which the plaintiff claims _____ (*set out particulars of claim*);

AND WHEREAS it has been represented to the Court that it is necessary for the purposes of justice and for the due determination of the matters in dispute between the parties that the following persons should be examined, upon oath or affirmation touching such matters, namely A.B. of _____, and C.D. of _____ and such other persons as the solicitors or agents of the parties shall mutually request you in writing to examine, and it appears that such persons are resident within your jurisdiction.

NOW THEREFORE I, M.N., a Judge of the Supreme Court of Newfoundland and Labrador, Trial Division, hereby request that for the reasons aforesaid and for the assistance of the Court, you will be pleased to summon the solicitors or agents of the parties and the persons to be examined, to attend at such time and place as you shall appoint, either before you or such other person as according to your procedure is competent to take the examination of witnesses, and that you will cause such person to be examined orally or by interrogatories touching the matters in question, in the presence of the solicitors or agents of the plaintiff and defendant, or such of them as shall, on due notice given, attend the examination.

AND I FURTHER REQUEST THAT you will permit the solicitors or agents of any party, or such of them as shall be present to examine orally or by interrogatories, any person, as may, after due notice in writing, be produced on his or her behalf, and the opposing party to cross-examine the person orally or by interrogatories, and the party producing the person for examination to re-examine him or her orally or by interrogatories.

AND I FURTHER REQUEST THAT you will be pleased to cause the evidence of any such person to be reduced into writing, and any book, letter, paper and document produced on the examination to be duly marked for identification, and that you will be further pleased to authenticate the depositions taken on the examination and any book, letter, paper or document, or a certified copy of the same or any extract therefrom by the seal of your tribunal or in such other ways as is in accordance with your procedure, and to return the same, together with any interrogatories and a note of the charges and expenses payable in respect of the execution of this request to the Under Secretary of State for External Affairs of Canada at _____, Ottawa, Canada, for transmission to the Registrar, at _____, Newfoundland and Labrador.

AND I FURTHER REQUEST THAT you will cause the examination to be conducted in accordance with the enclosed instructions, with such modifications as may be necessary.

DATED at _____, Newfoundland and Labrador this _____ day of _____, _20_____.

_____
Judge of the Trial Division of
the Supreme Court of
Newfoundland and Labrador

**Form 49.18A**
(rule 49.18(2))

20_____ ____G _____

In the Supreme Court of Newfoundland and Labrador
Trial Division (General)

*(Title of Proceeding)*

**Notice of Disallowance**

TO: A.B., _____ Street _____, Newfoundland and Labrador

TAKE NOTICE THAT on the adjudication of the claims of the creditors and other claimants (or as the case may be) in the above proceeding, the Honourable _____ Justice _____, by order dated the _____ day of _____, 20_____, (allowed your claim in the mount of $_____) (disallowed your claim);

AND TAKE NOTICE THAT if you are dissatisfied with the amount allowed or the disallowance of your claim, you must, within ten days from the receipt of this notice apply to the Supreme Court of Newfoundland and Labrador, Trial Division, for a further rehearing of your claim otherwise the above adjudication will be final and binding upon you.

ADDRESS:
(*insert the address of the Supreme Court of Newfoundland and Labrador*)

DATED at _____, Newfoundland and Labrador this _____ day of _____, _20_____.

_____
Registrar

**Form 52.02B**
(rule 52.02)

20_____ ____G _____

In the Supreme Court of Newfoundland and Labrador
Trial Division (General)

*(Title of Proceeding)*

**Receivership Order**

Before the Honourable _____ Justice _____

UPON HEARING M.N., for the plaintiff, and O.P., for the defendant, AND UPON READING the affidavit of, etc.:

IT IS ORDERED THAT Q.R. be appointed a receiver, upon first giving security as herein provided, to (receive the rents, profits and moneys receivable in respect of the defendant's interest in the following property, namely (*describe property*) in or towards satisfaction of the order herein, and dated the _____day of _____, 20____ , that ordered the defendant to pay to the plaintiff the sum of $_____ dollars and the sum of $_____ dollars costs, together with interest as therein provided) or (as the case may be);

IT IS FURTHER ORDERED THAT Q.R. shall not act as a receiver hereunder until there is filed with the Court a bond in an amount equal to one and one quarter times the amount of the judgment entered herein, with two sufficient sureties or other sufficient security approved by the Court, on condition that the receiver will comply with all the terms and conditions of this order;

IT IS FURTHER ORDERED THAT the appointment of the receiver herein is made without prejudice to the right of any prior encumbrancer to take possession of the property by virtue of the encumbrancer's lien or security;

IT IS FURTHER ORDERED THAT the receiver may, if the receiver considers it necessary, (out of the rents, profits and moneys to be received by the receiver, pay the interest due upon any prior encumbrance, according to its priorities, and be allowed the payments on the passing of his or her accounts), (or as the case may be);

(IT IS FURTHER ORDERED THAT the tenants of the property attorn and pay their rents, in arrears or due in the future, to the receiver until the termination of this order);

IT IS FURTHER ORDERED THAT the receiver shall, on the _____day of _____ , 20____ , and at such further and other times as may be ordered by the Court, file his or her accounts with the Court and have them passed by the Court;

IT IS FURTHER ORDERED THAT the costs of the receiver, including the receiver's remuneration, shall not exceed _____ per cent of the amount recovered by the receiver hereunder, which costs shall be approved by the Court;

AND IT IS FURTHER ORDERED THAT the balance remaining in the hands of the receiver shall, unless it is otherwise ordered by the Court, be paid forthwith by the receiver into Court to the credit of the proceeding, subject to any further order.

AND IT IS FURTHER ORDERED THAT the defendant, by himself, herself or itself or his, her or its servants or agents, is restrained and an injunction is hereby granted restraining them, or any of them, until the Court otherwise orders, from (selling, charging or otherwise dealing with the above property) or (as the case may be);

AND IT IS FURTHER ORDERED THAT any of the parties or the receiver may apply to the Court from time to time for a further order.

DATED at _____, Newfoundland and Labrador, this _____day of _____, 20_____.

_____
Registrar

**Form 56.04A**
(rule 56.04)

In the Supreme Court of Newfoundland and Labrador
Trial Division (General)

**Notice of Application**

*In the Estate of _____, of the _____ of _____ in the Province of _____, _____ (occupation), deceased, who died on or about the _____ day of _____, 20_____*

FIVE DAYS after the date hereof, application will be made to one of the judges of the General Division of the Supreme Court of Newfoundland and Labrador, for Letters of _____ to be granted to _____

Dated at _____, Newfoundland and Labrador, this _____ day of _____, 20_____

Address for Service:

_____ Applicant or Solicitor for Applicant
_____
_____ Telephone No._____

Note: This Notice of Application will lapse and be of no further force or effect 6 months from the date of its posting in the Registry of the Court unless within that time an application for letters of probate or administration, as the case may be, is filed with the Court, or unless, within that time, a Caveat opposing such application is filed with the Court.

I HEREBY CERTIFY that the above Notice of Application has been posted in the Registry of the Court from the date thereof to the present day, and that no caveat or other objection has been entered.

DATED the _____day of _____, 20_____.

_____
Registrar

**Form 56.33E**
(rule 56.33)

In the Supreme Court of Newfoundland and Labrador
Trial Division (General)

*In the Estate of* _____, *deceased.*

**Letters of Probate**

BE IT KNOWN that on the _____day of _____, 20_____ the last Will and Testament of _____ late of _____ in the Province of Newfoundland and Labrador _____ deceased, who died on or about the _____day of _____, 20_____ at _____ was proved and registered in the aforesaid Court a true copy of which said last Will and Testament is hereunder written and that the administration of all and singular the estate and effects of the said deceased was granted by the aforesaid Court to ._____ the execu_____ named in the said Will _____ having been first sworn well and faithfully to administer the same by paying the just debts of the deceased, and the legacies contained in the said Will _____ so far as thereunto bound by law, and by distributing the residue (if any) according to law and to exhibit under oath a true and perfect inventory of all and singular the said estate and effects, and to render a just and true account thereof whenever required by law so to do.

_____
Registrar

==========

In the Supreme Court of Newfoundland and Labrador
Trial Division (General)
---

*In re*

*deceased.*

---
Letters of Probate
---

Entered

Folio

Volume
==========

By the oath or affirmation which you have taken you are bound to render a true account of your administration whenever required by law to do so. At such time, you are required to file with the Supreme Court a statement of account duly verified under your oath or affirmation showing how the estate has been dealt with.

**Form 56.33F**
(rule 56.33)

In the Supreme Court of Newfoundland and Labrador
Trial Division (General)

*In the Estate of* _____, *deceased.*

**Letters of Administration**

BE IT KNOWN that on the _____day of _____, 20_____ Letters of Administration of all and singular the estate and effects of _____ late of _____ in the Province of Newfoundland and Labrador _____ deceased, who died on or about the _____day of _____, 20_____ at _____intestate, were granted by the Supreme Court to _____ having first sworn well and faithfully to administer the same by paying the just debts of the said intestate, and distributing the residue (if any) of _____ estate and effects according to law and to exhibit a true and perfect Inventory of all and singular the said estate and effects, and render a just and true account thereof whenever required by law so to do.

_____
Registrar

==========

In the Supreme Court of Newfoundland and Labrador
Trial Division (General)
---

*In re*

*deceased.*

---
Letters of Administration
---

Entered

Folio

Volume
==========

By the oath or affirmation which you have taken you are bound to render a true account of your administration whenever required by law to do so. At such time, you are required to file with the Supreme Court a statement of account duly verified under your oath or affirmation showing how the estate has been dealt with.

**Form 56.33G**
(rule 56.33)

In the Supreme Court of Newfoundland and Labrador
Trial Division (General)

*In the Estate of* _____, *deceased.*

**Letters of Administration with Will Annexed**

*BE IT KNOWN that* _____ late of _____ in the Province of Newfoundland and Labrador, _____ deceased, who died on the _____day of _____, 20_____, at _____ made and duly executed _____ last Will and Testament, a copy of which is hereunder written.

*BE IT FURTHER KNOWN* that on the _____day of _____, 20_____, Letters of Administration with the said Will annexed of all and singular the estate and effects of the said deceased were granted by the Supreme Court to _____ having been first sworn (or affirmed) well and faithfully to administer the same, by paying the just debts of the said deceased and the legacies contained in the said Will _____ and distributing the residue of the said estate and effects, according to law, and to exhibit a true and perfect inventory of all and singular the said estate and effects, and to render a just and true account thereof whenever required by law so to do.

_____
Registrar

==========

In the Supreme Court of Newfoundland and Labrador
Trial Division (General)
---

*In re*

*deceased.*

---
Letters of Administration with Will Annexed
---

Entered

Folio

Volume

==========

By the oath or affirmation which you have taken you are bound to render a true account of your administration whenever required by law to do so. At such time, you are required to file with the Supreme Court a statement of account duly verified under your oath or affirmation showing how the estate has been dealt with.

**Form 56.33H**
(rule 56.33)

In the Supreme Court of Newfoundland and Labrador
Trial Division (General)

*In the Estate of* _____, *a minor*.

**Letters of Guardianship, Minor**

BE IT KNOWN that on the _____day of _____, 20_____, Letters of Guardianship of the Estate and Effects of _____ minor child of _____ of _____ in the Province of Newfoundland and Labrador _____ were granted by the Supreme Court of Newfoundland and Labrador to_____ having been first sworn (or affirmed) well and faithfully to manage to the best advantage the property of the said minor committed to his or her care, and to pay and dispose of such Estate in such manner as the Court shall direct, and well and truly to perform and discharge all the duties which belong to him or her as guardian of the Estate of the said minor according to the laws of this Province, and to render a just and true account thereof to the Supreme Court when thereunto lawfully required, or to the said minor when he or she shall become of age.

_____
Registrar

==========

In the Supreme Court of Newfoundland and Labrador
Trial Division (General)
---

*In re*

*a minor.*

---
Letters of Guardianship
---

Entered

Folio

Volume
==========

By the oath or affirmation which you have taken you are bound to render a true account of your administration whenever required by law to do so. At such time, you are required to file with the Supreme Court a statement of account duly verified under your oath or affirmation showing how the estate has been dealt with.

**Form 56.33I**
(rule 56.33)

In the Supreme Court of Newfoundland and Labrador
Trial Division (General)

*In the Estate of _____, a mentally disabled person.*

**Letters of Guardianship, Mentally Disabled Person**

BE IT KNOWN that on the _____day of _____, 20_____, Letters of Guardianship of the Estate and Effects of _____ mentally disabled person, of _____ in the Province of Newfoundland and Labrador, _____ (occupation) were granted by the Supreme Court of Newfoundland and Labrador to_____, of _____ , in the Province of Newfoundland and Labrador, _____ (occupation), having been first sworn (or affirmed) well and faithfully to manage to the best advantage the property of the said mentally disabled person committed to his or her care, and to pay and dispose of such Estate in such manner as the Court shall direct, and well and truly to perform and discharge all the duties which belong to him or her as guardian of the Estate of the said mentally disabled person according to the laws of this Province, and to render a just and true account thereof to the Supreme Court when thereunto lawfully required, or to the said mentally disabled person when he or she shall become competent.

_____
Registrar

==========

In the Supreme Court of Newfoundland and Labrador
Trial Division (General)
---

*In re*

*a mentally disabled person.*

---
Letters of Guardianship
---

Entered

Folio

Volume

==========

By the oath or affirmation which you have taken you are bound to render a true account of your administration whenever required by law to do so. At such time, you are required to file with the Supreme Court a statement of account duly verified under your oath or affirmation showing how the estate has been dealt with.

**Form 56A.06A**

(rule 56A.06)

In the Supreme Court of Newfoundland and Labrador Trial Division
(General / Family)

Court No. _____
Court File No. _____
Divorce Registry No. _____

BETWEEN:
_____ APPLICANT

AND:
_____ RESPONDENT

**Notice to Respondent**

**An Originating Application has been made for an order against you. The details are set out in the attached Originating Application.**

If you dispute any of the claims or if you wish to make a claim yourself, you must file a Response at the Court within the following times:

If served anywhere in Canada or the United States, within 30 days from the date of service.

If served outside of Canada or the United States, within 60 days from the date of service.

**If you do not file a Response, the Court may proceed without giving you further notice.**

**You must file a financial statement in Form 56A.27A if spousal, partner or parental support is claimed.**

**You must file a property statement in Form 56A.27C if a claim for division of matrimonial property or a claim for division of property of common law spouses has been made.**

**If the application relates to child support, you must also file with the Court and serve on the Applicant each of the following within the time set out above:**

- written statement from your employer confirming your year to date earnings, including overtime and rate of annual pay;
- copies of your tax return for the last 3 years; and
- copies of the notices of assessment or re-assessment issued by Canada Revenue Agency with respect to each of the last 3 years tax returns. You may contact Canada Revenue Agency at 1-800-959-8281.

If you have income from self-employment, a partnership, or a corporation in which you have a controlling interest, or if you are a beneficiary of a trust, you **must** also **comply** with subsection 21(1) of the ***Federal Child Support Guidelines* (Canada)** and section 19 of the provincial ***Child Support Guidelines Regulations***. *For more information relating to child support, consult the* ***Federal or Provincial Child Support Guidelines***.

The financial information outlined above and a financial statement in Form 56A.27A must be provided as well if there is a claim for Special/Extraordinary Expenses or Undue Hardship.

**If you do not file the required documentation, an order may be made and enforced against you.**

Dated this _____ day of_____, 20_____.

_____
Registrar

**Form 56A.06A**

(rule 56A.06)

In the Supreme Court of Newfoundland and Labrador Trial Division
(General / Family)

Court No. _____
Court File No. _____
Divorce Registry No. _____

BETWEEN:
_____ APPLICANT

AND:
_____ RESPONDENT

**Originating Application**

To this Honourable Court at: *(check the location where you wish this matter to be heard and note the filing requirements)*

| **IF YOU WISH YOUR MATTER TO BE HEARD IN…** | **THEN YOU MUST FILE YOUR DOCUMENTS IN…** |
|---|---|
| ❑ Clarenville (Grand Bank Circuit) | Grand Bank |
| ❑ Corner Brook | Corner Brook at the Family Division |
| ❑ Gander | Gander |
| ❑ Grand Bank | Grand Bank |
| ❑ Grand Falls-Windsor | Grand Falls-Windsor |
| ❑ Happy Valley-Goose Bay | Happy Valley-Goose Bay |
| ❑ Port aux Basques (Corner Brook Circuit) | Corner Book at the Family Division |
| ❑ Rocky Harbour (Corner Brook Circuit) | Corner Book at the Family Division |
| ❑ St. Anthony (Corner Brook Circuit) | Corner Book at the Family Division |
| ❑ St. John's | St. John's at the Family Division |
| ❑ Stephenville (Corner Brook Circuit) | Corner Book at the Family Division |
| ❑ Wabush (Happy Valley-Goose Bay Circuit) | Happy Valley-Goose Bay |

1. I/We hereby seek an order for the following:

❑ Divorce
❑ Child Support
❑ Custody
❑ Access
❑ Division of Matrimonial Property
❑ Claim for Property made by Common Law Spouses
❑ Spousal Support
❑ Parental Support
❑ Partner Support
❑ To File a Consent Order
❑ Costs
❑ Other *(specify)* _____ (attach details to this application)

***Where claim includes divorce***

2. My/Our grounds for seeking a divorce are a permanent breakdown of the marriage which has been established by:

a.

❑ we have lived separate and apart for at least one year immediately preceding the determination of the divorce proceeding and were living separate and apart at the commencement of the proceeding;

**OR**

b. the Respondent has, since celebration of the marriage,

❑ committed adultery, (*provide details of where and when*)
_____
_____
_____
_____

**OR**

❑ treated me with physical and/or mental cruelty of such a kind as to render our continued cohabitation intolerable *(provide details)*
_____
_____
_____
_____

and there has been no condonation or connivance on my part with respect to the conduct alleged above.

3. It is no longer possible for me to reconcile or resume cohabitation with my spouse.

4. I have not entered into any agreement with my spouse or any other person to deceive this Court.

5. I/My spouse has/have been ordinarily resident in the Province of Newfoundland and Labrador for at least one year immediately preceding the date of this application.

6. Particulars of my marriage:

(a) Date of marriage _____

(b) Place of marriage _____

(c) Date I ceased cohabiting with my spouse _____

(d) Immediately prior to the marriage I was:

❑ Single ❑ Divorced ❑ Widowed

My spouse was:

❑ Single ❑ Divorced ❑ Widowed

7. *(Where no certificate of marriage or of registration of marriage has been filed.)* It is impossible or impractical to obtain a certificate of marriage or of registration of marriage.

***To be completed for all claims other than divorce***

(a) That the parties were married on _____ and separated _____; and

❑ an originating application for divorce has been commenced in the Supreme Court at (*place*) _____(*province*) _____ but has not yet been heard;

**OR**

❑ an originating application for divorce has not been commenced.

**OR**

(b) That the parties were divorced on _____ in the _____ Court at *(place)* _____ *(province)* _____

**OR**

(c) That the parties were never married but lived together from _____ to _____

**OR**

(d) That the parties were never married and never lived together but were in a relationship that began _____ and ended _____

**OR**

(e) Other *(provide details)* _____

***To be completed for all claims (if applicable):***

| | Applicant | Respondent |
|---|---|---|
| Surname at birth | | |
| Place of birth | | |
| Date of birth | | |

| | | |
|---|---|---|
| Present address (include postal code) | | |
| Phone number | | |

9.

(a) Children:

| Child's full name | Place and date of birth | Resides with |
|---|---|---|
| | | |
| | | |
| | | |
| | | |

(b) The ***present*** parenting (custody and access) arrangements are:

_____

(c) The ***proposed*** parenting (custody and access) arrangements are as follows:

_____

(d) The ***present*** arrangements for the support of our child(ren) is/are:

_____

(e) The ***proposed*** arrangements for the support of our child(ren) is/are:

_____

10. Listed below are all written agreements and court orders affecting the child(ren), me, or my spouse .....

11. Child Support:

❑ I am claiming the basic table amount as per the ***Federal Child Support Guidelines*** **(Canada)**.

***(If any of the following apply, you shall file a Financial Statement in Form 56A.27A)***

❑ I am claiming the basic table amount plus an amount for special expenses. ***(complete Schedule A attached)***

❑ I am not claiming the basic table amount but I am claiming an amount for special expenses. ***(complete Schedule A attached)***

❑ I am claiming an amount for child support which is different from the basic table amount in the ***Federal Child Support Guidelines*** **(Canada)** because:

❑ (a) of a claim for undue hardship. ***(complete Schedule B attached)***

❑ (b) the child(ren) is/are at or over the age of majority.

❑ (c) I exercise a right of access to, or have physical custody of the child(ren) for not less than 40% of the time over the course of the year.

❑ (d) we have agreed to an amount of support.

❑ (e) of special provisions as per subsection 15.1(5) of the *Divorce Act* (Canada).

❑ (f) income is in excess of $150,000 annually.

12. Spousal, Partner or Parental Support

❑ I am not claiming spousal, partner or parental support.

❑ I am claiming spousal, partner or parental support. I am attaching a Financial Statement in Form 56A.27A. My reasons for claiming spousal, partner or parental support are

_____

13. Property

A. Claim

I have attached a Property Statement (in Form 56A.27C). I am claiming the following:

❑ Exclusive possession of the matrimonial home *(complete paragraph 13(b) below)*

❑ Division of property

❑ Equal *(skip paragraph 13(b))*

**OR**

❑ Unequal *(complete paragraph 13(b) below)*

❑ Other _____
*(complete paragraph 13(b) below)*

B. The reasons for my claim are

_____
_____
_____

14. Other Claims

_____
_____

I/We, _____, the Applicant (Co-Applicants), declare the contents of the within originating application are true to the best of my information and belief.

SWORN TO OR AFFIRMED at _____ in the Province of Newfoundland and Labrador this _____ day of _____, 20_____

_____
Commissioner of Oaths/
Justice of the Peace

_____
(Signature of Applicant(s))

(*insert name and address of Applicant's Solicitor (if applicable)*)

**NOTE:**

***Where the Originating Application includes a claim for Divorce, this document, which consists of the Notice to the Respondent, Originating Application, Financial Statement (if applicable) and Property Statement (if applicable), must be personally served on the Respondent by an adult other than the Applicant.***

***Where the Originating Application includes any other claim but not a Divorce, this document, which consists of the Notice to the Respondent, Originating Application, Financial Statement (if applicable) and Property Statement (if applicable), must be served in accordance with the Rules of the Supreme Court, 1986.***

***To be completed where claim includes divorce and Applicant(s) is/are represented by a solicitor***

**Statement of Solicitor**

I, _____, the Solicitor for _____, the Applicant herein, certify to this Court that I have complied with the requirements of section 9 of the *Divorce Act* (Canada).

Dated at _____, Newfoundland and Labrador, this _____ day of _____, 20_____

_____
(Signature of Applicant's Solicitor)

(*insert address of Applicant's Solicitor*)

Filed at _____, Newfoundland and Labrador this _____ day of _____, 20_____

_____
Registrar

**Schedule A**

**Claim for Special/Extraordinary Expenses:**

Under the ***Federal or Provincial Child Support Guidelines***, a claim is made for additional support to defray the following special expenses: (*check appropriate items*)

1. ❑ Child care expenses incurred as a result of the custodial parent's employment or training for employment, illness, disability, education:

   ***Monthly $ _____ Yearly $ _____***

2. ❑ A portion of medical and dental insurance premiums:

***Monthly $ _____ Yearly $ _____***

3. ❑ Health related expenses that exceed insurance reimbursement by at least $100 annually, including orthodontic treatment, professional counselling provided by a psychologist, social worker, psychiatrist or any other person, physiotherapy, occupational therapy, speech therapy and prescription drugs, hearing aids, glasses and contact lenses:

***Monthly $ _____ Yearly $ _____***

4. ❑ Extraordinary expenses for primary or secondary school education or for educational programs that meet the child's particular needs:

***Monthly $ _____ Yearly $ _____***

5. ❑ Post-secondary education expenses:

***Monthly $ _____ Yearly $ _____***

6. ❑ Extraordinary expenses for extracurricular activities:

***Monthly $ _____ Yearly $ _____***

The amount claimed is $ _____, taking into account subsidies, benefits and income tax deductions or credits relating to the expense.

**Schedule B**

***Claim based on undue hardship*:**

Under the ***Federal or Provincial Child Support Guidelines***, a claim is made for an amount of support different from that which would be awarded under the provincial payment schedules contained in Schedule I of the ***Federal Child Support Guidelines*** **(Canada)** based upon undue hardship.

1. ❑ I have responsibility for an unusually high level of debts reasonably incurred to support my spouse/child(ren) before the separation or to earn a living.

***Amount $ _____***

2. ❑ I have unusually high expenses in relation to the exercise of my access rights.

***Amount $ _____***

3. ❑ I have a legal duty under a judgment, order or written separation agreement for support.

***Amount $ _____***

4. ❑ I have a legal duty to support a child, other than a child of the marriage who is

❑ under the age of majority;

**OR**

❑ the age of majority or over but unable by reason of illness, disability or other cause to obtain the necessities of life.

***Amount $ _____***

5. ❑ I have a legal duty to support *(identify individual)* _____ who is unable to obtain the necessities of life due to an illness or disability.

***Amount $ _____***

**Form 56A.06B**

(rule 56A.06)

In the Supreme Court of Newfoundland and Labrador Trial Division
(General / Family)

Court No. _____
Court File No. _____
Divorce Registry No. _____

BETWEEN:
_____ APPLICANT

AND:
_____ RESPONDENT

**Notice to Respondent**

**An Originating Application for Variation has been made for an order against you. The details are set out in the attached Originating Application for Variation.**

If you dispute any of the claims or if you wish to make a claim yourself, you must file a Response at the Court within the following times:

If served anywhere in Canada or the United States, within 30 days from the date of service.

If served outside of Canada or the United States, within 60 days from the date of service.

**If you do not file a Response, the Court may proceed without giving you further notice.**

**You must file a financial statement in Form 56A.27A if spousal, partner or parental support is claimed.**

**If the application relates to child support, you must also file with the Court and serve on the Applicant each of the following within the time set out above:**

- written statement from your employer confirming your year to date earnings, including overtime and rate of annual pay;

- copies of your tax return for the last 3 years; and

- copies of the notices of assessment or re-assessment issued by Canada Revenue Agency with respect to each of the last 3 years tax returns. You may contact Canada Revenue Agency at 1-800-959-8281.

If you have income from self-employment, a partnership, or a corporation in which you have a controlling interest, or if you are a beneficiary of a trust, you **must** also **comply** with subsection 21(1) of the ***Federal Child Support Guidelines* (Canada)** and section 19 of the provincial ***Child Support Guidelines Regulations***. *For more information relating to child support, consult the* ***Federal or Provincial Child Support Guidelines***.

The financial information outlined above and a financial statement in Form 56A.27A must be provided as well if there is a claim for Special/Extraordinary Expenses or Undue Hardship.

**If you do not file the required documentation, an order may be made and enforced against you.**

Dated this _____ day of_____, 20_____

_____
Registrar

**Form 56A.06B**

(rule 56A.06)

In the Supreme Court of Newfoundland and Labrador Trial Division
(General / Family)

Court No. _____
Court File No. _____
Divorce Registry No. _____

BETWEEN:
_____ APPLICANT

AND:
_____ RESPONDENT

**Originating Application for Variation**

To this Honourable Court at: *(check the location where you wish this matter to be heard and note the filing requirements)*

| **IF YOU WISH YOUR MATTER TO BE HEARD IN…** | **THEN YOU MUST FILE YOUR DOCUMENTS IN…** |
|---|---|
| ❑ Clarenville (Grand Bank Circuit) | Grand Bank |
| ❑ Corner Brook | Corner Brook at the Family Division |
| ❑ Gander | Gander |
| ❑ Grand Bank | Grand Bank |
| ❑ Grand Falls-Windsor | Grand Falls-Windsor |
| ❑ Happy Valley-Goose Bay | Happy Valley-Goose Bay |
| ❑ Port aux Basques (Corner Brook Circuit) | Corner Book at the Family Division |
| ❑ Rocky Harbour (Corner Brook Circuit) | Corner Book at the Family Division |
| ❑ St. Anthony (Corner Brook Circuit) | Corner Book at the Family Division |
| ❑ St. John's | St. John's at the Family Division |
| ❑ Stephenville (Corner Brook Circuit) | Corner Book at the Family Division |
| ❑ Wabush (Happy Valley-Goose Bay Circuit) | Happy Valley-Goose Bay |

1. I/We hereby seek a change of an existing order for the following:

❑ Child Support
❑ Custody
❑ Access
❑ Spousal Support
❑ Parental Support
❑ Partner Support
❑ To File a Consent Variation

Made by Justice (*name of judge*) _____ at the (*name of court*) _____ in the Province of _____
On the _____ day of _____, 20_____.

2. ❑ I also request costs of this Application.

3.

| | Applicant | Respondent |
|---|---|---|
| Marital status | | |
| Address | | |
| City/town | | |
| Province | | |
| Postal code | | |
| Phone number | | |

4.

| Child's full name | Date of birth | Child Resides with |
|---|---|---|
| | | |
| | | |
| | | |
| | | |

5. The ***present*** parenting (custody and access) arrangements are:
_____

6. I request the following ***change(s)*** to the present parenting (custody and access) arrangements:
_____

7. The ***present*** arrangements for the support of the child(ren) is/are:
_____

8. I request the following ***change(s)*** to the present child support order:
_____

9. The ***present*** arrangements for spousal, parent or partner support are:
_____

10. I request the following ***change(s)*** to the spousal, parent or partner support order:
_____

11. The amount of arrears owing under the present Support Order is:
$_____

12. The reason(s) such a variation order should be made is/are:
_____
_____
_____

I, _____, the Applicant, declare the contents of the within originating application for variation are true to the best of my information and belief.

SWORN TO OR AFFIRMED at _____ in the Province of Newfoundland and Labrador this _____ day of _____, 20_____

_____

Commissioner of Oaths/
Justice of the Peace

_____
(Signature of Applicant(s))

(*insert name and address of Applicant's Solicitor (if applicable)*)

**ATTACH (in addition to the requirements under Rule 56A):**

(1) if existing custody, access or support order granted by another court, a certified copy of the existing order;

(2) a copy of an agreement between the parties dealing with custody, access or support;

(3) a financial statement in Form 56A.27A if claiming child support (special expenses or undue hardship) or spousal support.

Filed at _____ in the Province of Newfoundland and Labrador this _____ day of _____, 20_____

_____
Registrar

***NOTE:***

***This document, which includes the Notice to Respondent, Originating Application for Variation and Financial Statement (if applicable), shall be served on the Respondent by an adult other than the Applicant in accordance with the* Rules of the Supreme Court, 1986.**

**Schedule A**

**Claim for Special/Extraordinary Expenses:**

Under the ***Federal or Provincial Child Support Guidelines***, a claim is made for additional support to defray the following special expenses: (*check appropriate items*)

1. ❑ Child care expenses incurred as a result of the custodial parent's employment or training for employment, illness, disability, education:

***Monthly $ _____ Yearly $ _____***

2. ❑ A portion of medical and dental insurance premiums:

***Monthly $ _____ Yearly $ _____***

3. ❑ Health related expenses that exceed insurance reimbursement by at least $100 annually, including orthodontic treatment, professional counselling provided by a psychologist, social worker, psychiatrist or any other person, physiotherapy, occupational therapy, speech therapy and prescription drugs, hearing aids, glasses and contact lenses:

***Monthly $ _____ Yearly $ _____***

4. ❑ Extraordinary expenses for primary or secondary school education or for educational programs that meet the child's particular needs:

***Monthly $ _____ Yearly $ _____***

5. ❑ Post-secondary education expenses:

***Monthly $ _____ Yearly $ _____***

6. ❑ Extraordinary expenses for extracurricular activities:

***Monthly $ _____ Yearly $ _____***

The amount claimed is $ _____, taking into account subsidies, benefits and income tax deductions or credits relating to the expense.

**Schedule B**

**Claim based on undue hardship:**

Under the ***Federal or Provincial Child Support Guidelines***, a claim is made for an amount of support different from that which would be awarded under the provincial payment schedules contained in Schedule I of the ***Federal Child Support Guidelines*** **(Canada)** based upon undue hardship.

1. ❑ I have responsibility for an unusually high level of debts reasonably incurred to support my spouse/child(ren) before the separation or to earn a living.

***Amount $ _____***

2. ❑ I have unusually high expenses in relation to the exercise of my access rights.

***Amount $ _____***

3. ❑ I have a legal duty under a judgment, order or written separation agreement for support.

***Amount $ _____***

4. ❑ I have a legal duty to support a child, other than a child of the marriage who is

❑ under the age of majority;

**OR**

❑ the age of majority or over but unable by reason of illness, disability or other cause to obtain the necessities of life.

***Amount $ _____***

5. ❑ I have a legal duty to support *(identify individual)* _____ who is unable to obtain the necessities of life due to an illness or disability.

***Amount $ _____***

**Form 56A.12A**

(rule 56A.12)

In the Supreme Court of Newfoundland and Labrador Trial Division
(General / Family)

Court No. _____
Court File No. _____
Divorce Registry No. _____

BETWEEN:
_____ APPLICANT

AND:
_____ RESPONDENT

**Notice to Applicant**

**A Response may have been made for an order against you.** The details are set out in the attached Response.

If you dispute any of the claims or if you wish to make a claim yourself, you must file a Reply at the Court within 10 days from the date of service.

**If you do not file a Reply, the Court may proceed without giving you further notice.**

**You must file a financial statement in Form 56A.27A if spousal, partner or parental support is claimed.**

**You must file a property statement in Form 56A.27C if a division of matrimonial property or property claim by common law spouses is claimed.**

**If the application relates to child support, you must also file with the Court and serve on the Respondent each of the following within the time set out above:**

- written statement from your employer confirming your year to date earnings, including overtime and rate of annual pay;
- copies of your tax return for the last 3 years; and
- copies of the notices of assessment or re-assessment issued by Canada Revenue Agency with respect to each of the last 3 years

tax returns. You may contact Canada Revenue Agency at 1-800-959-8281.

If you have income from self-employment, a partnership, or a corporation in which you have a controlling interest, or if you are a beneficiary of a trust, you **must** also **comply** with subsection 21(1) of the ***Federal Child Support Guidelines*** **(Canada)** and section 19 of the provincial ***Child Support Guidelines Regulations***. *For more information relating to child support, consult the* ***Federal or Provincial Child Support Guidelines***.

The financial information outlined above and a financial statement in Form 56A.27A must be provided as well if there is a claim for Special/Extraordinary Expenses or Undue Hardship.

**If you do not file the required documentation, an order may be made and enforced against you.**

Dated this _____ day of_____, 20_____

_____
Registrar

In the Supreme Court of Newfoundland and Labrador Trial Division
(General / Family)

Court No. _____
Court File No. _____
Divorce Registry No. _____

BETWEEN:
_____ APPLICANT

AND:
_____ RESPONDENT

**Response**

1. ❑ I do not contest any of the claims made by the Applicant.

**OR**

❑ I agree to the following claims made by the Applicant:
_____
_____
_____

**AND**

I disagree with the following claims made by the Applicant:

_____
_____
_____

2. I am making the following claim(s):

- ❑ Divorce **(attach Schedule A)**
- ❑ Parenting **(attach Schedule B)**
- ❑ Child Support and/or Spousal, Partner or Parental Support **(attach Schedule C)**
- ❑ Division of Matrimonial Property or a Property Claim by Common Law Spouses **(attach Schedule D)**
- ❑ Other: *(specify)* _____

I, _____ the Respondent, declare the contents of the within Response are true to the best of my information and belief.

SWORN TO OR AFFIRMED at _____ in the Province of Newfoundland and Labrador this _____ day of _____, 20_____

_____
Commissioner of Oaths/
Justice of the Peace

_____
(Signature of Respondent)

(*insert address for service of the Respondent*)

**NOTE:**

***Where the Response includes a claim for Divorce, this document, which includes the Notice to the Applicant, Response, relevant Schedules, Financial***

***Statement (if applicable) and Property Statement (if applicable), must be personally served on the Applicant by an adult other than the Respondent.***

***Where the Response includes any claim under paragraph 2 (but not a claim for Divorce), this document, which includes the Notice to the Applicant, Response, relevant Schedules, Financial Statement (if applicable) and Property Statement (if applicable), must be served in accordance with the*** **Rules of the Supreme Court, 1986.**

**Schedule A to Response**

(Claim for Divorce)

***You must include an original marriage certificate unless paragraph A6 applies)***

**Divorce**

A1. My ground for seeking a divorce is a permanent breakdown of the marriage which has been established by:

❑ (i) we have lived separate and apart for at least one year immediately preceding the determination of the divorce proceeding and were living separate and apart at the commencement of the proceeding;

**OR**

❑ (ii) the Applicant has, since celebration of the marriage,

❑ committed adultery *(provide details of where and when)*

_____

**OR**

❑ treated me with physical and/or mental cruelty of such a kind as to render our continued cohabitation intolerable *(provide details)*

_____

and there has been no condonation or connivance on my part with respect to the conduct alleged above.

A2. It is no longer possible for me to reconcile or resume cohabitation with my spouse.

A3. I have not entered into any agreement with my spouse or any other person to deceive this Court.

A4. I have/My spouse has been ordinarily resident in the Province of Newfoundland and Labrador for at least one year immediately preceding the date of this application.

A5. Particulars of my marriage:

(i) Date of marriage _____

(ii) Place of marriage _____

(iii) Date I ceased cohabiting with my spouse _____

(iv) Immediately prior to the marriage I was

❑ Single ❑ Divorced ❑ Widowed

My spouse was:

❑ Single ❑ Divorced ❑ Widowed

A6. (*Where no certificate of marriage or of registration of marriage has been filed.)* It is impossible or impractical to obtain a certificate of marriage or of registration of marriage.

*To be completed where claim includes divorce and the Respondent is represented by a solicitor*

**Statement of Solicitor**

I, _____, the Solicitor for _____, the Respondent herein, certify to this Court that I have complied with the requirements of section 9 of the *Divorce Act* (Canada).

Dated at _____, Newfoundland and Labrador, this _____ day of _____, 20_____

_____
Signature of Respondent's Solicitor

(*insert address of Respondent's Solicitor*)

Filed at _____, Newfoundland and Labrador this _____ day of _____, 20_____

_____
Registrar

**Schedule B to Response**

(Claim for Parenting)

B1. Children:

| Child's full name | Date of birth | Child Resides with |
|---|---|---|
| | | |
| | | |
| | | |
| | | |

B2. The ***present*** parenting (custody and access) arrangements are:

_____
_____
_____

B3. The ***proposed*** parenting (custody and access) arrangements are:

_____
_____
_____

B4. The ***present*** arrangements for the support of the child(ren) is/are:

_____
_____
_____

B5. The ***proposed*** arrangements for the support of the child(ren) is/are:

_____
_____
_____

**Schedule C to Response**

(Claim for Child Support and/or Spousal, Partner or Parental Support)

C1. Child Support

❑ I am claiming the basic table amount as per the *Federal Child Support Guidelines (Canada).*

***(If any of the following apply, you must file a Financial Statement in Form 56A.27A)***

❑ I am claiming the basic table amount plus an amount for special expenses. ***(complete and attach Schedule E of the Financial Statement)***

❑ I am not claiming the basic table amount but I am claiming an amount for special expenses. ***(complete and attach Schedule E of the Financial Statement)***

❑ I am claiming an amount for child support which is different from the basic table amount in the ***Federal Child Support Guidelines*** **(Canada)** because:

❑ (a) of a claim for undue hardship. ***(complete and attach Schedules F and G of the Financial Statement)***

❑ (b) the child(ren) is/are at or over the age of majority.

❑ (c) I exercise a right of access to, or have physical custody of the child(ren) for not less than 40% of the time over the course of the year.

❑ (d) we have agreed to an amount of support.

❑ (e) of special provisions as per subsection 15.1(5) of the *Divorce Act* (Canada).

❑ (f) income is in excess of $150,000 annually.

C2. Spousal, Partner or Parental Support ***(you must file a Financial Statement in Form 56A.27A)***

❑ I am claiming spousal, partner or parental support. My reasons for claiming spousal, partner or parental support are:

_____

_____

_____

**Schedule D to Response**

(Claim for Division of Matrimonial Property or Property Claim by Common Law Spouses)

D1. Claim for Division of Matrimonial Property pursuant to the *Family Law Act*. ***(you must file a Statement of Property in Form 56A.27C)***

a) I am claiming

❑ Exclusive possession of the matrimonial home

❑ Division of property

❑ Equal

*OR*

❑ Unequal

❑ Other: *(specify)* )_____

b) The reasons for my claim are

_____
_____
_____
_____
_____

D2. Claim by Common Law Spouses ***(you must file a Statement of Property in Form 56A.27C with necessary changes for common law claim)***

(a) I am claiming: *(specify)*

_____
_____
_____
_____
_____

**Form 56A.16A**

(rule 56A.16)

In the Supreme Court of Newfoundland and Labrador Trial Division
(General / Family)

Court No. _____
Court File No. _____
Divorce Registry No. _____

BETWEEN:
_____ APPLICANT

AND:
_____ RESPONDENT

**Interim/Interlocutory Application**
**(Family Law Proceeding)**

**TAKE NOTICE** that an application will be made to the presiding judge in chambers at the court house in _____, Newfoundland and Labrador, at _____ o'clock in the _____ noon on the _____ day of _____, 20_____ or so soon thereafter as the matter may be heard on behalf of the applicant (*or* respondent, *as the case may be*) for an order that:

(a) *(state the precise relief sought)*

(b)

on the grounds set out in the Affidavit(s) attached.

AND FURTHER TAKE NOTICE that in support of this application will be read the Affidavit of (*name of person bringing application*) _____.

(*Also set out here any other material to be used, including the financial disclosure required of you under Division III, where child support is sought*.)

AND FURTHER TAKE NOTICE if you wish to oppose the application, you or your lawyer must prepare an affidavit in response, serve a copy at the address for service given at the end of this document, and file it with the court, with proof of service, at least 4 days before the date set for hearing the application. You or your lawyer must also come to court for the hearing of the application on the date set.

***(Where spousal, partner or parental support is sought)*** AND FURTHER TAKE NOTICE that whether or not you oppose this application, you must file a

Financial Statement in Form 56A.27A at least 2 days before the date set for hearing the application.

***(Where child support is sought)*** AND FURTHER TAKE NOTICE that whether or not you oppose this application, you must file the income information as required by the ***Federal or Provincial Child Support Guidelines*** including:

- a written statement from your employer confirming your year to date earnings, including overtime and rate of annual pay;
- copies of your tax return for the last 3 years; and
- copies of the notice of assessment or re-assessment issued by Canada Revenue Agency with respect to each of the last 3 years tax returns. You may contact Canada Revenue Agency at 1-800-959-8281

THE COURT MAY IMPUTE INCOME TO YOU AND MAY DETERMINE THE AMOUNT OF CHILD SUPPORT PAYABLE ON THE BASIS OF THAT IMPUTED INCOME. If you have been served with an application for child support, please consult the ***Federal or Provincial Child Support Guidelines.***

AND FURTHER TAKE NOTICE that if you do not appear at the hearing (or fail to provide the required financial information (*where a support order is sought*)) an order may be made in your absence and enforced against you. YOU WILL NOT RECEIVE FURTHER NOTICE OF THIS APPLICATION.

Dated at _____, Newfoundland and Labrador, this _____ day of _____, 20_____

_____
(Signature)

To: (Address for service on Applicant/Applicant's lawyer)

Attach Affidavit in Support of this Interim Application

Filed at _____, Newfoundland and Labrador this _____ day of _____, 20_____

_____
Registrar

In the Supreme Court of Newfoundland and Labrador Trial Division

(General / Family)

Court No. _____
Court File No. _____
Divorce Registry No. _____

BETWEEN:
_____ APPLICANT

AND:
_____ RESPONDENT

**Affidavit in Support of Interim/Interlocutory Application**

I, _____, make oath (or affirm) and say as follows:

1. That I am the Applicant in the within matter and have personal knowledge of the matters referred to herein except where otherwise specified.

*(set out the reasons why you are making the application)*

2.

3.

4.

5.

6. That I make this application in support of my Interim / Interlocutory Application for an order that
_____
_____
_____

SWORN TO OR AFFIRMED at _____ in the Province of Newfoundland and Labrador this _____ day of _____, 20_____.

_____
Commissioner of Oaths/
Justice of the Peace

_____
(Signature)

**Form 56A.24A**

(rule 56A.24)

In the Supreme Court of Newfoundland and Labrador Trial Division
(General / Family)

Court No. _____
Court File No. _____
Divorce Registry No. _____

BETWEEN:
_____ APPLICANT

AND:
_____ RESPONDENT

**Notice of Application for Judgment**
**(Uncontested Family Law Proceedings)**

To The Respondent (*or* the Applicant):

TAKE NOTICE that an application for judgment in this proceeding will be made to the presiding judge at the courthouse in _____, Newfoundland and Labrador.

AND FURTHER TAKE NOTICE that in support of the application will be read the pleadings in this proceeding, the affidavit of service of the originating application and the affidavit of the applicant/respondent (*also set out here any other material filed*)

_____
_____
_____
_____

Dated at _____, Newfoundland and Labrador, this _____ day of _____, 20_____.

_____
Registrar

(*insert address of party/party's lawyer*)

This document was delivered to (*name*) _____ at _____ in the Province of Newfoundland and Labrador this _____ day of _____, 20_____.

**(Proof of Service attached)**

**Form 56A.24B**

*(rule 56A.24)*

In the Supreme Court of Newfoundland and Labrador Trial Division
(General / Family)

Court No. _____
Court File No. _____
Divorce Registry No. _____

BETWEEN:
_____ APPLICANT

AND:
_____ RESPONDENT

**Application for Judgment**
**(Uncontested Family Law Proceeding)**

(Indicate all parts that apply to your claim and the order sought)

To the Registrar

1. The Applicant (*or* the Co-Applicants *or* the Respondent) request(s) that this proceeding be set down for determination as an uncontested proceeding to be heard under Rule 56A.24 on the basis of affidavit evidence.

2. The Applicant(s) claim(s) the following relief:

- ❑ Divorce _____ early date of effect of judgment
- ❑ Custody
- ❑ Access
- ❑ Spousal support in the amount of $_____ per month
- ❑ Support for children in the amount of $_____ per month
- ❑ Parental support
- ❑ Relief under the *Family Law Act* (Division of matrimonial property)
- ❑ Claim for property by common law spouse

❑ Costs

❑ Other (*specify*)

3. The following pleadings, proceedings and documents which are relevant to my claim(s) are attached to the Application or are on file:

❑ Originating Application/Application

❑ Response

❑ Reply

❑ Demand for Notice, *and*

❑ Notice of Application for Judgment

❑ Marriage registration or

❑ Order dispensing with production of marriage registration

❑ Financial Statements ❑ Applicant ❑ Respondent

❑ Property Statements ❑ Applicant ❑ Respondent

❑ Waiver of Financial and Property Statements

❑ Central Divorce Registry notification

❑ Separation or financial or custody agreement

❑ Previous court order(s)

❑ Undertaking that no appeal from judgment will be taken

❑ Affidavit of Respondent admitting adultery, or

❑ Certified Transcript of the examination for discovery of the Respondent

❑ Draft Judgment

❑ Draft child support order

❑ Addressed envelopes *1* to Respondent *1* to Applicant

❑ Other (specify)

_____

4. Service of the originating application upon the Respondent was effected in (*province or country*) _____ on (*date*) _____ by:

❑ Personal service. See affidavit of personal service.

❑ Leaving a copy with the Respondent's lawyer (*other than in a divorce proceeding*). See acceptance of service in writing on a copy of the petition.

❑ Substituted service. See copy of order and affidavit of compliance attached to petition.

5. Notice of Default was filed on (*date*) _____

**OR**

The Respondent filed a response but the response was withdrawn (*or* struck out) on _____

**OR**

The Respondent has filed a response and is not contesting the claim(s) made.

**OR**

The Respondent has consented to this application and has endorsed the draft judgment *and/or* draft order.

(*Delete paragraphs 4 and 5 where it is a joint originating application/application or where it is an application for judgment by respondent.)*

Dated at _____, Newfoundland and Labrador, this _____ day of _____, 20_____

_____
(Signature)

Filed at _____, Newfoundland and Labrador this _____ day of _____, 20_____

_____
Registrar

**Form 56A.46A**

(rule 56A.46)

In the Supreme Court of Newfoundland and Labrador Trial Division
(General / Family)

Court No. _____
Court File No. _____
Divorce Registry No. _____

Before the Honourable _____ Justice _____, this _____ day of _____, 20_____

BETWEEN:
_____ APPLICANT

AND:
_____ RESPONDENT

**Judgment**

This proceeding coming on before the Court this day at _____, upon considering the pleadings and the evidence presented;

**Pursuant to the *Divorce Act* (Canada):**

1. It is ordered that _____ and _____ who were married on the _____ day of _____, 20_____, are divorced and, unless appealed, this judgment takes effect and the marriage is dissolved on the 31st day after the date of this judgment.

*If a parenting order is being made, add*:

2. It is ordered that

_____
_____

*If an order with respect to property is being made, add*:

**AND pursuant to the *Family Law Act*:**

3. It is ordered that

_____

_____

[NOTE: Child support and spousal support orders must be in a separate order.]

_____
Registrar

**Notice to Parties**

***The spouses are not free to remarry until paragraph 1 of this Judgment takes effect, at which time any person may obtain a Certificate of Divorce from this Court. If an appeal is taken from paragraph 1 of this Judgment, it may delay paragraph 1 of this Judgment taking effect.***

**Form 56A.81A**

(rule 56A.81)

In the Supreme Court of Newfoundland and Labrador Trial Division
(General / Family)

Court No. _____
Court File No. _____
Divorce Registry No. _____

BETWEEN:
_____ APPLICANT

AND:
_____ RESPONDENT

**Notice to Respondent**

An Originating Application has been made for an order against you. The details are set out in the attached Originating Application.

If you dispute the claim, you shall file a Response at the Supreme Court of Newfoundland and Labrador, Trial Division (General / Family) located in _____, Newfoundland and Labrador, Canada **within 7 days**.

**If you do not file a Response, the Court may determine the application in your absence without giving you further notice.**

A hearing in this matter will take place on _____, 20____ at _____ am/pm at the courthouse located at _____ in the Province of Newfoundland and Labrador, Canada.

**If you do not attend the hearing, the Court may proceed in your absence.**

Dated this _____ day of _____, 20_____

_____
Registrar

In the Supreme Court of Newfoundland and Labrador Trial Division
(General / Family)

Court No. _____
Court File No. _____

Divorce Registry No. _____

BETWEEN:

_____ APPLICANT

AND:

_____ RESPONDENT

**Originating Application for the Return of a Child**

To this Honourable Court at: (*check the location where you wish this matter to be heard and note the filing requirements*)

| **IF YOU WISH YOUR MATTER TO BE HEARD IN…** | **THEN YOU MUST FILE YOUR DOCUMENTS IN…** |
|---|---|
| ❑ Clarenville (Grand Bank Circuit) | Grand Bank |
| ❑ Corner Brook | Corner Brook at the Family Division |
| ❑ Gander | Gander |
| ❑ Grand Bank | Grand Bank |
| ❑ Grand Falls-Windsor | Grand Falls-Windsor |
| ❑ Happy Valley-Goose Bay | Happy Valley-Goose Bay |
| ❑ Port aux Basques (Corner Brook Circuit) | Corner Book at the Family Division |
| ❑ Rocky Harbour (Corner Brook Circuit) | Corner Book at the Family Division |
| ❑ St. Anthony (Corner Brook Circuit) | Corner Book at the Family Division |
| ❑ St. John's | St. John's at the Family Division |
| ❑ Stephenville (Corner Brook Circuit) | Corner Book at the Family Division |
| ❑ Wabush (Happy Valley-Goose Bay Circuit) | Happy Valley-Goose Bay |

I hereby seek an order for the return of the following child(ren) under the Hague Convention on International Child Abduction:

(a) _____
*(full name of child)*

_____
*(date of birth)*

(b) _____
*(full name of child)*

_____
*(date of birth)*

I, _____, the Applicant, declare the contents of the within originating application are true to the best of my information and belief.

SWORN TO (OR AFFIRMED) at _____ in the Province of Newfoundland and Labrador this _____ day of _____, 20_____

_____
Commissioner of Oaths/
Justice of the Peace

_____
Signature of Applicant(s)

(*insert the name and address of Applicant's solicitor, if applicable*)

A hearing in this matter will take place on _____, 20_____at _____ am/pm at the courthouse located at _____ in the Province of Newfoundland and Labrador, Canada.

***This document, which includes the Originating Application for the Return of a Child, the Affidavit in Support of Originating Application for the Return of a Child and the Notice to Respondent, shall be personally served on the Respondent by an adult other than the Applicant.***

Filed at _____, Newfoundland and Labrador this _____ day of _____, 20_____

_____
Registrar

**Form 56A.83A**

(rule 56A.83)

In the Supreme Court of Newfoundland and Labrador Trial Division
(General / Family)

Court No. _____
Court File No. _____
Divorce Registry No. _____

BETWEEN:
_____ APPLICANT

AND:
_____ RESPONDENT

**Notice of Application to the Central Authority and Contact Judge**

Take notice that an application for the return of a child pursuant to the *Hague Convention on International Child Abduction* has been made in the above noted proceeding.
A hearing in this matter will take place on _____, 20_____ at _____ am/pm at the courthouse located at _____ in the Province of Newfoundland and Labrador, Canada.

Filed at _____, Newfoundland and Labrador this _____ day of _____, 20_____

_____
Registrar

**©Queen's Printer**