



THE NEWFOUNDLAND AND LABRADOR GAZETTE

PART I

PUBLISHED BY AUTHORITY

Vol. 78

ST. JOHN'S, FRIDAY, OCTOBER 31, 2003

No. 44

CITY OF MOUNT PEARL ACT



Pearl in accordance with Section 203 of the *City of Mount Pearl Act*.

All persons are hereby required to take notice that any person who wishes to view such regulations may view same at the office of the Chief Administrative Officer of the Mount Pearl Municipal Council at City Hall, and that any person who wishes to obtain a copy thereof may obtain it at the said office.

These regulations shall come into effect on the 1st day of December A.D. 2003.

CITY OF MOUNT PEARL
Gerard Lewis, CMC
Chief Administrative Officer

Oct 31

MOUNT PEARL MUNICIPAL COUNCIL CITY OF MOUNT PEARL SNOW CLEARING REGULATIONS

NOTICE

TAKE NOTICE that the Mount Pearl Municipal Council has enacted the City of Mount Pearl Snow Clearing Regulations.

The said Regulations were passed by Council on the 30th day of September 2003 and will have the effect of enforcing snow clearing regulations within the City of Mount

TRUSTEE ACT

ESTATE NOTICE

IN THE MATTER OF the Estate of Frederick J. Moore, late of Avondale, in the Province of Newfoundland and Labrador, Newfoundland and Labrador Parks Worker, deceased.

All persons claiming to be creditors of or who have any claims or demands upon or affecting the Estate of Frederick J. Moore, aforesaid, deceased, who died at

Avondale, in the Province of Newfoundland and Labrador, on or about the 7th day of August, 2003, are hereby requested to send particulars thereof in writing, duly attested, to the undersigned Solicitor for the Executor of the Estate of the said deceased on or before the 21st day of November, 2003, after which date the Executor will proceed to distribute the Estate having regard only to the claims of which it shall then have had notice.

DATED at St. John's, Newfoundland and Labrador, this 16th day of October, 2003.

J. DAVID B. BAIRD
Solicitor for the Executor

ADDRESS FOR SERVICE:
Suite 706, TD Place
140 Water Street
P.O. Box 665
St. John's, NL A1C 5L4
Oct 31 & Nov 7

LANDS ACT

NOTICE OF INTENT

Lands Act, Chapter 36, SNL, 1991, as amended

Notice is hereby given that SGE Acres Limited on behalf of the Town of Trinity, Newfoundland and Labrador intends to apply to the Department of Government Services and Lands, two months from the publication of this notice, to acquire title, pursuant to Section 7(2) (c) of the said Act, all that piece or parcel of Crown Land situated within fifteen metres of the waters of Barrick's Cove, Trinity Bay, in the Electoral District of Trinity North, Newfoundland and Labrador. The purpose of acquiring this parcel of land is to accommodate the construction of a buried concrete septic tank measuring 12.90 m long and 5.60 m wide. The surface area of the tank is enclosed with a chain and post barrier. The septic tank will become part of the new sewer system for the town and being more particularly described as follows:

*Bounded on the North by Crown Land
for a distance of 16 m;
Bounded on the East by Crown Land
and the waters of Trinity Bay
for a distance of 7 m;
Bounded on the South by Crown Land
for a distance of 16 m;
Bounded on the West by a Public Roadway
for a distance of 7 m;*

Any person wishing to object to the application must file the objection, in writing, within one month from the date of publication of this notice, with reasons for it, to the

Minister of Government Services and Lands, c/o Eastern Regional Lands Office, P. O. Box 8700, 5 Mews Place, St. John's NL, A1B 4J6.

For further information regarding the proposed application, please contact Tom Hogan at SGE Acres Limited, Telephone (709) 466-2685.

Oct 31

QUIETING OF TITLES ACT

2003 ST. J. No. 3901
IN THE SUPREME COURT
OF NEWFOUNDLAND AND LABRADOR
TRIAL DIVISION

IN THE MATTER OF the *Quieting of Titles Act*, Chapter Q-3, Revised Statutes of Newfoundland and Labrador, 1990, c Q-3

AND IN THE MATTER OF Property situate at Airport Heights, St. John's, in the Province of Newfoundland and Labrador

AND IN THE MATTER OF the Application of James Cole, of St. John's, in the Province of Newfoundland and Labrador, Contractor, with respect to the said property

NOTICE OF APPLICATION

NOTICE is hereby given to all parties that James Cole, of St. John's, in the Province of Newfoundland and Labrador, Contractor, has applied to the Supreme Court of Newfoundland and Labrador to have the title to ALL THAT piece or parcel of land situate and being located at Airport Heights, St. John's, and hereinafter more particularly described in the Schedule hereunto annexed and marked "A", of which the said James Cole to be the owner, investigated and for a declaration that the said James Cole, is the absolute owner thereof, and the said James Cole having been ordered to have Notice of the said application to be published as required by the above-named Act.

All persons having title adverse to the said title claimed by the said James Cole, shall file in the Registry of the Supreme Court of Newfoundland and Labrador at St. John's particulars of such adverse claim and serve the same together with an Affidavit verifying the same on the undersigned Solicitor for the Applicant on or before the 24th day of November, 2003 after which date no party having any claim shall be permitted to file the same or to be heard except by special leave of the Court and subject to such conditions as the Court may deem just.

All such adverse claims shall then be investigated in such manner as the said Supreme Court may direct.

Dated at St. John's, this 24th day of October, 2003.

TOBIAS F. MCDONALD LAW OFFICES
Solicitors for the Applicant
PER: David L.G. Andrews, QC

ADDRESS FOR SERVICE

74 O'Leary Avenue
St. John's, NL
A1B 2C7

Oct 31

SCHEDULE 'A'

All that piece or parcel of land situate, lying and being on the southwest side of Airport Heights Drive (formerly known as Portugal Cove Road), designated as Civic No. 139, in the city of St. John's, in the province of Newfoundland and Labrador, Canada and being more particularly described as follows, that is to say:

BEGINNING at a point, said point being a found iron pin set in the southwestern limit of the said Airport Heights Drive (20 metres wide) and having co-ordinates of North 5 273,973.234 metres and East 323,844.004 metres of the modified three degree transverse Mercator projection (Zone 1, NAD 83) for the province of Newfoundland and Labrador, Canada:

THENCE running along the aforementioned southwestern limit of Airport Heights Drive S 69° 23' 00"E a distance of 72.800 metres;

THENCE running S 62° 04' 00"E A distance of 24.320 metres;

THENCE running by other land of Leary's Brook Holdings Ltd. S 28° 43' 00" W a distance of 68.790 metres;

THENCE running S 23° 06' 00" W a distance of 11.700 metres;

THENCE running S 19° 54' 00" W a distance of 46.350 metres;

THENCE running S 20° 52' 00" W a distance of 53.450 metres;

THENCE running S 20° 48' 2" W a distance of 450.950 metres;

THENCE running by land, now or formerly, of Pippy Park Commission (formerly Joseph Noad Volume 1A-Folio 305, Crown Lands Registry) N 75° 07' 00" W a distance of 83.740 metres;

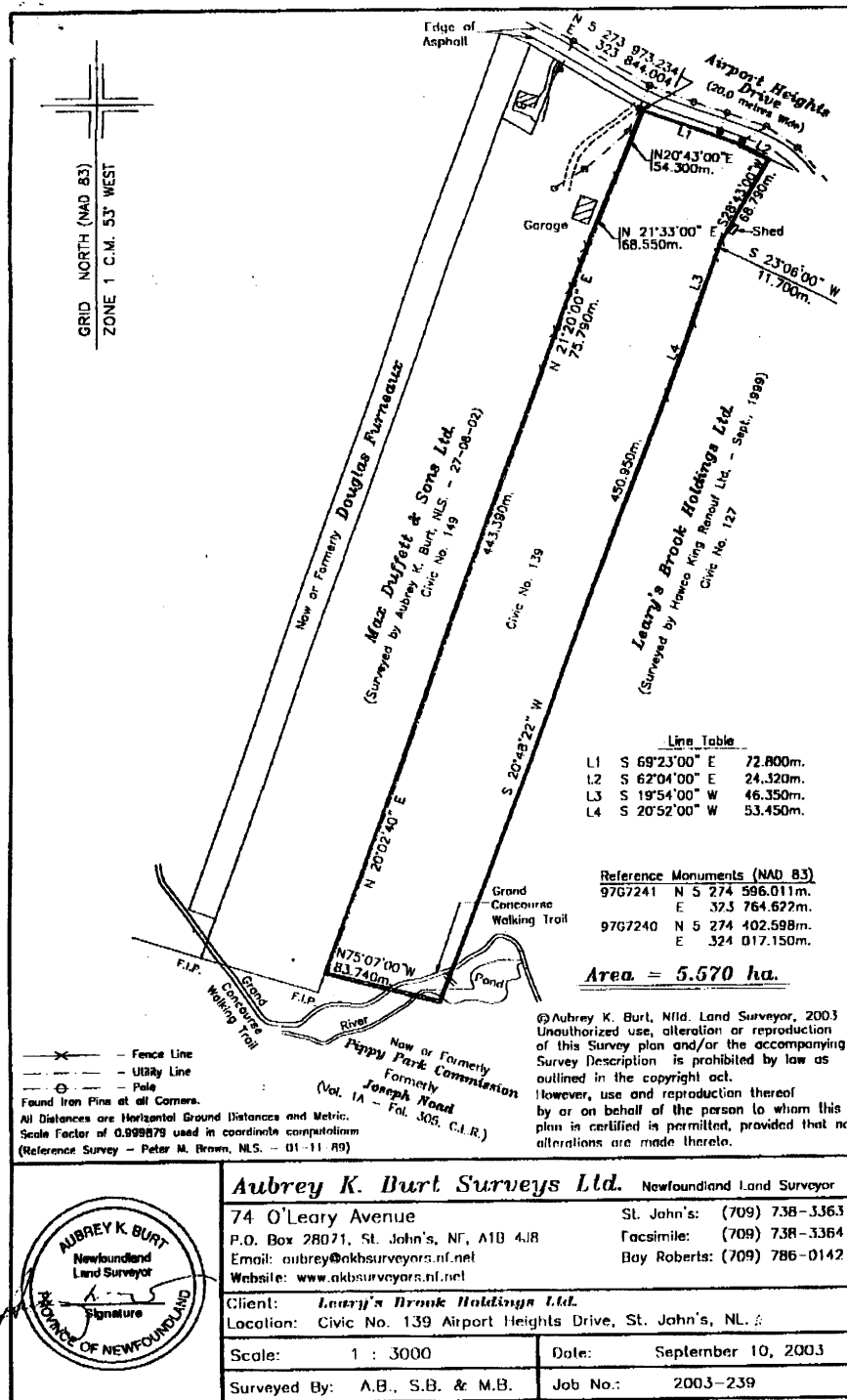
THENCE running land of Max Duffet & Sons Ltd. (Civic No. 149 Airport Heights Drive) N 20° 02' 40" E a distance of 443.390 metres;

THENCE running N 21° 20' 00"E a distance of 75.790 metres;

THENCE running N 21° 33' 00" E a distance of 68.550 metres;

THENCE running N 20° 43' 00" E a distance of 54.300 metres, more or less, to the principal point of beginning.

The above described piece or parcel of land contains an area of 5.570 hectares, the same being more particularly described on the drawing hereto attached. All bearings refer to Grid North (NAD 83). A portion of the Grand Concourse Walking Trail & The Virginia River crosses through the southeastern corner of the said property as indicated on the attached plan.



CORPORATIONS ACT

NOTICE - SECTION 341(2)

NOTICE IS HEREBY GIVEN pursuant to section 341(2) of the *Corporations Act* that the Registrar, under authority of s. 341(1), has decided to dissolved the following corporations effective October 24, 2003:

15294 D. F. Squires Electrical Limited
15296 PINWARE RIVER FISHING LIMITED
15340 LONE RAVEN DEVELOPMENTS LIMITED
15408 G. and S. Limited
15474 Phoenix Construction Limited
15510 Graphix Limited
15628 H. J. Crocker Enterprises Limited
15774 Noel Parsley Real Estate Services Limited
15905 TREPASSEY DRUGS LIMITED
16009 M. & M. Foods Limited
16028 MARITIME YACHT SALES LIMITED
16036 Grant Chalker Real Estate Limited
16037 June's Needleworld Limited
16053 Compton Holdings Limited
16144 Walsh's Cabinet Limited
16306 Samson's Supermarket Limited
16360 J. Barnes & Sons Limited
16599 C. C. A. CONSTRUCTION LIMITED
16635 Tom's Gas Bar Limited
16651 E.T. Contracting Limited
16703 Trophy Shop (1982) Limited
16751 Kingsbridge Properties Limited
16755 Connaigre Construction Limited
16757 SPORTSTOP LIMITED
16839 PERRO CONSTRUCTION LIMITED
16898 ABBOTT'S RESTAURANT LIMITED
16941 Graham Agencies Inc.
16990 SOLFAN CONSTRUCTION LIMITED
17099 St. Lawrence Fluorspar Limited
17102 Metro Properties Limited
17156 J. B. S. Enterprises Limited
17158 Truck 'n' Trailer Services Limited
17170 Shepherd Developments Limited
17241 TROMSO ENTERPRISES LIMITED
17247 Almark Construction Limited
17273 A. J. & K. Enterprises Limited
17283 MUTUAL INVESTMENTS LIMITED
17388 W. M. Nolan Limited
17412 Western Orthopedic Lab Ltd.
17450 COJO ENTERPRISES LIMITED
17487 Gander Truck Centre (1984) Limited
17517 Torlan Investments Limited
17546 Bull Arm Enterprises Limited
17586 Fizzard's Limited

17622 CHARCOAL PIT LIMITED
17640 C. B. Construction Limited
17657 PRECISION REBUILDING LIMITED
17661 Royal Dragon Trading Company Limited
17697 JEN-MAR CONCRETE LIMITED
17712 Headquarters Limited
17726 The Celtics Athletic Association
17747 Thunder Construction Limited
17840 Sheila Gillard Studio Limited
17913 MIFFLEN HOLDINGS LIMITED
18185 GRACO ENTERPRISES LIMITED
18194 BURSEY & RUSSELL MECHANICAL LIMITED
18207 Fort William Development Limited
18335 W.W. Holdings Limited
18422 Sanctuary Holdings Limited
18426 Margaret Dunn Cosmetics Limited
18599 TARAD LIMITED
18623 RIDGEVIEW SERVICES LIMITED
18670 BRADSHAW'S COVE FISHERIES COMPANY LIMITED
18702 PARSONS LOGGING AND LUMBER LIMITED
18754 JOHN POOLE LIMITED
18882 GILBERT E. D. EASTON LIMITED
18894 M.A.P. ENTERPRISES LIMITED
18942 Eric A. Gullage and Associates Limited
18957 CAMPBELLTON FISHERIES LIMITED
18966 HUBERT'S AUTOMOTIVE REPAIR LIMITED
18996 CROSS COUNTRY ENTERTAINMENT LIMITED
19024 B. & R. Mechanical Services Limited
19113 FIRST CLASS CONSTRUCTION LIMITED
19115 Vallis Associates Limited
19117 ATLANTIC FISH DISTRIBUTORS LIMITED
19181 The Junction Limited
19279 EASTERN ROOFING LIMITED
19325 M. & D. Auto Repairs Limited
19369 L.G.M. Holdings Limited
19466 MAIN BROOK FOREST PRODUCTS LIMITED
19549 FEWERS' ENTERPRISES (1985) LIMITED
19559 Atlantic North Limited
19571 Shear Exploration Limited
19591 BUCHANEER OUTBACK LIMITED
19623 Happy Day's Kennel Limited
19658 River Communications Limited
19710 MICHAEL'S TAKE-OUT LIMITED
19757 CONNAIGRE DEVELOPMENT LIMITED
19769 Quality Kitchens Limited
19779 Marex International Limited
19795 REX HAYNES LIMITED
19820 DELTA DRUGS LIMITED

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19845	J & S CONTRACTING LIMITED		LIMITED
19937	FRED'S ROCK SHOP LIMITED	21452	QUALITY BLINDS (WESTERN) LIMITED
19980	CANADIAN CAREER INSTITUTE LIMITED	21455	Humber Arm Shipbuilding Company Limited
19995	J.D. TRUCKING LIMITED	21586	Linda's Variety Limited
19999	Nutrition Limited	21607	P. & P. FOOD MARKET LIMITED
20010	FREAKE'S FAMILY FOOTWEAR LIMITED	21618	MADDOX SAWMILL LIMITED
20030	AGGIE'S LIMITED	21729	RANDELL HOMES LIMITED
20049	TRI - C - Associates Limited	21731	Creative Toys Limited
20051	Complete Carpentry Limited	21749	CULL'S HOME STYLE BAKERY LIMITED
20075	INSUL-WALL NEWFOUNDLAND LIMITED	21756	PEM TRANSPORT LIMITED
20221	DOUBLE "D" CRAFTS LIMITED	21773	AUTO PLAZA LIMITED
20223	Waste Disposal Limited	21793	Tetford Refrigeration Limited
20284	Security Patio Doors Limited	21826	Russell, Keough Forest Products Limited
20297	TRIPLE T ENTERPRISES LIMITED	21830	Love a Tot Day Care Limited
20322	Island Imports & Exports Limited	21841	Economic Development Association of Newfoundland & Labrador Incorporated
20324	BUTTS ENTERPRISES LIMITED	21887	Boone's Wholesale Limited
20484	ACCUSEARCH LIMITED	21896	B.V.A. COMPANY LIMITED
20490	F & D Enterprises Limited	21903	Jenkins Construction Limited
20523	Octagon Automotive Limited	21934	B. & B. PAINTING COMPANY LIMITED
20528	S AND S SECURITY LIMITED	21945	POLANCO LIMITED
20571	JESS PAUL LIMITED	21969	M.M.P. ENTERPRISES LIMITED
20587	JOB BUSTERS LIMITED	21973	CLAUDE'S BARBER SHOP AND BEAUTY SALON LIMITED
20616	C.S.B.D. Construction Limited	21991	WATERBED DISTRIBUTERS LIMITED
20624	C.C.L. Lounge Limited	22031	Eastern Canadian Hunting & Fishing Adventures Ltd.
20651	A.G.M. Engineering & Contracting Limited	22069	Stop N Snack Limited
20659	MASK ENTERPRISES LIMITED	22078	A & S Hydraulic Sales & Services Incorporated
20684	Iron Rod Limited	22086	THE SEWING LOFT LIMITED
20844	Lobster Specialties Limited	22143	ROSTELLEN INN AND RESTAURANT LIMITED
20865	King-Ellis Safety and Security Supplies Limited	22190	Weststar Builders Ltd.
20876	10001 (NFLD.) LIMITED	22235	Bayside Holdings Limited
20886	Beothuck Farms Produce Limited	22246	CELESTIAL ENTERPRISES LIMITED
20930	GORDON W. GENGE AND COMPANY LIMITED	22262	GOR Construction Limited
20931	CORBETT & CORBETT CONSTRUCTION LIMITED	22296	Whiffens Enterprises Ltd.
21030	Spruce Hill Holdings Limited	22393	VICTORIAN CARPETS CO. LTD.
21040	Keats, The Advertising Group Limited	22406	Allied Enterprises Incorporated
21074	TIFFANY'S LIMITED	22415	Northern Design and Management Limited
21076	Marisel Inc.	22422	SHANNON'S PHARMACY LTD.
21077	B & K Enterprises Limited	22439	Oceanview Take-Out Limited
21126	WEE CARE DAY CARE LIMITED	22489	Home Life King Real Estate Limited
21128	Paladin Resources Limited	22492	CANNING BROTHERS CONSTRUCTION LIMITED
21170	JUMBLES PUB LIMITED	22524	MG and CLARKE Limited
21174	R. & M. Design Inc.	22558	PARDY CONTRACTING LIMITED
21233	J & M VENTURES LIMITED	22569	CENTURY CONSTRUCTION INC.
21250	HILLTOP BLUEBERRY FARMS LIMITED	22597	C.D.K. CONTRACTING LIMITED
21279	UPPER TRINITY FURS INCORPORATED	22600	COMMONWEALTH DRY CLEANERS LIMITED
21295	Eastern Atlantic Seafoods Inc.	22613	WACO LIMITED
21312	C & S INSULATING LIMITED	22637	WIND & WAVE LIMITED
21433	Bay St. George Bricklaying Limited		
21450	QUALITY CLEANERS & PAINTERS		

22695 Skyvision Satellite Inc.
22719 Computer Concepts Limited
22764 CeBec Management & Holdings Inc.
22837 M & K BATH LTD.
22840 MILLEY'S SHEEP RANCH LIMITED
22842 NEW-LAB SIDING LIMITED
22928 SHUTTERED & FRAMED LTD.
22935 Reidco Ltd.
22936 Little Rock Fisheries Limited
22946 SEAPORT HOLDINGS INC.
22976 Austin's Convenience Inc.
23013 BAR-TECH INDUSTRIES INC.
23060 JMP FISHERIES COMPANY, INC.
23062 CALEDONIA CONTRACTING LIMITED
23082 Blow-Me-Down Tours Ltd.
23085 ELKAY ENTERPRISES LIMITED
23188 S. & J. Construction Limited
23196 WRS CONTRACTING LIMITED
23206 PROFESSIONAL HOME RENOVATIONS
AND REPAIRS CO. LTD.
23211 DRODGE REALTY (1988) LIMITED
23214 ATLANTICUT LIMITED
23232 VOKEY'S SHIPYARD LIMITED
23234 WEST COAST SMALL ENGINE PARTS &
SERVICE LIMITED
23241 G. & R. Drywall Limited
23313 Driver Training Academy Limited
23324 P. Duff & Sons Limited
23335 E.M.R. HOLDINGS LTD.
23349 BISHOP'S PAVING LTD.
23357 NEW-FORT LIMITED
23369 H & H Manufacturing Incorporated
23397 MELVILLE SHEET METAL LIMITED
23402 M.E.J. HOLDINGS LIMITED
23418 TWILLINGATE BOATBUILDERS
LIMITED
23447 Arctic Seafood Processors Limited
23449 EASTERN CARPENTRY LIMITED
23471 PRINTSTANT LIMITED
23473 M. J. Enterprises Incorporated
23475 Eastern Partitions Systems Limited
23481 SMITH'S HOME FURNITURE LIMITED
23485 CLAYMAR HOLDINGS LIMITED
23507 Rumbolt and Company Inc.
23528 B & S Exercise Studio Inc.
23556 JAR-MARK Sports Limited
23557 M V ARCTIC PRINCESS LIMITED
23566 GERALD MUSSEAU & SON LTD.
23576 G & D HOLDINGS LIMITED
23602 Cardinal Construction and Equipment Rental
Limited
23619 The Newfoundland Clam Company Limited
23652 Westmount Construction Limited
23746 Communications Plus Limited
23767 Triple Crown Trading Limited

23778 LAKLIFT CRANE RENTALS LIMITED
23787 Homestyle Food Services Limited
23792 TERRA NOVA AUCTIONEERS INC.
23831 10190 Newfoundland Limited
23857 BRITE SIGNS & DISPLAYS INC.
23880 BENENTT'S TOURIST HOME LIMITED
23892 Netvest Inc.
23961 Premium Installment Plan, Inc.
23962 10046 Newfoundland, Inc.
23995 Earle O'Connell Holdings Limited
24003 ITALO ITALIANO LIMITED

DATED AT ST. JOHN'S THIS 24TH DAY OF
OCTOBER, 2003

DOUGLAS LAING
Director of Commercial Registrations

Oct 31

CHANGE OF NAME ACT

C-8 RSN 1990

NOTICE OF APPLICATION FOR CHANGE OF NAME

NOTICE is hereby given that an application will be
made to the Minister of Government Services and Lands for
a change of name, pursuant to the provisions of the *Change
of Name Act*, by me:-

HAROLD JOSEPH SHEPPARD

of 307 Main Street, Lark Harbour, A0L 1H0, in the Province
of Newfoundland and Labrador, as follows:

To change my name from

HAROLD JOSEPH SHEPPARD
to
HAROLD JOSEPH WARFORD

DATED this 23rd day of October, 2003.

HAROLD SHEPPARD
(Signature of Applicant)

Oct 31

**NOTICE OF APPLICATION
FOR CHANGE OF NAME**

NOTICE is hereby given that an application will be made to the Minister of Government Services and Lands for a change of name, pursuant to the provisions of the *Change of Name Act*, by me:-

JULIAN STEPHEN HANCOCK
of 6A 5th Avenue, Deer Lake, A8A 1J6, Province of Newfoundland and Labrador, as follows:

To change my name from

JULIAN STEPHEN HANCOCK
to
JULIAN STEPHEN GILLARD

DATED this 22th day of October, 2003.

JULIAN HANCOCK
(Signature of Applicant)

Oct 31

**NOTICE OF APPLICATION
FOR CHANGE OF NAME**

NOTICE is hereby given that an application will be made to the Minister of Government Services and Lands for a change of name, pursuant to the provisions of the *Change of Name Act*, by me:-

BONNY DURNFORD
of P. O. Box 17, Francois, A0N 2K0, in the Province of Newfoundland and Labrador, as follows:

To change my minor unmarried child's name from

BRANDON BUD DURNFORD
to
BRANDON BUD ESAU DURNFORD

DATED this 17th day of October, 2003.

BONNY DURNFORD
(Signature of Applicant)

Oct 31

**NOTICE OF APPLICATION
FOR CHANGE OF NAME**

NOTICE is hereby given that an application will be made to the Minister of Government Services and Lands for a change of name, pursuant to the provisions of the *Change of Name Act*, by me:-

SHERRY FLORENCE GRIFFITHS
of 221 Forest Road, St. John's, A0A 1E7, in the Province of Newfoundland and Labrador, as follows:

To change my minor unmarried child's name from

RYAN BRADLEY SOMERTON
to
RYAN BRADLEY GRIFFITHS

DATED this 15th day of October, 2003.

SHERRY GRIFFITHS
(Signature of Applicant)

Oct 31

**NOTICE OF APPLICATION
FOR CHANGE OF NAME**

NOTICE is hereby given that an application will be made to the Minister of Government Services and Lands for a change of name, pursuant to the provisions of the *Change of Name Act*, by me:-

JOANNE WADDLETON
of 29 Jensen Camp Road, St. John's, A1E 4T3, in the Province of Newfoundland and Labrador, as follows:

To change my minor unmarried children's name from

JACOB NICHOLAS PARSONS
to
JACOB NICHOLAS WADDLETON

JULIA ANNE ELIZABETH PARSONS
to
JULIA ANNE ELIZABETH WADDLETON

JESSICA LYNN SANDRA PARSONS
to

JESSICA LYNN SANDRA WADDLETON

DATED this 21ST day of October, 2003.

JOANNE WADDLETON
(Signature of Applicant)

Oct 31

**NOTICE OF APPLICATION
FOR CHANGE OF NAME**

NOTICE is hereby given that an application will be made to the Minister of Government Services and Lands for a change of name, pursuant to the provisions of the *Change of Name Act*, by me:-

AMY SHARLENE GOODYEAR

of P. O. Box 366, Stn C, Happy Valley-Goose Bay, A0P 1C0,
Province of Newfoundland and Labrador, as follows:

To change my minor unmarried child's name from

JARED RICHARD COREY MASON LETHBRIDGE

to

JARED RICHARD COREY MASON GOODYEAR

DATED this 24th day of July, 2003.

AMY GOODYEAR
(Signature of Applicant)

Oct 31



THE NEWFOUNDLAND AND LABRADOR GAZETTE

PART II

**SUBORDINATE LEGISLATION
FILED UNDER THE STATUTES AND SUBORDINATE LEGISLATION ACT**

Vol. 78

ST. JOHN'S, FRIDAY, OCTOBER 31, 2003

No.44

NEWFOUNDLAND AND LABRADOR REGULATIONS

NLR 130/03



NEWFOUNDLAND AND LABRADOR REGULATION 130/03

Rules of the Supreme Court, 1986 (Amendment)
under the
Judicature Act

(Filed October 24, 2003)

Under the authority of section 55 of the *Judicature Act*, section 9 of the *Unified Family Court Act* and section 25 of the *Divorce Act* (Canada), the Rules Committee of the Trial Division makes the following rules.

Dated at St. John's, October 21, 2003.

Barry R. Sparkes, Q.C.
Registrar of the Supreme Court
Secretary, Rules Committee

RULES

Analysis

- | | |
|-----------------------------------------------|----------------------------------------------------------|
| 1. Rule 56A.01 Amdt.
Definitions of terms | 3. Rule 56A.06 Amdt.
Starting a family law proceeding |
| 2. Rule 56A.02 Amdt.
How this Part applies | 4. Rule 56A.08 Amdt.
Naming the parties |

5. Rule 56A.10 Amdt.
How to serve documents
6. Rule 56A.12 Amdt.
How to oppose a claim and make a claim against the applicant
7. Rule 56A.15 Amdt.
Consequences of not responding
8. Rule 56A.17 Amdt.
Making application without notice
9. Rule 56A.18 Amdt.
Making orders without notice
10. Rule 56A.20 Amdt.
What may go in an affidavit
11. Rule 56A.21 R&S
How case management works
12. Rule 56A.24 R&S
Applying for judgment in an uncontested family law proceeding
13. Rule 56A.25 Amdt.
Judgments and orders
14. Rule 56A.27 R&S
What forms to use
15. Rule 56A.28 Amdt.
Child support
16. Rule 56A.30 Amdt.
Spousal, partner or parental support
17. Rule 56A.31 Amdt.
Property claims
18. Rule 56A.35 Amdt.
How to require the filing of forms
19. Rule 56A.36 Amdt.
How to require disclosure of other information
20. Rule 56A.39 Amdt.
Requirement to keep information current
21. Rule 56A.40 Amdt.
When non-parties have to disclose
22. Rule 56A.41 Amdt.
Failure to obey disclosure order
23. Rule 56A.42 Amdt.
How to apply for a divorce
24. Rule 56A.44 Amdt.
Where the other party is not objecting
25. Rule 56A.47 Amdt.
Certificate of divorce
26. Rule 56A.52 Amdt.
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27. Rule 56A.53 Amdt.
Copies of documents required
28. Rule 56A.58 R&S
Documents required in claim for child support
29. Rule 56A.59 Amdt.
Applying to nullify a marriage
30. Rule 56A.60 Amdt.
Under the *Children's Law Act*
31. Rule 56A.61 Amdt.
Under the *Family Law Act*
32. Division IX Heading R&S
Provisional Support Orders - Divorce Act
33. Rule 56A.63 R&S
Division definitions
34. Rules 56A.64 to 56A.67 R&S
56A.64 Application for provisional variation order
56A.65 Confirmation of provisional variation order

Division IX.1
Interjurisdictional Support Orders

56A.66 Division definitions
56A.67 Receipt of documents from reciprocating jurisdiction
35. Rule 56A Forms R&S
36. Rule 56B.01 R&S
Application
37. Rule 56C.03 Amdt.
Procedure where project operating
38. Commencement

Schedule

1. (1) Rule 56A.01 of the *Rules of the Supreme Court, 1986* is amended by repealing subparagraph (c)(iii) and substituting the following:

(iii) child, parent, spousal and partner support,

(2) Rule 56A.01 is amended by adding immediately after paragraph (e) the following:

(e.1) "partner" means a partner as defined in Part III of the *Family Law Act*;

(3) Rule 56A.01 is amended by repealing paragraphs (g) and (h) and substituting the following:

(g) "property statement" means a property statement in Form 56A.27C;

(h) "registrar" includes the Clerk of the Unified Family Court, a Deputy Registrar or Assistant Deputy Registrar in a Judicial Centre of the Supreme Court of Newfoundland and Labrador, Trial Division and a person appointed by one of those office holders to perform the role of the registrar under this Act;

(4) Rule 56A.01 is amended by repealing paragraph (j) and substituting the following:

(j) "uncontested family law proceeding" means a family law proceeding in which

(i) the respondent has failed to serve and file a response,

(ii) the response has been withdrawn or struck out,

(iii) each party to the proceeding has indicated his or her consent on the draft judgment or order, either

(A) personally, with an affidavit of execution in Form 56A.25A, or

(B) by his or her lawyer, or

(iv) the respondent has served a response stating that he or she is not contesting the application; and

2. (1) Rule 56A.02(6) is repealed and the following substituted:

(6) The forms prescribed by this Part, except for Forms 56A.24A, B and C, may be changed if necessary by the deletion of those portions of the form relating to relief that is not claimed.

(2) Rule 56A.02 is amended by adding immediately after subsection (6) the following:

(6.1) Forms 56A.24A, B and C may be changed where required by exceptional circumstances and notice of any change shall be given to the court in writing setting out the circumstances and the reason for the change.

3. Rule 56A.06 is amended by repealing subsections (1) and (2) and substituting the following:

Starting a family law proceeding

Starting a family
law proceeding

56A.06. (1) A person may start a family law proceeding by presenting two originally signed copies of an originating application in Form 56A.06A to the court that has jurisdiction to hear the matter.

(2) A person asking to change a previous order about custody, access or support may start the proceeding by presenting two originally signed copies of an originating application in Form 56A.06B.

4. Rule 56A.08 is amended by repealing subsections (1) and (2) and substituting the following:

Naming the parties

Naming the parties

56A.08. (1) Subject to rules 56A.33 and 56A.45 where the parties starting a family law proceeding are called co-applicants, the party starting a family law proceeding is called the applicant and the opposite party is called the respondent.

(2) The description of the parties in the style of cause shall remain the same in any subsequent pleadings in that cause of action.

5. Rules 56A.10(2) to (6) are repealed and the following substituted:

(2) Service of documents not listed in (1) on a person in a family law proceeding may be made in accordance with Rules 6 and 6A.

(3) Notwithstanding (2), where the person to be served with a document is a "board" or "director" as defined in the *Child, Youth and Family Services Act*, the document may be served by leaving a copy with the Director of Child, Youth and Family Services for the applicable board.

6. Rule 56A.12(1) is repealed and the following substituted:

How to oppose a claim and make a claim against the applicant

How to oppose a claim and make a claim against the applicant

56A.12. (1) A respondent who wishes to oppose a claim made in an originating application shall serve and file a response in Form 56A.12A

- (a) within 30 days after service of the originating application if the respondent was served in Canada or the United States of America; or
- (b) within 60 days after service of the originating application if the respondent was served outside Canada and the United States of America.

7. Rule 56A.15(1) is amended by adding immediately after the word "time" a comma and the words "serves and files a response stating that he or she is not contesting the application".

8. (1) Rule 56A.17(2) is repealed and the following substituted:

(2) A person who makes an application without giving notice shall

- (a) file an affidavit stating why the applicant is entitled to proceed without notice and what steps have been or may be taken to minimize the prejudice to persons who will not be notified of the application; and

- (b) submit a proposed application respecting the same subject matter and seeking more permanent relief, to be heard by the court after giving notice to the other parties.

(2) Rule 56A.17 is amended by adding immediately after rule 56A.17(2) the following:

- (2.1) The proposed application submitted under (2)(b) shall be issued when the application without notice is heard by the court.

9. Rule 56A.18(2) is repealed and the following substituted:

- (2) When the court makes an order without notice, the court shall set a return date within 7 days of making the order and the applicant shall serve notice of that date and the documents submitted under rule 56A.17(2)(b) on all parties and persons affected by or interested in the order.

10. Rules 56A.20(5) and (6) are amended by renumbering them as rules 56A.20(4) and (5) respectively.

11. Rule 56A.21 is repealed and the following substituted:

How case management works

How case management works

56A.21. (1) After a family law proceeding is started, other than a protective intervention or an interim or interlocutory application, the registrar shall schedule a case management meeting to be heard before a judge and the person starting the application shall serve the application on the other parties with a Notice of Case Management in Form 56A.21A.

- (2) After the first case management meeting a party to the family law proceeding may obtain a date for a case management meeting from the registrar and the person requesting the meeting shall serve the other parties with a Notice of Case Management in Form 56A.21A at least 5 days prior to the date scheduled for the meeting.

- (3) All parties and counsel shall attend case management meetings, unless a judge has permitted a party or counsel to attend by teleconference or excused a party or counsel from attending.

(4) At a case management meeting the judge, counsel and the parties shall

- (a) explore the chances of settling the case;
- (b) identify the issues that are in dispute and those that are not in dispute;
- (c) explore ways to resolve the issues that are in dispute;
- (d) ensure that relevant evidence is disclosed;
- (e) note that it may be possible to simplify the case if the parties admitted certain facts;
- (f) set the date for the next step in the case;
- (g) have the parties agree to a specific timetable for the steps to be taken in the case before it comes to trial; and
- (h) discuss whether a settlement conference is appropriate.

(5) At a case management meeting the judge may

- (a) make an order for document disclosure;
- (b) make an order for an appraisal of the value of property;
- (c) set the times for events in the case or give directions for the next step including follow-up case management meetings;
- (d) refer any issue for alternate dispute resolution;
- (e) direct an interview of a child;
- (f) order psychiatric and psychological assessments;
- (g) order home assessments;
- (h) order an accounting by the registrar;
- (i) order that the evidence of a witness at trial be given by affidavit;

- (j) make any unopposed order or an order on consent;
 - (k) if notice has been served, make an interim order with the consent of the parties or a final order;
 - (l) make an order amending pleadings or other documents;
 - (m) make an order limiting the number of expert witnesses and determining how they may give their evidence;
 - (n) make an order requiring the parties to make arrangements for expert witnesses to meet, on a without prejudice basis, to determine those matters on which they agree and to identify those matters on which they do not agree;
 - (o) make an order for directions as to the manner of conducting lengthy and complex trials;
 - (p) order that a pre-trial or settlement conference be held;
 - (q) order that examination for discovery be held under rule 56A.35(4); and
 - (r) make an order that will promote a fair and expeditious resolution of the case.
- (6) Where an issue in a family law proceeding has been referred by the court to a mediator or other person for alternate dispute resolution, the mediator or other person shall:
- (a) attempt to meet with the parties and, if they agree, attempt a resolution of their dispute; and
 - (b) meet with other persons including lawyers that he or she thinks may be helpful in resolving the dispute.
- (7) The mediator or other person shall notify the parties, or their lawyers, in writing of the terms of any settlement that has been tentatively reached and shall advise the court that the alternate dispute resolution process has concluded.

(8) Where the court orders that a home assessment be conducted, the assessor shall prepare and deliver to the court, a report which includes, unless the court orders otherwise

- (a) information the assessor considers relevant to the matters in dispute;
- (b) an opinion as to the suitability of each party to have custody or access;
- (c) an opinion as to what plan of custody and access would be in the best interests of the children;
- (d) the basis of the opinion; and
- (e) a report upon any other matter referred by a judge.

12. Rule 56A.24 is repealed and the following substituted:

Applying for judgment in an uncontested family law proceeding

Applying for
judgment in an
uncontested family
law proceeding

56A.24. (1) Where a demand for notice has been served in an uncontested family law proceeding under rule 56A.13, the applicant shall file and serve a notice of application for judgment in Form 56A.24A before applying for judgment.

(2) In an uncontested family law proceeding, any information or evidence required to enable the Court to perform its duties, and the evidence required to prove the claim, shall be presented by affidavit, unless the Court orders that the evidence and information be presented orally at a hearing.

(3) Where the uncontested family law proceeding includes a claim for divorce, the applicant shall file the information required under rule 56A.44.

(4) If the judge does not order the presentation of oral evidence, the judge may

- (a) grant a judgment without anyone appearing; or
- (b) direct that a party or the lawyer for a party appear.

(5) If an applicant wishes the court to make a decision on an uncontested family law proceeding, the applicant shall file and the registrar shall place before the court

- (a) an application for judgment in Form 56A.24B requesting that the proceeding be decided on the basis of affidavit evidence;
- (b) evidence to satisfy the court that the respondent was served with the originating application in accordance with the rules for service;
- (c) an affidavit signed by the applicant in Form 56A.24C
 - (i) stating detailed reasons on why the applicant is entitled to make the claim and evidence to support the claim,
 - (ii) stating that all the facts and information contained in the originating application are still true and accurate, with corrections or subsequent changes noted,
 - (iii) where costs are claimed, a detailed breakdown of the amount claimed and the reason why they are claimed, and
 - (iv) with those parts of the affidavit that do not apply to the application and the requested order struck through and initialled; and
- (d) any other affidavits or supporting materials that may be required in the family law proceeding.

(6) Where a claim is made for a specific amount of support, either periodic or a lump sum, other than in a child support proceeding, and the respondent does not file a response or otherwise contest the amount claimed, the court may treat the respondent as if he or she accepts the appropriateness of the amount claimed.

(7) The court may order a party to pay the costs of an application for judgment in an uncontested family law proceeding to another party.

(8) Where a statute requires the court to state reasons, the judge making the decision may state the reasons of the court by noting them on the folder containing the court record.

(9) Where a judgment or order is made in an uncontested family law proceeding under this rule, the party obtaining the judgment or order shall mail a copy of it to the other parties.

13. Rule 56A.25(3) is repealed and the following substituted:

(3) Unless the court orders otherwise, an application for a judgment or order to be made by consent shall be accompanied by

- (a) the written consent of the lawyer of each party who is represented by a lawyer; and
- (b) the written consent of each party who is acting in person, or of a respondent who has not appeared, with an affidavit of execution in Form 56A.25A.

14. Rule 56A.27 is repealed and the following substituted:

What forms to use

What forms to use

56A.27. For the purposes of this Part

- (a) a financial statement shall be in Form 56A.27A; and
- (b) a property statement shall be in Form 56A.27C.

15. Rule 56A.28(2) is repealed and the following substituted:

(2) Where an agreement in Form 56A.28A is filed with the court and affidavits of execution in Form 56A.25A signed by the parties are attached to that agreement, the court may make an order for the payment of child support provided for in the agreement without the parties appearing before the court.

16. Rule 56A.30(1) is repealed and the following substituted:

Spousal, partner or parental support

Spousal, partner or
parental support

56A.30. (1) A party to a claim for spousal, partner or parental support shall file and serve a financial statement unless

- (a) the parties have agreed on the relief to be granted; and
- (b) the parties have filed a waiver in Form 56A.30A.

17. Rule 56A.31(1) is amended by striking out the words "property statements" where they first occur and substituting the words "a property statement in Form 56A.27C".

18. (1) Rule 56A.35(1) is amended by striking out the words and commas "once without leave, and at any other time with leave of the Court,".

(2) Rule 56A.35(4) is repealed and the following substituted:

(4) Rules 30 (Examination for Discovery) and 32 (Discovery and Inspection of Documents), except rule 32.07(2) as modified by rule 56A.40, do not apply to a family law proceeding unless the court otherwise orders.

19. (1) Rule 56A.36(1) is repealed and the following substituted:

How to require
disclosure of other
information

56A.36. (1) In a family law proceeding where financial or property statements are required, a party may

- (a) prior to the setting of a date for trial, file and serve a notice to reply to written questions in Form 56A.36A; and
- (b) after the setting of a date for trial, with leave of the court file and serve a notice to reply to written questions in Form 56A.36A.

(2) Rule 56A.36(3) is amended by striking out the period at the end of paragraph (b) and substituting a comma, and adding immediately after that paragraph the following:

and the court may make an order that a party does not have to answer a question.

20. Rule 56A.39(2) is repealed and the following substituted:

(2) Where (1) applies, the new financial statement or property statement or the affidavit shall be filed

(a) at least 7 days before a hearing of an application or before a trial; or

(b) at least 10 days before a case management meeting or pre-trial or settlement conference,

unless the court orders otherwise.

21. Rule 56A.40(2) is amended by striking out the words "Where the Court makes a determination of undue hardship" and substituting "Where there is a claim for undue hardship by either party".

22. Rule 56A.41(e) is amended by striking out the reference to "rule 56A.34" and substituting a reference to "rule 56A.38".

23. Rule 56A.42 is amended by adding immediately after subsection (4) the following:

(4.1) Where a certificate of marriage or of registration of marriage is in a language other than English or French, the applicant shall file with the originating application a translation of that certificate, certified as a true and correct translation.

24. (1) Rule 56A.44(1)(a) is amended by striking out subparagraph (xv) and substituting the following:

(xv) any other information necessary for the court to grant the divorce,

and those parts of the affidavit that do not apply to the application and the requested order shall be struck through and initialled.

(2) Rule 56A.44(1)(g) is repealed and the following substituted:

(g) 2 envelopes, approximately 19 centimetres by 26.5 centimetres,

- (i) one of which is addressed to the respondent at the address given in the affidavit of service of the application, or any other address that may satisfy the court that a copy of the judgment will reach the respondent, unless ordered otherwise, and
- (ii) one of which is addressed to the applicant at the address for service provided by the applicant.

(3) Rule 56A.44(3) is repealed and the following substituted:

(3) Where an applicant does not apply for judgment in an uncontested divorce proceeding based on separation, the respondent may apply by notice of application for judgment in Form 56A.24A, and if the respondent does so, the respondent shall file with that notice

- (a) an application for judgment in Form 56A.24B requesting that the action be determined on the basis of affidavit evidence or by oral evidence;
- (b) an affidavit of the respondent which shall be in Form 56A.24C with any necessary modifications and which shall also comply with the requirements of (1)(a);
- (c) any other affidavits or supporting materials that may be required in the proceeding; and
- (d) the documents and materials required under (1)(d) to (g).

25. Rule 56A.47(3) is repealed and the following substituted:

(3) Where a divorce judgment is granted, the registrar shall mail a copy of the judgment in Form 56A.46A to each of the parties.

26. (1) Rule 56A.52 is amended by striking out the words "An affidavit supporting an application for variation" and substituting the words "An application for variation in Form 56A.06B".

(2) Rule 56A.52(b) is repealed and the following substituted:

- (b) the names and birth dates of every child of each of the parties in the custody or care of either of them, in respect of whom relief is sought;

27. Rules 56A.53(2) and (3) are repealed and the following substituted:

(2) A copy of any existing agreement that deals with custody, access or support shall be attached to an application for variation.

(3) For the purposes of this rule, a person applying for variation does not have to attach a document that has been previously filed with the court if the application identifies the document, states that the document is in the court file and specifies either the date of the order or the filing date of the document.

28. Rule 56A.58 is repealed and the following substituted:

Documents required in claim for child support

Documents required
in claim for child
support

56A.58. (1) If an application contains a claim for variation of a support order or agreement, any required income information previously disclosed and filed with the court need not be filed again if a document is filed identifying the income information, stating that it is in the court file, and stating the date it was filed with the court.

(2) Where there is a claim for child support, the registrar shall not accept a party's financial information unless

- (a) copies of the party's income tax returns and notices of assessment are attached as the form requires, except where a copy is identified as already in the court file;
- (b) a statement from the Canada Customs and Revenue Agency that the party has not filed any income tax returns is attached;
- (c) the party's signed Canada Customs and Revenue Agency Consent in Form 56A.58A for disclosure of the party's income tax returns and notices of assessment, is attached; or
- (d) the party declares that he or she is not required to file an income tax return by reason of the *Indian Act* (Canada).

(3) The party claiming child support or variation of child support shall include the following in the application or response:

- (a) whether child support is sought in accordance with the table amount determined under the guidelines;
- (b) whether the party claims
 - (i) there is a child of the age of majority or over,
 - (ii) the income of the payor is over \$150,000,
 - (iii) the payor stands in the place of a parent for the child,
 - (iv) there is split custody, each party having custody of one or more children, or
 - (v) there is shared custody of a child;
- (c) whether a claim for undue hardship is being advanced; and
- (d) whether special or extraordinary expenses are sought, the child to whom the expense relates and the particulars of the expense and amount claimed.

(4) If the party opposing the claim asserts a claim listed in paragraph (3)(b), (c) or (d), that party shall give written notice of the claim by serving and filing the written notice in accordance with the time limits in this rule for serving and filing a response to the claim.

(5) An order for child support or variation of child support shall include the following information:

- (a) the name and birth date of each child to whom the order relates;
- (b) the income of any party whose income is used to determine the amount of the child support order;
- (c) the table amount determined under the guidelines for the number of children to whom the order relates or another amount ordered by the court or agreed to between the parties;
- (d) for a child the age of majority or over, the amount that the court considers appropriate, having regard to the condition,

means, needs and other circumstances of the child and the financial ability of each party to contribute to the support of the child;

- (e) the particulars of any special or extraordinary expense described in the guidelines, the child to whom the expense relates, and the amount of the expense or, where that amount cannot be determined, the proportion to be paid in relation to the expense;
- (f) the date on which the lump sum or first payment is payable and the day of the month or other time period on which all subsequent payments are to be made; and
- (g) that it shall be enforced by the Director of Support Enforcement and that amounts owing under the order shall be paid to the person to whom it is owed through the director unless the order is withdrawn from the director.

29. Rule 56A.59(b) is repealed and the following substituted:

- (b) evidence that there has been no collusion or connivance between the parties,

and those parts of the affidavit that do not apply to the application and the requested order shall be struck through and initialled.

30. Rule 56A.60(f) is repealed and the following substituted:

- (f) the existence of any written agreement, deed, will, or previous court order applicable to the order sought, with a copy attached,

and those parts of the affidavit that do not apply to the application and the requested order shall be struck through and initialled.

31. Rule 56A.61(d) is repealed and the following substituted:

- (d) the existence of a written agreement or previous court order applicable to the claim for support with a copy of the agreement or order attached,

and those parts of the affidavit that do not apply to the application and the requested order shall be struck through and initialled.

32. Rule 56A is amended by striking out the Division IX heading "Reciprocal Support Orders" and substituting the following:

**Division IX
Provisional Support Orders - Divorce Act**

33. Rule 56A.63 is repealed and the following substituted:

Division definitions

Division definitions

56A.63. In this Division

- (a) "applicant" means a former spouse who makes an application for variation under section 18 of the *Divorce Act* (Canada);
- (b) "minister" means the Attorney General; and
- (c) "provisional order" means a provisional order for variation made under the *Divorce Act* (Canada).

34. Rules 56A.64, 56A.65, 56A.66 and 56A.67 are repealed and the following substituted:

Application for provisional variation order

Application for
provisional variation
order

56A.64. (1) An applicant who wishes to commence an application for a provisional order shall do so by filing the documents required by these rules for seeking a variation order.

(2) An application under this rule may be made without notice.

(3) An application for a provisional order shall be accompanied by a statement giving any available information respecting the identification, location, income and assets of the other party.

(4) The registrar shall endorse a certificate at the end of a provisional order, stating the order is made provisionally and has no legal effect until confirmed.

(5) Where the court makes a provisional order, the registrar, or the applicant or his or her lawyer, shall send to the minister

- (a) the documents filed in accordance with (1) and (3);
- (b) a certified or sworn document setting out or summarizing the evidence given to the court; and
- (c) 3 certified copies of the provisional order.

(6) Where a court outside Newfoundland and Labrador remits any matter back to the court for further evidence

- (a) the registrar shall give to the applicant a notice of hearing in Form 56A.64A; and
- (b) the matter may be brought before any judge of the court.

(7) Where the court receives further evidence under this rule, the registrar shall forward to the court outside Newfoundland and Labrador that remitted the matter back

- (a) a certified or sworn document setting out or summarizing the evidence; and
- (b) any recommendations that the court considers appropriate.

Confirmation of provisional variation order

Confirmation of
provisional varia-
tion order

56A.65. (1) On receipt of a provisional order for confirmation in the province, the registrar shall serve on the person against whom the order has been made

- (a) a notice of hearing in Form 56A.64A;
- (b) a copy of the documents received from the court outside the province that made the provisional order; and
- (c) an uncompleted financial statement in Form 56A.27A.

(2) The court may make an interim order for support where the matter is remitted to the court outside the province that made the provisional order for further evidence.

(3) Where the court has requested further evidence on a confirmation hearing and that evidence has been received, the registrar or the minister shall serve the following on the persons concerned:

(a) a notice of hearing in Form 56A.64A; and

(b) a copy of the documents sent by the court outside Newfoundland and Labrador.

(4) An order confirming or otherwise dealing with a provisional order for child support, including an interim order, shall be in accordance with the guidelines.

(5) Where the court makes an order refusing to confirm or varying a provisional order for support, the court shall provide written reasons for its decision

(a) to the minister; and

(b) to the court that made the provisional order.

(6) Where an order is made confirming a provisional order, with or without variation, the registrar or the minister shall file the order in the court.

(7) On completion of the confirmation hearing the registrar shall forward a certified copy of the order

(a) to the minister;

(b) to the court that made the provisional order; and

(c) to the court that made the support order, where it is not the court that made the provisional order.

Division IX.1 Interjurisdictional Support Orders

Division definitions

Division definitions **56A.66.** In this Division

(a) "Act" means the *Interjurisdictional Support Orders Act*;

- (b) "designated authority" means the designated authority as defined in the Act;
- (c) "former Act" means the *Reciprocal Enforcement of Support Orders Act*;
- (d) "former rules" means rules 56A.63 to 56A.67 as they read prior to this rule coming into force;
- (e) "provisional order" means a provisional order and a provisional order of variation as defined in the Act; and
- (f) "reciprocating jurisdiction" means a reciprocating jurisdiction as defined in the Act.

Receipt of documents from reciprocating jurisdiction

Receipt of documents from reciprocating jurisdiction

56A.67. (1) On receipt of a provisional order for confirmation, a support application or support variation application from a reciprocating jurisdiction, the designated authority in the province shall serve on the other party

- (a) a notice of hearing in Form 56A.64A; and
- (b) a copy of the documents received from the applicant.

(2) The court shall hear any application in the manner prescribed by the Act, including an interim order.

(3) On completion of the hearing, the registrar shall forward a certified copy of any order made together with the documents required under the Act to the designated authority in the province.

(4) Where the Act provides that a matter shall be dealt with under the former Act, the former rules shall be applied as if they had not been repealed.

35. Forms 56A.06A to 56A.67C are repealed and the forms in the Schedule are substituted.

36. Rule 56B.01 is repealed and the following substituted:

Application

Application

56B.01. (1) Unless otherwise provided in the *Unified Family Court Act* or in this rule, the *Rules of the Supreme Court, 1986*, including Rule 56A, shall apply, with the necessary changes to the practice and procedure in the Unified Family Court.

(2) In accordance with the *Adoption Act* the Unified Family court shall exercise its authority over matters involving the adoption of children.

(3) The parties to an adoption proceeding shall file with the Unified Family Court all documents established by the minister under the *Adoption Act*.

(4) Unless otherwise provided in the *Adoption Act*, the *Rules of the Supreme Court, 1986*, including Rule 56A (Family Law), may be applied by the Unified Family Court to adoption proceedings with the necessary changes.

37. Rule 56C.03 is amended by adding immediately after subsection (8) the following:

(9) Where Family Justice Services project staff are unsuccessful in assisting the parties to reach agreement on all or any of the issues raised by the pleadings, the registrar shall schedule a case management meeting to deal with the unresolved matters at the earliest available case management date and rule 56A.21 applies.

Commencement

38. These rules shall come into force on December 1, 2003.

IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR
(TRIAL DIVISION/UNIFIED FAMILY COURT)

Court No. _____
Court File No. _____
Central Divorce Registry No. _____ (if applicable)

BETWEEN: APPLICANT
AND: RESPONDENT

ORIGINATING APPLICATION

To this Honourable Court:

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

- | | | |
|----------------------------------------|------------------------------------------------------------------------|------------------------------------------------|
| <input type="checkbox"/> Divorce | <input type="checkbox"/> Spousal Support | <input type="checkbox"/> Costs |
| <input type="checkbox"/> Child Support | <input type="checkbox"/> Parental Support | <input type="checkbox"/> Other (specify) _____ |
| <input type="checkbox"/> Custody | <input type="checkbox"/> Partner Support | (attach details to this application) |
| <input type="checkbox"/> Access | <input type="checkbox"/> Division of Matrimonial Property | |
| | <input type="checkbox"/> Claim for Property made by common law spouses | |

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):

8.

	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 & 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*.

(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 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* 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 \$150,000.00 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) I am claiming

- ☐ Exclusive possession of the matrimonial home
- ☐ Division of property
 - ☐ Equal (*skip paragraph 13(b)*)
 - or
 - ☐ Unequal (*complete paragraph 13(b) below*)
- ☐ Other _____ (*complete paragraph 13(b) below*)
- ☐ Property of my common law spouse (*complete paragraph 13(b) below*)

(b) The reasons for my claim are _____
_____.

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)
Name/Address of Applicant's Solicitor
(if applicable)

If this document is personally served, it must be personally served upon the Respondent by an adult other than the Applicant.

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 _____, this ____ day of _____, 20 ____.

Signature of Solicitor

Address of Solicitor

Filed at _____, Province of Newfoundland and Labrador this ____ day of _____, A.D.
20____.

Deputy Registrar/Clerk of the Supreme Court
of Newfoundland and Labrador
Trial Division/Unified Family Court

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 per illness or event, including orthodontic treatment, professional counselling provided by a psychologist, social worker, psychiatrist 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 or 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* 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 \$_____

**IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR
(TRIAL DIVISION/UNIFIED FAMILY COURT)**

Court No. _____
Court File No. _____
Central Divorce Registry No. _____ (if applicable)

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.

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
- ◆ copies of the Notices of Assessment or Re-assessment issued by Canada Customs and Revenue Agency with respect to each of the last 3 years tax returns. You may contact Canada Customs and 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 Section 21(1) of the **Federal Child Support Guidelines**. *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 financial information, an order may be made and enforced against you.

DATED this _____ day of _____, 20 ____.

Deputy Registrar/Clerk of the Supreme Court of
Newfoundland and Labrador
Trial Division/Unified Family Court

IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR
(TRIAL DIVISION/UNIFIED FAMILY COURT)

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

BETWEEN:

APPLICANT

AND:

RESPONDENT

ORIGINATING APPLICATION FOR VARIATION

To this Honourable Court:

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

- ☐ custody order ☐ spousal support order
☐ access order ☐ partner support order
☐ child support order ☐ parental support order
☐ other _____

made by Justice (name of judge) _____ at the (name of court) _____
_____ at (place of court) _____ in the Province
of _____ on the ____ day of _____, ____.

2. ☐ I also request costs of this Application.

3.

	Applicant	Respondent
Marital Status		
Address		
City/Town		
Province		
Postal Code		
Telephone 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 (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 is:

10. I request the following change to the spousal, parent or partner support order:

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

12. The reason(s) that such a variation 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 ____.

A Commissioner of Oaths/Justice of the Peace

Signature of Applicant

Name/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 any agreement between the parties dealing with custody, access or support.
- 3) Schedule "A" if claiming special expenses for child
- 4) Schedule "B" if claiming undue hardship.

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

Deputy Registrar/Clerk of the Supreme Court
of Newfoundland and Labrador
Trial Division/Unified Family Court

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 per illness or event, including orthodontic treatment, professional counselling provided by a psychologist, social worker, psychiatrist 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 or 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* 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 \$ _____

**IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR
(TRIAL DIVISION/UNIFIED FAMILY COURT)**

Court No. _____
Court File No. _____
Central Divorce Registry No. _____ (if applicable)

BETWEEN: **APPLICANT**

AND: **RESPONDENT**

NOTICE TO RESPONDENT

An Originating Application for variation has been made. 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.

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
- ◆ copies of the Notices of Assessment or Re-assessment issued by Canada Customs and Revenue Agency with respect to each of the last 3 years tax returns. You may contact Canada Customs and 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 Section 21(1) of the **Federal Child Support Guidelines**. *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 financial information, an order may be made and enforced against you.

DATED this _____ day of _____, 20 ____ .

Deputy Registrar/Clerk of the Supreme Court of
Newfoundland and Labrador
Trial Division/Unified Family Court

FORM 56A.12A
(rule 56A.12)

**IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR
(TRIAL DIVISION/UNIFIED FAMILY COURT)**

Court No. _____
Court File No. _____
Central Divorce Registry No. _____ (if applicable)

BETWEEN:

APPLICANT

AND:

RESPONDENT

RESPONSE

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

OR

- 2.(a) I agree to the following claims made by the Applicant:

_____; and

- (b) I disagree with the following claim(s)/allegations made by the Applicant (*specify*):

_____.

3. I am making the following claim(s) (*specify your claim including reasons*):

_____.

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____.

Signature of Respondent

Name/address of Respondent/Respondent's Solicitor:

IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR
(TRIAL DIVISION/UNIFIED FAMILY COURT)

Court No. _____

Court File No. _____

Central Divorce Registry No. _____ (if applicable)

BETWEEN:

APPLICANT

AND:

RESPONDENT

DEMAND FOR NOTICE

TO: The Applicant, (*name*) _____

I, _____, demand that notice of all further pleadings and
proceedings be served on me.

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

(Respondent or Respondent's lawyer)

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

IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR
(TRIAL DIVISION/UNIFIED FAMILY COURT)

Court No. _____
Court File No. _____
Central Divorce Registry No. _____ (if applicable)

BETWEEN:

APPLICANT

AND:

RESPONDENT

REPLY

1. I admit the statement(s) contained in paragraph(s) _____ of the Response.
2. I deny the statement(s) contained in paragraph(s) _____ of the Response
for the following reason(s):

_____.

I, _____, the Applicant, declare the contents of the within Reply
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 (Applicant)

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

FORM 56A.15A
(rule 56A.15)

**IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR
(TRIAL DIVISION/UNIFIED FAMILY COURT)**

Court No. _____
Court File No. _____
Central Divorce Registry No. _____ (if applicable)

BETWEEN: **APPLICANT**
AND: **RESPONDENT**

NOTICE OF DEFAULT

I hereby certify that no Response or other documentation has been filed in response to the Application filed in this matter by the Respondent and that the Applicant is entitled to proceed without further notice to the Respondent.

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

Registrar

FORM 56A.16A
(rule 56A.16)

**IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR
(TRIAL DIVISION/UNIFIED FAMILY COURT)**

Court No. _____
Court File No. _____
Central Divorce Registry No. _____ (if applicable)

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 in the court registry office, with proof of service, at least two (2) 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 two 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/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
- copies of the Notice of Assessment or Re-Assessment issued by Canada Customs and Revenue Agency with respect to each of the last 3 years tax returns. You may contact Canada Customs and 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/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__.

Deputy Registrar/Clerk of the Supreme
Court of Newfoundland and Labrador
Trial Division/Unified Family Court

**IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR
(TRIAL DIVISION/UNIFIED FAMILY COURT)**

Court No. _____
Court File No. _____
Central Divorce Registry No. _____ (if applicable)

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 that 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

IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR
(TRIAL DIVISION/UNIFIED FAMILY COURT)

Court No. _____
Court File No. _____
Central Divorce Registry No. _____ (if applicable)

BETWEEN: APPLICANT
AND: RESPONDENT

NOTICE OF CASE MANAGEMENT MEETING

You are hereby notified that you and your lawyer (if you have one) must appear at a Case Management Meeting in this proceeding at the Supreme Court of Newfoundland and Labrador Trial Division/Unified Family Court at _____ on the _____ day of _____, 20__ at _____ a.m./p.m.

Issue(s) for case management meeting (*not necessary for first case management meeting*):

_____.

If you fail to appear at the date and time specified, a judge may proceed in your absence to make any order permitted by Rule 56A.21(3) of the Rules of the Supreme Court including making any unopposed order, **including a divorce order** or an order as to costs.

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

Registrar/Solicitor

Address of solicitor for party requesting case management:

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

IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR
(TRIAL DIVISION/UNIFIED FAMILY COURT)

Court No. _____
Court File No. _____
Central Divorce Registry No. _____ (if applicable)

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 Court House in _____, Newfoundland and Labrador, on _____ day, the _____ day of _____, 20____, at _____ o'clock in the _____ noon or so soon thereafter as the matter may be heard.

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 (*or* respondent) (*also set out here any other material filed*). _____

_____.

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

Deputy Registrar/Clerk of the Supreme
Court of Newfoundland and Labrador
Trial Division/Unified Family Court

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)

____ 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____.

Deputy Registrar, Clerk of the Supreme
Court of Newfoundland and Labrador
Trial Division/Unified Family Court

IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR
(TRIAL DIVISION/UNIFIED FAMILY COURT)

Court No. _____
Court File No. _____
Central Divorce Registry No. _____ (if applicable)

BETWEEN: APPLICANT
AND: RESPONDENT

AFFIDAVIT OF APPLICANT
(Uncontested Family Law Proceeding)

(Strike out all parts that do not apply to your claim(s) and the order(s) sought)

I, (name) _____, of _____, in the Province of _____,
make Oath and say/affirm as follows:

GENERAL

1. I am the applicant in this proceeding and I have personal knowledge of the matters and facts deposed to in this affidavit, except where stated to be on information learned from someone else and where that is stated, I believe the information to be true.
2. All of the facts and information contained in the originating application/application continue to remain true and accurate, except for the following: *(note here corrections or subsequent changes not otherwise referred to in this affidavit)*:
3. *(Where there is a support claim, and a Financial Statement of the Applicant is required)* All of the facts and information contained in my Financial Statement sworn/affirmed *(date of most recent statement)* _____, continue to remain true and accurate [except for the following: *(note here corrections or subsequent changes not otherwise referred to in this affidavit)*]
4. *(Where there is a property claim)* All of the facts and information contained in my Property Statement sworn/affirmed *(date of most recent statement)* _____, continue to remain true and accurate [except for the following: *(note here corrections or subsequent changes) not otherwise referred to in this affidavit*]

RECONCILIATION

5. The following efforts to reconcile have been made:
I resumed cohabitation with the respondent on or about the ____ day of _____, 20____, for the purpose of achieving a reconciliation, and continued cohabitation for that purpose until on or about the ____ day of _____, 20____, but a reconciliation was not achieved;
and/or
6. I do not wish to reconcile or to resume cohabitation with my spouse.

MARRIAGE BREAKDOWN

7. There has been a breakdown of my marriage to the Respondent by reason of the fact that:

(a) I separated from the respondent on or about the ____ day of _____, 20____, and have lived separate and apart from the Respondent since that date, which is a period in excess of one year.

and/or

(b) The Respondent has committed adultery as evidenced by his (*or* her) affidavit filed in this proceeding (*or* by the other affidavits filed in this proceeding). I separated from the Respondent on or about the ____ day of _____, 20____, and I have lived separate and apart from the Respondent since that date.

and/or

(c) Since the celebration of the marriage the Respondent has treated me with physical and mental cruelty of such a kind as to render our continued cohabitation intolerable, particulars of which are as follows:

(i)

(ii)

I separated from the Respondent on or about the ____ day of _____, 20____, and I have lived separate and apart from the Respondent since that date.

COLLUSION, CONDONATION AND CONNIVANCE

8. I have truthfully set out the facts establishing the breakdown of my marriage and I have not entered into any agreement, understanding or arrangement to makeup or hide evidence or to deceive the court.
9. (*Where adultery or cruelty is the basis of the marriage breakdown*) I have not encouraged my spouse to act in the manner that I have outlined, nor to commit or continue the complained of acts. I am unable to forgive my spouse and resume cohabitation as a result of his/her acts or conduct toward me.

CHILDREN - CUSTODY AND/OR ACCESS

10. There are no children of the Respondent or myself who are in the custody or care of either of us.

or

The names, date of birth and place of residence of all children of the Respondent and I who are in the custody or care of either of us are:

11. The children in respect of whom custody and/or access is claimed are:

and/or

I am not claiming custody and/or access in respect of the following children because:

12. The present and proposed arrangements with respect to custody and access of any or all children are

as follows:

(If this is a joint or shared parenting arrangement, specify the particulars of the residency of the children)

13. An order giving me (*or* the Respondent) custody (*or* joint custody) of the children is in the best interests of the children because:
14. An order giving the Respondent (*or* me) access to the children is (*or* is not) in the best interests of the children because:

CHILDREN - CHILD SUPPORT

15. I seek support for the following children _____ in the amount of \$_____ per month to commence _____.
16. The present condition, means, needs and other circumstances of the children are as follows:
(Include any special conditions of a child and any special needs as well as general requirements)
17. *(In a divorce proceeding where there are children but no claim is made for child support)*
The arrangements that have been made for the support of any children are as follows:

The income information of the Respondent required by the *Federal or Provincial Child Support Guidelines* is attached as exhibit "_____".

SPOUSAL SUPPORT

18. I do not seek a support order for myself.
or
I seek support for myself in the sum of \$_____ per month.
19. My present conditions, means, needs and other circumstances are as follows:

PROCEEDINGS AND AGREEMENTS

20. Any written or oral separation or financial or custody agreements or court orders between myself and the respondent are attached hereto or are in the court file.
The agreement(s)/order(s) pertains to: ☐ custody of the children
☐ access to the children
☐ child support
☐ spousal support
☐ parental support
☐ division of matrimonial property
☐ property claim by common law spouse
☐ other (*specify*) _____

A copy of the agreement(s)/order(s) is attached as exhibit “_____”. (*Attach where it is not yet filed and relevant to the relief claimed or where it pertains to any child in the custody or care of either the applicant or the respondent.*)

or

There have been no written or oral separation or financial or custody agreements between myself and the Respondent.

21. No other legal proceedings have been instituted between myself and the Respondent with reference to the marriage, cohabitation, custody, support or division of matrimonial property except:

FINANCIAL INFORMATION

22. My current occupation is: _____

My current place of employment is: _____

My current annual income from all sources is \$_____.

Further particulars of my financial position are set out in my Financial Statement sworn/affirmed (date) _____. (*Or, where a financial Statement is not required of the applicant, set out any necessary details here.*)

23. The Respondent’s current occupation is: _____

The Respondent’s current place of employment is: _____

The Respondent’s current annual income from all sources is \$_____.

The basis of my information and belief as to the occupation, employment and annual income of the respondent is as follows:

PROPERTY

24. The Respondent and I divided our property following our separation. I am satisfied with the current division of property.

or

(*Include only where seeking an order incorporating a settlement or agreement.*) The Respondent and I have settled, by consent, the division of our matrimonial property by way of Minutes of Settlement, filed with the court [a Domestic Agreement, a copy of which is attached to this affidavit as exhibit “_____”]. I am seeking an order incorporating this division of property.

JUDGMENT

25. The present address of the Respondent where service of the judgment may be made is:

and

26. The basis of my information and belief as to the address of the Respondent is as follows:

or

27. Service of the judgment on the Respondent should be dispensed with for the following reasons:

28. *(Where an earlier date of effect of divorce judgment is sought)* The divorce judgment should take effect on the day judgment is rendered *(or on the _____ day following the day judgment is rendered)* by reason of the following special circumstances:

and

29. An undertaking by myself and the respondent that no appeal from the judgment will be taken is attached as exhibit "_____".

30. I claim the following relief: *(Set out in list form the relief being requested.)*

31. Costs are claimed in the amount of \$ _____ for the following reasons:

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.25A

AFFIDAVIT OF EXECUTION

I _____ of _____ in the
Province of Newfoundland and Labrador make oath (or affirm) and say that on the _____
day of _____, 20____, I was present and did see _____
sign his/her name to the Order/Agreement attached.

SWORN TO OR AFFIRMED

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

Commissioner of Oaths/Justice of the Peace

Signature

**IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR
TRIAL DIVISION/UNIFIED FAMILY COURT**

Court No. _____
Court File No. _____
Central Divorce Registry No. _____ (if applicable)

BETWEEN:

APPLICANT

AND:

RESPONDENT

FINANCIAL STATEMENT

I, _____, of (address) _____, (city) _____,
(telephone) _____, (province) _____, (postal code) _____

swear (or affirm) that:

1. The information set out in this Financial Statement is true and complete to the best of my knowledge and belief, and sets out my financial situation as of the date of this Statement.
2. ☐ I do not anticipate any significant changes in the information set out in this Financial Statement
☐ I anticipate the following changes in the information set out in this Financial Statement: (state the changes)
3. Attached are the following:
 - ☐ A. Employment Information & Disclosure
 - ☐ B. Income Statement
 - ☐ C. Expense Statement
 - ☐ D. Adjustments to Annual Income for Child Support Purposes
 - ☐ E. Special or Extraordinary Expenses
 - ☐ F. Undue Hardship
 - ☐ G. Income of Other Persons in Household

SWORN TO OR AFFIRMED

at _____,
in the Province of Newfoundland and Labrador
this ____ day of _____, 20____
before me:

Commissioner of Oaths, Justice of the Peace

Signature

IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR
TRIAL DIVISION/UNIFIED FAMILY COURT

Court No. _____
Court File No. _____
Central Divorce Registry No. _____ (if applicable)

BETWEEN: _____ APPLICANT
AND: _____ RESPONDENT

A - EMPLOYMENT INFORMATION & DISCLOSURE

1. I am
- ☐ employed as (occupation) _____
 - ☐ by (name and address of employer) _____
 - ☐ paid ☐ every two weeks
☐ monthly
☐ other (specify) _____
 - ☐ self-employed, carrying on business, professional practice or farming (name and address of business, practice, farm) _____
 - ☐ unemployed (date of last employment and last occupation) _____
 - ☐ a shareholder, director, or officer of a corporation, in which I have an interest (name and address of corporation) _____
 - ☐ a beneficiary under a trust (state trust settlement agreement) _____
 - ☐ a Registered Indian under the provisions of the *Indian Act*, RSN 1985, chap. 1-5, I am exempt from payment of taxes to the Canada Customs and Revenue Agency, and my gross income in the last three years is
Year _____ \$ _____
Year _____ \$ _____
Year _____ \$ _____

2. I have attached to or served with this form:
- ☐ a copy of every income tax return filed by me for each of the 3 most recent taxation years, together with a copy of all material filed with the returns and a copy of every notice of assessment or reassessment issued to me for each of those years
 - ☐ a statement from Canada Customs and Revenue Agency that I have not filed any income tax returns for the last 3 years
 - ☐ a Canada Customs and Revenue Agency Consent in form _____ signed by me for the disclosure of my tax returns and assessments for the last 3 years.

B - ANNUAL INCOME*

	Annual	
1. Employment Income		\$
2. Commissions		\$
3. Other employment benefits (including taxable and non-taxable benefits)(specify)		\$
4. Pension income		\$
5. RRSP, RIF income		\$
6. EI benefits		\$
7. Interest, investment income		\$
8. Taxable dividends from taxable Canadian Corporations		\$
9. Taxable capital gains		\$
10. Partnership income	Gross \$	\$ Net
11. Rental income	Gross \$	\$ Net
12. Child support received	Total \$	\$ Taxable
13. Spousal Support received		\$
14. Workers Compensation		\$
15. Income support		\$
16. Net federal supplements		\$
17. Self-employment income		
Business	Gross \$	\$ Net
Professional	Gross \$	\$ Net
Commission	Gross \$	\$ Net
Farming	Gross \$	\$ Net
18. Other income (specify)	Gross \$	\$ Net
TOTAL ANNUAL INCOME		\$

* Complete this form

1. if a claim for child support is made and
 - the amount claimed differs from the table amount
 - there is, or a claim is made for, a shared or split parenting arrangement
 - there is a claim for special/extraordinary expenses
 - there is a claim for undue hardship
 - the payor's annual income is more than \$150,000.00
 - a child is 18 years of age or older
 - there is a claim against you for child support
2. If a claim for spousal, partner or parental support is claimed.

C- MONTHLY EXPENSES*

Deductions from Employment	Personal	Health
CPP \$	Hair care, toiletries \$	Medical, dental premiums (not deducted at source) \$
EI premiums \$	Clothing, footwear \$	Health care (therapy) \$
Pension \$	Entertainment \$	Drugs, prescriptions \$
Insurance \$	Alcohol/Tobacco \$	Dental care (ie. orthodontics) \$
Income tax \$	Vacation \$	Optical care \$
	School fees, etc. \$	
Housing	Other (specify) \$	Savings for Future
Rent/Mortgage \$		RRSP \$
Insurance \$	Children	RESP \$
Condo fees \$	School fees, supplies \$	Other (specify) \$
Property taxes \$	School activities \$	
Water, sewer \$	Clothing, footwear \$	Other
Repairs/maintenance \$	Daycare, sitter \$	Support paid in this case \$
Heat, Fuel \$	Allowances, gifts \$	Support paid in any other case \$
Electricity \$	Other (specify) \$	Banking, legal, accounting \$
Telephone \$		Church, charitable donations \$
Cable \$	Transportation	Life insurance premiums \$
Internet \$	Car payment \$	Newspapers, publications \$
Other (specify) \$	Insurance \$	Debts (other than mortgage) (specify) \$
	Licenses \$	Other (specify) \$
Household expenses	Public transit, taxis \$	
Groceries, household supplies \$	Gas, oil \$	
Meals outside home \$	Maintenance \$	
Dry cleaning, laundry \$	Parking \$	
Furnishings \$	Other (specify) \$	
Repairs, maintenance \$		
Other (specify) \$		Total Monthly Expenses

* Do not complete this form if the only support claimed is the basic table amount of child support.

D. Additions to income:

	Annual
Payments to non-arms length persons	\$
Allowable capital cost allowance with respect to real property	\$
Value of exercised stock options in Canadian controlled private corporations	\$
TOTAL ADDITIONS TO ADJUSTED ANNUAL INCOME	\$

TOTAL ADJUSTED ANNUAL INCOME FOR CHILD SUPPORT (BASIC) \$ _____

E - SPECIAL OR EXTRAORDINARY EXPENSES

2. Complete this Part only if you claim special or extraordinary expenses as part of a child support claim. Refer to Section 7 of the **Federal or Provincial Child Support Guidelines**.

I am claiming an amount to cover special or extraordinary expenses for one or more of the following reasons: *(Indicate which of the following you are claiming)*

☐ child care expenses incurred as a result of my employment, illness, disability, education or training for employment

☐ that portion of the medical and dental insurance premiums attributable to child;

☐ health-related expenses that exceed insurance reimbursement by at least \$100 annually per illness or event, 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;

☐ extraordinary expenses for primary or secondary school or for any education programs that meet the child's particular needs;

☐ expenses for post-secondary education;

☐ extraordinary expenses for extracurricular activities.

3. *State the child's name that each expense relates to, the details of each type of expense you are claiming, and the total annual amount of each expense.*
4. *If the child contributes to payment of the expense, please indicate that contribution and its amount.*
5. *If you are claiming for a health-related expense, please indicate the amount of insurance reimbursement.*

CHILD'S NAME	DETAILS OF EXPENSE	TOTAL AMOUNT	CONTRIBUTIONS/ REIMBURSEMENTS

- ☐ Receipts or other documentation which shows the amount of the expenses I am claiming for each child are attached to this financial statement
OR
- ☐ I cannot obtain receipts or other documentation to show the amount of the expense I am claiming because: *(please explain why)*
- ☐ I am eligible to claim or I receive the following subsidies, benefits or income tax deductions or credits relating to the above expenses: *(provide details)*

F- UNDUE HARDSHIP

6. Complete this Part only if you claim a different amount of child support on the basis of undue hardship
7. Refer to Section 10 of the Federal or Provincial Child Support Guidelines. (Indicate which of the following you are claiming.)

☐ Responsibility for unusually high level of debts reasonably incurred to support the family prior to the separation or to earn a living:

Owed to	Purpose	Date incurred	Terms of debt	Annual amount

☐ Unusually high expenses for exercising access to a child:

Details of expense	Annual amount

☐ Legal duty under a judgment, order or written separation agreement to support another person:

☐ Legal duty to support a child, other than a child for whom support is claimed in this application, who is under the age of 18 or at or above the age of 18 but unable to support himself or herself because of illness, disability or other cause:

☐ Legal duty to support a person who is unable to support himself or herself because of illness or disability:

8. attach a copy of any judgment, order or written agreement under which the legal duty arises

Name of person	Relationship	Nature of duty	Annual amount

☐ Other undue hardship circumstances:

Details	Annual amount

G - INCOME OF OTHER PERSONS IN HOUSEHOLD

9. *Complete this Part if either party is making a claim for a different amount of child support on the basis of undue hardship*

The following are the names, occupations or sources of income, annual incomes and amount of federal and provincial taxes payable thereon, of

- (a) any person who has a legal duty to support me or whom I have a legal duty to support;
- (b) any person who shares living expenses with me or from whom I otherwise receive an economic benefit as a result of living with that person, and
- (c) any child whom I or the person described in paragraph (a) or (b) has a legal duty to support.

Other person's name	Occupation or source of income	Annual income*	Taxes paid

*Where the information on which to base the income determination is not provided, the court may impute income in the amount it considers appropriate.

You must also file current income tax returns, Notices of Assessment and proof of year to date earnings for every income-earner in the household.

IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR
(TRIAL DIVISION/UNIFIED FAMILY COURT)

Court No. _____
Court File No. _____
Central Divorce Registry No. _____ (if applicable)

BETWEEN: APPLICANT
AND: RESPONDENT

PROPERTY STATEMENT

I, [name] _____ Address _____
City _____ Province _____ Postal Code _____
Phone _____ Fax _____

swear (or affirm) that:

1. The information set out in this property statement is true and complete to the best of my knowledge and belief and sets out all property held by me, in my name or jointly with another person, as of [give date for which information is accurate] _____
2. ☐ I do not anticipate any significant changes in the information set out in this property statement.

or

☐ I anticipate the following significant changes in the information set out in this property statement:

SWORN TO OR AFFIRMED

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

A Commissioner of Oaths/Justice of the Peace

Signature

I. ASSETS IN AND OUT OF NEWFOUNDLAND AND LABRADOR

I. PROPERTY OWNED

1. REAL PROPERTY					
<p><i>Include any interest in land owned on the date of application or as of the date of this statement, including leasehold interests and mortgages. Show estimated market value of the interest, but do not deduct encumbrances or costs of disposition; these encumbrances and costs should be shown under Part II, "Debts and Liabilities".</i></p> <p><i>For example, if you were including the matrimonial home, you might insert both spouses names in the first column and "Joint tenancy" in the second column; in the next column, you might write "Matrimonial home, 123 Main Street", in the fourth column, "\$100,000", which in the case of such a joint tenancy would also be the value to be placed in the final column. The amount left to pay on the mortgage would be shown under Part II: "Debts and Liabilities".</i></p>					
Owner	Nature & Type of Ownership	Nature of property, and address	Estimated TOTAL Value	Estimated market value of the interest	
				On date of separation	current date
1. TOTAL VALUE OF REAL PROPERTY				\$	

2. GENERAL HOUSEHOLD GOODS AND VEHICLES				
Show estimated market value, not the cost of replacement for these items. Do not deduct encumbrances, debts, loans or costs of disposition; these encumbrances and costs should be shown under Part II, "Debts and Liabilities".				
ITEM	DESCRIPTION	In the possession of	Estimated market value	
			On date of separation	current date
Household goods, appliances & furniture				
Cars, boats, trailers, motorhomes, snowmobiles, other vehicles	(describe by make, model, year)			
Jewellery, works of art, collections, electronics, tools, sports & hobby equipment				
Other special items				
2. TOTAL VALUE OF GENERAL HOUSEHOLD GOODS AND VEHICLES			\$	

3. BANK ACCOUNTS AND SAVINGS					
Show the items owned on the date of application by category. Include cash, savings and chequing accounts in financial institutions, term deposits, guaranteed investment certificates, and any other savings.					
OWNER	CATEGORY	INSTITUTION	ACCOUNT NUMBER	AMOUNT	
				On date of separation	current date
3. TOTAL VALUE OF BANK ACCOUNTS AND SAVINGS				\$	

[] The location of any safety deposit box[es] is [name and address of institution(s)]

4. EMPLOYMENT BENEFITS (including Severance Pay, Retirement Allowances, Pensions and Retirement Savings Plans, Profit Sharing Plans, Accrued Annual Leave, etc.)					
Show the items owned by category. Indicate the name and address of the institution and other relevant details of the benefit(s).					
OWNER	CATEGORY	INSTITUTION	ACCOUNT NUMBER	AMOUNT	
				on date of separation	current date
4. TOTAL VALUE OF EMPLOYMENT BENEFITS				\$	

5. SECURITIES					
Show the items owned by category. Include shares, bonds, mutual funds, warrants, options, debentures, notes and any other securities. Give your best estimate of their market value if the items were to be sold on the open market.					
OWNER	CATEGORY	NUMBER	DESCRIPTION	Estimated Market Value	
				on date of separation	current date
5. TOTAL VALUE OF SECURITIES				\$	

6. LIFE & DISABILITY INSURANCE						
List all whole life, term life, disability or other similar insurance policies. Set out cash surrender value, if any.						
Company & Policy No.	Kind of Policy	Owner	Beneficiary	Face Amount	Cash Surrender Value	
					on date of separation	current date
6. TOTAL CASH SURRENDER VALUE OF INSURANCE POLICIES					\$	

7. BUSINESS INTERESTS				
<i>If there is a claim for division of business assets, list any interest either spouse holds, directly or indirectly, in any incorporated business, including partnerships, trusts and joint ventures. Give your best estimate of market value if business were to be sold on an open market. An interest in an incorporated business may be shown here or under item 5: Securities.</i>				
Interest Held By	Name of Firm or Company	Interest	Estimated Market Value of the Interest	
			on date of separation	current date
7. TOTAL VALUE OF BUSINESS INTERESTS			\$	

8. ACCOUNTS RECEIVABLE			
<i>Give details of all money owed to either spouse, whether because of business or from personal dealings; including amounts loaned to family members, any court judgments in a spouse's favour, any estate money owed.</i>			
OWED TO	DETAILS	Amount Owed	
		on date of separation	current date
8. TOTAL OF ACCOUNTS RECEIVABLE		\$	

9: OTHER PROPERTY				
<i>Show other property or assets owned by categories. Include property of any kind not listed in items 1 to 8 (for example, patents or copyright claims). Give your best estimate of market value.</i>				
OWNER	CATEGORY	DETAILS	Estimated Market Value of the Interest	
			on date of separation	current date
9. TOTAL VALUE OF OTHER PROPERTY			\$	
I. VALUE OF ALL ASSETS (Add totals 1 to 9 together)			I. + \$	

II. DEBTS AND OTHER LIABILITIES

Show all debts and other liabilities. Include business debts if a claim is being made for division of business assets. List by category, such as mortgages, charges, loans, liens, notes, credit cards, accounts payable, tax arrears and costs of disposition. Indicate if any other person may be responsible for this debt with a spouse and give their name. Include contingent liabilities such as guarantees given by either spouse and indicate that they are contingent. Indicate if any debt payments are in arrears.

DEBTOR	CATEGORY	DETAILS (interest rate, term or number of payments remaining, any property affected)	Amount Owing	
			on date of separation	current date
II. TOTAL OF DEBTS AND OTHER LIABILITIES			\$	

III: PROPERTY EXEMPT FROM DISTRIBUTION

Show the value by category of property reported in this statement that you claim is exempt from distribution pursuant to section 18(c) of the Family Law Act.

CATEGORY	ITEM AND REASONS FOR EXEMPTION	Value on date of application
IV. TOTAL VALUE OF EXEMPT PROPERTY		\$

IMPORTANT NOTE: *If during the course of the proceeding you find out that the information in this property statement is incorrect or incomplete or there is a material change in the information provided, you must serve on every other party to this claim and file with the court the correct information or a new property statement containing the correct information, together with any documents that back up that information.*

IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR
(TRIAL DIVISION/UNIFIED FAMILY COURT)

Court No. _____

Court File No. _____

Central Divorce Registry No. _____ (if applicable)

BETWEEN:

APPLICANT

AND:

RESPONDENT

AGREEMENT AS TO CHILD SUPPORT

THE PARTIES AGREE AS FOLLOWS:

1. The income of the payor [*name*] _____ is \$ _____.
2. The payor currently resides in [*province or, if resident outside of Canada, country*]
_____.
3. The income of the recipient [*name*] _____ is \$ _____.
4. The recipient currently resides in [*province or, if resident outside of Canada, country*]
_____.

(Paragraphs 3 and 4 must be included where special or extraordinary expenses are to be shared or where the amount agreed to differs from the table amount set out in the Federal Child Support Guidelines.)

5. Child support is to be provided for [*state names and dates of birth of children for whom child support is to be provided*]:

and according to the applicable child support table set out in the *Federal Child Support Guidelines*, the amount of child support payable for that number of children (the "child support table amount") is \$ _____.

6. The payor will pay to the recipient, [*name*] _____, child support of \$ _____ per month for the children referred to in section 5.
7. [*If applicable*] The amount of child support agreed upon by this agreement differs from the child support table amount because : [*state reasons*]

8. [If there are expenses pursuant to section 7 of the Federal or Provincial Child Support Guidelines to be shared] There are special or extraordinary expenses, being [state type of expense] _____ on behalf of [name child] _____ in the amount of \$ _____ per month, and the payor's share of this expense is \$ _____ per month.

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

Signature of Applicant or Applicant's lawyer

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

Signature of Respondent or Respondent's lawyer

This Form must be filed with the court along with the following documents:

(a) a copy of the most recent personal income tax return filed by the payor along with a copy of the most recent income tax assessment or re-assessment, or an affidavit explaining why the documents are not available and providing evidence to satisfy the court that the amount of income of the payor and child support agreed to by the parties is reasonable,

(b) where special or extraordinary expenses are to be shared or where the amount agreed to differs from the table amount set out in the *Federal Child Support Guidelines*, a copy of the most recent personal income tax return filed by the recipient along with a copy of the most recent income tax assessment or re-assessment, or an affidavit explaining why the documents are not available and providing evidence to satisfy the court of the amount of income of the recipient.

IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR
(TRIAL DIVISION/UNIFIED FAMILY COURT)

Court No. _____
Court File No. _____
Central Divorce Registry No. _____ (if applicable)

BETWEEN: APPLICANT
AND: RESPONDENT

WAIVER OF FINANCIAL AND/OR PROPERTY STATEMENTS

1. The parties have agreed on the relief to be granted in this proceeding.
2. The parties acknowledge that they are each entitled to full and complete disclosure of each other's financial circumstances, including income, assets and debts. Each party is completely satisfied with the level of financial disclosure given and obtained.
3. *(Where there is a claim for spousal support)* The parties waive Financial Statements with respect to the claim for spousal support made in this proceeding.
4. *(Where there is a property claim)* The parties waive Property Statements with respect to property claims made in this proceeding.
5. In providing this waiver each party acknowledge that he/she is not under any undue influence or coercion from the other party or anyone acting on his/her behalf.
6. Each party understands that if he/she wishes more information or explanation about this waiver he/she should seek legal counsel prior to signing this document.

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

(Signature of Applicant or Applicant's lawyer)

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

(Signature of Respondent or Respondent's lawyer)

FORM 56A.35A
(rule 56A.35)

**IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR
(TRIAL DIVISION/UNIFIED FAMILY COURT)**

Court No. _____
Court File No. _____
Central Divorce Registry No. _____ (if applicable)

BETWEEN: **APPLICANT**
AND: **RESPONDENT**

NOTICE TO DISCLOSE

TO: The Respondent (or Applicant) (name) _____

YOU ARE REQUIRED to provide to the Applicant (or Respondent) and file with the Court within 15 days of service of this Notice:

- ☐ A Financial Statement in Form 56A.27A of the *Rules of the Supreme Court, 1986*, including the required income tax documents;
- ☐ A Property Statement in Form 56A.27C of the *Rules of the Supreme Court, 1986*;
- ☐ A copy of your Income Tax Return and Notice of Assessment for the year(s) _____;
- ☐ Your most recent statement of earnings indicating the total earnings paid in the year to date, including overtime, or if such a statement is not provided by your employer, a letter from your employer setting out that information, including your rate of annual salary or remuneration;
- ☐ A copy of each of your 3 most recent pay remittance stubs;
- ☐ A copy of each of your 3 most recent employment insurance benefit statements;
- ☐ A copy of each of your 3 most recent worker's compensation benefit statements;
- ☐ Current documentary evidence confirming the amount of social assistance that you receive;
- ☐ For the taxation year(s) _____:
 - (i) the financial statements of your business or professional practice, other than a partnership; and
 - (ii) a statement showing a breakdown of all salaries, wages, management fees or other payments or benefits paid to, or on behalf of, persons or corporations with whom you do not deal at arm's length;

- [] Confirmation of your income and draw from, and capital in, the partnership for the taxation year(s) _____;
- [] For each corporation that you control, the following information for the taxation year(s) _____:
 - (i) the financial statements of each corporation and its subsidiaries; and
 - (ii) a statement showing a breakdown of all salaries, wages, management fees or other payments or benefits paid to, or on behalf of, persons or corporations with whom each corporation and every related corporation does not deal at arm's length;
- [] A copy of the trust settlement agreement and copies of the trust's financial statement(s) for the year(s) _____;
- [] A copy of the most recent pension plan statement(s) of any and all plans in which you have or will have an interest;
- [] Current documentary evidence confirming entitlement and valuation of any accrued severance benefits, annual leave and other monetary benefits in which you have an interest;
- [] A copy of any health and dental insurance coverage available to you through your employer, indicating whether coverage is available for your spouse and/or children;
- [] A copy of the most recent assessment notice issued for and any appraisals conducted with respect to real property you own;
- [] Particulars or copies of every cheque issued to you for the period _____ from any business or corporation in which you have an interest or to which you have rendered a service;
- [] Copies of all bank account statements in your name for the period _____;
- [] Copies of the most recent statement for all R.R.S.P.'s, term deposit certificates, guaranteed investment certificates, stock accounts and other investments in your name or in which you have an interest;
- [] Copies of all whole life, term life, disability or other insurance policies in your name and/or in which you have an interest, including the cash surrender value of any such policy;
- [] Copies of credit card statements for all credit cards in your name for the period _____;
- [] An authorization to the appropriate person or institution to obtain any of the above information that you have not provided; and
- [] *(a copy of any other item being specifically requested)*

(The party seeking disclosure may request one or more of the above depending on the nature of the proceeding.)

IF YOU OBJECT to disclosing any of these documents, you must make an objection in writing setting out the reasons for your objection, and serve it with the information which you do not object to disclosing in response to this notice, within 15 days of service of this Notice.

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

Party or Party's Lawyer

Whose address for service is:

The requested documents are to be: (a) served on the party seeking disclosure at the address for service set out at the end of this document; and (b) filed on the court file.

NOTE: *If during the course of the proceeding you find out that the information you provided in a response to this notice is incorrect or incomplete, or there is a material change in the information provided, you must serve on every other party to this claim and file with the court the correct information, together with any documents substantiating it.*

NOTICE

IF YOU FAIL TO PROVIDE THE REQUESTED DOCUMENTS WITHIN THE TIME GIVEN, the party seeking disclosure may apply on notice to the Court for any or all of the following:

- a) an Order drawing an adverse inference against you and imputing income to you in such amount as the court considers appropriate;
- b) an Order for payment of support in such amount as the Court considers appropriate;
- c) an Order that the documents requested be delivered within a specified time;
- d) an Order directed to your employer or other person for disclosure of financial information;
- e) an Order for costs, including costs up to an amount that fully compensates the party seeking disclosure for all costs incurred in the proceeding;
- f) an Order granting the party seeking disclosure any other remedy requested.

IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR
(TRIAL DIVISION/UNIFIED FAMILY COURT)

Court No. _____
Court File No. _____
Central Divorce Registry No. _____ (if applicable)

BETWEEN:

APPLICANT

AND:

RESPONDENT

NOTICE TO REPLY TO WRITTEN QUESTIONS

TO: The Respondent (or Applicant) (name) _____

YOU ARE REQUIRED to provide to the Applicant (or Respondent) and file with the Court within 15 days of service of this Notice, answers, in the form of an affidavit, to the following questions:

- 1.
- 2.

IF YOU OBJECT to answering any of these questions, you must make an objection in writing setting out the reasons for your objection, and serve it with the affidavit answering those questions which you do not object to answering, within 15 days of service of this Notice.

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

Party or Party's Lawyer

The requested documents are to be:

- (a) served on the party seeking answers to these questions at the address for service set out at the end of this document and;
- (b) filed on the court file.

NOTE: If during the course of the proceeding you find out that the information you provided in a response to this notice is incorrect or incomplete, or there is a material change in the information provided, you must serve on every other party to this claim and file with the court the correct information, together with any documents substantiating it.

NOTICE

IF YOU FAIL TO PROVIDE THE REQUESTED ANSWERS WITHIN THE TIME GIVEN, the party seeking answers to these questions may apply on notice to the Court for any or all of the following:

- a) an Order drawing an adverse inference against you and imputing income to you in such amount as the court considers appropriate;

- b) an Order for payment of support in such amount as the Court considers appropriate;
- c) an Order that the answers requested be delivered within a specified time;
- d) an Order directed to your employer or other person for disclosure of financial information;
- e) an Order for costs, including costs up to an amount that fully compensates the party seeking answers to these questions for all costs incurred in the proceeding;
- f) an Order granting the party seeking answers to these questions any other remedy requested.

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

IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR
(TRIAL DIVISION/UNIFIED FAMILY COURT)

Court No. _____

Court File No. _____

Central Divorce Registry No. _____ (if applicable)

BETWEEN:

APPLICANT

AND:

RESPONDENT

AFFIDAVIT OF RESPONDENT
IN CASES OF ADULTERY

I, _____, of _____ in the Province of _____,
make oath and say/affirm as follows:

1. I am the Respondent in this proceeding and I have personal knowledge of the matters and facts
deposed to in this affidavit.

2. On or about the _____ day of _____, 20____, I had sexual intercourse with (name)
_____ at (address) _____, in the City of _____
in the Province of _____ (Include here further particulars respecting the other
person and the relationship, for example, frequency of association, duration of relationship, a child has
been born of the relationship, etc.)

3. Since on or about the _____ day of _____, 20____, I have been living separate and
apart from the Applicant (or other facts to indicate the adultery has not been condoned).

4. I do not wish to reconcile or resume cohabitation with my spouse.

5. I have truthfully set out the facts and I have not entered into any agreement, understanding or
arrangement to makeup or hide evidence or to deceive the court.

SWORN TO OR AFFIRMED

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

Commissioner of Oaths/Justice of the Peace

Signature

Address of Respondent/Respondent's Solicitor:

**IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR
(TRIAL DIVISION/UNIFIED FAMILY COURT)**

Court No. _____
Court File No. _____
Central Divorce Registry No. _____ (if applicable)

BETWEEN: **APPLICANT**
AND: **RESPONDENT**

NOTICE OF WITHDRAWAL FROM JOINT ORIGINATING APPLICATION FOR DIVORCE

TO: _____ (name of other party)

TAKE NOTICE that _____ withdraws from the joint Originating Application for Divorce filed in this proceeding on _____, 20__.

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

Party or Party's Lawyer

Address for Service of Party/Party's Lawyer:

**IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR
(TRIAL DIVISION/UNIFIED FAMILY COURT)**

Court No. _____
Court File No. _____
Central Divorce Registry No. _____ (if applicable)

CANADA
PROVINCE OF NEWFOUNDLAND AND LABRADOR

CERTIFICATE OF DIVORCE

This is to certify that the marriage of _____ and _____ which was solemnized on the ____ day of _____, 20____, was dissolved by a judgment of this Court, which became effective on the ____ day of _____, 20 ____.

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

Registrar

**IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR
(TRIAL DIVISION/UNIFIED FAMILY COURT)**

Court No. _____
Court File No. _____
Central Divorce Registry No. _____ (if applicable)

CANADA
PROVINCE OF NEWFOUNDLAND AND LABRADOR

CERTIFICATE OF DIVORCE

This is to certify that the marriage of _____ and _____ which was
solemnized on the ____ day of _____, 20____, was dissolved by a judgment of this Court, which
became effective on the ____ day of _____, 20____.

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

Registrar

IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR
(TRIAL DIVISION/UNIFIED FAMILY COURT)

Court No. _____
Court File No. _____
Central Divorce Registry No. _____ (if applicable)

BETWEEN: APPLICANT
AND: RESPONDENT

CANADA CUSTOMS AND REVENUE AGENCY CONSENT

TO: Canada Customs and Revenue Agency:

This form authorizes Canada Customs and Revenue Agency to release taxpayer information to the designated persons.

My name is (*full legal name*):

I live at (*latest address shown on tax records*):

My social insurance number is:

I ASK AND AUTHORIZE YOU to send to:

1. (*name, address and telephone number of requesting party or requesting party's lawyer*)
2. (*name, address and telephone number of other party or other party's lawyer*)

a copy of: (a) my income tax returns for the years _____, _____, _____; and
(b) any material that was filed with each of the returns for those same years; and
(c) any notice of assessment or re-assessment issued to me for those same years.

Signature of taxpayer

Date of signature

() _____
Telephone number

Note: Upon receipt of the information requested, the requesting party or the requesting party's lawyer shall file the information in court.

IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR
(TRIAL DIVISION/UNIFIED FAMILY COURT)

Court No. _____
Court File No. _____
Central Divorce Registry No. _____ (if applicable)

BETWEEN:

APPLICANT

AND:

RESPONDENT

NOTICE OF CONFIRMATION HEARING

TO:

An application for an Interjurisdictional Support Order/Reciprocal Enforcement Support Order, or Variation or Provisional Order was made by (*name of court or agency*) _____ at (*address in full*) _____ on the _____ day of _____, 20____, against you for the payment of \$_____ per _____ towards the support (*or* maintenance) of _____ or (state other parts of order) _____

_____ The provisional order has no legal effect until it is confirmed, but on confirmation by this court it has legal effect as an order of this court.

TAKE NOTICE that a hearing to consider confirmation of the provisional order will be held at (*name and address of court*) _____ on the _____ day of _____, 20____, at _____ o'clock in the _____ noon, or so soon thereafter as the matter can be heard.

FURTHER TAKE NOTICE that in support will be read all material forwarded by the court or agency, which material has been served on you together with this notice.

FURTHER TAKE NOTICE that, whether or not you wish to oppose this matter, you are required at least 7 days before the date set for the confirmation hearing to file with the court at the above address a completed financial statement. An uncompleted copy of a Financial Statement in Form 56A.27A is served on you together with this notice.

FURTHER TAKE NOTICE that if you wish to oppose this application or dispute the amount of support payable, you may file an affidavit in response at least 7 days before the date set for the confirmation hearing, and you or your lawyer must appear at the hearing.

FURTHER TAKE NOTICE that if you do not come to the hearing, an order confirming the provisional order may be made in your absence and enforced against you.

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

Registrar

IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR
(TRIAL DIVISION/UNIFIED FAMILY COURT)

Court No. _____
Court File No. _____
Central Divorce Registry No. _____ (if applicable)

BETWEEN: APPLICANT
AND: RESPONDENT

ORIGINATING APPLICATION

To this Honourable Court:

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

- | | | |
|----------------------------------------|------------------------------------------------------------------------|------------------------------------------------|
| <input type="checkbox"/> Divorce | <input type="checkbox"/> Spousal Support | <input type="checkbox"/> Costs |
| <input type="checkbox"/> Child Support | <input type="checkbox"/> Parental Support | <input type="checkbox"/> Other (specify) _____ |
| <input type="checkbox"/> Custody | <input type="checkbox"/> Partner Support | (attach details to this application) |
| <input type="checkbox"/> Access | <input type="checkbox"/> Division of Matrimonial Property | |
| | <input type="checkbox"/> Claim for Property made by common law spouses | |

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):

8.

	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 & 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*.

(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 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* 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 \$150,000.00 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) I am claiming

- ☐ Exclusive possession of the matrimonial home
- ☐ Division of property
 - ☐ Equal (*skip paragraph 13(b)*)
 - or
 - ☐ Unequal (*complete paragraph 13(b) below*)
- ☐ Other _____ (*complete paragraph 13(b) below*)
- ☐ Property of my common law spouse (*complete paragraph 13(b) below*)

(b) The reasons for my claim are _____
_____.

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)
Name/Address of Applicant's Solicitor
(if applicable)

If this document is personally served, it must be personally served upon the Respondent by an adult other than the Applicant.

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 _____, this ____ day of _____, 20 ____.

Signature of Solicitor

Address of Solicitor

Filed at _____, Province of Newfoundland and Labrador this ____ day of _____, A.D.
20____.

Deputy Registrar/Clerk of the Supreme Court
of Newfoundland and Labrador
Trial Division/Unified Family Court

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 per illness or event, including orthodontic treatment, professional counselling provided by a psychologist, social worker, psychiatrist 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 or 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* 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 \$_____

**IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR
(TRIAL DIVISION/UNIFIED FAMILY COURT)**

Court No. _____
Court File No. _____
Central Divorce Registry No. _____ (if applicable)

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.

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
- ◆ copies of the Notices of Assessment or Re-assessment issued by Canada Customs and Revenue Agency with respect to each of the last 3 years tax returns. You may contact Canada Customs and 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 Section 21(1) of the **Federal Child Support Guidelines**. 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 financial information, an order may be made and enforced against you.

DATED this _____ day of _____, 20 ____.

Deputy Registrar/Clerk of the Supreme Court of
Newfoundland and Labrador
Trial Division/Unified Family Court

IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR
(TRIAL DIVISION/UNIFIED FAMILY COURT)

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

BETWEEN:

APPLICANT

AND:

RESPONDENT

ORIGINATING APPLICATION FOR VARIATION

To this Honourable Court:

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

- ☐ custody order ☐ spousal support order
☐ access order ☐ partner support order
☐ child support order ☐ parental support order
☐ other _____

made by Justice (name of judge) _____ at the (name of court) _____
_____ at (place of court) _____ in the Province
of _____ on the ____ day of _____, ____.

2. ☐ I also request costs of this Application.

3.

	Applicant	Respondent
Marital Status		
Address		
City/Town		
Province		
Postal Code		
Telephone 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 (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 is:

10. I request the following change to the spousal, parent or partner support order:

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

12. The reason(s) that such a variation 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 ____.

A Commissioner of Oaths/Justice of the Peace

Signature of Applicant

Name/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 any agreement between the parties dealing with custody, access or support.
- 3) Schedule "A" if claiming special expenses for child
- 4) Schedule "B" if claiming undue hardship.

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

Deputy Registrar/Clerk of the Supreme Court
of Newfoundland and Labrador
Trial Division/Unified Family Court

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 per illness or event, including orthodontic treatment, professional counselling provided by a psychologist, social worker, psychiatrist 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 or 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* 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 \$ _____

**IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR
(TRIAL DIVISION/UNIFIED FAMILY COURT)**

Court No. _____
Court File No. _____
Central Divorce Registry No. _____ (if applicable)

BETWEEN: **APPLICANT**

AND: **RESPONDENT**

NOTICE TO RESPONDENT

An Originating Application for variation has been made. 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.

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
- ◆ copies of the Notices of Assessment or Re-assessment issued by Canada Customs and Revenue Agency with respect to each of the last 3 years tax returns. You may contact Canada Customs and 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 Section 21(1) of the **Federal Child Support Guidelines**. *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 financial information, an order may be made and enforced against you.

DATED this _____ day of _____, 20 ____ .

Deputy Registrar/Clerk of the Supreme Court of
Newfoundland and Labrador
Trial Division/Unified Family Court

FORM 56A.12A
(rule 56A.12)

**IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR
(TRIAL DIVISION/UNIFIED FAMILY COURT)**

Court No. _____
Court File No. _____
Central Divorce Registry No. _____ (if applicable)

BETWEEN:

APPLICANT

AND:

RESPONDENT

RESPONSE

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

- 2.(a) I agree to the following claims made by the Applicant:

_____; and

- (b) I disagree with the following claim(s)/allegations made by the Applicant (*specify*):

_____.

3. I am making the following claim(s) (*specify your claim including reasons*):

_____.

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____.

Signature of Respondent

Name/address of Respondent/Respondent's Solicitor:

IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR
(TRIAL DIVISION/UNIFIED FAMILY COURT)

Court No. _____

Court File No. _____

Central Divorce Registry No. _____ (if applicable)

BETWEEN:

APPLICANT

AND:

RESPONDENT

DEMAND FOR NOTICE

TO: The Applicant, (*name*) _____

I, _____, demand that notice of all further pleadings and
proceedings be served on me.

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

(Respondent or Respondent's lawyer)

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

IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR
(TRIAL DIVISION/UNIFIED FAMILY COURT)

Court No. _____
Court File No. _____
Central Divorce Registry No. _____ (if applicable)

BETWEEN:

APPLICANT

AND:

RESPONDENT

REPLY

1. I admit the statement(s) contained in paragraph(s) _____ of the Response.
2. I deny the statement(s) contained in paragraph(s) _____ of the Response
for the following reason(s):

_____.

I, _____, the Applicant, declare the contents of the within Reply
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 (Applicant)

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

FORM 56A.15A
(rule 56A.15)

**IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR
(TRIAL DIVISION/UNIFIED FAMILY COURT)**

Court No. _____
Court File No. _____
Central Divorce Registry No. _____ (if applicable)

BETWEEN: **APPLICANT**
AND: **RESPONDENT**

NOTICE OF DEFAULT

I hereby certify that no Response or other documentation has been filed in response to the Application filed in this matter by the Respondent and that the Applicant is entitled to proceed without further notice to the Respondent.

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

Registrar

FORM 56A.16A
(rule 56A.16)

IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR
(TRIAL DIVISION/UNIFIED FAMILY COURT)

Court No. _____
Court File No. _____
Central Divorce Registry No. _____ (if applicable)

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 in the court registry office, with proof of service, at least two (2) 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 two 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/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
- copies of the Notice of Assessment or Re-Assessment issued by Canada Customs and Revenue Agency with respect to each of the last 3 years tax returns. You may contact Canada Customs and 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/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__.

Deputy Registrar/Clerk of the Supreme
Court of Newfoundland and Labrador
Trial Division/Unified Family Court

**IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR
(TRIAL DIVISION/UNIFIED FAMILY COURT)**

Court No. _____
Court File No. _____
Central Divorce Registry No. _____ (if applicable)

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 that 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

IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR
(TRIAL DIVISION/UNIFIED FAMILY COURT)

Court No. _____
Court File No. _____
Central Divorce Registry No. _____ (if applicable)

BETWEEN: APPLICANT
AND: RESPONDENT

NOTICE OF CASE MANAGEMENT MEETING

You are hereby notified that you and your lawyer (if you have one) must appear at a Case Management Meeting in this proceeding at the Supreme Court of Newfoundland and Labrador Trial Division/Unified Family Court at _____ on the _____ day of _____, 20__ at _____ a.m./p.m.

Issue(s) for case management meeting (*not necessary for first case management meeting*):

_____.

If you fail to appear at the date and time specified, a judge may proceed in your absence to make any order permitted by Rule 56A.21(3) of the Rules of the Supreme Court including making any unopposed order, **including a divorce order** or an order as to costs.

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

Registrar/Solicitor

Address of solicitor for party requesting case management:

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

IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR
(TRIAL DIVISION/UNIFIED FAMILY COURT)

Court No. _____
Court File No. _____
Central Divorce Registry No. _____ (if applicable)

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 Court House in _____, Newfoundland and Labrador, on _____ day, the _____ day of _____, 20____, at _____ o'clock in the _____ noon or so soon thereafter as the matter may be heard.

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 (*or* respondent) (*also set out here any other material filed*). _____

_____.

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

Deputy Registrar/Clerk of the Supreme
Court of Newfoundland and Labrador
Trial Division/Unified Family Court

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)

IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR
(TRIAL DIVISION/UNIFIED FAMILY COURT)

Court No. _____
Court File No. _____
Central Divorce Registry No. _____ (if applicable)

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____.

Deputy Registrar, Clerk of the Supreme
Court of Newfoundland and Labrador
Trial Division/Unified Family Court

IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR
(TRIAL DIVISION/UNIFIED FAMILY COURT)

Court No. _____
Court File No. _____
Central Divorce Registry No. _____ (if applicable)

BETWEEN: APPLICANT
AND: RESPONDENT

AFFIDAVIT OF APPLICANT
(Uncontested Family Law Proceeding)

(Strike out all parts that do not apply to your claim(s) and the order(s) sought)

I, (name) _____, of _____, in the Province of _____,
make Oath and say/affirm as follows:

GENERAL

1. I am the applicant in this proceeding and I have personal knowledge of the matters and facts deposed to in this affidavit, except where stated to be on information learned from someone else and where that is stated, I believe the information to be true.
2. All of the facts and information contained in the originating application/application continue to remain true and accurate, except for the following: *(note here corrections or subsequent changes not otherwise referred to in this affidavit)*:
3. *(Where there is a support claim, and a Financial Statement of the Applicant is required)* All of the facts and information contained in my Financial Statement sworn/affirmed *(date of most recent statement)* _____, continue to remain true and accurate [except for the following: *(note here corrections or subsequent changes not otherwise referred to in this affidavit)*]
4. *(Where there is a property claim)* All of the facts and information contained in my Property Statement sworn/affirmed *(date of most recent statement)* _____, continue to remain true and accurate [except for the following: *(note here corrections or subsequent changes)* not otherwise referred to in this affidavit]

RECONCILIATION

5. The following efforts to reconcile have been made:
I resumed cohabitation with the respondent on or about the ____ day of _____, 20____, for the purpose of achieving a reconciliation, and continued cohabitation for that purpose until on or about the ____ day of _____, 20____, but a reconciliation was not achieved;
and/or
6. I do not wish to reconcile or to resume cohabitation with my spouse.

MARRIAGE BREAKDOWN

7. There has been a breakdown of my marriage to the Respondent by reason of the fact that:

(a) I separated from the respondent on or about the ____ day of _____, 20____, and have lived separate and apart from the Respondent since that date, which is a period in excess of one year.

and/or

(b) The Respondent has committed adultery as evidenced by his (*or* her) affidavit filed in this proceeding (*or* by the other affidavits filed in this proceeding). I separated from the Respondent on or about the ____ day of _____, 20____, and I have lived separate and apart from the Respondent since that date.

and/or

(c) Since the celebration of the marriage the Respondent has treated me with physical and mental cruelty of such a kind as to render our continued cohabitation intolerable, particulars of which are as follows:

(i)

(ii)

I separated from the Respondent on or about the ____ day of _____, 20____, and I have lived separate and apart from the Respondent since that date.

COLLUSION, CONDONATION AND CONNIVANCE

8. I have truthfully set out the facts establishing the breakdown of my marriage and I have not entered into any agreement, understanding or arrangement to makeup or hide evidence or to deceive the court.
9. (*Where adultery or cruelty is the basis of the marriage breakdown*) I have not encouraged my spouse to act in the manner that I have outlined, nor to commit or continue the complained of acts. I am unable to forgive my spouse and resume cohabitation as a result of his/her acts or conduct toward me.

CHILDREN - CUSTODY AND/OR ACCESS

10. There are no children of the Respondent or myself who are in the custody or care of either of us.

or

The names, date of birth and place of residence of all children of the Respondent and I who are in the custody or care of either of us are:

11. The children in respect of whom custody and/or access is claimed are:

and/or

I am not claiming custody and/or access in respect of the following children because:

12. The present and proposed arrangements with respect to custody and access of any or all children are

as follows:

(If this is a joint or shared parenting arrangement, specify the particulars of the residency of the children)

13. An order giving me (*or* the Respondent) custody (*or* joint custody) of the children is in the best interests of the children because:
14. An order giving the Respondent (*or* me) access to the children is (*or* is not) in the best interests of the children because:

CHILDREN - CHILD SUPPORT

15. I seek support for the following children _____ in the amount of \$_____ per month to commence _____.
16. The present condition, means, needs and other circumstances of the children are as follows:
(Include any special conditions of a child and any special needs as well as general requirements)
17. *(In a divorce proceeding where there are children but no claim is made for child support)*
The arrangements that have been made for the support of any children are as follows:

The income information of the Respondent required by the *Federal or Provincial Child Support Guidelines* is attached as exhibit "_____".

SPOUSAL SUPPORT

18. I do not seek a support order for myself.
or
I seek support for myself in the sum of \$_____ per month.
19. My present conditions, means, needs and other circumstances are as follows:

PROCEEDINGS AND AGREEMENTS

20. Any written or oral separation or financial or custody agreements or court orders between myself and the respondent are attached hereto or are in the court file.
The agreement(s)/order(s) pertains to: ☐ custody of the children
☐ access to the children
☐ child support
☐ spousal support
☐ parental support
☐ division of matrimonial property
☐ property claim by common law spouse
☐ other (*specify*) _____

A copy of the agreement(s)/order(s) is attached as exhibit “_____”. (*Attach where it is not yet filed and relevant to the relief claimed or where it pertains to any child in the custody or care of either the applicant or the respondent.*)

or

There have been no written or oral separation or financial or custody agreements between myself and the Respondent.

21. No other legal proceedings have been instituted between myself and the Respondent with reference to the marriage, cohabitation, custody, support or division of matrimonial property except:

FINANCIAL INFORMATION

22. My current occupation is: _____

My current place of employment is: _____

My current annual income from all sources is \$_____.

Further particulars of my financial position are set out in my Financial Statement sworn/affirmed (date) _____. (*Or, where a financial Statement is not required of the applicant, set out any necessary details here.*)

23. The Respondent’s current occupation is: _____

The Respondent’s current place of employment is: _____

The Respondent’s current annual income from all sources is \$_____.

The basis of my information and belief as to the occupation, employment and annual income of the respondent is as follows:

PROPERTY

24. The Respondent and I divided our property following our separation. I am satisfied with the current division of property.

or

(*Include only where seeking an order incorporating a settlement or agreement.*) The Respondent and I have settled, by consent, the division of our matrimonial property by way of Minutes of Settlement, filed with the court [a Domestic Agreement, a copy of which is attached to this affidavit as exhibit “_____”]. I am seeking an order incorporating this division of property.

JUDGMENT

25. The present address of the Respondent where service of the judgment may be made is:

and

26. The basis of my information and belief as to the address of the Respondent is as follows:

or

27. Service of the judgment on the Respondent should be dispensed with for the following reasons:

28. *(Where an earlier date of effect of divorce judgment is sought)* The divorce judgment should take effect on the day judgment is rendered *(or on the _____ day following the day judgment is rendered)* by reason of the following special circumstances:

and

29. An undertaking by myself and the respondent that no appeal from the judgment will be taken is attached as exhibit "_____".

30. I claim the following relief: *(Set out in list form the relief being requested.)*

31. Costs are claimed in the amount of \$ _____ for the following reasons:

SWORN TO OR AFFIRMED

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

Commissioner of Oaths/Justice of the Peace

Signature

AFFIDAVIT OF EXECUTION

I _____ of _____ in the
Province of Newfoundland and Labrador make oath (or affirm) and say that on the _____
day of _____, 20____, I was present and did see _____
sign his/her name to the Order/Agreement attached.

SWORN TO OR AFFIRMED

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

Commissioner of Oaths/Justice of the Peace

Signature

**IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR
TRIAL DIVISION/UNIFIED FAMILY COURT**

Court No. _____
Court File No. _____
Central Divorce Registry No. _____ (if applicable)

BETWEEN:

APPLICANT

AND:

RESPONDENT

FINANCIAL STATEMENT

I, _____, of (address) _____, (city) _____,
(telephone) _____, (province) _____, (postal code) _____

swear (or affirm) that:

1. The information set out in this Financial Statement is true and complete to the best of my knowledge and belief, and sets out my financial situation as of the date of this Statement.
2. ☐ I do not anticipate any significant changes in the information set out in this Financial Statement
☐ I anticipate the following changes in the information set out in this Financial Statement: (state the changes)
3. Attached are the following:
 - ☐ A. Employment Information & Disclosure
 - ☐ B. Income Statement
 - ☐ C. Expense Statement
 - ☐ D. Adjustments to Annual Income for Child Support Purposes
 - ☐ E. Special or Extraordinary Expenses
 - ☐ F. Undue Hardship
 - ☐ G. Income of Other Persons in Household

SWORN TO OR AFFIRMED

at _____,
in the Province of Newfoundland and Labrador
this ____ day of _____, 20____
before me:

Commissioner of Oaths, Justice of the Peace

Signature

IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR
TRIAL DIVISION/UNIFIED FAMILY COURT

Court No. _____
Court File No. _____
Central Divorce Registry No. _____ (if applicable)

BETWEEN: _____ APPLICANT
AND: _____ RESPONDENT

A - EMPLOYMENT INFORMATION & DISCLOSURE

1. I am
- ☐ employed as (occupation) _____
 - ☐ by (name and address of employer) _____
 - ☐ paid ☐ every two weeks
☐ monthly
☐ other (specify) _____
 - ☐ self-employed, carrying on business, professional practice or farming (name and address of business, practice, farm) _____
 - ☐ unemployed (date of last employment and last occupation) _____
 - ☐ a shareholder, director, or officer of a corporation, in which I have an interest (name and address of corporation) _____
 - ☐ a beneficiary under a trust (state trust settlement agreement) _____
 - ☐ a Registered Indian under the provisions of the *Indian Act*, RSN 1985, chap. 1-5, I am exempt from payment of taxes to the Canada Customs and Revenue Agency, and my gross income in the last three years is
Year _____ \$ _____
Year _____ \$ _____
Year _____ \$ _____

2. I have attached to or served with this form:
- ☐ a copy of every income tax return filed by me for each of the 3 most recent taxation years, together with a copy of all material filed with the returns and a copy of every notice of assessment or reassessment issued to me for each of those years
 - ☐ a statement from Canada Customs and Revenue Agency that I have not filed any income tax returns for the last 3 years
 - ☐ a Canada Customs and Revenue Agency Consent in form _____ signed by me for the disclosure of my tax returns and assessments for the last 3 years.

B - ANNUAL INCOME*

	Annual	
1. Employment Income		\$
2. Commissions		\$
3. Other employment benefits (including taxable and non-taxable benefits)(specify)		\$
4. Pension income		\$
5. RRSP, RIF income		\$
6. EI benefits		\$
7. Interest, investment income		\$
8. Taxable dividends from taxable Canadian Corporations		\$
9. Taxable capital gains		\$
10. Partnership income	Gross \$	\$ Net
11. Rental income	Gross \$	\$ Net
12. Child support received	Total \$	\$ Taxable
13. Spousal Support received		\$
14. Workers Compensation		\$
15. Income support		\$
16. Net federal supplements		\$
17. Self-employment income		
Business	Gross \$	\$ Net
Professional	Gross \$	\$ Net
Commission	Gross \$	\$ Net
Farming	Gross \$	\$ Net
18. Other income (specify)	Gross \$	\$ Net
TOTAL ANNUAL INCOME		\$

* Complete this form

1. if a claim for child support is made and
 - the amount claimed differs from the table amount
 - there is, or a claim is made for, a shared or split parenting arrangement
 - there is a claim for special/extraordinary expenses
 - there is a claim for undue hardship
 - the payor's annual income is more than \$150,000.00
 - a child is 18 years of age or older
 - there is a claim against you for child support
2. If a claim for spousal, partner or parental support is claimed.

C- MONTHLY EXPENSES*

Deductions from Employment	Personal	Health
CPP \$	Hair care, toiletries \$	Medical, dental premiums (not deducted at source) \$
EI premiums \$	Clothing, footwear \$	Health care (therapy) \$
Pension \$	Entertainment \$	Drugs, prescriptions \$
Insurance \$	Alcohol/Tobacco \$	Dental care (ie. orthodontics) \$
Income tax \$	Vacation \$	Optical care \$
	School fees, etc. \$	
Housing	Other (specify) \$	Savings for Future
Rent/Mortgage \$		RRSP \$
Insurance \$	Children	RESP \$
Condo fees \$	School fees, supplies \$	Other (specify) \$
Property taxes \$	School activities \$	
Water, sewer \$	Clothing, footwear \$	Other
Repairs/maintenance \$	Daycare, sitter \$	Support paid in this case \$
Heat, Fuel \$	Allowances, gifts \$	Support paid in any other case \$
Electricity \$	Other (specify) \$	Banking, legal, accounting \$
Telephone \$		Church, charitable donations \$
Cable \$	Transportation	Life insurance premiums \$
Internet \$	Car payment \$	Newspapers, publications \$
Other (specify) \$	Insurance \$	Debts (other than mortgage) (specify) \$
	Licenses \$	Other (specify) \$
Household expenses	Public transit, taxis \$	
Groceries, household supplies \$	Gas, oil \$	
Meals outside home \$	Maintenance \$	
Dry cleaning, laundry \$	Parking \$	
Furnishings \$	Other (specify) \$	
Repairs, maintenance \$		
Other (specify) \$		Total Monthly Expenses

* Do not complete this form if the only support claimed is the basic table amount of child support.

D - ADJUSTMENTS TO ANNUAL INCOME FOR CHILD SUPPORT PURPOSES
(basic child support and special expenses)

1. Annual Income to Determine Basic Child Support

A. Total Annual Income (from Section B of this Form) \$ _____

B. Replacements in income

Replace taxable amount of dividends from Canadian corporations with the actual amount of dividends. Insert net amount added to Income	\$
Replace taxable capital gains with the actual amount of capital gains realized in excess of the actual capital losses. Insert net amount added to income	\$
ADJUSTED INCOME (Total Annual Income plus replacements)	\$

C. Deductions from income

	Annual
Union, professional, association or like dues	\$
Other employment expenses (specify)	\$
Taxable amount of child support received	\$
Spousal support received from the other party	\$
Income support received for other members of the family	\$
Actual amount of business investment losses	\$
Carrying charges, interest expenses deductible per the <i>Income Tax Act</i>	\$
Prior period earnings included in self-employment income, net of reserves	\$
Portion of partnership or sole proprietorship properly required for capitalization	\$
TOTAL DEDUCTIONS TO ADJUSTED INCOME	\$

D. Additions to income:

	Annual
Payments to non-arm's length persons	\$
Allowable capital cost allowance with respect to real property	\$
Value of exercised stock options in Canadian controlled private corporations	\$
TOTAL ADDITIONS TO ADJUSTED ANNUAL INCOME	\$

TOTAL ADJUSTED ANNUAL INCOME FOR CHILD SUPPORT (BASIC) \$ _____

E - SPECIAL OR EXTRAORDINARY EXPENSES

2. Complete this Part only if you claim special or extraordinary expenses as part of a child support claim. Refer to Section 7 of the **Federal or Provincial Child Support Guidelines**.

I am claiming an amount to cover special or extraordinary expenses for one or more of the following reasons: *(Indicate which of the following you are claiming)*

☐ child care expenses incurred as a result of my employment, illness, disability, education or training for employment

☐ that portion of the medical and dental insurance premiums attributable to child;

☐ health-related expenses that exceed insurance reimbursement by at least \$100 annually per illness or event, 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;

☐ extraordinary expenses for primary or secondary school or for any education programs that meet the child's particular needs;

☐ expenses for post-secondary education;

☐ extraordinary expenses for extracurricular activities.

3. *State the child's name that each expense relates to, the details of each type of expense you are claiming, and the total annual amount of each expense.*
4. *If the child contributes to payment of the expense, please indicate that contribution and its amount.*
5. *If you are claiming for a health-related expense, please indicate the amount of insurance reimbursement.*

CHILD'S NAME	DETAILS OF EXPENSE	TOTAL AMOUNT	CONTRIBUTIONS/ REIMBURSEMENTS

☐ Receipts or other documentation which shows the amount of the expenses I am claiming for each child are attached to this financial statement
OR

☐ I cannot obtain receipts or other documentation to show the amount of the expense I am claiming because: *(please explain why)*

☐ I am eligible to claim or I receive the following subsidies, benefits or income tax deductions or credits relating to the above expenses: *(provide details)*

F- UNDUE HARDSHIP

6. Complete this Part only if you claim a different amount of child support on the basis of undue hardship
7. Refer to Section 10 of the Federal or Provincial Child Support Guidelines. (Indicate which of the following you are claiming.)
- ☐ Responsibility for unusually high level of debts reasonably incurred to support the family prior to the separation or to earn a living:

Owed to	Purpose	Date incurred	Terms of debt	Annual amount

- ☐ Unusually high expenses for exercising access to a child:

Details of expense	Annual amount

- ☐ Legal duty under a judgment, order or written separation agreement to support another person:
- ☐ Legal duty to support a child, other than a child for whom support is claimed in this application, who is under the age of 18 or at or above the age of 18 but unable to support himself or herself because of illness, disability or other cause:
- ☐ Legal duty to support a person who is unable to support himself or herself because of illness or disability:

8. attach a copy of any judgment, order or written agreement under which the legal duty arises

Name of person	Relationship	Nature of duty	Annual amount

- ☐ Other undue hardship circumstances:

Details	Annual amount

G - INCOME OF OTHER PERSONS IN HOUSEHOLD

9. *Complete this Part if either party is making a claim for a different amount of child support on the basis of undue hardship*

The following are the names, occupations or sources of income, annual incomes and amount of federal and provincial taxes payable thereon, of

- (a) any person who has a legal duty to support me or whom I have a legal duty to support;
- (b) any person who shares living expenses with me or from whom I otherwise receive an economic benefit as a result of living with that person, and
- (c) any child whom I or the person described in paragraph (a) or (b) has a legal duty to support.

Other person's name	Occupation or source of income	Annual income*	Taxes paid

*Where the information on which to base the income determination is not provided, the court may impute income in the amount it considers appropriate.

You must also file current income tax returns, Notices of Assessment and proof of year to date earnings for every income-earner in the household.

IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR
(TRIAL DIVISION/UNIFIED FAMILY COURT)

Court No. _____
Court File No. _____
Central Divorce Registry No. _____ (if applicable)

BETWEEN: APPLICANT
AND: RESPONDENT

PROPERTY STATEMENT

I, [name] _____ Address _____
City _____ Province _____ Postal Code _____
Phone _____ Fax _____

swear (or affirm) that:

1. The information set out in this property statement is true and complete to the best of my knowledge and belief and sets out all property held by me, in my name or jointly with another person, as of [give date for which information is accurate] _____
2. ☐ I do not anticipate any significant changes in the information set out in this property statement.

or

☐ I anticipate the following significant changes in the information set out in this property statement:

SWORN TO OR AFFIRMED

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

A Commissioner of Oaths/Justice of the Peace

Signature

I. ASSETS IN AND OUT OF NEWFOUNDLAND AND LABRADOR

I. PROPERTY OWNED

1. REAL PROPERTY					
<p><i>Include any interest in land owned on the date of application or as of the date of this statement, including leasehold interests and mortgages. Show estimated market value of the interest, but do not deduct encumbrances or costs of disposition; these encumbrances and costs should be shown under Part II, "Debts and Liabilities".</i></p> <p><i>For example, if you were including the matrimonial home, you might insert both spouses names in the first column and "Joint tenancy" in the second column; in the next column, you might write "Matrimonial home, 123 Main Street", in the fourth column, "\$100,000", which in the case of such a joint tenancy would also be the value to be placed in the final column. The amount left to pay on the mortgage would be shown under Part II: "Debts and Liabilities".</i></p>					
Owner	Nature & Type of Ownership	Nature of property, and address	Estimated TOTAL Value	Estimated market value of the interest	
				On date of separation	current date
1. TOTAL VALUE OF REAL PROPERTY				\$	

2. GENERAL HOUSEHOLD GOODS AND VEHICLES				
Show estimated market value, not the cost of replacement for these items. Do not deduct encumbrances, debts, loans or costs of disposition; these encumbrances and costs should be shown under Part II, "Debts and Liabilities".				
ITEM	DESCRIPTION	In the possession of	Estimated market value	
			On date of separation	current date
Household goods, appliances & furniture				
Cars, boats, trailers, motorhomes, snowmobiles, other vehicles	(describe by make, model, year)			
Jewellery, works of art, collections, electronics, tools, sports & hobby equipment				
Other special items				
2. TOTAL VALUE OF GENERAL HOUSEHOLD GOODS AND VEHICLES			\$	

3. BANK ACCOUNTS AND SAVINGS					
Show the items owned on the date of application by category. Include cash, savings and chequing accounts in financial institutions, term deposits, guaranteed investment certificates, and any other savings.					
OWNER	CATEGORY	INSTITUTION	ACCOUNT NUMBER	AMOUNT	
				On date of separation	current date
3. TOTAL VALUE OF BANK ACCOUNTS AND SAVINGS				\$	

[] The location of any safety deposit box[es] is [name and address of institution(s)]

4. EMPLOYMENT BENEFITS (including Severance Pay, Retirement Allowances, Pensions and Retirement Savings Plans, Profit Sharing Plans, Accrued Annual Leave, etc.)					
Show the items owned by category. Indicate the name and address of the institution and other relevant details of the benefit(s).					
OWNER	CATEGORY	INSTITUTION	ACCOUNT NUMBER	AMOUNT	
				on date of separation	current date
4. TOTAL VALUE OF EMPLOYMENT BENEFITS				\$	

5. SECURITIES					
Show the items owned by category. Include shares, bonds, mutual funds, warrants, options, debentures, notes and any other securities. Give your best estimate of their market value if the items were to be sold on the open market.					
OWNER	CATEGORY	NUMBER	DESCRIPTION	Estimated Market Value	
				on date of separation	current date
5. TOTAL VALUE OF SECURITIES				\$	

6. LIFE & DISABILITY INSURANCE						
List all whole life, term life, disability or other similar insurance policies. Set out cash surrender value, if any.						
Company & Policy No.	Kind of Policy	Owner	Beneficiary	Face Amount	Cash Surrender Value	
					on date of separation	current date
6. TOTAL CASH SURRENDER VALUE OF INSURANCE POLICIES					\$	

7. BUSINESS INTERESTS				
<i>If there is a claim for division of business assets, list any interest either spouse holds, directly or indirectly, in any incorporated business, including partnerships, trusts and joint ventures. Give your best estimate of market value if business were to be sold on an open market. An interest in an incorporated business may be shown here or under item 5: Securities.</i>				
Interest Held By	Name of Firm or Company	Interest	Estimated Market Value of the Interest	
			on date of separation	current date
7. TOTAL VALUE OF BUSINESS INTERESTS			\$	

8. ACCOUNTS RECEIVABLE			
<i>Give details of all money owed to either spouse, whether because of business or from personal dealings; including amounts loaned to family members, any court judgments in a spouse's favour, any estate money owed.</i>			
OWED TO	DETAILS	Amount Owed	
		on date of separation	current date
8. TOTAL OF ACCOUNTS RECEIVABLE		\$	

9: OTHER PROPERTY				
<i>Show other property or assets owned by categories. Include property of any kind not listed in items 1 to 8 (for example, patents or copyright claims). Give your best estimate of market value.</i>				
OWNER	CATEGORY	DETAILS	Estimated Market Value of the Interest	
			on date of separation	current date
9. TOTAL VALUE OF OTHER PROPERTY			\$	
I. VALUE OF ALL ASSETS (Add totals 1 to 9 together)			I. + \$	

II. DEBTS AND OTHER LIABILITIES

Show all debts and other liabilities. Include business debts if a claim is being made for division of business assets. List by category, such as mortgages, charges, loans, liens, notes, credit cards, accounts payable, tax arrears and costs of disposition. Indicate if any other person may be responsible for this debt with a spouse and give their name. Include contingent liabilities such as guarantees given by either spouse and indicate that they are contingent. Indicate if any debt payments are in arrears.

DEBTOR	CATEGORY	DETAILS (interest rate, term or number of payments remaining, any property affected)	Amount Owing	
			on date of separation	current date
II. TOTAL OF DEBTS AND OTHER LIABILITIES			\$	

III: PROPERTY EXEMPT FROM DISTRIBUTION

Show the value by category of property reported in this statement that you claim is exempt from distribution pursuant to section 18(c) of the Family Law Act.

CATEGORY	ITEM AND REASONS FOR EXEMPTION	Value on date of application
IV. TOTAL VALUE OF EXEMPT PROPERTY		\$

IMPORTANT NOTE: *If during the course of the proceeding you find out that the information in this property statement is incorrect or incomplete or there is a material change in the information provided, you must serve on every other party to this claim and file with the court the correct information or a new property statement containing the correct information, together with any documents that back up that information.*

IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR
(TRIAL DIVISION/UNIFIED FAMILY COURT)

Court No. _____

Court File No. _____

Central Divorce Registry No. _____ (if applicable)

BETWEEN:

APPLICANT

AND:

RESPONDENT

AGREEMENT AS TO CHILD SUPPORT

THE PARTIES AGREE AS FOLLOWS:

1. The income of the payor [*name*] _____ is \$ _____.
2. The payor currently resides in [*province or, if resident outside of Canada, country*]
_____.
3. The income of the recipient [*name*] _____ is \$ _____.
4. The recipient currently resides in [*province or, if resident outside of Canada, country*]
_____.

(Paragraphs 3 and 4 must be included where special or extraordinary expenses are to be shared or where the amount agreed to differs from the table amount set out in the Federal Child Support Guidelines.)

5. Child support is to be provided for [*state names and dates of birth of children for whom child support is to be provided*]:

and according to the applicable child support table set out in the *Federal Child Support Guidelines*, the amount of child support payable for that number of children (the "child support table amount") is \$ _____.

6. The payor will pay to the recipient, [*name*] _____, child support of \$ _____ per month for the children referred to in section 5.
7. [*If applicable*] The amount of child support agreed upon by this agreement differs from the child support table amount because : [*state reasons*]

8. [If there are expenses pursuant to section 7 of the Federal or Provincial Child Support Guidelines to be shared] There are special or extraordinary expenses, being [state type of expense] _____ on behalf of [name child] _____ in the amount of \$ _____ per month, and the payor's share of this expense is \$ _____ per month.

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

Signature of Applicant or Applicant's lawyer

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

Signature of Respondent or Respondent's lawyer

This Form must be filed with the court along with the following documents:

(a) a copy of the most recent personal income tax return filed by the payor along with a copy of the most recent income tax assessment or re-assessment, or an affidavit explaining why the documents are not available and providing evidence to satisfy the court that the amount of income of the payor and child support agreed to by the parties is reasonable,

(b) where special or extraordinary expenses are to be shared or where the amount agreed to differs from the table amount set out in the *Federal Child Support Guidelines*, a copy of the most recent personal income tax return filed by the recipient along with a copy of the most recent income tax assessment or re-assessment, or an affidavit explaining why the documents are not available and providing evidence to satisfy the court of the amount of income of the recipient.

IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR
(TRIAL DIVISION/UNIFIED FAMILY COURT)

Court No. _____
Court File No. _____
Central Divorce Registry No. _____ (if applicable)

BETWEEN: APPLICANT

AND: RESPONDENT

WAIVER OF FINANCIAL AND/OR PROPERTY STATEMENTS

1. The parties have agreed on the relief to be granted in this proceeding.
2. The parties acknowledge that they are each entitled to full and complete disclosure of each other's financial circumstances, including income, assets and debts. Each party is completely satisfied with the level of financial disclosure given and obtained.
3. *(Where there is a claim for spousal support)* The parties waive Financial Statements with respect to the claim for spousal support made in this proceeding.
4. *(Where there is a property claim)* The parties waive Property Statements with respect to property claims made in this proceeding.
5. In providing this waiver each party acknowledge that he/she is not under any undue influence or coercion from the other party or anyone acting on his/her behalf.
6. Each party understands that if he/she wishes more information or explanation about this waiver he/she should seek legal counsel prior to signing this document.

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

(Signature of Applicant or Applicant's lawyer)

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

(Signature of Respondent or Respondent's lawyer)

FORM 56A.35A
(rule 56A.35)

**IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR
(TRIAL DIVISION/UNIFIED FAMILY COURT)**

Court No. _____
Court File No. _____
Central Divorce Registry No. _____ (if applicable)

BETWEEN: **APPLICANT**
AND: **RESPONDENT**

NOTICE TO DISCLOSE

TO: The Respondent (or Applicant) (name) _____

YOU ARE REQUIRED to provide to the Applicant (or Respondent) and file with the Court within 15 days of service of this Notice:

- ☐ A Financial Statement in Form 56A.27A of the *Rules of the Supreme Court, 1986*, including the required income tax documents;
- ☐ A Property Statement in Form 56A.27C of the *Rules of the Supreme Court, 1986*;
- ☐ A copy of your Income Tax Return and Notice of Assessment for the year(s) _____;
- ☐ Your most recent statement of earnings indicating the total earnings paid in the year to date, including overtime, or if such a statement is not provided by your employer, a letter from your employer setting out that information, including your rate of annual salary or remuneration;
- ☐ A copy of each of your 3 most recent pay remittance stubs;
- ☐ A copy of each of your 3 most recent employment insurance benefit statements;
- ☐ A copy of each of your 3 most recent worker's compensation benefit statements;
- ☐ Current documentary evidence confirming the amount of social assistance that you receive;
- ☐ For the taxation year(s) _____:
 - (i) the financial statements of your business or professional practice, other than a partnership; and
 - (ii) a statement showing a breakdown of all salaries, wages, management fees or other payments or benefits paid to, or on behalf of, persons or corporations with whom you do not deal at arm's length;

- [] Confirmation of your income and draw from, and capital in, the partnership for the taxation year(s) _____;
- [] For each corporation that you control, the following information for the taxation year(s) _____:
 - (i) the financial statements of each corporation and its subsidiaries; and
 - (ii) a statement showing a breakdown of all salaries, wages, management fees or other payments or benefits paid to, or on behalf of, persons or corporations with whom each corporation and every related corporation does not deal at arm's length;
- [] A copy of the trust settlement agreement and copies of the trust's financial statement(s) for the year(s) _____;
- [] A copy of the most recent pension plan statement(s) of any and all plans in which you have or will have an interest;
- [] Current documentary evidence confirming entitlement and valuation of any accrued severance benefits, annual leave and other monetary benefits in which you have an interest;
- [] A copy of any health and dental insurance coverage available to you through your employer, indicating whether coverage is available for your spouse and/or children;
- [] A copy of the most recent assessment notice issued for and any appraisals conducted with respect to real property you own;
- [] Particulars or copies of every cheque issued to you for the period _____ from any business or corporation in which you have an interest or to which you have rendered a service;
- [] Copies of all bank account statements in your name for the period _____;
- [] Copies of the most recent statement for all R.R.S.P.'s, term deposit certificates, guaranteed investment certificates, stock accounts and other investments in your name or in which you have an interest;
- [] Copies of all whole life, term life, disability or other insurance policies in your name and/or in which you have an interest, including the cash surrender value of any such policy;
- [] Copies of credit card statements for all credit cards in your name for the period _____;
- [] An authorization to the appropriate person or institution to obtain any of the above information that you have not provided; and
- [] *(a copy of any other item being specifically requested)*

(The party seeking disclosure may request one or more of the above depending on the nature of the proceeding.)

IF YOU OBJECT to disclosing any of these documents, you must make an objection in writing setting out the reasons for your objection, and serve it with the information which you do not object to disclosing in response to this notice, within 15 days of service of this Notice.

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

Party or Party's Lawyer

Whose address for service is:

The requested documents are to be: (a) served on the party seeking disclosure at the address for service set out at the end of this document; and (b) filed on the court file.

NOTE: *If during the course of the proceeding you find out that the information you provided in a response to this notice is incorrect or incomplete, or there is a material change in the information provided, you must serve on every other party to this claim and file with the court the correct information, together with any documents substantiating it.*

NOTICE

IF YOU FAIL TO PROVIDE THE REQUESTED DOCUMENTS WITHIN THE TIME GIVEN, the party seeking disclosure may apply on notice to the Court for any or all of the following:

- a) an Order drawing an adverse inference against you and imputing income to you in such amount as the court considers appropriate;
- b) an Order for payment of support in such amount as the Court considers appropriate;
- c) an Order that the documents requested be delivered within a specified time;
- d) an Order directed to your employer or other person for disclosure of financial information;
- e) an Order for costs, including costs up to an amount that fully compensates the party seeking disclosure for all costs incurred in the proceeding;
- f) an Order granting the party seeking disclosure any other remedy requested.

IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR
(TRIAL DIVISION/UNIFIED FAMILY COURT)

Court No. _____
Court File No. _____
Central Divorce Registry No. _____ (if applicable)

BETWEEN:

APPLICANT

AND:

RESPONDENT

NOTICE TO REPLY TO WRITTEN QUESTIONS

TO: The Respondent (or Applicant) (name) _____

YOU ARE REQUIRED to provide to the Applicant (or Respondent) and file with the Court within 15 days of service of this Notice, answers, in the form of an affidavit, to the following questions:

- 1.
- 2.

IF YOU OBJECT to answering any of these questions, you must make an objection in writing setting out the reasons for your objection, and serve it with the affidavit answering those questions which you do not object to answering, within 15 days of service of this Notice.

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

Party or Party's Lawyer

The requested documents are to be:

- (a) served on the party seeking answers to these questions at the address for service set out at the end of this document and;
- (b) filed on the court file.

NOTE: If during the course of the proceeding you find out that the information you provided in a response to this notice is incorrect or incomplete, or there is a material change in the information provided, you must serve on every other party to this claim and file with the court the correct information, together with any documents substantiating it.

NOTICE

IF YOU FAIL TO PROVIDE THE REQUESTED ANSWERS WITHIN THE TIME GIVEN, the party seeking answers to these questions may apply on notice to the Court for any or all of the following:

- a) an Order drawing an adverse inference against you and imputing income to you in such amount as the court considers appropriate;

- b) an Order for payment of support in such amount as the Court considers appropriate;
- c) an Order that the answers requested be delivered within a specified time;
- d) an Order directed to your employer or other person for disclosure of financial information;
- e) an Order for costs, including costs up to an amount that fully compensates the party seeking answers to these questions for all costs incurred in the proceeding;
- f) an Order granting the party seeking answers to these questions any other remedy requested.

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

IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR
(TRIAL DIVISION/UNIFIED FAMILY COURT)

Court No. _____

Court File No. _____

Central Divorce Registry No. _____ (if applicable)

BETWEEN:

APPLICANT

AND:

RESPONDENT

AFFIDAVIT OF RESPONDENT
IN CASES OF ADULTERY

I, _____, of _____ in the Province of _____,
make oath and say/affirm as follows:

1. I am the Respondent in this proceeding and I have personal knowledge of the matters and facts
deposed to in this affidavit.

2. On or about the _____ day of _____, 20____, I had sexual intercourse with (name)
_____ at (address) _____, in the City of _____
in the Province of _____ (Include here further particulars respecting the other
person and the relationship, for example, frequency of association, duration of relationship, a child has
been born of the relationship, etc.)

3. Since on or about the _____ day of _____, 20____, I have been living separate and
apart from the Applicant (or other facts to indicate the adultery has not been condoned).

4. I do not wish to reconcile or resume cohabitation with my spouse.

5. I have truthfully set out the facts and I have not entered into any agreement, understanding or
arrangement to makeup or hide evidence or to deceive the court.

SWORN TO OR AFFIRMED

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

Commissioner of Oaths/Justice of the Peace

Signature

Address of Respondent/Respondent's Solicitor:

**IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR
(TRIAL DIVISION/UNIFIED FAMILY COURT)**

Court No. _____
Court File No. _____
Central Divorce Registry No. _____ (if applicable)

BETWEEN: **APPLICANT**
AND: **RESPONDENT**

NOTICE OF WITHDRAWAL FROM JOINT ORIGINATING APPLICATION FOR DIVORCE

TO: _____ (name of other party)

TAKE NOTICE that _____ withdraws from the joint Originating Application for Divorce filed in this proceeding on _____, 20__.

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

Party or Party's Lawyer

Address for Service of Party/Party's Lawyer:

IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR
(TRIAL DIVISION/UNIFIED FAMILY COURT)

Court No. _____
Court File No. _____
Central Divorce Registry No. _____ (if applicable)

BETWEEN:

APPLICANT

AND:

RESPONDENT

JUDGMENT

Before the Honourable _____, the _____ day of _____,
(day and date of judgment)

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

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.

2. And this Court further orders:

Registrar

Notice to Parties

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

**IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR
(TRIAL DIVISION/UNIFIED FAMILY COURT)**

Court No. _____
Court File No. _____
Central Divorce Registry No. _____ (if applicable)

CANADA
PROVINCE OF NEWFOUNDLAND AND LABRADOR

CERTIFICATE OF DIVORCE

This is to certify that the marriage of _____ and _____ which was solemnized on the ____ day of _____, 20____, was dissolved by a judgment of this Court, which became effective on the ____ day of _____, 20 ____.

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

Registrar

IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR
(TRIAL DIVISION/UNIFIED FAMILY COURT)

Court No. _____
Court File No. _____
Central Divorce Registry No. _____ (if applicable)

BETWEEN: APPLICANT
AND: RESPONDENT

CANADA CUSTOMS AND REVENUE AGENCY CONSENT

TO: Canada Customs and Revenue Agency:

This form authorizes Canada Customs and Revenue Agency to release taxpayer information to the designated persons.

My name is (*full legal name*):

I live at (*latest address shown on tax records*):

My social insurance number is:

I ASK AND AUTHORIZE YOU to send to:

1. (*name, address and telephone number of requesting party or requesting party's lawyer*)

2. (*name, address and telephone number of other party or other party's lawyer*)

a copy of: (a) my income tax returns for the years _____, _____, _____; and
(b) any material that was filed with each of the returns for those same years; and
(c) any notice of assessment or re-assessment issued to me for those same years.

Signature of taxpayer

Date of signature

() _____
Telephone number

Note: Upon receipt of the information requested, the requesting party or the requesting party's lawyer shall file the information in court.

IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR
(TRIAL DIVISION/UNIFIED FAMILY COURT)

Court No. _____
Court File No. _____
Central Divorce Registry No. _____ (if applicable)

BETWEEN:

APPLICANT

AND:

RESPONDENT

NOTICE OF CONFIRMATION HEARING

TO:

An application for an Interjurisdictional Support Order/Reciprocal Enforcement Support Order, or Variation or Provisional Order was made by (*name of court or agency*) _____ at (*address in full*) _____ on the _____ day of _____, 20____, against you for the payment of \$_____ per _____ towards the support (*or* maintenance) of _____ or (state other parts of order) _____

_____ The provisional order has no legal effect until it is confirmed, but on confirmation by this court it has legal effect as an order of this court.

TAKE NOTICE that a hearing to consider confirmation of the provisional order will be held at (*name and address of court*) _____ on the _____ day of _____, 20____, at _____ o'clock in the _____ noon, or so soon thereafter as the matter can be heard.

FURTHER TAKE NOTICE that in support will be read all material forwarded by the court or agency, which material has been served on you together with this notice.

FURTHER TAKE NOTICE that, whether or not you wish to oppose this matter, you are required at least 7 days before the date set for the confirmation hearing to file with the court at the above address a completed financial statement. An uncompleted copy of a Financial Statement in Form 56A.27A is served on you together with this notice.

FURTHER TAKE NOTICE that if you wish to oppose this application or dispute the amount of support payable, you may file an affidavit in response at least 7 days before the date set for the confirmation hearing, and you or your lawyer must appear at the hearing.

FURTHER TAKE NOTICE that if you do not come to the hearing, an order confirming the provisional order may be made in your absence and enforced against you.

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

Registrar

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Judicature Act			
Rules of the Supreme Court, 1986 (Admt) (In force Dec 1/03)	NLR130/03	Rule 56A Amdt. Rule 56A Forms R&S Rule 56B.01 R&S Rule 56C.03 Amdt.	Oct 31/03, p. 1135

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