



THE NEWFOUNDLAND AND LABRADOR GAZETTE

PART I

PUBLISHED BY AUTHORITY

Vol. 89	ST. JOHN'S, THURSDAY, APRIL 17, 2014	No. 16
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MINERAL ACT

NOTICE

Published in accordance with section 62 of CNLR 1143/96 under the *Mineral Act*, cM-12, RSNL 1990 as amended.

Mineral rights to the following mineral licenses have reverted to the Crown:

Mineral License 020921M
Held by Kelloway, Keith
Situates near Burin, Burin Peninsula
On map sheet 01M/03

Mineral License 019690M
Held by Spruce Ridge Resources Ltd
Situates near Taylor Brook, White Bay
On map sheet 12H/10, 12H/11

Mineral License 020955M
Held by Gordon, Troy
Situates near Hinds Lake, Central NL
On map sheet 12H/03

Mineral License 019351M
Held by Altius Resources Inc.
Situates near Upper Humber River, Western NL
On map sheet 12H/11

Mineral License 016988M
Held by Lewis, Gary E.
Situates near Millertown Area, Central NL
On map sheet 12A/15

Mineral License 018303M
Held by Unity Resources Inc.
Situates near Rencontre Brook, Southern NL
On map sheet 01M/11

Mineral License 018304M
Held by Unity Resources Inc.
Situates near Rencontre Brook, Southern NL
On map sheet 01M/11

Mineral License 018310M
Held by White, Jason
Situates near Rose Blanche, Southern NL
On map sheet 11O/10

Mineral License 020714M
Held by Buchans Minerals Corporation
Situates near Little Barachois Brook, Western NL
On map sheet 12A/05

Mineral License 019492M
Held by MAC Minerals Ltd.
Situates near Red Indian Lake, Central NL
On map sheet 12A/15

Mineral License	019623M
Held by	Ryan, Kevin
Situate near	Hickmans Harbour, Eastern NL
On map sheet	02C/04
Mineral License	019665M
Held by	Kelloway, Keith
Situate near	Little St Lawrence, Burin Peninsula
On map sheet	01L/14
A portion of license	020070M
Held by	Brushett, Jeffery
Situate near	Marystown, Burin Peninsula
On map sheet	01M/03
more particularly described in an application on file at Department of Natural Resources	
Mineral License	020220M
Held by	Ryan, Kevin
Situate near	Georges Pond Area, Avalon Peninsula
On map sheet	01N/06
Mineral License	020251M
Held by	Ryan, Kevin
Situate near	Hawke Hill, Avalon Peninsula
On map sheet	01N/06
Mineral License	020727M
Held by	Reid, N. Wayne
Situate near	Gander Lake Area, Central NL
On map sheet	02D/16
Mineral License	020728M
Held by	Reid, N. Wayne
Situate near	Gander Lake Area, Central NL
On map sheet	02D/16
Mineral License	020732M
Held by	Crocker, James Richard
Situate near	Gander Lake Area, Central NL
On map sheet	02D/16
Mineral License	020734M
Held by	Pretty, Adam
Situate near	Third Pond, Central NL
On map sheet	02E/02
Mineral License	020735M
Held by	Duffitt, Alexander S.
Situate near	Gull Pond, Baie Verte Peninsula
On map sheet	12H/16
Mineral License	020736M
Held by	Duffitt, Alexander S.
Situate near	North West Pond, Eastern NL
On map sheet	02F/04
Mineral License	020737M
Held by	Duffitt, Alexander S.
Situate near	Clarenville, Eastern NL
On map sheet	02C/04, 02D/01
Mineral License	020738M
Held by	Duffitt, Alexander S.
Situate near	Clarenville, Eastern NL
On map sheet	02C/04, 02D/01
Mineral License	020739M
Held by	Duffitt, Alexander S.

Situate near Clarenville, Eastern NL
On map sheet 02C/04, 02D/01

Mineral License 020749M
Held by Ubique Minerals Ltd.
Situate near Lac Montennon
On map sheet 23G/02

Mineral License 020750M
Held by Quinlan, Marilyn
Situate near Menihek Lake Area
On map sheet 23J/02

Mineral License 020751M
Held by McLennon, Michael
Situate near Micmac Lake Area, Baie Verte Peninsula
On map sheet 12H/09

The lands covered by this notice except for the lands within Exempt Mineral Lands, the Exempt Mineral Lands being described in CNLR 1143/96 and NLR 71/98, 104/98, 97/00, 36/01, 31/04, 78/06, 8/08, 28/09 and 5/13 and outlined on 1:50 000 scale digital maps maintained by the Department of Natural Resources, will be open for staking after the hour of 9:00 a.m. on the 32nd clear day after the date of this publication.

DEPARTMENT OF NATURAL RESOURCES
JUSTIN LAKE
Manager - Mineral Rights

File #'s 774: 3441, 7792,

775: 0132, 0705, 0709, 1662, 1663, 1669, 1734, 2709, 2824, 2842, 3117, 3219, 3242, 3577, 3578, 3582, 3584, 3585, 3586, 3587, 3588, 3589, 3590, 3591, 3592

April 17

URBAN AND RURAL PLANNING ACT, 2000

NOTICE OF REGISTRATION TOWN OF PORTUGAL COVE-ST. PHILIP'S MUNICIPAL PLAN AMENDMENT No. 18, 2012 DEVELOPMENT REGULATIONS AMENDMENT No. 45, 2012 ST. JOHN'S URBAN REGION REGIONAL PLAN AMENDMENT No. 4, 2013

TAKE NOTICE that the TOWN OF PORTUGAL COVE-ST. PHILIP'S Municipal Plan Amendment No. 18, 2012 and Development Regulations Amendment No. 45, 2012, as adopted by Council on the 22nd day of October, 2013, have been registered by the Minister of Municipal and Intergovernmental Affairs.

In general terms, Municipal Plan Amendment No. 18, 2012 will re-designate an area of land from Rural to Rural Residential and Development Regulations Amendment No. 45, 2012 will re-zone the area of land from Rural to Residential Rural. St. John's Urban Region Regional Plan Amendment No. 4, 2013, will re-designate the same area of land as described in Municipal Plan Amendment No. 18,

2012, and Development Regulations Amendment No. 45, 2012 from Rural to Urban Development.

The TOWN OF PORTUGAL COVE-ST. PHILIP'S Municipal Plan Amendment No. 18, 2012 and Development Regulations Amendment No. 45, 2012, comes into effect on the day that this notice is published in *The Newfoundland and Labrador Gazette*. Anyone who wishes to inspect a copy of the TOWN OF PORTUGAL COVE-ST. PHILIP'S Municipal Plan Amendment No. 18, 2012 and Development Regulations Amendment No. 45, 2012, may do so at the Town Office, Portugal Cove-St. Philip's during normal working hours.

TOWN OF PORTUGAL COVE-ST. PHILIP'S
Judy Squires, CMC, Town Clerk

Apr 17

MOTOR CARRIER ACT

**IN THE MATTER OF THE *MOTOR CARRIER ACT*,
RSNL 1990 cM-19
AND
IN THE MATTER OF THE APPLICATION FOR
A MOTOR CARRIER CERTIFICATE**

NOTICE OF APPLICATION

TAKE NOTICE that GRAND BANK/FORTUNE AMBULANCE SERVICE INC., of P. O. Box 159, Fortune, NL A0E 1P0 has applied to the Board of Commissioners of Public Utilities under the provisions of the *Motor Carrier Act*, RSNL 1990 cM-19, for the issuance of a Certificate as a motor carrier to provide the following service:

*IRREGULAR ROUTE
SPECIALITY AMBULANCE SERVICE
for the transportation of persons requiring
medical attention or under medical
care upon the request of
a medical doctor or a registered nurse*

from Grand Bank, Fortune, Point May, Lories, Molliers, Grand Beach, Frenchman's Cove and Garnish to any hospital, nursing home, first aid station or home for senior citizens within the Province of Newfoundland and Labrador, and upon the specific request of a medical doctor, registered nurse or a police officer between any two points within the province of Newfoundland and Labrador.

The Board, having reviewed the application has granted provisional approval and shall issue said Certificate, unless a person who objects to the application files with the Board a notice of objection to the application together with a written statement setting out in full the reasons why the application should be denied and relevant documentary

evidence. The objector must also serve on the applicant a copy of the notice of objection, the statement of reasons and the relevant documentary evidence filed with the Board by personal service or by prepaid, registered mail, at the address shown on the application, and proof of service must be supplied to the Board.

The evidence to be submitted must be received by the Board within twenty days of the date of the publication of this notice, at the office of the Board at Suite East 210, Prince Charles Building, Torbay Road, NL or by mail to P. O. Box 21040, St. John's, NL A1A 5B2.

Dated at Town of Fortune, Newfoundland and Labrador, this 6th day of February, 2014.

CHARLES PENWELL
Signature of Applicant

Apr 17

TRUSTEE ACT

ESTATE NOTICE

IN THE MATTER of the Estate and Effects of JANET STORY late of 337 Southside Road, St. John's, NL, unmarried, retired, Director of Nursing, Deceased

All persons claiming to be creditors of or who have any claims or demands upon or affecting the Estate of Estate of JANET STORY late of 337 Southside Road, St. John's, NL, spinster, retired director of nursing, deceased are hereby requested to send particulars thereof in writing, duly attested, to the undersigned solicitor for the Canada Trust Company, the Executor of the said deceased, on or before the 30th day of May, 2014 after which date the said Estate will be distributed having regard only to claims which have given notice.

DATED at St. John's, this 7th day of April, 2014.

RONALD A. COLE LAW OFFICES
Solicitor for the Canada Trust Company
Executor of the estate of the late JANET STORY

ADDRESS FOR SERVICE:
177 Hamlyn Road
St. John's, NL
A1E 5Z5

Tel: (709) 368-8377
Fax: (709) 368-8269

Apr 17



THE NEWFOUNDLAND AND LABRADOR GAZETTE

PART II

SUBORDINATE LEGISLATION FILED UNDER THE STATUTES AND SUBORDINATE LEGISLATION ACT

Vol. 89

ST. JOHN'S, THURSDAY, APRIL 17, 2014

No. 16

NEWFOUNDLAND AND LABRADOR REGULATIONS

NLR 36/14

NLR 37/14

CORRECTION NOTICE NLR 26/14



NEWFOUNDLAND AND LABRADOR REGULATION 36/14

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

(Filed April 15, 2014)

Under the authority of section 55 of the *Judicature Act*, the Rules Committee of the Trial Division makes the following rules.

Dated at St. John's, April 10, 2014.

David B. Orsborn
Chairperson, Rules Committee

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Waiver of rule by agreement | 9. Rule 5A.03 R&S
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Records |
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1. (1) Rule 1.03(g) of the Rules of the Supreme Court, 1986 is repealed and the following substituted:

- (g) "enter judgment", "entering judgment" or similar variations of these words mean to deliver to the Court an order embodying a judgment or to cause the Registrar to make a formal record of a judgment;

(2) The rules are amended by adding immediately after rule 1.03(s) the following:

- (s.1) "Registrar" means the clerk, officer or employee of the Court designated by the Chief Executive Officer in consultation with the Chief Justice of the Trial Division to manage the operations of the registries in all judicial centres unless otherwise provided;

2. Rule 1.05 of the rules is repealed and the following substituted:

Waiver of rule by
agreement

1.05. Unless the Court otherwise orders, all the parties may, by a written agreement that is filed with the Court agree to waive any provision of a rule whereupon the provision shall not apply to the extent agreed.

3. The rules are amended by adding immediately after rule 1.06 the following:

Duties of Registrar

1.07. Where a rule or an order provides that a duty shall be discharged by the Registrar, the duty may be discharged by a clerk, officer or employee of the Court who is assigned by the Chief Executive Officer to discharge registry functions.

4. Rule 5.02(1) of the rules is repealed and the following substituted:

Commencing a
proceeding
(Application)

5.02. (1) A proceeding

- (a) in which the sole or principal question at issue is, or is likely to be a question of law, or one of construction of a statute, will, contract or other document;

- (b) in which there is unlikely to be any substantial dispute of fact; or
- (c) which may be commenced by application, motion, originating summons, petition or otherwise under a statute;

shall be commenced by filing with the Court, or with a commissioner of the Supreme Court for the issue of originating documents at the place where the commissioner resides, an originating application (*inter partes*) with notice attached in Form 5.02A and a true copy thereof in a proceeding between parties or an originating application (an *ex parte*) in Form 5.02B and a true copy thereof in an *ex parte* proceeding.

5. Rule 5.03 of the rules is repealed and the following substituted:

Commencing any other proceeding

5.03. Every other proceeding, which is not within the provisions of rule 5.02, shall be commenced by filing a statement of claim with the notice attached in Form 5.03A and a true copy thereof with the Court or with a commissioner of the Supreme Court for the issue of originating applications or documents at the place where the commissioner resides.

6. Rule 5.04(1) of the rules is repealed and the following substituted:

Duty of Registrar on the filing of an originating document

5.04. (1) Upon receipt of an originating document initially filed with the Court, the Registrar shall

- (a) insert on the originating document a file number and the date of filing;
- (b) impress thereon the seal of the Court; and
- (c) issue the originating document by signing it and filing it in the Registry.

7. (1) Rule 5A.01(1)(b) of the rules is repealed and the following substituted:

- (b) "approved software" means any form of computer software identified in the *Gazette* as having been approved by the Chief Executive Officer in consultation with the Chief Justice of the Trial Division as being suitable for use in the

electronic filing of documents and entry of judgments pursuant to this Rule, and includes a certificate template and a judgment template;

(2) Rule 5A.01(1)(c) of the rules is repealed and the following substituted:

(c) "certificate template" means the form of certificate reproduced as Form 5A.01A with such variations as the case may require and, in the case of an electronic filing, a court form of certificate, in electronic format, approved by the Chief Executive Officer in consultation with the Chief Justice of the Trial Division;

(3) Rule 5A.01(1)(e) of the rules is repealed and the following substituted:

(e) "electronic seal" means a screened image of the Seal of the Court which is used by software applications authorized by the Chief Executive Officer in consultation with the Chief Justice of the Trial Division that are protected by a password to which only the Chief Justices and the Chief Executive Officer or persons designated by the Chief Justices and the Chief Executive Officer have access;

(4) Rule 5A.01(1)(h) of the rules is repealed and the following substituted:

(h) "judgment template" means the form of order reproduced in Form 5A.01B with such variations as the case may require, and in the case of an electronic filing, a court form of judgment, in electronic format, approved by the Chief Executive Officer in consultation with the Chief Justice of the Trial Division.

8. Rule 5A.02(1) of the rules is repealed and the following substituted:

Entry of judgment

5A.02. (1) Where a judgment claimant seeks to enforce payment of a fine, late payment penalty, forfeiture, assessment or tax by causing a judgment of the Court to be entered against the person liable to pay it, the judgment claimant shall, using the certificate template, file with the Court in the Judicial Centre of St. John's a certificate, verified by the

signature or the electronic signature of a designated certifying official, certifying

- (a) the name and current known address of the person who is subject to and liable to pay the fine, late payment penalty, forfeiture, assessment or tax;
- (b) the fact that the fine, late payment penalty, forfeiture, assessment or tax as the case may be, was imposed and the amount or amounts thereof as well as the date of imposition and the date when it became payable;
- (c) the fact that the fine, late payment penalty, forfeiture, assessment or tax or any portion thereof (and if a portion, the amount of that portion) was not paid within the time allowed for payment;
- (d) the amount or amounts for which judgment is sought to be entered; and
- (e) that the person making the certificate has knowledge of the information in the certificate and has been duly authorized to make the certificate and to request that the amount claimed be entered as a judgment or to file it as a judgment of the court.

9. Rule 5A.03 of the rules is repealed and the following substituted:

Filing fees

5A.03. (1) Where a certificate is filed electronically pursuant to this Rule, the judgment claimant shall, no later than the next business day, forward to the Court by ordinary mail or otherwise cause to be delivered to the Court a cheque for the amount of the filing fees that would otherwise be payable for the filing of an originating document under these Rules.

(2) Where facilities exist, the Chief Executive Officer so approves and a judgment claimant consents, the payment of filing fees may be effected by a pre-authorized chequing plan arranged with, or an electronic debit charge made to, the banker of the judgment claimant.

10. (1) Rule 5A.04(1) of the rules is repealed and the following substituted:

Records

5A.04. (1) The Chief Executive Officer in consultation with the Chief Justice of the Trial Division may establish and the Registrar may maintain an electronic data base for the storage of all documents filed electronically pursuant to this Rule and of all judgments entered pursuant to such filings; and where such a data base is maintained, the keeping of records by conventional means may be dispensed with.

(2) Rule 5A.04(2)(b) of the rules is amended by deleting the words "or of any person to whom the duty of the Registrar has been assigned pursuant to section 63(2) of the *Judicature Act*".

11. Rule 7.10 of the rules is repealed and the following substituted:

Relator actions

7.10. Before the name of any person is used in a proceeding as a relator, that person shall give a written authorization to that person's solicitor to use that person's name and the authorization shall be filed with the Court.

12. Rule 7A.01(1)(d) of the rules is repealed.

13. (1) Rule 7A.03(3) of the rules is repealed and the following substituted:

(3) On the commencement of a class proceeding or on the filing of an application to certify a class action in a judicial centre other than the judicial centre of St. John's, the clerk, officer or employee responsible in that judicial centre shall notify the class proceedings co-ordinator of the particulars of the proceeding.

(2) Rule 7A.03(8) of the rules is repealed and the following substituted:

(8) Where a case management judge has been assigned in accordance with this rule, all subsequent applications in the proceeding shall be made to that judge and the party filing an application with the Court shall endorse on the application the name of the case management judge.

14. (1) Rule 8.02(6) of the rules is repealed and the following substituted:

(6) The name of the person shall not be used in any proceeding nor shall any person intervene or appear in a proceeding as the guardian ad litem of a person under disability until there has been filed with the Court

- (a) his or her written consent to be the guardian ad litem; or
- (b) where that person is the guardian of the estate of the person under disability or has been appointed as guardian ad litem by the Court, a certificate of his or her authorization or appointment.

(2) Rule 8.02(7) of the rules is repealed and the following substituted:

(7) Except where the person proposing to be guardian ad litem is the guardian of the estate of a person under disability or has been appointed as guardian ad litem by the Court, the solicitor for a person under disability, before acting in a proceeding, shall file with the Court a certificate showing that the solicitor knows or believes

- (a) that there is no guardian of the estate of the person under disability and that no person has been appointed as guardian ad litem for the person under disability; and
- (b) that the guardian ad litem. of the person under disability has no interest in the proceedings adverse to that person.

15. Rule 10.02(1) of the rules is repealed and the following substituted:

Filing a defence

10.02. (1) When a defendant is served with a statement of claim in Form 5.03A the defendant shall, within ten days after service thereof on the defendant, or within such time as the Court may order, or rule 14.23(2) provides, file a defence and copy with the Court.

16. Rule 14.01(2) of the rules is repealed and the following substituted:

(2) All other pleadings shall be served by filing the pleadings with the Court and serving a true copy on the opposing party, within ten days after service of the pleading to be answered and excluding the day of such service.

17. Rule 14.02(1)(b)(i) of the rules is repealed and the following substituted:

- (i) the date of issue by, or the date of filing with the Court,

18. Rule 17A.02(6) of the rules is repealed and the following substituted:

(6) On an application under this rule each party shall serve on every other party to the application a memorandum consisting of a concise statement of the facts and law relied on by the party and file it with the Court not later than forty-eight hours before the day set for the hearing.

19. Rule 19.03(1) of the rules is repealed and the following substituted:

Costs

19.03. (1) Subject to rule 19.02, a party discontinuing a proceeding or withdrawing any cause of action therein or withdrawing the defence or any part thereof shall pay the costs of any opposing party to the date of giving notice of discontinuance or withdrawal to the party and, if before the payment of the costs the party subsequently brings a proceeding for the same, or substantially the same claim, the Court may order the proceeding to be stayed until the costs are paid.

20. Rule 20.01(3) of the rules is repealed and the following substituted:

(3) On making a payment into Court under Rule 20, a defendant shall forthwith file with the Court and serve on every other party a notice of payment in Form 20.01A stating the cause of action in satisfaction of which payment is made and the amount paid, or where there is more than one cause of action stating whether the payment is in satisfaction of all the causes of action and the amount paid, or if in satisfaction of one or more of them, stating the causes of action and the amount paid in respect of each of them.

21. Rule 20.06 of the rules is amended by deleting the words "from the Registrar".

22. Rule 20.11 of the rules is repealed and the following substituted:

Method of payment
of money into Court

20.11. Unless the Court otherwise orders, on payment of any money into Court, the Registrar shall

- (a) give a receipt for the payment which shall contain a notation of the proceeding and purpose for which the payment was made;
- (b) maintain a ledger account of his or her records respecting the payment; and
- (c) deposit same in a trust account in a chartered bank.

23. Rule 20.12(3) of the rules is amended by deleting the words "by the Registrar".

24. Rule 20.14 of the rules is repealed and the following substituted:

Unclaimed balances
paid to
Consolidated
Revenue Fund

20.14. Unless the Court otherwise orders, the Chief Executive Officer shall transfer to the Consolidated Revenue Fund the balance remaining to the credit of a proceeding

- (a) when the balance does not exceed \$500.00 and five years have elapsed without the balance being closed; or
- (b) in any case, when ten years have elapsed after the last payment into Court in the proceeding,

but the transfer shall not prejudice the right of any person entitled to the balance to obtain payment.

25. Rule 23.01(1) of the rules is repealed and the following substituted:

Notice of change of
solicitor

23.01. (1) A party who sues or defends by a solicitor may change the solicitor without an order, but until notice of the change is filed with the Court and served on every other party, the former solicitor shall, subject to rule 23.05 or 23.06, be considered the solicitor of the party until the conclusion of the proceeding.

26. Rule 23.05(2) of the rules is repealed and the following substituted:

(2) Where an order is made under rule 23.05(1), the applicant shall serve on every other party a copy of the order and file it with the Court.

27. Rule 23.06(1) of the rules is repealed and the following substituted:

Withdrawal of
solicitor who has
ceased to act for
party

23.06. (1) Where a solicitor, who has acted for a party in a proceeding has ceased to so act and the party has not given notice of change in accordance with rule 23.01, or notice of intention to act in person in accordance with rule 23.04, the solicitor may apply to the Court for an order declaring that the solicitor has ceased to be the solicitor acting for the party, and the Court may so order, but unless and until the solicitor files the order with the Court and serves a copy of the order on every party, the solicitor shall be considered the solicitor of the party until the conclusion of the proceeding.

28. Rule 24.03(d) of the rules is repealed and the following substituted:

(d) file the account and affidavit with the Court and notify any other party that the accounting party has done so.

29. Rule 25.02(2) of the rules is repealed and the following substituted:

(2) The security shall be filed with the Court.

30. Rule 26.10(1) of the rules is repealed and the following substituted:

Report of result of
sale

26.10. (1) A report, verified by affidavit, of the result of a sale made under an order of the Court shall be prepared by the sheriff or person conducting the sale and shall be filed immediately after the sale with the Court.

31. Rule 27.01(2) of the rules is repealed.

32. (1) Rule 27.03(1) of the rules is repealed and the following substituted:

Bond in support of
interlocutory
recovery order

27.03. (1) Unless the Court otherwise orders, the applicant shall provide to the Court a bond in Form 27.03A before an interlocutory recovery order is issued.

(2) The rules are amended by adding immediately after rule 27.03(1) the following:

(1.1) Unless the Court otherwise orders, the bond in paragraph (1) shall be an amount equal to one and one quarter times the value of the property sought to be recovered, as stated in the applicant's affidavit, with two sufficient sureties or other form of sufficient security, approved by the Court.

(3) Rule 27.03(4) of the rules is repealed and the following substituted:

(4) A bond and any security taken thereunder may, by leave of the Court granted on such terms as are just, be assigned by the Registrar to the party from whom the property was recovered and when so assigned that party may realize on the security and commence a proceeding to enforce the bond in that party's own name against all or any of the persons who executed it.

33. (1) Rule 27.04(1)(c) of the rules is repealed and the following substituted:

(c) direct the sheriff to deliver possession of the property recovered to the applicant when the party, from whom the property is recovered, does not deliver to the sheriff, within three days after a true copy of the order is served on that party, a certificate from the Registrar stating that the party has filed with the Court a bond pursuant to rule 27.06;

(2) Rule 27.04(3) of the rules is amended by deleting the words "or Registrar".

34. Rule 27.05(4) of the rules is repealed and the following substituted:

(4) Before the expiration of ninety days from the date of the issue of an interlocutory recovery order or when directed by the Court, the sheriff shall file the order with the Court with a report of any action taken by the sheriff thereunder.

35. (1) Rule 27.06(1) of the rules is repealed and the following substituted:

Retention or
repossession of
property taken
under an
interlocutory
recovery order

27.06. (1) Any party or person, claiming to be the owner or entitled to possession of any property recoverable under an interlocutory recovery order, is entitled to retain or regain possession of the property if the party or person files with the Court not later than three days after a true copy of the order is served on the party or person

- (a) an affidavit stating that the party or person is entitled to possession of the property by virtue of the facts set forth therein; and
- (b) unless the Court otherwise orders, a bond in Form 27.06A in an amount equal to one and one-quarter times the value of the property recovered as determined by the sheriff, with two sufficient sureties.

(2) Rule 27.06(6) of the rules is repealed and the following substituted:

(6) Where the person or party entitled to retain the property under rule 27.06(1) is a public officer, board or government agency, such officer, board or government agency may, in lieu of giving a bond in Form 27.04A, retain possession of any property seized by filing with the Court, within the time limited by the rule, a writing certifying that public health, safety or welfare would be jeopardized or impaired if the applicant acquired possession of the property prior to judgment being entered, but the applicant may apply to the Court to determine whether the public interest requires the property to be so retained.

36. Rule 27.07(2)(b) of the rules is repealed and the following substituted:

- (b) forthwith file with the Court a certificate setting out
 - (i) the number and class of any share so retained with the certificate number and the name and address of any registered owner thereof,
 - (ii) the number, face value and description of any bond or debenture with the serial number thereof and the name and address of any registered owner thereof, and

- (iii) a description of any other interest of the defendant in the body corporate so retained.

37. Rule 27.09(2) of the rules is repealed and the following substituted:

(2) Unless the Court otherwise orders, the sheriff shall forthwith on the sale of a property file a report thereon with the Court and pay the proceeds, less his or her fees and expenses, into Court to be held pending further order.

38. (1) Rule 27.13(1) of the rules is repealed and the following substituted:

Application for a
final recovery order

27.13. (1) Where it is sought to enforce a final order for the recovery of possession of property, the Court may, on an *ex parte* application supported by affidavit, grant an order in Form 27.13A for the sheriff to deliver possession of the property as provided in the order.

(2) Rule 27.13(3) of the rules is repealed and the following substituted:

(3) When the sheriff is unable to take possession of any property referred to in the order, the sheriff shall forthwith file the order with the Court with the sheriff's report endorsed thereon or attached thereto, and the Court may grant such further order as is just.

39. Rule 29.05(1)(b) of the rules is repealed and the following substituted:

- (b) where the application is *ex parte*, by filing the application and affidavit with the Court before the hearing.

40. Rules 29.08(1), (2) and (3) of the rules are repealed and the following substituted:

Filing of documents
for use of the Court

29.08. (1) An applicant shall, as provided in rule 29.08(3), mail to or file with the Court the following documents for the use of the Court,

- (a) a copy of the originating or interlocutory application and any supporting affidavit;

(b) a memorandum listing any authority and the applicable provisions of any statute, regulation or rule that are to be relied upon by the applicant on the application; and

(c) a copy of any material document, including any proposed order.

(2) An opposing party shall, as provided in rule 29.08(3), mail to or file with the Court the following documents for the use of the Court,

(a) a copy of any affidavit or other material document to be used by him or her on the application; and

(b) a memorandum listing any authority and the applicable provisions of any statute, regulation or rule that are to be relied upon by the opposing party on the application.

(3) Unless the Court otherwise orders, the documents referred to in rules 29.08(1) and 29.08(2) shall be filed with the Court

(a) on a contested application, at least one clear day before the hearing; and

(b) on an ex parte application, not later than twelve o'clock noon of the day preceding the hearing.

41. Rule 29.15 of the rules is repealed and the following substituted:

Filing of documents

29.15. Any document used on a hearing of an application shall be filed with the Court before the order is issued.

42. Rule 30.12(1) of the rules is repealed and the following substituted:

Delivery of depositions

30.12. (1) The examiner shall deliver a copy of the depositions, signed and certified by the examiner, to any party who orders it and the copy shall, subject to the provisions of rule 30.13 and without proof of his or her signature, be received in evidence subject to all just exceptions, but the depositions shall not be filed with the Court without the consent of the parties or an order of the Court.

43. Rule 32.01(1) of the rules is repealed and the following substituted:

List of documents:
exchange

32.01. (1) Unless the Court otherwise orders, a party to a proceeding shall, within ten days after the close of the pleadings between an opposing party and the party, or within seven days after the service of the originating document where there are no pleadings, file and serve on the opposing party a list in Form 32.01A of the documents of which the party has knowledge at that time relating to every matter in question in the proceeding and file the list with the Court without a copy of any document being attached thereto.

44. Rule 37A.01(f) of the rules is repealed and the following substituted:

(f) "mediators list" means a list of names of mediators that is maintained by the Court.

45. Rule 37A.08 of the rules is repealed and the following substituted:

Mediators fees

37A.08. (1) A mediator on the mediators list shall file with the Court the mediator's schedule of fees.

(2) A mediator under this rule,

(a) who is on the mediators list shall not charge fees for his or her services in excess of those filed with the Court, or

(b) who is not on the mediators list shall not charge fees and expenses in excess of a schedule of fees negotiated in advance with the parties and reduced to writing.

46. Rule 37A.09(2) of the rules is repealed.

47. Rules 40.04(1) and (2) of the rules are repealed and the following substituted:

Setting down for
trial - General

40.04. (1) If a trial date has not been set under rule 40.03 and the proceeding is ready for trial, the parties may jointly initiate the procedures for setting the case down for trial by

(a) filing with the Court a trial record containing a copy of

- (i) the pleadings, particulars and admissions, and
 - (ii) orders relating to the conduct of the trial; and
- (b) filing a Certificate of Readiness in Form 40.04A signed by all parties or their counsel.
- (2) The trial record shall be filed with the Court at the same time as the Certificate of Readiness.

48. Rule 40.06(3)(b) of the rules is repealed and the following substituted:

- (b) 30 days has passed, or a longer time as all parties may agree in writing filed with the Court, since a settlement conference or mini-trial; and

49. Rule 40.07(b) of the rules is repealed and the following substituted:

- (b) if a consent order is required as part of the settlement, the form of that order shall be filed with the Court for delivery to the judge who conducted the pre-trial conference, settlement conference or mini-trial, if any, or to a judge in any other case, and, if approved, rule 40.07(a) shall apply.

50. Rule 40.09(3) of the rules is repealed.

51. Rule 40.10 of the rules is repealed and the following substituted:

Brief for trial judge

40.10. Each party shall, on or before the fourth day preceding the trial, file with the Court and provide to each other party either

- (a) confirmation that the party will rely on the pre-trial brief prepared under rule 39A.03(1) with no changes; or
- (b) an amended brief containing a summary of the facts, issues and law relevant to the proceeding.

52. Rule 40.12 of the rules is repealed and the following substituted:

Notification of
change in status

40.12. A party shall immediately provide the Court with information that may affect the estimated duration of a trial or changes in contemplated procedure or circumstances that may result in delay of the trial.

53. Rule 43.03(1) of the rules is repealed and the following substituted:

Report of referee

43.03. (1) The report of a referee, together with a copy of any evidence taken on the trial or inquiry and any exhibits used thereat, shall be filed with the Court and a copy of the report served on each party.

54. Rule 46.23(2) of the rules is repealed and the following is substituted:

(2) A subpoena shall be issued by the Registrar after a copy is filed with the Court.

55. Rule 46.24 of the rules is repealed and the following substituted:

Amendment of a
subpoena

46.24. (1) Where a subpoena has been issued but not served, the Registrar may, upon request, withdraw the original subpoena and issue a new subpoena.

(2) Where a subpoena has been served, it may be amended by filing an amended subpoena, endorsed with the words "amended and reissued", with the Court for reissue and serving a copy thereof on each person who has been served with the original subpoena.

56. Rule 47.03(3) of the rules is repealed and the following substituted:

(3) Where a person, subpoenaed under rule 47.03(1) and tendered the proper fee, refuses or fails to attend the examination, or refuses to be sworn or answer any lawful question or produce any document thereat, the examiner shall file a certificate to that effect with the Court, whereupon any party may apply *ex parte* to the Court for an order requiring the person to attend or be sworn or answer any question or produce any document.

57. Rule 47.05(3) of the rules is repealed and the following substituted:

(3) Where an order or letter of request directs an examination to take place upon written interrogatories, the interrogatories in chief shall, unless it is otherwise ordered, be delivered to the opposite party at least ten days before the dispatch of the order or letter, and any cross-interrogatories shall be delivered to the opposite party within five days after the receipt of the interrogatories in chief, and in default of cross-interrogatories being delivered the opposite party may dispatch the order or letter of request without cross-interrogatories.

58. Rule 47.09(5) of the rules is repealed and the following substituted:

(5) The depositions, any interrogatories and cross-interrogatories, and any exhibits or certified copies thereof or extracts therefrom shall be sent to the Court.

59. Rule 48.03(2) of the rules is repealed and the following substituted:

(2) An exhibit referred to in an affidavit, that is not stated to be attached or otherwise annexed and that bears the certificate of the person before whom it is sworn or affirmed, shall be left with the Court and, unless otherwise ordered, shall be returned on the disposal of the application, provided that, when possible, a true copy of the exhibit shall be attached to the affidavit when it is filed and served.

60. Rule 48.15(1) of the rules is repealed and the following substituted:

Filing of affidavits

48.15. (1) Every affidavit shall be filed with the Court before an order is issued in a proceeding.

61. Rule 49.03(1) of the rules is repealed and the following substituted:

Drawing up of order

49.03. (1) Subject to rule 49.03(2), an order shall be drawn up by the successful party, settled as provided by rule 49.04(1), and filed with the Court provided that when an order is not filed within ten days after the decision or direction is given, any other party may draw up, settle and file the order.

62. (1) Rule 49.05(1)(a) of the rules is repealed.

(2) Rule 49.05(1)(b) of the rules is repealed.

(3) Rule 49.05(3) of the rules is repealed.

63. Rule 49.11 of the rules is repealed and the following substituted:

Satisfaction of
judgment

49.11. The Registrar shall enter that an order has been satisfied when there is filed with the Court

(a) a satisfaction piece in Form 49.11A, signed by the judgment creditor, or the judgment creditor's solicitor of record, or by any other person entitled to the benefit thereof who attaches to the satisfaction piece an affidavit establishing that person's entitlement thereto; or

(b) an order of the Court releasing the order.

64. Rule 49.18(2) of the rules is repealed and the following substituted:

(2) The Court may direct any claimant, who did not attend on the adjudication under rule 49.18(1) and whose claim for any part thereof has been allowed or disallowed, to be served with a notice in Form 49.18A informing the claimant of that fact and stating that, if the claimant is dissatisfied with the amount allowed or the disallowance of the claimant's claim, the claimant must within ten days from the receipt of the notice apply for a rehearing of the claim, otherwise the adjudication shall be final.

65. Rule 49.19 of the rules is repealed and the following substituted:

Certificate of
judgment of
Supreme Court of
Canada

49.19. When a judgment of the Supreme Court of Canada on appeal is certified by the Registrar thereof and filed with the Court, the Registrar shall enter the same and all subsequent proceedings may be taken thereon as if the judgment had been given or pronounced by the Court.

66. Rule 49.20(1) of the rules is repealed and the following substituted:

Judgments under the Canada and the United Kingdom Reciprocal Recognition and Enforcement of Judgments Act

49.20. (1) When a judgment of the United Kingdom is filed with the Court pursuant to the provisions of The Convention between Canada and United Kingdom providing for the Reciprocal Recognition and Enforcement of Judgments in Civil and Commercial Matters, the Registrar shall enter the same and all subsequent proceedings may be taken thereon as if the judgment had been given or pronounced by the Court.

67. Rule 50.04(1) of the rules is repealed and the following substituted:

Where leave to issue orders necessary

50.04. (1) A receivership order or contempt order to enforce an order shall not be issued without leave of the Court where

- (a) 6 years or more have elapsed since the date of the order;
- (b) a change has taken place, whether by death or otherwise, in the party entitled or liable under the order; or
- (c) under the order, any person is entitled to relief subject to the fulfilment of any condition which it is alleged has been fulfilled.

68. Rule 52.02(5) of the rules is repealed and the following substituted:

(5) Unless the Court otherwise orders, a bond or other security that a receiver gives under rule 25.02 shall be approved by and filed with the Court before a receivership order is issued.

69. Rule 54.07 of the rules is repealed and the following substituted:

Endorsement on originating application

54.07. (1) There shall be endorsed upon an originating application for an order in the nature of certiorari a notice to the following effect, adapted as may be necessary and addressed to the judge, justice or justices, officer, clerk or tribunal:

"You are hereby required forthwith after service of this originating application on you to return to the Supreme Court of Newfoundland and Labrador at _____, Newfoundland and Labrador, the order, decision or reasons for judgment, together with the process commencing the

proceeding, the evidence and all exhibits filed, if any, and all things touching the proceeding as fully and entirely as they remain in your custody, together with this notice.

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

TO: A.B.

C.D.,
of _____ Street
_____,
Newfoundland and Labrador,
Solicitor for the applicant."

(2) All things required by rule 54.07(1) to be returned to the Court shall, for the purpose of an application for an order in the nature of certiorari, be deemed to be part of the record.

70. (1) Rule 54.08(1) of the rules is repealed and the following substituted:

Return of lower
court

54.08. (1) Upon receiving an originating application so endorsed, the judge, justice or justices, officer, clerk or tribunal, shall return forthwith to the Court the order, warrant, decision or reasons for judgment, together with the process commencing the proceeding, the evidence and all exhibits filed, if any, and all other things in the proceeding, together with the originating application served upon him or her, with a certificate endorsed thereon in the following form:

"Pursuant to the accompanying notice I herewith return to this Honourable Court the following papers and documents, that is to say,

- (i) the order or decision (or as the case may be) and the reasons therefore,
- (ii) the process commencing the proceeding and the warrant issued thereon,
- (iii) the evidence taken at the hearing and all exhibits filed, and

(iv) all other papers or documents in the proceeding,

and I hereby certify to this Honourable Court that I have truly set forth all the papers and documents in my custody and power in the proceeding set forth in the originating application."

(2) Rule 54.08(3) of the rules is repealed and the following substituted:

(3) When the papers and documents have not been received by the Court as provided in rule 54.08(1), the Registrar shall return a certificate of the fact to the Court.

71. Rule 54.14(1) of the rules is repealed and the following substituted:

Disclaimer

54.14. (1) When a defendant does not intend to defend, the defendant may, to prevent the entry of judgment by default, file a disclaimer with the Court and deliver a copy to the relator or the relator's solicitor.

72. (1) Rule 55.18(2) of the rules is repealed and the following substituted:

(2) At any time while the agreement is before the taxing officer or within ten days after the taxing officer has given his or her decision on review, the taxing officer may, and on the request of the client shall, refer the agreement to the Court by transmitting all the material before the taxing officer to the Court.

(2) The rules are amended by adding immediately after rule 55.18(2) the following:

(2.1) Upon referral of the agreement to the Court pursuant to paragraph (2), the Registrar shall obtain an appointment for the review and notify the solicitor and the client of the appointed time.

73. (1) Rule 55.35(2) of the rules is repealed and the following substituted:

(2) An appellant shall appeal to a judge of the General Division by filing with the taxing officer and the Court a notice of appeal and serving it upon every other party.

(2) Rule 55.35(4)(a) of the rules is repealed and the following substituted:

- (a) returnable within fifteen days from the date of filing with the Court, and

74. Rule 55.38(1) of the rules is repealed and the following substituted:

Amendment of
execution order

55.38. (1) If an execution order has been issued for costs which are reduced or increased on appeal, the execution order shall be returned to the Court for amendment in accordance with the order made upon the appeal.

75. Rule 56.05(1) of the rules is repealed and the following substituted:

Form of application

56.05. (1) Every application for a grant shall be in Form 56.05A, and shall be signed by the applicant or the applicant's solicitor and shall be filed with the Court.

76. Rule 56.27 of the rules is repealed and the following substituted:

Order for passing
accounts

56.27. When the Master has completed his or her report the Master shall file it with the Court forthwith and the accounting party or any party interested may after notice to all interested parties apply to the judge for an order allowing and passing the accounts in whole or in part.

77. Rule 56.28(3) of the rules is repealed and the following substituted:

(3) Any party interested in an estate or administration thereof as beneficiary or creditor or as surety under any bond may apply to a judge on ten clear days' notice to the executor, administrator, guardian or trustee, or on such notice and to such person as the judge may direct, for an order calling upon the executor, administrator, guardian or trustee to exhibit and deposit with the Court an inventory of the estate under administration and an account under oath or affirmation of the administration by the executor, administrator, guardian or trustee and to proceed to have it passed and allowed.

78. Rule 56.29(1) of the rules is repealed and the following substituted:

Filing of releases **56.29.** (1) Executors or administrators may file with the Court releases executed in Form 56.29A

(a) by all adults interested in the estate; and

(b) by the guardian of the estate of a minor where letters of guardianship have been granted.

79. Rule 56.31 of the rules is repealed and the following substituted:

Endorsements on all grants **56.31.** There shall be endorsed the following words upon all grants:

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

80. Rule 56.32 of the rules is repealed and the following substituted:

Furnishing of copies by Court **56.32.** (1) Any person may demand and on payment of the prescribed fees receive from the Court a copy of any paper, proceeding or document in administration, probate or guardianship matters, which copies may be certified by the Registrar under seal, if so required.

(2) The Registrar shall, on payment of the prescribed fees, furnish exemplifications of probates, letters of administration or guardianship.

81. Rule 56.36 of the rules is repealed and the following substituted:

Approval of the registrar **56.36.** A person who wishes to file electronically a document, form or other thing required to be filed by this rule may do so by filing it with the Court in the registry approved for the purpose by the Registrar, using a computer system and a computer network, electronic forms and

computer format approved for the purpose by the Chief Executive Officer in consultation with the Chief Justice.

82. Rule 56.37(1) of the rules is repealed and the following substituted:

Original of will etc.

56.37. (1) Notwithstanding a filing under rule 56.36 involving a will, the original will shall be filed with the court.

83. Rule 56A.01(h) of the rules is repealed.

84. Rule 56A.04(2) of the rules is amended by deleting the word "registrar" and substituting the word "Registrar".

85. (1) Rule 56A.06(5) of the rules is repealed and the following substituted:

(5) An entry of every proceeding shall be made by the Registrar in an appropriate record maintained manually or in electronic form.

(2) Rule 56A.06(5.4) of the rules is amended by deleting the word "registrar" and substituting the word "Registrar".

(3) Rule 56A.06(6) of the rules is amended by deleting the word "registrar" and substituting the word "Registrar".

86. Rule 56A.15(1) of the rules is amended by deleting the word "registrar" and substituting the word "Registrar".

87. (1) Rule 56A.21(1) of the rules is amended by deleting the word "registrar" and substituting the word "Registrar".

(2) Rule 56A.21(2) of the rules is amended by deleting the word "registrar" and substituting the word "Registrar".

(3) Rule 56A.21(5)(h) of the rules is repealed and the following substituted:

(h) order an accounting by a person approved by the Court;

88. Rule 56A.23(1) of the rules is amended by deleting the word "registrar" and substituting the word "Registrar".

89. Rule 56A.24(5) of the rules is amended by deleting the word "registrar" and substituting the word "Registrar".

90. Rule 56A.34 of the rules is repealed and the following substituted:

Rejection of
application

56A.34. Unless ordered otherwise, the Court shall not accept any originating application or application for filing without a financial statement or property statement where these rules require the document to be filed with a financial statement or property statement.

91. (1) Rule 56A.45(2)(c) of the rules is amended by deleting the words "local registrar" and substituting the word "Registrar".

(2) Rule 56A.45(5) of the rules is amended by deleting the word "registrar" and substituting the word "Registrar".

92. Rule 56A.46(4) of the rules is amended by deleting the word "registrar" and substituting the word "Registrar".

93. (1) Rule 56A.47(2) of the rules is repealed and the following substituted:

(2) The Registrar shall issue a certificate of divorce, on request of either party, on or after the day on which the judgment granting the divorce takes effect, where

(a) the Registrar is satisfied that an appeal is not in process; or

(b) the spouses have signed and filed with the Court an undertaking that no appeal from the judgment will be taken, or if any appeal has been taken, that it has been abandoned.

(2) Rule 56A.47(3) of the rules is amended by deleting the word "registrar" and substituting the word "Registrar".

(3) Rule 56A.47(4) of the rules is amended by deleting the word "registrar" and substituting the word "Registrar".

94. Rule 56A.50 of the rules is repealed and the following substituted:

Registrar to forward
forms

56A.50. The Registrar shall complete the forms required by the *Central Registry of Divorce Proceedings Regulations* under the *Divorce Act* (Canada) and forward them to the Central Registry of Divorce Proceedings at Ottawa as required by those regulations.

95. Rule 56A.55 of the rules is amended by deleting the word "registrar" and substituting the word "Registrar".

96. Rule 56A.58(2) of the rules is repealed and the following substituted:

(2) Where there is a claim for child support, the Court 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 Revenue Agency that the party has not filed any income tax returns is attached;
- (c) the party's signed Canada 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).

97. (1) Rule 56A.64(4) of the rules is amended by deleting the word "registrar" and substituting the word "Registrar".

(2) Rule 56A.64(5) of the rules is amended by deleting the word "registrar" and substituting the word "Registrar".

(3) Rule 56A.64(6) of the rules is amended by deleting the word "registrar" and substituting the word "Registrar".

(4) Rule 56A.64(7) of the rules is amended by deleting the word "registrar" and substituting the word "Registrar".

98. (1) Rule 56A.65(1) of the rules is amended by deleting the word "registrar" and substituting the word "Registrar".

(2) Rule 56A.65(3) of the rules is amended by deleting the word "registrar" and substituting the word "Registrar".

(3) Rule 56A.65(6) of the rules is amended by deleting the word "registrar" and substituting the word "Registrar".

(4) Rule 56A.65(7) of the rules is amended by deleting the word "registrar" and substituting the word "Registrar".

99. Rule 56A.67(3) of the rules is amended by deleting the word "registrar" and substituting the word "Registrar".

100. Rule 56A.68(2) of the rules is repealed and the following substituted:

(2) All reports directed by the judge under this rule and all depositions and written admissions of evidence upon which an order of the Court is founded shall be filed with the Court.

101. Rule 59 of the rules is repealed.

Transitional

102. Where an application was made to the Registrar under rule 27.01(2) prior to the coming into force of this regulation it will be treated as an application to the Court.

Forms Amdt.

103. The rules are amended by repealing and substituting the following forms:

- (a) Form 4.04A;**
- (b) Form 5.03A;**
- (c) Form 5.05A;**
- (d) Form 5A.01B;**
- (e) Form 11.02A;**
- (f) Form 12.02A;**
- (g) Form 27.03A;**
- (h) Form 27.04A;**

- (i) **Form 27.06A;**
- (j) **Form 27.13A;**
- (k) **Form 47.01A;**
- (l) **Form 47.01B;**
- (m) **Form 47.01C;**
- (n) **Form 47.01D;**
- (o) **Form 49.18A;**
- (p) **Form 52.02B;**
- (q) **Form 56.04A;**
- (r) **Form 56.33E;**
- (s) **Form 56.33F;**
- (t) **Form 56.33G;**
- (u) **Form 56.33H;**
- (v) **Form 56.33I;**
- (w) **Form 56A.06A;**
- (x) **Form 56A.06B;**
- (y) **Form 56A.12A;**
- (z) **Form 56A.16A;**
- (aa) **Form 56A.24A;**
- (bb) **Form 56A.24B;**
- (cc) **Form 56A.46A;**
- (dd) **Form 56A.81A; and**
- (ee) **Form 56A.83A.**

Form 4.04A
(rule 4.04(2))

Rules of the Supreme Court of Newfoundland and Labrador, 1986

Practice Note

PN. No. [Year - consecutive number]

DATE ISSUED:

RULES AFFECTED:

EFFECTIVE DATE:

PREVIOUS PRACTICE NOTES REVISED:

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

- 1.
- 2.
- 3.

AUTHORIZED BY:

Chief Justice, Trial Division

Form 5.03A
(rule 5.03)

20_____G_____

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

BETWEEN

PLAINTIFF

AND

DEFENDANT

Statement of Claim

1. (*Set forth material facts*)

2. The plaintiff therefore claims:

(A) (*Set forth relief claimed*)

(B)

(C)

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

Plaintiff
(or solicitor for plaintiff)

(*insert address for service*)

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

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

(*Seal of the court*)

Registrar

20____ G _____

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

(Title of proceeding)

Notice to Defendant(s)

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

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

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

Endorsements

RECEIVED on _____, the _____ day of _____
20_____

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

Endorsed on _____, the _____ day of _____
20_____

(Signed)
(insert address)

Affidavit of Service

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

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

A Commissioner, etc.

Form 5.05A
(rule 5.05)

Concurrent Originating Document

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

Registrar

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

20_____G_____

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

(Title of Proceeding)

Order

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

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

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

Registrar

Form 11.02A
(rule 11.02(1))

20____ G _____

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

BETWEEN

PLAINTIFF

AND

DEFENDANT

AND BETWEEN

PLAINTIFF by
counterclaim

AND

DEFENDANT by
counterclaim

Counterclaim

1. (*Set forth material facts*)

2. The plaintiff (by counterclaim) therefore claims:

(A)

(B)

(C)

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

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

To: (Defendant by counterclaim)

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

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

(Seal of the court)

Registrar

20_____ G _____

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

(Title of proceeding)

Notice to Defendant(s) (by counterclaim)

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

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

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

Endorsements

RECEIVED on _____, the _____ day of _____
20_____

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

Endorsed on _____, the _____ day of _____ 20_____

(Signed)
(insert address)

Affidavit of Service

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

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

A Commissioner, etc.

Form 12.02A
(rule 12.02)

20_____G_____

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

BETWEEN

_____ PLAINTIFF

AND

_____ DEFENDANT

AND

_____ THIRD PARTY

Third Party Notice

TO THE THIRD PARTY:

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

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

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

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

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

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

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

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

Schedule A

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

Schedule B

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

(Signed)
(insert address)

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

(Seal of the court)

Registrar

Endorsements

RECEIVED on _____, the _____ day of _____
20_____

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

Endorsed on _____, the _____ day of _____
20_____

(Signed)
(insert address)

Affidavit of Service

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

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

A Commissioner, etc.

Form 27.03A
(rule 27.03)

20_____G_____

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

(Title of proceeding)

Applicant's Bond for a Recovery Order

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

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

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

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

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

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

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

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

SIGNED, SEALED AND DELIVERED _____ in the
presence of:

Schedule

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

20____ G _____

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

(Title of proceeding)

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

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

A Commissioner, etc.

20____ G _____

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

(Title of proceeding)

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

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

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

A Commissioner, etc.

Form 27.04A
(rule 27.04)

20_____G_____

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

(Title of Proceeding)

Interlocutory Recovery Order

TO THE SHERIFF OF NEWFOUNDLAND AND LABRADOR:

Before the Honourable _____ Justice _____

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

IT IS ORDERED that,

1. the sheriff shall recover and take immediate possession of the following property described in the schedule which is of the value of \$_____ *(insert description of the property sought to be recovered in the schedule thereof, and make an inventory of the property so recovered)*;
2. when the property or any part is recovered, the sheriff shall serve a true copy of this order on the party from whom the property is recovered, and on any adult person in possession of the property at the time possession is taken, and, where real property is recovered, shall post a true copy of this order in a conspicuous place thereon;
3. if the party from whom the property was recovered files a bond with the Court pursuant to rule 27.06 of the *Rules of the Supreme Court, 1986* the Registrar shall deliver a certificate to the party stating the bond has been filed, and, on this certificate being delivered to the sheriff within three days after the service of this order on the party, the sheriff shall return the property to the party, otherwise the sheriff shall deliver possession of the property to the applicant;
4. upon delivery of the property to the applicant or upon filing the bond with the Court as provided in the preceding paragraph, the applicant shall forthwith continue the proceeding until judgment is entered; and

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

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

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

Registrar

Schedule

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

Form 27.06A
(rule 27.06)

20_____G_____

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

(Title of Proceeding)

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

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

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

- (a) deliver the property retained or recovered by me from the sheriff herein, as listed in the inventory attached hereto, to the applicant if it is so ordered; or
- (b) pay to the applicant when ordered by the Court, an amount equal to the value of the property so retained or recovered which payment shall not exceed the amount secured by the bond;

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

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

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

SIGNED, SEALED AND DELIVERED _____ in the presence of:

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

20____ G _____

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

(Title of Proceeding)

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

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

A Commissioner, etc.

20____ G _____

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

(Title of Proceeding)

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

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

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

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

A Commissioner, etc.

Form 27.13A
(rule 27.13)

20_____G_____

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

(Title of Proceeding)

Order for Sheriff to Deliver Possession of Property

TO THE SHERIFF OF NEWFOUNDLAND AND LABRADOR:

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

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

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

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

Registrar

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

20_____G_____

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

(Title of Proceeding)

Order for Examination of Persons within the Jurisdiction

Before the Honourable _____ Justice _____
ON HEARING _____, and ON READING the affidavit of
_____, sworn to (or affirmed) on the _____ day of
_____, 20_____.

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

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

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

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

Registrar

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

20_____G_____

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

(Title of Proceeding)

Order for Examination of Persons Out of the Jurisdiction

Before the Honourable _____ Justice _____
ON HEARING _____, and ON READING the affidavit of
_____, sworn to (or affirmed) on the _____ day of
_____, 20_____.

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

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

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

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

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

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

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

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

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

Registrar

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

20_____G_____

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

(Title of Proceeding)

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

Before the Honourable _____ Justice _____

ON HEARING _____, and ON READING the affidavit of
_____, sworn to (or affirmed) on the _____ day of
_____, 20_____.

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

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

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

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

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

Registrar

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

20_____G_____

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

(Title of Proceeding)

Letter of Request for Examination of Witness Out of the Jurisdiction

To the Judicial Authority of _____ in the _____ of

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

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

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

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

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

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

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

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

Form 49.18A
(rule 49.18(2))

20_____G_____

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

(Title of Proceeding)

Notice of Disallowance

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

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

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

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

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

Registrar

Form 52.02B
(rule 52.02)

20_____G_____

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

(Title of Proceeding)

Receivership Order

Before the Honourable _____ Justice _____

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

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

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

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

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

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

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

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

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

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

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

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

Registrar

Form 56.04A
(rule 56.04)

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

Notice of Application

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

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

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

Address for Service:

Applicant or Solicitor for Applicant
Telephone No. _____

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

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

DATED the _____ day of _____, 20_____.

Registrar

Form 56.33E
(rule 56.33)

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

In the Estate of _____, deceased.

Letters of Probate

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

Registrar

=====

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

In re

deceased.

Letters of Probate

Entered

Folio

Volume

=====

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

Form 56.33F
(rule 56.33)

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

In the Estate of _____, deceased.

Letters of Administration

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

Registrar

=====

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

In re

deceased.

Letters of Administration

Entered

Folio

Volume

=====

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

Form 56.33G
(rule 56.33)

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

In the Estate of _____, deceased.

Letters of Administration with Will Annexed

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

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

Registrar

=====

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

In re

deceased.

Letters of Administration with Will Annexed

Entered

Folio

Volume

=====

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

Form 56.33H
(rule 56.33)

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

In the Estate of _____, a minor.

Letters of Guardianship, Minor

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

Registrar

=====

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

In re

a minor.

Letters of Guardianship

Entered

Folio

Volume

=====

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

Form 56.33I
(rule 56.33)

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

In the Estate of _____, a mentally disabled person.

Letters of Guardianship, Mentally Disabled Person

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

Registrar

=====

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

In re

a mentally disabled person.

Letters of Guardianship

Entered

Folio

Volume

=====

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

Form 56A.06A

(rule 56A.06)

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

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

BETWEEN:

APPLICANT

AND:

RESPONDENT

Notice to Respondent

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

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

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

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

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

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

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

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

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

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

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

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

Dated this _____ day of _____, 20_____.

Registrar

Form 56A.06A

(rule 56A.06)

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

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

BETWEEN:

APPLICANT

AND:

RESPONDENT

Originating Application

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

IF YOU WISH YOUR MATTER TO BE HEARD IN...	THEN YOU <u>MUST</u> FILE YOUR DOCUMENTS IN...
<input type="checkbox"/> Clarenville (Grand Bank Circuit)	Grand Bank
<input type="checkbox"/> Corner Brook	Corner Brook at the Family Division
<input type="checkbox"/> Gander	Gander
<input type="checkbox"/> Grand Bank	Grand Bank
<input type="checkbox"/> Grand Falls-Windsor	Grand Falls-Windsor
<input type="checkbox"/> Happy Valley-Goose Bay	Happy Valley-Goose Bay
<input type="checkbox"/> Port aux Basques (Corner Brook Circuit)	Corner Book at the Family Division
<input type="checkbox"/> Rocky Harbour (Corner Brook Circuit)	Corner Book at the Family Division
<input type="checkbox"/> St. Anthony (Corner Brook Circuit)	Corner Book at the Family Division
<input type="checkbox"/> St. John's	St. John's at the Family Division
<input type="checkbox"/> Stephenville (Corner Brook Circuit)	Corner Book at the Family Division
<input type="checkbox"/> Wabush (Happy Valley-Goose Bay Circuit)	Happy Valley-Goose Bay

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

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

Where claim includes divorce

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

a.

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

OR

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

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

OR

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

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

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

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

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

6. Particulars of my marriage:

(a) Date of marriage _____

(b) Place of marriage _____

(c) Date I ceased cohabiting with my spouse _____

(d) Immediately prior to the marriage I was:

☐ Single ☐ Divorced ☐ Widowed

My spouse was:

☐ Single ☐ Divorced ☐ Widowed

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

To be completed for all claims other than divorce

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

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

OR

☐ an originating application for divorce has not been commenced.

OR

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

OR

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

OR

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

OR

(e) Other (provide details) _____

To be completed for all claims (if applicable):

	Applicant	Respondent
Surname at birth		
Place of birth		
Date of birth		

Present address (include postal code)		
Phone number		

9.

(a) Children:

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

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

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

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

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

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

11. Child Support:

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

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

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

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

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

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

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

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

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

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

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

12. Spousal, Partner or Parental Support

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

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

13. Property

A. Claim

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

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

☐ Division of property

☐ Equal (*skip paragraph 13(b)*)

OR

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

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

B. The reasons for my claim are

14. Other Claims

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

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

Commissioner of Oaths/
Justice of the Peace

(Signature of Applicant(s))

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

NOTE:

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

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

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

Statement of Solicitor

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

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

(Signature of Applicant's Solicitor)

(insert address of Applicant's Solicitor)

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

Registrar

Schedule A

Claim for Special/Extraordinary Expenses:

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

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

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

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

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

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

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

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

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

5. ☐ Post-secondary education expenses:

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

6. ☐ Extraordinary expenses for extracurricular activities:

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

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

Schedule B

Claim based on undue hardship:

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

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

Amount \$ _____

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

Amount \$ _____

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

Amount \$ _____

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

☐ under the age of majority;

OR

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

Amount \$ _____

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

Amount \$ _____

Form 56A.06B

(rule 56A.06)

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

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

BETWEEN:

APPLICANT

AND:

RESPONDENT

Notice to Respondent

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

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

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

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

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

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

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

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

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

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

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

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

Dated this _____ day of _____, 20_____

Registrar

Form 56A.06B

(rule 56A.06)

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

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

BETWEEN:

APPLICANT

AND:

RESPONDENT

Originating Application for Variation

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

IF YOU WISH YOUR MATTER TO BE HEARD IN...	THEN YOU <u>MUST</u> FILE YOUR DOCUMENTS IN...
<input type="checkbox"/> Clarenville (Grand Bank Circuit)	Grand Bank
<input type="checkbox"/> Corner Brook	Corner Brook at the Family Division
<input type="checkbox"/> Gander	Gander
<input type="checkbox"/> Grand Bank	Grand Bank
<input type="checkbox"/> Grand Falls-Windsor	Grand Falls-Windsor
<input type="checkbox"/> Happy Valley-Goose Bay	Happy Valley-Goose Bay
<input type="checkbox"/> Port aux Basques (Corner Brook Circuit)	Corner Book at the Family Division
<input type="checkbox"/> Rocky Harbour (Corner Brook Circuit)	Corner Book at the Family Division
<input type="checkbox"/> St. Anthony (Corner Brook Circuit)	Corner Book at the Family Division
<input type="checkbox"/> St. John's	St. John's at the Family Division
<input type="checkbox"/> Stephenville (Corner Brook Circuit)	Corner Book at the Family Division
<input type="checkbox"/> Wabush (Happy Valley-Goose Bay Circuit)	Happy Valley-Goose Bay

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

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

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

2. ☐ I also request costs of this Application.

3.

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

4.

Child's full name	Date of birth	Child Resides with

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

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

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

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

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

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

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

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

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

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

Commissioner of Oaths/
Justice of the Peace

(Signature of Applicant(s))

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

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

- (1) if existing custody, access or support order granted by another court, a certified copy of the existing order;
- (2) a copy of an agreement between the parties dealing with custody, access or support;
- (3) a financial statement in Form 56A.27A if claiming child support (special expenses or undue hardship) or spousal support.

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

Registrar

NOTE:

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

Schedule A

Claim for Special/Extraordinary Expenses:

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

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

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

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

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

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

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

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

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

5. ☐ Post-secondary education expenses:

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

6. ☐ Extraordinary expenses for extracurricular activities:

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

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

Schedule B

Claim based on undue hardship:

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

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

Amount \$ _____

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

Amount \$ _____

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

Amount \$ _____

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

☐ under the age of majority;

OR

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

Amount \$ _____

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

Amount \$ _____

Form 56A.12A

(rule 56A.12)

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

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

BETWEEN:

APPLICANT

AND:

RESPONDENT

Notice to Applicant

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

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

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

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

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

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

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

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

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

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

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

Dated this _____ day of _____, 20_____

Registrar

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

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

BETWEEN:

APPLICANT

AND:

RESPONDENT

Response

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

OR

- ☐ I agree to the following claims made by the Applicant:

AND

I disagree with the following claims made by the Applicant:

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

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

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

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

Commissioner of Oaths/
Justice of the Peace

(Signature of Respondent)

*(insert address for service of
the Respondent)*

NOTE:

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

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

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

Schedule A to Response

(Claim for Divorce)

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

Divorce

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

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

OR

- ☐ (ii) the Applicant has, since celebration of the marriage,
- ☐ committed adultery (*provide details of where and when*)
-

OR

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

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

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

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

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

A5. Particulars of my marriage:

(i) Date of marriage _____

(ii) Place of marriage _____

(iii) Date I ceased cohabiting with my spouse _____

(iv) Immediately prior to the marriage I was

☐ Single ☐ Divorced ☐ Widowed

My spouse was:

☐ Single ☐ Divorced ☐ Widowed

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

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

Statement of Solicitor

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

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

Signature of Respondent's
Solicitor

*(insert address of
Respondent's Solicitor)*

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

Registrar

Schedule B to Response

(Claim for Parenting)

B1. Children:

Child's full name	Date of birth	Child Resides with

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

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

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

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

Schedule C to Response

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

C1. Child Support

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

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

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

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

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

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

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

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

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

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

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

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

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

Schedule D to Response

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

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

a) I am claiming

☐ Exclusive possession of the matrimonial home

☐ Division of property

☐ Equal

OR

☐ Unequal

☐ Other: (*specify*) _____

b) The reasons for my claim are

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

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

Form 56A.16A

(rule 56A.16)

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

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

BETWEEN:

APPLICANT

AND:

RESPONDENT

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

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

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

(b)

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

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

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

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

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

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

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

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

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

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

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

(Signature)

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

Attach Affidavit in Support of this Interim Application

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

Registrar

In the Supreme Court of Newfoundland and Labrador Trial Division

(General / Family)

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

BETWEEN:

APPLICANT

AND:

RESPONDENT

Affidavit in Support of Interim/Interlocutory Application

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

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

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

2.

3.

4.

5.

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

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

Commissioner of Oaths/
Justice of the Peace

(Signature)

Form 56A.24A

(rule 56A.24)

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

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

BETWEEN:

APPLICANT

AND:

RESPONDENT

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

To The Respondent (*or* the Applicant):

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

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

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

Registrar

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

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

(Proof of Service attached)

Form 56A.24B

(rule 56A.24)

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

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

BETWEEN:

APPLICANT

AND:

RESPONDENT

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

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

To the Registrar

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

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

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

- ☐ Costs
- ☐ Other (*specify*)

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

- ☐ Originating Application/Application
- ☐ Response
- ☐ Reply
- ☐ Demand for Notice, *and*
- ☐ Notice of Application for Judgment
- ☐ Marriage registration or
- ☐ Order dispensing with production of marriage registration
- ☐ Financial Statements ☐ Applicant ☐ Respondent
- ☐ Property Statements ☐ Applicant ☐ Respondent
- ☐ Waiver of Financial and Property Statements
- ☐ Central Divorce Registry notification
- ☐ Separation or financial or custody agreement
- ☐ Previous court order(s)
- ☐ Undertaking that no appeal from judgment will be taken
- ☐ Affidavit of Respondent admitting adultery, or
- ☐ Certified Transcript of the examination for discovery of the Respondent
- ☐ Draft Judgment
- ☐ Draft child support order
- ☐ Addressed envelopes *1* to Respondent *1* to Applicant

☐ Other (specify)

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

☐ Personal service. See affidavit of personal service.

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

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

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

OR

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

OR

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

OR

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

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

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

(Signature)

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

Registrar

Form 56A.46A

(rule 56A.46)

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

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

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

BETWEEN:

APPLICANT

AND:

RESPONDENT

Judgment

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

Pursuant to the *Divorce Act* (Canada):

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

If a parenting order is being made, add:

2. It is ordered that

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

AND pursuant to the *Family Law Act*:

3. It is ordered that

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

Registrar

Notice to Parties

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

Form 56A.81A

(rule 56A.81)

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

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

BETWEEN:

APPLICANT

AND:

RESPONDENT

Notice to Respondent

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

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

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

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

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

Dated this _____ day of _____, 20_____

Registrar

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

Court No. _____
Court File No. _____

Divorce Registry No. _____

BETWEEN:

APPLICANT

AND:

RESPONDENT

Originating Application for the Return of a Child

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

IF YOU WISH YOUR MATTER TO BE HEARD IN...	THEN YOU <u>MUST</u> FILE YOUR DOCUMENTS IN...
<input type="checkbox"/> Clarenville (Grand Bank Circuit)	Grand Bank
<input type="checkbox"/> Corner Brook	Corner Brook at the Family Division
<input type="checkbox"/> Gander	Gander
<input type="checkbox"/> Grand Bank	Grand Bank
<input type="checkbox"/> Grand Falls-Windsor	Grand Falls-Windsor
<input type="checkbox"/> Happy Valley-Goose Bay	Happy Valley-Goose Bay
<input type="checkbox"/> Port aux Basques (Corner Brook Circuit)	Corner Book at the Family Division
<input type="checkbox"/> Rocky Harbour (Corner Brook Circuit)	Corner Book at the Family Division
<input type="checkbox"/> St. Anthony (Corner Brook Circuit)	Corner Book at the Family Division
<input type="checkbox"/> St. John's	St. John's at the Family Division
<input type="checkbox"/> Stephenville (Corner Brook Circuit)	Corner Book at the Family Division
<input type="checkbox"/> Wabush (Happy Valley-Goose Bay Circuit)	Happy Valley-Goose Bay

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

(a) _____
(full name of child)

(date of birth)

(b) _____
(full name of child)

(date of birth)

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

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

Commissioner of Oaths/
Justice of the Peace

Signature of Applicant(s)

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

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

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

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

Registrar

Form 56A.83A

(rule 56A.83)

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

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

BETWEEN:

APPLICANT

AND:

RESPONDENT

Notice of Application to the Central Authority and Contact Judge

Take notice that an application for the return of a child pursuant to the *Hague Convention on International Child Abduction* has been made in the above noted proceeding.

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

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

Registrar



**NEWFOUNDLAND AND LABRADOR
REGULATION 37/14**

*Feasibility Report Respecting the Amalgamation of the Town of
Duntara, Town of Keels, Town of King's Cove and the Unincorporated
Communities of Knights Cove and Stock Cove Order*
under the
Municipalities Act, 1999

(Filed April 15, 2014)

Under the authority of section 9 of the *Municipalities Act, 1999*, I
make the following Order.

Dated at St. John's, April 15, 2014.

Steve Kent
Minister of Municipal and Intergovernmental Affairs

ORDER

Analysis

- | | |
|-----------------------|--------------------------|
| 1. Short title | 3. Appointment |
| 2. Feasibility report | 4. Preparation of report |

Short title

1. This Order may be cited as the *Feasibility Report Respecting the Amalgamation of the Town of Duntara, Town of Keels, Town of King's Cove and the Unincorporated Communities of Knights Cove and Stock Cove Order*.

Feasibility report

2. A feasibility report shall be prepared to consider the amalgamation of the Town of Duntara, Town of Keels, Town of King's Cove and the unincorporated communities of Knights Cove and Stock Cove.

*Feasibility Report Respecting the Amalgamation of
the Town of Duntara, Town of Keels, Town of King's
Cove and the Unincorporated Communities of
Knights Cove and Stock Cove Order*

37/14

Appointment

3. Robyn Bursey is appointed to prepare the feasibility report.

Preparation of
report

4. The feasibility report shall be prepared in accordance with the provisions of the *Municipalities Act, 1999*.

©Queen's Printer

Correction Notice

(April 17, 2014)

The *Rules of the Supreme Court, 1986 (Amendment)*, Newfoundland and Labrador Regulation 26/14, published under the *Judicature Act* on Friday, March 21, 2014, p.109, is corrected by replacing "Where paragraph (1.4)" with "Where paragraph (1.3)" in the new rule 56A.16(1.4).

An incorrect reference was inadvertently included.

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PART II

CONTINUING INDEX OF SUBORDINATE LEGISLATION

Title of Act and Subordinate Legislation made thereunder	CNLR or NL Reg.	Amendment	NL Gazette Date & Page No.
Judicature Act			
Rules of the Supreme Court, 1986 (Amdt.)	NLR 36/14	Rule 1.03 Amdt. Rule 105 R&S Rule 1.07 Added Rule 5.02 Amdt. Rule 5.03 R&S Rules 5.04, 5A.01 & 5A.02 Amdt. Rule 5A.03 R&S Rule 5A.04 Amdt. Rule 7.10 R&S Rules 7A.01, 7A.03, 8.02, Rule 10.02, 14.01, 14.02, 17A.02, 19.03, 20.01 & 20.06 Amdt. Rule 20.11 R&S Rule 20.12 Amdt. Rule 20.14 R&S Rules 23.01 & 23.05 Amdt. Rule 23.06 R&S Rules 24.03, 25.02, 26.10, 27.01, 27.03, 27.04, 27.05, 27.06, 27.07, 27.09, 27.13, 29.05 & 29.08 Amdt. Rule 29.15 R&S Rules 30.12, 32.01 & 37A.01 Amdt. Rule 37A.08 R&S Rules 37A.09, 40.04, 40.06, 40.07 & 40.09 Amdt. Rules 40.10 & 40.12 R&S Rules 43.03 & 46.23 Amdt.	Apr 17/14 p. 171

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