



# THE NEWFOUNDLAND AND LABRADOR GAZETTE

## PART I

PUBLISHED BY AUTHORITY

Vol. 89

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

No. 16

### 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	Mineral License	016988M
Held by	Kelloway, Keith	Held by	Lewis, Gary E.
Situate near	Burin, Burin Peninsula	Situate near	Millertown Area, Central NL
On map sheet	01M/03	On map sheet	12A/15
Mineral License	019690M	Mineral License	018303M
Held by	Spruce Ridge Resources Ltd	Held by	Unity Resources Inc.
Situate near	Taylor Brook, White Bay	Situate near	Rencontre Brook, Southern NL
On map sheet	12H/10, 12H/11	On map sheet	01M/11
Mineral License	020955M	Mineral License	018304M
Held by	Gordon, Troy	Held by	Unity Resources Inc.
Situate near	Hinds Lake, Central NL	Situate near	Rencontre Brook, Southern NL
On map sheet	12H/03	On map sheet	01M/11
Mineral License	019351M	Mineral License	018310M
Held by	Altius Resources Inc.	Held by	White, Jason
Situate near	Upper Humber River, Western NL	Situate near	Rose Blanche, Southern NL
On map sheet	12H/11	On map sheet	11O/10
		Mineral License	020714M
		Held by	Buchans Minerals Corporation
		Situate near	Little Barachois Brook, Western NL
		On map sheet	12A/05
		Mineral License	019492M
		Held by	MAC Minerals Ltd.
		Situate near	Red Indian Lake, Central NL
		On map sheet	12A/15

Mineral License 019623M  
Held by Ryan, Kevin  
Situates near Hickmans Harbour, Eastern NL  
On map sheet 02C/04

Mineral License 019665M  
Held by Kelloway, Keith  
Situates near Little St Lawrence, Burin Peninsula  
On map sheet 01L/14

A portion of license 020070M  
Held by Brushett, Jeffery  
Situates 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  
Situates near Georges Pond Area, Avalon Peninsula  
On map sheet 01N/06

Mineral License 020251M  
Held by Ryan, Kevin  
Situates near Hawke Hill, Avalon Peninsula  
On map sheet 01N/06

Mineral License 020727M  
Held by Reid, N. Wayne  
Situates near Gander Lake Area, Central NL  
On map sheet 02D/16

Mineral License 020728M  
Held by Reid, N. Wayne  
Situates near Gander Lake Area, Central NL  
On map sheet 02D/16

Mineral License 020732M  
Held by Crocker, James Richard  
Situates near Gander Lake Area, Central NL  
On map sheet 02D/16

Mineral License 020734M  
Held by Pretty, Adam  
Situates near Third Pond, Central NL  
On map sheet 02E/02

Mineral License 020735M  
Held by Duffitt, Alexander S.  
Situates near Gull Pond, Baie Verte Peninsula  
On map sheet 12H/16

Mineral License 020736M  
Held by Duffitt, Alexander S.  
Situates near North West Pond, Eastern NL  
On map sheet 02F/04

Mineral License 020737M  
Held by Duffitt, Alexander S.  
Situates near Clarenville, Eastern NL  
On map sheet 02C/04, 02D/01

Mineral License 020738M  
Held by Duffitt, Alexander S.  
Situates near Clarenville, Eastern NL  
On map sheet 02C/04, 02D/01

Mineral License 020739M  
Held by Duffitt, Alexander S.

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

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

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

Mineral License 020751M  
Held by McLennon, Michael  
Situates 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 32<sup>nd</sup> 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 22<sup>nd</sup> 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

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### 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 6<sup>th</sup> day of February, 2014.

CHARLES PENWELL  
Signature of Applicant

Apr 17

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### 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 30<sup>th</sup> 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 7<sup>th</sup> 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

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# THE NEWFOUNDLAND AND LABRADOR GAZETTE

PART II

SUBORDINATE LEGISLATION  
FILED UNDER THE STATUTES AND SUBORDINATE LEGISLATION ACT

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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

### **RULES**

#### *Analysis*

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| 1. Rule 1.03Amdt.<br>Definitions   | 8. Rule 5A.02 Amdt.<br>Entry of judgment                   |
| 2. Rule 1.05 R&S<br>Waiver of rule by agreement  | 9. Rule 5A.03 R&S<br>Filing fees                           |
| 3. Rule 1.07 Added<br>Duties of Registrar  | 10. Rule 5A.04 Amdt.<br>Records                            |
| 4. Rule 5.02 Amdt.<br>Commencing a proceeding<br>(Application)                         | 11. Rule 7.10 R&S<br>Relator actions                       |
| 5. Rule 5.03 R&S<br>Commencing any other<br>proceeding                                 | 12. Rule 7A.01 Amdt.<br>Interpretation                     |
| 6. Rule 5.04 Amdt.<br>Duty of Registrar on the<br>filing of an originating<br>document | 13. Rule 7A.03 Amdt.<br>File administration                |
| 7. Rule 5A.01 Amdt.<br>Interpretation  | 14. Rule 8.02 Amdt.<br>Appointment of guardian ad<br>litem |
|  | 15. Rule 10.02 Amdt.<br>Filing a defence                   |
|  | 16. Rule 14.01 Amdt.<br>Service of pleadings               |

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| <p>17. Rule 14.02 Amdt.<br/>Pleadings: formal requirements</p> <p>18. Rule 17A.02 Amdt.<br/>Evidence on Application</p> <p>19. Rule 19.03 Amdt.<br/>Costs</p> <p>20. Rule 20.01 Amdt.<br/>Payment into Court in satisfaction</p> <p>21. Rule 20.06 Amdt.<br/>Payment of money out of Court to defendant</p> <p>22. Rule 20.11 R&amp;S<br/>Method of payment of money into Court</p> <p>23. Rule 20.12 Amdt.<br/>Money paid into Court under order, etc.</p> <p>24. Rule 20.14 R&amp;S<br/>Unclaimed balances paid to Consolidated Revenue Fund</p> <p>25. Rule 23.01 Amdt.<br/>Notice of change of solicitor</p> <p>26. Rule 23.05 Amdt.<br/>Removal of solicitor from record at instance of another party</p> <p>27. Rule 23.06 R&amp;S<br/>Withdrawal of solicitor who has ceased to act for party</p> <p>28. Rule 24.03 Amdt.<br/>Accounts to be made, verified, etc.</p> <p>29. Rule 25.02 Amdt.<br/>Giving of security by receiver</p> <p>30. Rule 26.10 Amdt.<br/>Report of result of sale</p> <p>31. Rule 27.01 Amdt.<br/>Application for an interlocutory order</p> <p>32. Rule 27.03 Amdt.<br/>Bond in support of interlocutory recovery order</p> <p>33. Rule 27.04 Amdt.<br/>Recovery order</p> <p>34. Rule 27.05 Amdt.<br/>Sheriff's duty under interlocutory recovery order</p> <p>35. Rule 27.06 Amdt.<br/>Retention or repossession of property taken under an interlocutory recovery order</p> <p>36. Rule 27.07 Amdt.<br/>Recovery of shares, bonds, etc., of a body corporate</p> | <p>37. Rule 27.09 Amdt.<br/>Sale or other disposition of property by Court</p> <p>38. Rule 27.13 Amdt.<br/>Application for a final recovery order</p> <p>39. Rule 29.05 Amdt.<br/>Service of application</p> <p>40. Rule 29.08 Amdt.<br/>Filing of documents for use of the Court</p> <p>41. Rule 29.15 R&amp;S<br/>Filing of documents</p> <p>42. Rule 30.12 Amdt.<br/>Delivery of depositions</p> <p>43. Rule 32.01 Amdt.<br/>List of documents: exchange</p> <p>44. Rule 37A.01 Amdt.<br/>Definitions</p> <p>45. Rule 37A.08 R&amp;S<br/>Mediators fees</p> <p>46. Rule 37A.09 Amdt.<br/>Mediators list</p> <p>47. Rule 40.04 Amdt.<br/>Setting down for trial - General</p> <p>48. Rule 40.06 Amdt.<br/>Setting down for trial</p> <p>49. Rule 40.07 Amdt.<br/>Settlement</p> <p>50. Rule 40.09 Amdt.<br/>Publication of General List</p> <p>51. Rule 40.10 R&amp;S<br/>Brief for trial judge</p> <p>52. Rule 40.12 R&amp;S<br/>Notification of change in status</p> <p>53. Rule 43.03 Amdt.<br/>Report of referee</p> <p>54. Rule 46.23 Amdt.<br/>Subpoena</p> <p>55. Rule 46.24 R&amp;S<br/>Amendment of a subpoena</p> <p>56. Rule 47.03 Amdt.<br/>Enforcing attendance of persons at examination</p> <p>57. Rule 47.05 Amdt.<br/>Conduct of examination</p> <p>58. Rule 47.09 Amdt.<br/>Taking of depositions</p> <p>59. Rule 48.03 Amdt.<br/>Exhibits</p> <p>60. Rule 48.15 Amdt.<br/>Filing of affidavits</p> |
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| <p>61. Rule 49.03 Amdt.<br/>Drawing up of order</p> <p>62. Rule 49.05 Amdt.<br/>Orders made by the Registrar</p> <p>63. Rule 49.11 R&amp;S<br/>Satisfaction of judgment</p> <p>64. Rule 49.18 Amdt.<br/>Adjudication of claims</p> <p>65. Rule 49.19 R&amp;S<br/>Certificate of judgment of<br/>Supreme Court of Canada</p> <p>66. Rule 49.20 Amdt.<br/>Judgments under the Canada<br/>and the United Kingdom<br/>Reciprocal Recognition and<br/>Enforcement of Judgments<br/>Act</p> <p>67. Rule 50.04 Amdt.<br/>Where leave to issue orders<br/>necessary</p> <p>68. Rule 52.02 Amdt.<br/>Appointment of a receiver to<br/>enforce a judgment or order</p> <p>69. Rule 54.07 R&amp;S<br/>Endorsement on originating<br/>application</p> <p>70. Rule 54.08 Amdt.<br/>Return of lower court</p> <p>71. Rule 54.14 Amdt.<br/>Disclaimer</p> <p>72. Rule 55.18 Amdt.<br/>Review of agreement by<br/>taxing officer or Court</p> <p>73. Rule 55.35 Amdt.<br/>Time and contents of appeal</p> <p>74. Rule 55.38 Amdt.<br/>Amendment of execution<br/>order</p> <p>75. Rule 56.05 Amdt.<br/>Form of application</p> <p>76. Rule 56.27 R&amp;S<br/>Order for passing accounts</p> <p>77. Rule 56.28 Amdt.<br/>Dispensing with accounting:<br/>Depositing inventory and<br/>accounts</p> <p>78. Rule 56.29 Amdt.<br/>Filing of releases</p> <p>79. Rule 56.31 R&amp;S<br/>Endorsements on all grants</p> <p>80. Rule 56.32 R&amp;S<br/>Furnishing of copies by<br/>Court</p> <p>81. Rule 56.36 R&amp;S<br/>Approval of the registrar</p> | <p>82. Rule 56.37 Amdt.<br/>Original of will etc.</p> <p>83. Rule 56A.01 Amdt.<br/>Definitions of terms</p> <p>84. Rule 56A.04 Amdt.<br/>Who may access court records</p> <p>85. Rule 56A.06 Amdt.<br/>Starting a family law<br/>proceeding</p> <p>86. Rule 56A.15 Amdt.<br/>Consequences of not<br/>responding</p> <p>87. Rule 56A.21 Amdt.<br/>How case management works</p> <p>88. Rule 56A.23 Amdt.<br/>How to set a trial or hearing<br/>date</p> <p>89. Rule 56A.24 Amdt.<br/>Applying for judgment in an<br/>uncontested family law<br/>proceeding</p> <p>90. Rule 56A.34 R&amp;S<br/>Rejection of application</p> <p>91. Rule 56A.45 Amdt.<br/>Applying jointly for divorce</p> <p>92. Rule 56A.46 Amdt.<br/>Judgment of divorce</p> <p>93. Rule 56A.47 Amdt.<br/>Certificate of divorce</p> <p>94. Rule 56A.50 R&amp;S<br/>Registrar to forward forms</p> <p>95. Rule 56A.55 Amdt.<br/>Registrar to forward order -<br/><i>Divorce Act</i> ( Canada )</p> <p>96. Rule 56A.58 Amdt.<br/>Documents required in claim<br/>for child support</p> <p>97. Rule 56A.64 Amdt.<br/>Application for provisional<br/>variation order</p> <p>98. Rule 56A.65 Amdt.<br/>Confirmation of provisional<br/>variation order</p> <p>99. Rule 56A.67 Amdt.<br/>Receipt of documents from<br/>reciprocating jurisdiction</p> <p>100. Rule 56A.68 Amdt.<br/>Investigation and report to<br/>judge</p> <p>101. Rule 59 Rep.<br/>The Registrar's<br/>Compensation Rule</p> <p>102. Transitional</p> <p>103. Forms Amdt.</p> |
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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 attend 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  
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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*)

<b>IF YOU WISH YOUR MATTER TO BE HEARD IN...</b>	<b>THEN YOU <u>MUST</u> FILE YOUR DOCUMENTS IN...</b>
<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*)

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**OR**

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

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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:

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

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

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(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

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14. Other Claims

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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*)

<b>IF YOU WISH YOUR MATTER TO BE HEARD IN...</b>	<b>THEN YOU <u>MUST</u> FILE YOUR DOCUMENTS IN...</b>
<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:

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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:

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### 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

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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*)

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**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)*

<b>IF YOU WISH YOUR MATTER TO BE HEARD IN...</b>	<b>THEN YOU <u>MUST</u> FILE YOUR DOCUMENTS IN...</b>
<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*.

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## 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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