

Example of a Notice of Motion (Form 72U)

1-4 Always include the court file number, the judicial district, your name and the other parent's name at the beginning of the document.

5. The name of the other parent.

¹ Court File Number 1301-0000

¹ N° du dossier: 1301-0000

In The Court of Queen's Bench of New Brunswick
Family Division
Judicial District of Fredericton ²

Cour du Banc de la Reine du Nouveau-Brunswick
Division de la Famille
Circonscription Judiciaire de _____

Between:

ENTRE:

Mary Smith, ³ Applicant

_____ REQUÉRANT

- and -

-et-

John Smith, ⁴ Respondent

_____ INTIMÉ

NOTICE OF MOTION (FORM 72U)

AVIS DE MOTION (FORMULE 72U)

TO: JOHN SMITH ⁵

À: _____

The applicant will apply to the court at _____, on the ___ day of _____ 20___, at _____ for the following order:

Le requérant demandera à la cour à _____, le _____, 20___, à _____ h, d'ordonner l'ordonnance qui suit:

(Please check the appropriate box or boxes.)

(Veuillez cocher la ou les cases appropriées)

1. Child support for the following children:

1. Ordonnance alimentaire au profit des enfants suivants:

- interim order or
 variation (or rescission or suspension) of attached order

- ordonnance provisoire ou
 modification (ou abrogation ou suspension) de l'ordonnance annexe

Name of child	Age
Nom de l'enfant	Âge
Kimberly Ann Smith	8
David Scott Smith	6

Date of birth
Date de naissance
March 15, 2001
January 23, 2003

(If claiming special expense(s) please specify nature and amount, where possible, of the expense(s) claimed and name of child(ren) for which expense(s) are claimed.)

(Si vous demandez des dépenses spéciales veuillez en préciser, si possible, la nature et le montant et le nom d'enfant pour ce qui ces dépenses sont sollicitées.)

Nature of expense	Amount claimed	Name of child
Nature des dépenses	Montant sollicité	Nom de l'enfant
_____	_____	_____
_____	_____	_____

(State the grounds to be argued including a reference to any statutory provision or rule to be relied on. If claiming an amount that is from the table amount and is not an expense, please specify the amount. Please attach affidavit specifying the reasons which you are relying for departure from amount.) ⁶

(Indiquer les motifs à discuter, y compris les renvois à toute disposition législative ou à toute règle invoquée. Si vous un différent montant demandez qui diffère du special montant figurant à la table, et qui n'est pas une dépense spéciale, veuillez en upon préciser le montant. Veuillez joindre un table affidavit indiquant les raisons sur lesquelles vous vous appuyez pour demander un montant autre que ce-lui qui apparaît à la table.)

6. Write down exactly what order you are asking the court to make.

1. Custody of Kimberly Ann Smith, born March 15, 2001, and David Scott Smith, born January 23, 2003, be granted to Mary Smith, the Applicant, under section 129(2) of the *Family Services Act*; and
2. John Smith, the Respondent, pay support for the children of the marriage, Kimberly Smith and David Smith, under sections 115(1), 112(1) and 113 of the *Family Services Act*,

AND all support payments be indexed to the Cost of Living index

AND these payments be made payable retroactively from a date deemed appropriate by the Court under section 116(1)(i) of the above mentioned Act.

AND all support payments be made payable to the Court of Queen's Bench, Family Division, Fredericton, New Brunswick, under section 116(1)(h) of the above mentioned Act; and
3. The Respondent be required to continue all insurance, health and dental plans to which he may be entitled through his employer for the benefit of his wife, Mary Smith, and for the benefit of the children, Kimberly Smith and David Smith.
4. Costs, and
5. Any other order that the Court considers just.

Particulars of Previous Order ⁷

Date of previous order _____

Amount paid under previous order _____

Précisions sur l'ordonnance antérieure :

Date de l'ordonnance antérieure _____

Montant payé en vertu de l'ordonnance antérieure _____

2. Custody of the following children:

- interim order or
 variation (or rescission or suspension) of attached order

2. Ordonnance de garde des enfants suivants:

- Ordonnance provisoire ou
 Modification (ou abrogation ou suspension) de l'ordonnance annexée

Name of child Nom de l'enfant
Kimberly Ann Smith
David Scott Smith

Age Âge
8
6

Date of birth Date de naissance
March 15, 2001
January 23, 2003

7. Fill in particulars of any previous order.

Previous custody arrangement: n/a

Entente de garde

antérieure: _____

Date of previous order:

Date de l'ordonnance antérieure:

8. If you are making a claim under this section, you should get legal advice.

3. Other claim (Please specify. State the relief sought and the grounds to be argued, including a reference to any statutory provision to be relied on.)⁸

3. Autre demande (Veuillez préciser Indiquez les mesures de redressement sollicitées et les motifs à discuter. Y compris les renvois à toute disposition législative invoquée).

9. List documents you will use for the hearing.

Upon the hearing of the motion, the following affidavits or other documentary evidence will be presented: (list the documentary evidence to be used at the hearing of the motion)⁹

À l'audition de la motion, les affidavits ou les autres preuves littérales suivants seront présentés: (énumérez les preuves littérales qui seront utilisées lors de l'audition de la motion)

1. Affidavit of Mary Smith
2. Financial statement (form 72J) of Mary Smith

You are advised that:

Sachez que:

- a) you are entitled to issue documents and present evidence at the hearing in English or French or both;
- b) the applicant intends to proceed in the English language;¹⁰ and
- c) if you intend to proceed in the other official language, an interpreter may be required and you must so advise the clerk at least 7 days before the hearing.

- a) vous avez le droit dans la présente audition, d'émettre des documents et de présenter votre preuve en français, en anglais ou dans les deux langues;
- b) le demandeur a l'intention d'utiliser la langue _____; et
- c) si vous vous avez l'intention d'utiliser l'autre langue officielle, les services d'un interprète pourront être requis et vous devrez en aviser la greffier au moins 7 jours avant l'audition.

10. English or French, the language you will use at the hearing.

11. Fill in the place and date when you signed the Notice of Motion.

12. Type or print your name under your signature.

DATED at _____ this ___ day of _____ 20 .¹¹

FAIT à _____ le _____, 20____.

Mary Smith¹²