

Example of a Notice of Application (Form 73A)

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

REQUERANT

- and-

-et-

John Smith, ⁴ Respondent

INTIME,

NOTICE OF APPLICATION (FORM 73A)

AVIS DE REQUÊTE (FORMULE 73A)

TO: JOHN SMITH ⁵

DESTINATAIRE : _____

LEGAL PROCEEDINGS HAVE BEEN
COMMENCED BY FILING THIS NOTICE OF
APPLICATION

PAR LE DÉPÔT DU PRÉSENT AVIS DE
REQUÊTE, UNE POURSUITE JUDICIAIRE
A ÉTÉ ENGAGÉE CONTRE VOUS.

The applicant will apply to the court at
_____ ⁶ (*specific location*) on the ____
day of _____, 20__ at ____ a.m. (or
p.m.) for an order as set out hereunder.

Le requérant présentera une requête à la cour
à _____ (*lieu précis*) le
_____, 20__ à _____ h _____
en vue d'obtenir l'ordonnance décrite ci-dessous.

IF YOU DO NOT APPEAR AT THE HEARING

SI VOUS NE COMPARAISSEZ PAS À L'AUDIENCE

- (a) An order which may affect you may be
made in your absence, or
- (b) if the court is satisfied that your
attendance is necessary for a just
determination of the application, a
warrant may be issued directing a peace
officer to apprehend you and bring you
before the court.

- a) une ordonnance vous concernant pourra
être rendue en votre absence ou
- b) si la cour estime que votre comparution
est nécessaire à la solution équitable de la
requête, elle pourra émettre un mandat
prescrivant à un agent de la paix de vous
arrêter et de vous amener devant elle.

If you wish to oppose this application you must
appear at the hearing of the application at the
place, date and time stated either in person or
by a New Brunswick lawyer acting on your
behalf.

Si vous désirez contester cette requête, vous
devrez comparaître à l'audition de la requête
aux lieu, date et heure indiqués, soit en
personne, soit par l'intermédiaire d'un avocat
du Nouveau-Brunswick chargé de vous
représenter.

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 other parent's name.

6. Leave these spaces blank for
the staff at the court office to
write in the date of the court
hearing.

If you wish to present affidavit or other documentary evidence to support your position, you must file a copy of such evidence in this court office not more than 20 days after being served with this Notice of Application.

Si vous désirez présenter un affidavit ou quelque autre preuve littérale à l'appui de votre cause, vous devrez en déposer copie au secrétariat de cette cour dans les 20 jours qui suivent la signification de l'avis de requête.

IF THIS NOTICE OF APPLICATION CONTAINS A CLAIM FOR SUPPORT OR CUSTODY, YOU MUST, NOT MORE THAN 20 DAYS AFTER BEING SERVED WITH THIS NOTICE OF APPLICATION, SERVE ON THE APPLICANT YOUR FINANCIAL STATEMENT IN THE FORM PRESCRIBED BY THE RULES OF COURT AND ANY INCOME INFORMATION REQUIRED BY THE REGULATIONS RESPECTING ORDERS FOR CHILD SUPPORT UNDER THE *FAMILY SERVICES ACT*, WHETHER OR NOT YOU WISH TO OPPOSE THE APPLICATION.

SI LE PRÉSENT AVIS DE REQUÊTE CONTIENT UNE DEMANDE DE SOUTIEN OU DE GARDE D'ENFANTS, VOUS DEVREZ, DANS LES 20 JOURS QUI SUIVENT SA SIGNIFICATION, SIGNIFIER AU REQUÉRANT VOTRE ÉTAT FINANCIER EN LA FORME PRESCRITE PAR LES RÈGLES DE PROCÉDURE AINSI QUE TOUS RENSEIGNEMENTS SUR LE REVENU REQUIS EN VERTU DES RÈGLEMENTS CONCERNANT LES ORDONNANCES DE SOUTIEN POUR ENFANT ÉTABLIS EN VERTU DE LA *LOI SUR LES SERVICES À LA FAMILLE*, QUE VOUS AYEZ OU NON L'INTENTION DE CONTESTER LA REQUÊTE.

You are advised that:

Sachez que:

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

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

THIS NOTICE is signed and sealed for the Court of Queen's Bench by, _____ Administrator of the Court, at _____ on the ____ day of _____, 20__.

CET AVIS est signé et scellé au nom de la Cour du Banc de la Reine par _____ administrateur de la cour à _____ le _____, 20__.

7. English or French. The language that you will use at the court hearing.

8. Leave these spaces blank for the staff at the court office to fill in.

(administrator)

(administrateur)

(address of court office)

(adresse du secrétariat de la cour)

On the hearing of this application, the applicant intends to apply for an order that (state precisely the relief being sought).⁹

À l'audition de la requête, le requérant a l'intention de demander qu'une ordonnance soit rendue relativement à (préciser les mesures de redressement sollicitées).

9. Write down exactly what court 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.

Set out in separate, numbered paragraphs the following:

1. The capacity of all persons who are parties to the proceeding.
2. The place of residence of the applicant.
3. A list of the affidavits or other documentary evidence intended to be used on the hearing of the application.
4. Particulars of previous proceedings with respect to the claim.
5. Particulars of any oral or written agreements with respect to the claim.

Énoncer les éléments suivants dans des paragraphes numérotés et distincts:

1. La qualité de toutes les personnes qui sont parties à l'instance.
2. Le lieu de résidence du requérant.
3. Une liste des affidavits ou des autres preuves littérales pouvant être utilisés à l'audition de la requête.
4. Des précisions sur toute instance antérieure portant sur le même objet.
5. Des précisions sur toutes ententes verbales ou écrites conclues en rapport avec cette demande.

10. Write in the details of your situation.
11. The place and county where you live.
12. The documents that you will use for the court hearing.
13. Write down if there were any court proceedings before about the same subject, for example custody, access or support.
14. Write down if you and the other parent have any written or spoken agreements about the same subject, for example custody, access or support.
15. The place where you sign the notice of application.
16. The date (day, month and year) that you sign the notice of application.
17. Your signature (unless you have a lawyer).
18. Your name, typed or clearly printed (unless you have a lawyer).
19. Your address (unless you have a lawyer).

1. The Applicant, Mary Lynn Smith, is the spouse of John Smith of New Brunswick, having been married on June 21, 1999, in Smalltown, New Brunswick. There are two children from the marriage, Kimberly Ann Smith born March 15, 2001, and David Scott Smith, born January 23, 2003. The Applicant and Respondent separated on June 1, 2008. ¹⁰
2. The Applicant and Respondent both reside in the town of Smalltown, County of York, Province of New Brunswick. ¹¹
3. The affidavits and other documentary evidence to be used on the hearing of this application are: ¹²
 - a) The affidavit of Mary Smith, Applicant;
 - b) Financial Statement (72J) of Mary Smith, Applicant.
4. There have been no previous court proceedings about this claim. ¹³
5. There have been no oral or written agreements that relate to this claim. ¹⁴

DATED at Smalltown ¹⁵, this ____ day of _____, 20____. ¹⁶

FAIT à _____, le _____, 20____.

 _____ ¹⁷

Mary Smith ¹⁸, Applicant

Avocat du requérant (ou le requérant, s'il n'est pas représenté par un avocat)

Name of Applicant: Mary Smith

Nom du requérant: _____

Address for service in New Brunswick:
 456 Main Street, Smalltown N.B. E3A 1Z1 ¹⁹

Adresse aux fins de signification au Nouveau-Brunswick :

NOTE: This Application shall be accompanied by a Financial Statement, if required.

Rem. : Cette requête doit, dans certains cas, être accompagnée d'un état financier.