

## Sample B.3.7. Affidavit of Evidence – Petition by One Spouse

Court File Number 1301-0000

IN THE COURT OF KING'S BENCH OF NEW BRUNSWICK  
FAMILY DIVISION  
Judicial District of **Fredericton**

BETWEEN:

**Marie Smith**

PETITIONER

-and-

**Robert Smith**

RESPONDENT

### AFFIDAVIT

I, **Marie Smith**, of the city of **Fredericton** in the County of **York** and Province of New Brunswick, **waitress**, MAKE OATH AND SAY AS FOLLOWS:

1. I am the Petitioner named in the Petition for Divorce dated the \_\_\_ day of \_\_\_\_\_, 20\_\_.
2. I have been ordinarily resident in New Brunswick for at least one year immediately before the date on which the Petition of Divorce was filed.
3. The Respondent **Robert Smith** is an **electrician** and resides at **57 Lilac Street** in the city of **Fredericton** in the County of **York** and Province of New Brunswick. This address is known to me **because I contacted the Respondent at this address to discuss matters relating to the children.**
4. There is no possibility of reconciliation of the spouses. **The Respondent and I made an attempt at reconciliation by attending marriage-counselling sessions with \_\_\_\_\_ of \_\_\_\_\_ in \_\_\_\_\_, 20\_\_.** **The attempt at reconciliation was not successful.**
5. I confirm that all the information in the Petition for Divorce is correct.
6. A certificate of marriage is attached to the Petition for Divorce.
7. The Respondent and I separated on the \_\_\_ day of \_\_\_\_\_, 20\_\_ and have remained separate and apart since that day. This separation has resulted in a permanent breakdown of the marriage. On the date of separation and continuously since then it has been the Respondent's and my intention to remain separate and apart.
8. I am not directly or indirectly a party to any agreement or conspiracy for the purpose of subverting the administration of justice, including any agreement, understanding or arrangement to make up or hide evidence or to deceive the Court.
9. **I do not claim spousal support.**
10. There are two children of the marriage: Anne Smith, born on the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, and Michel Smith, born on the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.
11. **The Respondent and I made a separation agreement dated the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, a copy of which is attached to the Petition for Divorce as Exhibit "A". I ask the Court to include in the Divorce Judgment the following provisions of the agreement:<sup>20</sup>**

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*Continued...*

12. I claim child support in the amount of \$\_\_\_\_\_ per month for the **two children** of the marriage under the child support guidelines based on the income of the Respondent as set out in the Respondent's Financial Statement and income information. I have no knowledge of any change in circumstances since the Financial Statement and information were filed.
13. **I do not wish to claim a division of property at this time. I am aware that no application for a division of property under the *Marital Property Act* can be made more than 60 days after the divorce takes effect except in the circumstances in subsection 3(4) of the *Marital Property Act*.**
14. **I do not claim costs.**

Sworn/Solemnly Affirmed before me at \_\_\_\_\_, in the County of **York**, in the Province of New Brunswick, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

*Marie Smith*

Marie Smith

\_\_\_\_\_

A Commissioner of Oaths<sup>21</sup>

**Being a solicitor**

**or**

**My appointment expires**

**(Month.... Day.... Year)**

<sup>20</sup> Attach the agreement and mark it "A". Give the number of the sections that you want to include in the divorce judgment and copy out the exact words from the agreement.

<sup>21</sup> Print the name of the Commissioner of Oaths under the line.