

Form 4.03A [use for debt collection only]

20

No.

Supreme Court of Nova Scotia

Between: [complete the heading as required by Rule 82 - Administration of Civil Proceedings]

[name]

Plaintiff

and

[name]

Defendant

Notice of Action for Debt

To: [name each defendant]

Action has been started against you

The plaintiff takes action against you.

The plaintiff started the action by filing this notice with the court on the date certified by the prothonotary.

The plaintiff claims judgment for the debt described in the attached statement of claim.

Defending the action

To defend against the plaintiff's claim, you or your counsel must file a notice of defence with the court no more than the following number of days after the day this notice of action is delivered to you:

- 15 days if delivery is made in Nova Scotia
- 30 days if delivery is made elsewhere in Canada
- 45 days if delivery is made anywhere else.

Judgment against you if you do not defend

The court may grant an order for judgment against you without further notice, unless you defend the action by the deadline shown in this notice.

Amount of judgment

The amount of the judgment if you do not defend the action will be \$ _____, interest on that amount calculated from _____, 20____, as claimed in the statement of claim, and costs in the amount of [Tariff D amount] plus taxed disbursements.

You may have the action dismissed by paying claim

You may pay the amount claimed, obtain a receipt, and deliver the receipt to the prothonotary, who will dismiss the action, except the claim for taxed disbursements.

You may settle the amount for disbursements with the plaintiff’s counsel, with a plaintiff who acts on their own, or by proceeding with a taxation of the disbursements in the Small Claims Court.

You may demand notice of steps in the action

If you do not have a defence to the claim or you do not choose to defend it, you may, if you wish to have further notice, file a demand for notice.

If you file a demand for notice, the plaintiff must notify you before obtaining judgment and, unless the court orders otherwise, you will be entitled to notice of each other step in this action.

Rule 57 - Action for Damages Under \$100,000

Civil Procedure Rule 57 limits pretrial and trial procedures of a defended action so it will be more economical. The Rule applies if the plaintiff states the action is within the Rule. Otherwise the Rule does not apply, except as a possible basis for costs against the plaintiff.

This action is [within/not within] Rule 57. [Plaintiff should state “within” if debt, including interest, is under \$100,000.]

Filing and delivering documents

Any documents you file with the court must be filed at the office of the prothonotary _____ Street, _____ Nova Scotia (telephone # _____).

When you file a document you must immediately deliver a copy of it to each other party entitled to notice, unless the document is part of an *ex parte* motion, the parties agree delivery is not required, or a judge orders it is not required.

Contact information

The plaintiff designates the following address:

Documents delivered to this address are considered received by the plaintiff on delivery. Further contact information is available from the prothonotary.

Proposed place of trial

The plaintiff proposes that, if you defend this action, the trial will be held in _____, Nova Scotia.

Signature

Signed _____, 20

Signature of plaintiff

Print name:

[or]

Signature of counsel

[name] as counsel
for [name of plaintiff]

Prothonotary's certificate

I certify that this notice of action for debt, including the attached statement of claim, was filed with the court on _____, 20____.

[attach statement of claim]

Prothonotary