

Part 22 - Forms

Rule 96 - Preparation of Documents

Scope of Rule 96

96.01 This Rule provides for signature of documents by a party, and it provides approved Forms.

Signing documents

96.02 (1) A document to be filed by a party, and a document to be delivered under a Rule by a party without filing it, must be dated and signed by or on behalf of the party, unless the document is within one of the following exceptions:

- (a) an affidavit, including a response to interrogatories, must be signed by the witness, and dated and signed by the person administering the oath or affirmation;
- (b) a document required by a Rule or order to be signed by a person who is not a party must be signed by the person, such as a referee's report, a bond, an expert's report or answers, a receiver's report or statement, and a document to be signed by a sheriff.

(2) Counsel must date and sign a document on behalf of the party counsel represents, unless a Rule or order requires otherwise, and the following are examples of documents required to be signed by a party personally:

- (a) a document that is sworn or affirmed by an individual party, or an officer, employee, or designated manager of a corporate party;
- (b) a litigation guardian's statement;
- (c) an undertaking required for a temporary remedy;
- (d) a bond;

- (e) an election petition.
- (3) An individual party who acts on their own and the appointed agent of a corporate party who acts on its own must sign a document personally, unless a judge permits otherwise.
- (4) A person who is not a party but wishes to make a motion in a proceeding may sign by counsel or personally.

Forms are not mandatory

96.03 A document that is prescribed by a Rule must conform with the requirements of the Rule but may otherwise vary from the Forms approved under Rule 96.04, except Forms for headings are mandatory.

Approved forms

- 96.04 (1)** Brackets are used in an approved Form to separate instructions for completion of a document, or alternate suggested wording, from the suggested text.
- (2) Italics are used to indicate an alternate suggested wording.
- (3) The following Forms are approved as conforming with the Rule to which each is referenced:

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Form 4.02A

20

No.

Supreme Court of Nova Scotia

Between: [complete the heading as required by Rule 83 - Court Records]

[name]

Plaintiff

and

[name]

Defendant

Notice of Action

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 for the order described in the attached statement of claim. The claim is based on the grounds stated in the statement of claim.

Deadline for defending the action

To defend the action, you or your counsel must file a notice of defence with the court no more than 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 the order described in the statement of claim without further notice, unless you file the notice of defence before the deadline.

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 entering judgment and, unless the court orders otherwise, you will be entitled to notice of each other step in this action.

Rule 61 - Action under \$100,000

Civil Procedure Rule 61 - Action under \$100,000 limits pretrial and trial procedures in 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 61 - Action under \$100,000. [State “within” if the action is for an order for judgment under \$100,000, no other order (eg. injunction, declaration) is claimed, and the claim is based on debt, injury to property, injury to a person, supply of goods or services, breach of contract, breach of trust, or dismissal from employment.]

Filing and delivering documents

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

Civil Procedure Rule 31 - Notice requires that whenever you file a document you must immediately deliver a copy of it to the plaintiff and 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.

Documents you deliver to the plaintiff may be delivered to the plaintiff’s designated address shown in the contact information section of this notice, and documents delivered there are considered received by the plaintiff on delivery.

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, including the attached statement of claim, was filed with the
court on _____ , 20____ .

Prothonotary

[attach statement of claim]

Form 4.02B

[no heading, unless this is an amended statement]

Statement of [*Claim/Counterclaim/Crossclaim Claim against Third Party*]

- 1 [Describe each party making the claim.]

- 2 [Describe each party claimed against.]

- 3 [State each material fact concisely in separately numbered paragraphs; material facts only, not evidence by which the facts are to be proved or argument.]

- X [Provide references to legislation, or a point of law, relied on if the stated material facts show how the legislation, or point, is applicable.]

- Y This party claims an order providing the following remedies:

[*judgment for unliquidated damages for... name heads*]

[*judgment for special damages in the amount of \$*]

[*judgment for liquidated damages in the amount of \$*]

[*an injunction describe/a declaratory judgment that/describe other relief sought, except a request for costs is presumed*] .

Signature
Signed _____, 20

Signature
Print name:

Supreme Court of Nova Scotia

Between: [complete the heading as required by Rule 83 - Court Records]

[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 an order for 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 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 entering judgment and, unless the court orders otherwise, you will be entitled to notice of each other step in this action.

Rule 61 - Action under \$100,000

Civil Procedure Rule 61 - Action under \$100,000 of the *Nova Scotia Civil Procedure Rules* 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 61 - Action under \$100,000 [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 # _____).

Civil Procedure Rule 31 - Notice requires that whenever you file a document you must immediately deliver a copy of it to the plaintiff and 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.

Documents you deliver to the plaintiff may be delivered to the plaintiff's designated address shown in the contact information section of this notice, and documents delivered there are considered received by the plaintiff on delivery.

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

Form 4.03B

[no heading, unless this is an amended statement]

Statement of Claim

1 [describe the plaintiff]

2 [describe each defendant]

3 The defendant owes money to the plaintiff for a debt resulting from [a loan/supply of describe/labour and materials for describe/other].

4 The debt is due because [the loan was demanded/the loan came due according to its terms/the invoice was payable on delivery/the invoice was payable on credit terms past due/other] as of , 20 .

5 [The defendant agreed to pay interest at % a year calculated simply/monthly/ other./There was no express agreement for interest and the plaintiff claims 4% per year prejudgment interest calculated simply.]

6 The amount due as of , 20 is calculated as follows:

principal	\$
credits	(\$)
[agreed interest/4% prejudgment interest]	\$
total	\$.

7 The plaintiff claims an order for judgment in the total amount plus [% agreed interest/4% prejudgment interest] after the date of calculation to the date of judgment.

Signature

Signed , 20

Signature
Print name:

Form 4.05A

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

Plaintiff

and

[name]

Defendant

Notice of Defence

To: [name each plaintiff]

Your action is defended

The defendant [name] defends your action.

The grounds for the defence are stated in the attached statement of defence.

Contact information

The defendant designates the following address:

Documents delivered to this address are considered received by the defendant on delivery.

Further contact information is available to each party from the prothonotary.

Signature

Signed _____, 20____

Signature of defendant
Print name:

OR

Signature of counsel
[name] as counsel
for [name of defendant represented]

Prothonotary's certificate

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

Prothonotary

[attach statement of defence]

Form 4.05B

[no heading, unless this is an amended statement]

Statement of [Defence/Defence to Counterclaim/Defence to Crossclaim/Defence to Third Party Claim/Third Party's Defence to Main Action]

- 1 This statement is made by [name of defending party] .

- 2 This party admits the facts stated in the statement of [*claim/counterclaim/crossclaim*] as follows: [refer to paragraph numbers or repeat text] .

- 3 This party neither admits nor denies allegations of fact about which this party has insufficient knowledge to make an admission or a denial, and those allegations are: [refer to paragraph numbers or repeat text] .

- 4 This party denies all other allegations of fact in the statement of [*claim/counterclaim/crossclaim*] .

- 5 [The party's version of material facts, each one stated concisely in separately numbered paragraphs; material facts only, not evidence by which the facts are to be proved and not argument.]

- X [material facts of any further defence the party will raise at trial]

- Y [references to legislation or points of law relied on, if the stated material facts show how the legislation or point is applicable.]

Signature

Signed _____, 20

Signature
Print name:

Form 4.06

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

[title in proceeding]

and

[name]

[title in proceeding]

Demand for Notice

To: [name each party entitled to notice]

Notice is demanded

The [*defendant/third party*] , [name] demands notice of everything done in this proceeding, every written communication with a judge or the court, and every document filed.

Contact information

The [*defendant/third party*] designates the following address:

Documents delivered to this address are considered received by this party on delivery.

Further contact information is available from the prothonotary.

Signature

Signed

, 20

Signature of Party

Print name:

[or]

Signature of Counsel

[name] as counsel

for [name of party represented]

Form 4.08

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

Plaintiff

and

[name]

Defendant

Notice of Defence and Counterclaim

To: [name each plaintiff]

Your action is defended

The defendant [name] defends your action.

The grounds for the defence are described in the attached statement of defence.

Also, a claim is made against you

The defendant counterclaims against you for an order described in the attached statement of counterclaim. [Alter if not all the defendants are counterclaiming or all plaintiffs are not counterclaimed against.] The counterclaim is based on the grounds stated in the statement of counterclaim.

Defending the counterclaim

To defend the counterclaim, you or your counsel must file a notice of defence to counterclaim not more than ten days after the day this notice is delivered to you.

Judgment against you if you do not defend counterclaim

The court may grant the order described in the statement of counterclaim without further notice, unless you or your counsel file a notice of defence to counterclaim before the deadline.

Contact information

The defendant designates the following address:

Documents delivered to this address are considered received by the defendant on delivery.

Further contact information is available to each party from the prothonotary.

Signature

Signed _____, 20

Signature of defendant

Print name:

[or]

Signature of Counsel
[name] as counsel for [name]

Prothonotary's certificate

I certify that this notice of defence and counterclaim, including the attached statement of defence and attached statement of claim, was filed with the court on _____, 20 .

Prothonotary

[attach statement of defence]
[attach statement of counterclaim]

Form 4.09

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

Plaintiff

and

[name]

Defendant

Notice of Defence with Crossclaim

To: [name each plaintiff]

Your action is defended

The defendant [name] defends your action.

The grounds for the defence are described in the statement of defence.

To: [name of defendant against whom the crossclaim is made]

A crossclaim is made against you

This defendant crossclaims against you for an order described in the attached statement of crossclaim.

Defending the crossclaim

To defend the crossclaim you or your counsel must file a notice of defence to the crossclaim no more than the following number of days after this notice of defence with crossclaim is delivered to you:

- 10 days if this notice is delivered to an address you designated for delivery in this proceeding;
- 20 days if delivery is otherwise made in Nova Scotia;
- 40 days if delivery is made elsewhere in Canada;
- 60 days if delivery is made anywhere else.

Judgment if you do not defend crossclaim

The court may grant the order described in the statement of crossclaim without further notice, unless you file the notice of defence to crossclaim by the deadline.

Contact information

The defendant designates the following address:

Documents delivered to this address are considered received by the defendant on delivery.

Further contact information is available to each party from the prothonotary.

Signature

Signed _____, 20

 Signature of defendant
 Print name:
 [or]

Signature of counsel
[name] as counsel
for [name of defendant represented]

Prothonotary's certificate

I certify that this notice of defence with crossclaim, including the attached statement of defence and statement of crossclaim, was filed with the court on _____, 20__.

Prothonotary

[attach statement of defence]
[attach statement of crossclaim]

Form 4.11

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading except add third party]

[name]

Plaintiff

and

[name]

Defendant

and

[name]

Third Party

Notice of Claim Against Third Party

To: [name each third party]

Action has been brought against you

The defendant [name] brings a third party action against you.

The defendant claims for the order described in the attached statement of claim against third party.

This action is part of another action

The plaintiff started an action against the defendant by filing a notice of action with the court a copy of which is under tab one of this notice.

The defendant defended the action by filing a notice of defence, a copy of which is under tab two.

The defendant then filed this notice of claim against third party on the date certified by the prothonotary.

The statement of claim against third party is attached under tab three.

[Refer to and attach any other notices and pleadings.]

Defending the third party claim

To defend against the third party claim, you or your counsel must file a notice of defence to third party claim no more than the following number of days after this notice of claim against third party is delivered to you:

- 20 days if delivery is made in Nova Scotia
- 40 days if delivery is made elsewhere in Canada
- 60days if delivery is made anywhere else.

Judgment against you if you do not defend

The court may, when the main action is determined or a judge allows, grant the order described in the statement of claim against third party without further notice, unless you file the notice of defence to third party claim before the deadline.

You may demand notice of steps in the proceeding

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 party who started this third party action must notify you before entering judgment and, unless the court orders otherwise, you will be entitled to notice of each other step in this action.

Filing and delivering documents

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

The *Nova Scotia Civil Procedure Rules* require that whenever 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.

Documents you deliver to the defendant claiming against you may be delivered to the defendant's designated address shown in the contact information section of this notice, and documents delivered there are considered received by the defendant on delivery.

Contact information

The defendant has designated the following address:

Documents delivered to this address are considered received by the defendant on delivery.

Further contact information is available to each party from the prothonotary.

Signature

Signed _____, 20

Signature of defendant

Print name:

[or]

Signature of counsel

[name] as counsel for [name of defendant]

Prothonotary's certificate

I certify that this notice of action against the third party, including an attached copy of the statement of claim, an attached copy of the defence, and the attached original statement of claim against third party was filed with the court on _____, 20__ .

Prothonotary

[attach a copy of the notice of action, including statement of claim, under tab one]

[attach a copy of the defendant's defence, under tab two]

[attach the original defendant's statement of claim against third party, under tab three]

[attach copies of any other notices or pleadings in this action, under further tabs]

Form 4.13

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

[title in proceeding]

and

[name]

[title in proceeding]

Request for Date Assignment Conference

Party's request

The [*plaintiff/defendant/third party*] , [name] , requests the court to provide a date assignment conference.

Party's election of trial by judge or jury

This party elects trial by [*judge/jury*] .

Requirements for request are satisfied

The pleadings have closed and each party has disclosed all documents and electronic information as required, discovered all individual parties of whom they require discovery, discovered at least the designated manager or one other officer or employee from any corporate party of whom they require discovery, and answered interrogatories required to be answered by or on behalf of the party.

[or]

The party making this request is permitted to do so by order dated , 20 .

List of pleadings

[list all pleadings in chronological order]

<i>Date</i>	<i>Pleading</i>	<i>Description</i>

List of orders

[list all orders affecting future conduct of action or trial in chronological order]

<i>Date</i>	<i>Order</i>	<i>Description</i>

Status of action

The status of this action is [describe generally and include the status of the pleadings, disclosure, discoveries, and expert opinion] .

Future procedures

This party foresees the parties being engaged in the following procedures before trial: [describe all procedures that may be engaged by any party, including holding a discovery, delivery of an expert's report, and making a motion.]

Documents and electronic information to be introduced

This party anticipates the following documentary and electronic evidence will be introduced at trial by any party: [generally describe quantity and nature] .

Witnesses this party will call

<i>Witness</i> [name or subject]	<i>Time required for testimony</i>

Number of days for trial

<i>Event</i>	<i>Time required</i>
jury selection	
plaintiff's case	
defendant's case	
third party's case	
submissions	
jury deliberations	
[other]	

Special requirements and arrangements

[*This party anticipates no need for special requirements or accommodations during the trial./* Describe need for administration of an oath in a manner not commonly used, video conference equipment, video equipment, use of computer by judge or jurors, interpretation, commission evidence by video conference, accommodation for a person with a disability, or other need.]

Settlement conference

A settlement conference [is/is not] requested by this party.

When ready for trial

This party forecasts all parties being ready for trial by _____, 20 .

Copies of pleadings and orders

Copies of each pleading, and each order affecting the future course of this action or the conduct of the trial, are attached to this request.

Signature

Signed _____, 20

Signature

Print name:

Form 4.15

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

Plaintiff

and

[name]

Defendant

**Memorandum for the
Date Assignment Judge**

Correction or addition of information

The [*plaintiff, defendant, third party*] , [name] , agrees with the information and estimates contained in the request for trial dates except:

Witnesses this party will call

<i>Witness</i> [name or subject]	<i>Time required for testimony</i>

When ready for trial

This party anticipates being ready for trial by _____, 20__ .

Election of trial by judge or jury (if applicable)

[This party acknowledges that trial by jury has been elected by another party./This party accepts the election of trial by judge made by another party/This party elects trial by jury.]

Signature

Signed _____, 20__

Signature of party
Print name:

Form 5.02

20

No.

Supreme Court of Nova Scotia

Ex Parte Application by _____,
Applicant, for an order [short description of kind of order]

***Ex Parte* Application**

Order applied for

The applicant is applying for an order that [full description of order] .

Ex parte

This application is made without notice to any other person because _____ .

Grounds for order

The applicant is applying for the order on the following grounds: [briefly list grounds in point form; include material facts and references to legislation and points of law; do not state evidence or provide argument]

1

2

3

Evidence supporting application

The applicant offers the following affidavits in support of the application affidavit of [name] sworn on _____, 20 ; affidavit of [name] sworn on _____, 20 ; [etc.]

Hearing

The applicant will appear before the judge in chambers at the [Courthouse/Law Courts] at [a.m./p.m.] on _____, 20 in the [courthouse/law courts] at _____ Street, Nova Scotia.

Contact information

The applicant designates the following address:

Documents delivered to this address are considered received by the applicant on delivery.

Further contact information is available from the prothonotary.

Signature

Signed _____, 20

Signature of applicant
Print name:

[or]

Signature of counsel
[name] as counsel
for the applicant [name]

Prothonotary's certificate

I certify that this *ex parte* application was filed with the court on _____, 20 .

Prothonotary

Form 5.03

20

No.

Supreme Court of Nova Scotia

Between: [complete heading as required by Rule 82 - General Administration]

[name]

Applicant

and

[name]

Respondent

Notice of Application in Chambers

To: [name of each respondent]

The applicant requests an order against you

The applicant is applying to a judge in chambers for an order [describe] .

The applicant started this application by filing this notice on the date certified by the prothonotary.

Grounds for order

The applicant is applying for the order on the following grounds: [briefly state grounds in point form; include material facts, and references to legislation or points of law relied on and the facts that make each applicable; do not state evidence or provide argument]

1

2

3

Evidence supporting application

The applicant offers the following affidavits in support of the application affidavit of [name] sworn on _____, 20____; affidavit of [name] sworn on _____, 20____; [etc.]

A copy of each affidavit is to be delivered to you with this notice and further affidavits, may be delivered before the deadlines provided in Civil Procedure Rule 5 - Application.

You may participate

You may file with the court a notice of contest, and any affidavits upon which you rely, no less than [5 for regular chambers, 10 for appointed time] days before the date of the hearing. Filing the notice of contest entitles you to notice of further steps in the application, including notice of further affidavits.

Time, date, and place

The application is to be heard by the judge in chambers at [a.m./p.m.] on _____, 20____ at [a.m./p.m.] in the [Courthouse/Law Courts] _____, Street, _____, Nova Scotia. You have the right to be present and to be represented by counsel or to act on your own. If you are not present, the judge may proceed without you.

Possible order against you

The judge may grant a final order on the application without further notice to you if you fail to deliver your notice of contest on time, or if you or your counsel fail to appear in chambers at the above time, date, and place.

Filing and delivering documents

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

The *Nova Scotia Civil Procedure Rules* require that whenever you file a document you must immediately deliver a copy of it to the applicant and 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.

Documents you deliver to the applicant may be delivered to the applicant’s designated address shown in the contact information section of this notice, and documents delivered there are considered received by the applicant on delivery.

Contact information

The applicant designates the following address:

Documents delivered to this address are considered received by the applicant.

Further contact information is available from the prothonotary.

Signature

Signed _____, 20

Signature of applicant
Print Name:

OR

Signature of counsel
[name] as counsel
for [name of applicant represented]

Prothonotary’s certificate

I certify that this notice of application was filed with the court on _____, 20 .

Prothonotary

Form 5.04

20

No.

Supreme Court of Nova Scotia

Between: [complete heading as required by Rule 82 - General Administration]

[name]

Applicant

and

[name]

Respondent

**Notice of Contest
(Chambers Application)**

To: [name of each applicant]

Your application is contested

The respondent [name] contests your application.

The respondent admits the facts stated in your grounds numbered , , and .

The respondent denies the rest of your statement of grounds, but may admit the following after you provide more information: , , and .

Grounds of contest

The respondent says that your application should be [*dismissed/allowed only to the extent of...*] because: [briefly list respondent's grounds in point form; include material facts and references to legislation and points of law; do not state evidence or provide argument]

1

2

3

Evidence of respondent

The respondent offers the following evidence:

1 affidavit of [name] sworn , 20 ;

2 affidavit of [name] sworn , 20 .

Contact information

The respondent designates the following address:

Documents delivered to this address are considered received by the respondent on delivery.

Further contact information is available from the prothonotary.

Signature

Signed , 20

Signature of respondent
Print Name:

[or]

Signature of counsel
[name] as counsel for
the respondent [name]

Form 5.07

20

No.

Supreme Court of Nova Scotia

Between: [complete heading as required by Rule 83 - Court Records]

[name]

Applicant

and

[name]

Respondent

Notice of Application In Court

To: [name of each respondent]

The applicant requests an order against you

The applicant is applying to the court for an order [describe] .

The applicant started this application by filing this notice on the date certified by the prothonotary.

Grounds for the order

The applicant is applying for the order on the following grounds: [briefly state grounds in point form; include material facts, references to legislation or points of law relied on, and the facts that make each applicable; do not re-state evidence or provide argument]

1

2

3

Witnesses for applicant

The applicant expects to file affidavits from the following witnesses, dealing with the following subjects:

<i>Name of witness</i>	<i>Subject</i>

Motion for date and directions

At [*a.m./p.m.*] on _____, 20____, the applicant will appear before a judge in Chambers at the [*Law Courts/Courthouse*] _____ Street, _____ Nova Scotia to make a motion for an order giving directions including a time and date for the hearing of it. The judge may provide directions in your absence if you or your counsel fail to attend.

Affidavit on motion for directions

The applicant files the affidavit of _____, sworn on _____, 20____, as evidence on the motion for directions. A copy of the affidavit is delivered to you with this notice.

You may participate

You may file with the court a notice of contest, and any affidavit for the motion for directions, no less than five days before the date of the hearing. Filing the notice of contest entitles you to notice of further steps in the application.

Possible final order against you

The court may grant a final order on the application without further notice to you if you fail to file a notice of contest, or if you or your counsel fail to appear at the time, date, and place for the motion for directions.

Filing and delivering documents

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

The *Nova Scotia Civil Procedure Rules* require that whenever you file a document you must immediately deliver a copy of it to the applicant and 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.

Documents you deliver to the applicant may be delivered to the applicant’s designated address shown in the contact information for applicant on this notice, and documents delivered there are considered received by the applicant on delivery.

Contact information

The applicant designates the following address:

Documents delivered to this address are considered received by the applicant on delivery.

Further contact information is available from the prothonotary.

Signature

Signed , 20

Signature of applicant
Print Name:

[or]

Signature of counsel
[name] as counsel
for [name]

Prothonotary’s certificate

I certify that this notice of application was filed with the court on , 20 .

Prothonotary

Form 5.08

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

Applicant

and

[name]

Respondent

**Notice of Contest
(Application in Court)**

To: [name of each applicant]

Your application is contested

The respondent [name] contests your application.

The respondent admits the facts stated in your grounds numbered , , and .

The respondent denies the rest of your grounds, but may admit the following after you provide more information: , , and .

Grounds of contest

The respondent says that your application should be [*dismissed/allowed only to the extent of*] because: [briefly list respondent's grounds in point form; include material facts and references to legislation and points of law; do not state evidence or provide argument]

1

2

3

Witnesses for respondent

The respondent expects to produce affidavits from the following witnesses, dealing with the following subjects, as evidence when the application is heard:

<i>Name of witness</i>	<i>Subject</i>

Other possible witnesses

The following are all persons known to the applicant who may have relevant information but are not identified above or in the notice of application:

<i>Name of witness</i>	<i>Possible Subject</i>

Contact information

The respondent designates the following address:

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

Signature

Signed

, 20

Signature of respondent

Print Name:

[or]

Signature of counsel

[name] as counsel for
the respondent [name]

Form 7.05

20

No.

Supreme Court of Nova Scotia

Between: [complete the heading as required by Rule 83 - Court Documents]

[name]

Applicant

and

[name]

Respondents

Notice for Judicial Review

To: [name each respondent]

Request for judicial review

The applicant requests judicial review of [a decision/an action taken/a failure to decide or take action] by a decision-making authority [name decision-making authority] .

Decision to be reviewed

[The decision is dated , 20 ./Modify for a failure to make a decision.]

[The authority under which the decision is made is refer to legislation, agreement for arbitration, or other authority.]

[The decision was first communicated to the applicant on , 20 ./Modify for failure to make a decision.]

Attached to this notice is [a copy of the decision/copies of documents showing the action/copies of documents showing the failure to decide or to take action/a summary of the decision, action or failure] .

Grounds for review

The applicant seeks review on the following grounds:

1 [state grounds concisely]

2

3

Order proposed

The applicant requests an order [describe] .

You may participate

You may participate in the judicial review if you file a notice of participation no more than five days after the day a copy of this notice for judicial review is delivered to you. Filing the notice entitles you to notice of further steps in the judicial review.

Record to be produced

[The applicant foresees no difficulty obtaining the record and believes it will be delivered to the court and the respondents no later than , 20 /or explain difficulty] . The record will be [name documents by which the proceeding under review was started; name any documents that responded to those initiating documents; a transcript of describe, documentary exhibits numbering , other exhibits namely ; describe all the record] .

Notice to decision-making authority

The respondent, [name of the decision-making authority] , is required by Civil Procedure Rule 7 - Judicial Review to file one of the following no less than five days after the day the decision-making authority is notified of this proceeding by delivery of a copy of this notice for judicial review:

- a complete copy of the record, with copies of separate documents separated by numbered or lettered tabs;
- a statement indicating that the decision-making authority has made arrangements with the applicant to produce of the record, providing details of those arrangements, and estimating when the return will be ready;

- an undertaking that the decision-making authority will appear on the motion for directions and will seek directions concerning the record;
- a summary of reasons given orally without a record and your certificate the summary is accurate, if you gave reasons orally and not on record.

If you fail in this regard, a judge may order costs against you including a requirement that you indemnify each other party for any expenses caused by your failure, such as expenses caused by an adjournment if that is the result.

Stay of proceedings or other interim remedy

The applicant [*will/will not*] make a motion for a stay of the enforcement of the decision under judicial review. [If a motion is to be made provide information on when the notice of motion is to be filed and state that the motion will be set for the same time as the motion for directions.]

Filing and delivering documents

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

Civil Procedure Rule 31 - Notice requires that whenever you file a document you must immediately deliver a copy of it to the applicant and 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.

Documents you deliver to the applicant may be delivered to the applicant's designated address shown in the contact information section of this notice, and documents delivered there are considered received by the applicant on delivery.

Contact information

The applicant designates the following address:

Documents delivered to this address are considered received by the applicant on delivery.

Further contact information is available from the prothonotary.

Motion for date and directions

At [a.m./p.m.] on _____, 20____, the applicant will appear before a judge in Chambers at the [Law Courts/Courthouse] _____, Street, _____, Nova Scotia to make a motion for an order giving directions for the judicial review including a date and time for the hearing of it. The judge may make an order or provide directions in your absence if you or your counsel fail to attend, and the court may determine the judicial review without further notice to you.

Signature

Signed _____, 20____

Signature of applicant
Print name:

[or]

Signature of counsel
[name] as counsel
for [name]

Prothonotary’s certificate

I certify that this notice for judicial review was filed with the court on _____, 20____.

Prothonotary

[attach copy of decision, documents showing subject of review, or summary]

Form 7.08

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

Applicant

and

[name]

Respondents

Notice of Participation

To: [name applicant and other respondents]:

This party will participate

The respondent, [name] , will participate in this proceeding.

Respondent’s position

This respondent says the court [*should not disturb any decision, action or other matter under review/should only disturb.../should order as the applicant proposes/other*]

Alternate grounds [omit if supporting decision on its own grounds]

[*This respondent contends the decision is supported by grounds not expressed by the decision-making authority./The respondent contends the decision ought to be interfered with on grounds not expressed by the applicant.*] . The alternate grounds are as follows:

1 [state grounds concisely]

2

3

Participation by decision-making authority

This respondent is the decision-making authority and it will *[take no part in the hearing except, if it wishes, to watch./participate only to defend its jurisdiction./seek to fully participate]* .

Contact information

This respondent designates the following address:

Documents delivered to this address are considered received by this respondent on delivery.

Further contact information is available from the prothonotary.

Signature

Signed _____, 20

Signature of applicant
Print name:

[or]

Signature of counsel
[name] as counsel
for [name]

[also include decision, documents showing subject of review, or brief summary]

Form 7.12

20

No.

Supreme Court of Nova Scotia

Between: [complete heading as required by Rule 82 - General Administration]

[name]

Applicant

and

[name]

Respondent

Notice for *Habeas Corpus*

Applicant is detained

The applicant is detained at [name and address] .

The applicant is detained by [name and title] .

The applicant is detained [because.../without reasons having been given] .

It is impossible for the applicant to leave detention because [reasons] .

Applicant requests review

The applicant says the detention is illegal.

The applicant requests an order directing the respondent, and any other person who has control of the applicant and receives notice of the order, to bring the applicant and all documents relating to the detention before the court.

Grounds for review

The applicant says the detention is illegal because:

1

2

3

Contacting applicant

The prothonotary has been informed of all means of communications with the applicant. The authority or persons detaining the applicant may be contacted at the place of detention, and through other addresses, telephone numbers, fax numbers, email addresses given to the prothonotary.

Signature

Signed _____, 20 ____ .

Signature of applicant
Print name:

[or]

Signature of counsel
[name] as counsel
for [name]

[or]

Signature of agent approved by judge
[name] as approved agent for
[name]

Prothonotary's certificate

I certify that this notice for *habeas corpus* was filed with the court on _____, 20 ____ .

Prothonotary

Form 7.13

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

Applicant

and

[name]

Respondent

Habeas Corpus

Before the Honourable Justice

in Chambers

A notice for *habeas corpus* has been filed;

It is ordered:

- 1 The respondent, and any other person who has control of the applicant and receives notice of this order, must take all steps necessary to bring the applicant before a judge at [a.m./p.m.] on _____, 20____ in the [Law Courts/Courthouse] _____ Street, _____, Nova Scotia to set a time and date for a hearing into the legality of the detention of the applicant.
- 2 The respondents must also produce to the judge and the applicant all documents in their possession relating to the detention of the applicant.

3 The prothonotary must cause a certified copy of this order to be delivered to each party by the following means:

Issued _____, 20 .

Prothonotary

Form 7.20

20

No.

Supreme Court of Nova Scotia

Between: [complete the heading as required by Rule 83 - Court Documents]

[name]

Appellant

and

[name]

Respondent

Notice of Appeal

To: [name of each respondent]

Appellant Appeals

The appellant appeals under [refer to section number and title of legislation providing for appeal to the Supreme Court of Nova Scotia] from the decision of [name of decision-maker] in their capacity as [title] under the [legislation], which decision provides [describe effect of the decision].

Decision being appealed

The decision was made on [date], 20 [year]. It was made at [location], Nova Scotia. It was communicated to the appellant on [date], 20 [year]. A [copy of/summary of] the decision is attached.

Grounds of appeal

The only grounds of appeal are

1 [state grounds concisely]

2

3

Order requested

The appellant says that the court should allow the appeal and order that [describe order sought] .

Record

The record of the proceeding under appeal is held by [name authority holding record] at [address] . [Explain what makes up record, the arrangements for its production, and when it will be ready.]

Filing and delivering documents

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

The *Nova Scotia Civil Procedure Rules* require that whenever you file a document you must immediately deliver a copy of it to the appellant and 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.

Documents you deliver to the appellant may be delivered to the appellant's designated address shown in the contact information for appellant on this notice, and documents delivered there are considered received by the appellant on delivery.

Contact information

The appellant designates the following address:

Documents delivered to this address are considered received by the appellant on delivery.

Further contact information is available from the prothonotary.

Motion for date and directions

At [a.m./p.m.] on , 20 , the appellant will appear before a judge in Chambers at the [Law Courts/Courthouse] , Street, , Nova Scotia to make a motion for an order giving directions for the appeal and setting a date and time

for the hearing of it. The judge may make an order or provide directions in your absence if you or your counsel fail to attend, and the court may determine the appeal without further notice to you.

Signature

Signed _____, 20

Signature of appellant

Print name:

[or]

Signature of counsel
[name] as counsel
for [name]

Prothonotary's certificate

I certify that this notice of appeal was filed with the court on _____, 20 .

Prothonotary

[attach copy of decision under appeal or summary]

Form 9.02

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

Plaintiff

and

[name]

Defendant

Notice of Discontinuance

The [plaintiff/applicant/applicant for judicial review/appellant] discontinues this proceeding.

[Insert only if an action is discontinued. *A counterclaim, crossclaim, or third party claim in an action is discontinued with the action unless the party making the claim files a notice continuing the action for the purposes of the counterclaim, crossclaim, or third party claim.*]

Signature

Signed _____, 20

Signature
Print name:

[attach statement of discontinuance]

Form 9.04

20

No.

Supreme Court of Nova Scotia

Between: [complete the heading as required by Rule 83 - Court Documents]

[name]

[title in proceeding]

and

[name]

[title in proceeding]

Receipt

The plaintiff in this action brought by notice of action for debt acknowledges payment of the amount claimed [*including the claim for disbursements/excluding a claim for \$* *in disbursements to be taxed*].

, 20

Signature
Print Name:

Form 9.05A

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

Plaintiff

and

[name]

Defendant

Notice of Withdrawal

The [title of party] wholly withdraws the [*counterclaim/crossclaim/third party claim*] made by this party. OR The [title of party in proceeding] withdraws the [*claim/defence/ground*] pleaded in paragraphs [give reference to each paragraph withdrawn from the pleadings] of the [name of pleading] filed by this party.

This party [*waives/does not waive*] entitlement to further notice in accordance with Rule 31 - Notice.

Signature

Signed _____, 20

Signature

Print name:

Form 9.05B

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

Plaintiff

and

[name]

Defendant

Consent to Judgment

The [title of party] withdraws all [*defences/grounds of contest*] and consents to judgment in an amount to be assessed, or for a remedy to be determined, in the manner provided in Rule 8 - Default Judgment.

This party [*waives/does not waive*] entitlement to further notice in accordance with Rule 31 - Notice.

Signature

Signed _____, 20

Signature
Print name:

Form 10.05A (not for court filing)

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

[title in proceeding]

and

[name]

[title in proceeding]

Offer to Settle by Claimant (Monetary)

To: [name], the _____ in this action:

Terms for settlement

We, [name], offer to accept the sum of \$ _____ to settle all our claims against you, except costs [*and prejudgment interest on that sum from _____, 20 _____ until the date of payment.*]

To settle costs, you will pay [*the sum of \$ _____ /an amount to be determined by a judge./ the sum of \$ _____ or an amount to be determined by a judge, at your option upon acceptance.*]

Acceptance

You may accept this offer by delivering a statement of your acceptance in writing signed by you or your counsel to our place for delivery any time before trial begins, unless the offer is withdrawn by us in writing.

Signature

Signed _____, 20 _____

Signature
Print name:

Form 10.05B (not for court filing)

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

[title in proceeding]

and

[name]

[title in proceeding]

Offer to Settle by Claimant (Non-Monetary)

To: [name], the [name] in this action

Terms for settlement

We, [name], offer the following terms to settle all of our claims against you:

1

2

3 To settle costs, we will pay you [the sum of \$ /an amount to be determined by a judge./the sum of \$ or an amount to be determined by a judge, at your option upon acceptance.]

Acceptance

You may accept this offer by delivering a statement of your acceptance in writing signed by you

or your counsel to our place for delivery any time before trial begins, unless the offer is withdrawn by us in writing.

Signature

Signed _____, 20

Signature
Print name:

Form 10.05C (not for court filing)

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

[title in proceeding]

and

[name]

[title in proceeding]

Offer to Settle by Party Claimed Against (Monetary)

To: [name], the [name] in this action

Terms for settlement

We, [name], offer to pay the sum of \$ [amount] to settle all your claims against us, except costs.

To settle costs, we will pay [the sum of \$ [amount] / an amount to be determined by a judge./the sum of \$ [amount] or an amount to be determined by a judge, at your option upon acceptance.]

[If offering prejudgment interest after date of offer, specify a rate and calculation to the date of payment]

Acceptance

You may accept this offer by delivering a statement of your acceptance in writing signed by you

or your counsel to our place for delivery any time before trial begins, unless the offer is withdrawn by us in writing.

Signature

Signed _____, 20

Signature
Print name:

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

[title in proceeding]

and

[name]

[title in proceeding]

Offer to Settle by Party Claimed Against (Non-Monetary)

To: [name] , the

in this action

Terms for settlement

We, [name] , offer the following terms to settle all of your claims against us:

1

2

3 To settle costs, we will pay you [the sum of \$ /an amount to be determined by a judge./the sum of \$ or an amount to be determined by a judge, at your option upon acceptance.]

Acceptance

You may accept this offer by delivering a statement of your acceptance in writing signed by you

or your counsel to our place for delivery any time before trial begins, unless the offer is withdrawn by us in writing.

Signature

Signed _____, 20

Signature
Print name:

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

[title in proceeding]

and

[name]

[title in proceeding]

Affidavit Disclosing Documents (Individual)

I, [name], of [make oath and say/affirm]:

1 I am the in this action.

2 The attached certificate is true.

3 I have diligently made efforts to become informed about and have thoroughly searched for, or supervised a thorough search for, all relevant documents held by me anywhere.

4 I have diligently made efforts to become informed about relevant documents held for me by another person, and I have acquired the documents, except as disclosed in this affidavit.

5 The attached Schedule A lists all relevant, non-privileged documents I actually possess, including those I have acquired under my duty to acquire relevant documents in my control.

6 I have arranged for all documents listed in Schedule A to be copied and placed in a booklet or scanned and copied in a readily exchangeable electronic format, organized in a way that corresponds to Schedule A, and delivered to each other party immediately.

7 I retained counsel on the date stated in Schedule B, and I object to producing any documents giving counsel's advice or created to obtain counsel's advice.

- 8 The grounds for any other claim that a document is subject to a privilege in my favour, or in favour of another person, are also provided in Schedule B.
- 9 In Schedule C, I describe each relevant document in my control that I have not yet acquired, and provide my undertaking to acquire the document or my reasons for not doing so.
- 10 In Schedule D, I describe any document that was, but is no longer, in my control and provide details about the document and my ceasing to have control of it.
- 11 To the best of my knowledge, I have never had in my control a document relevant to any issue in this proceeding except as disclosed in this affidavit.
- 12 Electronic information is the subject of another affidavit, an agreement, or directions of a judge.

[Sworn/Affirmed] etc.

[attach certificate, followed by each schedule]

Certificate of Counsel

I explained to [name of person providing affidavit] the duties to search for, make diligent efforts to become informed about, acquire, sort, and disclose documents and electronic information under Rules 14, 15, and 16. I have also discussed with the affiant the kinds of documents and electronic information that may be relevant in this proceeding.

Signature

Signed _____, 20

Signature
[name] as counsel
for [name]

[or]

Certificate of Party Acting on Own

I am [name of person providing affidavit] . I have seen Rules 14, 15, and 16 and have taken all assistance I require to understand them. I understand the duties to search for, make diligent efforts to become informed about, acquire, sort and disclose relevant documents and electronic information.

Signature

Signed _____, 20

Signature
Print name:

[first table is suggested for disclosure in print, second table for disclosure in electronic format]

Schedule A

<i>Identification Number</i>	<i>Date</i>	<i>Description</i>

Schedule A

<i>Identifier</i>	<i>Date</i>	<i>File Type</i>	<i>Author and Organization</i>	<i>Recipient and Organization</i>

Schedule B

Privilege is claimed over all communications giving, or created to obtain, counsel's advice. Counsel's name is . Counsel was retained on , 20 .

Solicitor-client privilege is claimed over other documents: [*none/*identifier and date] .

Litigation privilege is claimed over documents: [*none/* identifier and date] .

Other kinds of privilege are claimed over: [*none/*identifer, date, and kind of privilege] .

Another person has a claim for privilege in the following documents: [*nothing/* identifier, kind of privilege, and date] .

Schedule C

I am acquiring the following documents from the following persons, and I undertake to do so diligently by the following means:

Description	Name	Plan for acquiring
[<i>none/</i> or complete]		[if cannot give undertaking to acquire, provide reasons]

Schedule D

There are no relevant documents I once had in my control and no longer have.

[or provide description of each document and explain how the party ceased to have control of it]

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

[title in proceeding]

and

[name]

[title in proceeding]

Affidavit Disclosing Documents (Corporation)

I, [name] , of [make oath and say/affirm] :

- 1 I am the [position] of the [name of corporation etc.] , the in this action, which is a [corporation/society/partnership] .
- 2 The attached certificate is true.
- 3 I have diligently made efforts to become informed about and have thoroughly searched for, or supervised a thorough search for, all relevant documents anywhere.
- 4 I have diligently made efforts to become informed about relevant documents held for us by another corporation or an individual who is not our officer or employee, and I have diligently acquired or attempted to acquire all relevant documents and electronic information held for us by another, except as disclosed in this affidavit.
- 5 The attached Schedule A lists all relevant, non-privileged documents we actually possess, including those I have acquired under our duty to acquire relevant documents in our control.
- 6 I have arranged all documents listed in Schedule A to be copied and placed in a booklet or scanned and copied in a readily exchangeable electronic format, organized in a way that corresponds to Schedule A, and delivered to each other party immediately.

- 7 We retained counsel on the date stated in Schedule B, and we object to producing any documents giving counsel's advice or created to obtain counsel's advice.
- 8 The grounds for any other claim that a document is subject to a privilege in our favour, or in favour of another person, are also provided in Schedule B.
- 9 In Schedule C, I describe each relevant document in our control that we have not yet acquired, and provide my undertaking to acquire the document or our reasons for not doing so.
- 10 In Schedule D, I describe any document that was, but is no longer, in our control and provide details about the document and our ceasing to have control of it.
- 11 To the best of my knowledge, we have never had in our control a written document relevant to any issue in this proceeding except as disclosed in this affidavit.
- 12 Electronic information is the subject of another affidavit, an agreement, or directions of a judge.

[*Sworn/Affirmed*] etc.

[see individual's affidavit for certificate and schedules to be attached]

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

[title in proceeding]

and

[name]

[title in proceeding]

Affidavit Disclosing Electronic Information (Individual)

I, [name] , of [make oath and say/affirm] :

1 I am the in this action.

2 The attached certificate is true.

3 I have thoroughly searched for, or supervised a thorough search for all relevant electronic information in my computers and storage media, and in sources to which I have exclusive access, except as disclosed in this affidavit.

4 I have diligently made efforts to become informed of relevant electronic information held for me by another person, and I have acquired the information, except as disclosed in this affidavit.

5 The attached Schedule A lists, in print and in alterable, readily exchangeable, electronic format, all of the relevant, non-privileged electronic information, of which I am aware in computers or storage media I actually possess, in sources I access to the exclusion of another party, and as I have acquired from another person.

6 I have arranged for the electronic information referred to in Schedule A to be copied in a readily exchangeable electronic format, organized in a way that corresponds to the description in Schedule A, and delivered to each other party.

- 7 I retained counsel on the date stated in Schedule B, and I object to disclosing any communication giving counsel's advice or created to obtain counsel's advice.
- 8 The grounds for any other claim that electronic information is subject to a privilege in my favour, or in favour of another person, are also provided in Schedule B.
- 9 In Schedule C, I describe relevant electronic information in my control that I have not yet searched for or acquired, and I provide my undertaking to do so or my reasons for not doing so.
- 10 Schedule C also provides all information known to me about relevant electronic information that has been deleted from a computer or file.
- 11 Schedule C also provides information about a computer or storage medium I once actually possessed that contains relevant electronic information, but which I no longer possess.
- 12 Disclosure of documents that are not electronic information is the subject of a separate affidavit.

[*Sworn/Affirmed*] etc.

[attach certificate, followed by each schedule]

Certificate of Counsel

I explained to [name of person providing affidavit] the duties to search for, make diligent efforts to become informed about, acquire, sort, and disclose documents and electronic information under Rules 14, 15, and 16. I have also discussed with the affiant the kinds of documents and electronic information that may be relevant in this proceeding.

Signature

Signed _____, 20

Signature
[name] as counsel
for [name]

[or]

Certificate of Party Acting on Own

I am [name of person providing affidavit]. I have seen Rules 14, 15, and 16 and have taken all assistance I require to understand them. I believe I understand the duties to search for, become informed about, acquire, sort, and disclose relevant documents and electronic information.

Signature

Signed _____, 20

Signature
Print name:

Schedule A

<i>Identifier</i>	<i>Date</i>	<i>File Type</i>	<i>Author and Organization</i>	<i>Recipient and Organization</i>

Schedule B

Privilege over all communications giving, or created to obtain, counsel's advice.
Counsel's name is _____ . Counsel was retained on _____ ,
20 ____ .

Solicitor-client privilege over other electronic information: [*none/* identifier and date] .

Litigation privilege is claimed over electronic information: [*none/* identifier and date] .

Other kinds of privilege are claimed over: [*none/* identifier, date, and kind of privilege] .

Another person has a claim for privilege in the following electronic information: [*none/* identifier, kind of privilege, and date] .

Schedule C

Electronic information not
searched for or acquired

Reason for not searching or
acquiring, or undertaking to
search for or acquire

[*none*, or list and describe]

Electronic information deleted

[*none*, or describe and explain]

Computer or storage
medium no longer held

[*none*, or describe and explain]

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

[title in proceeding]

and

[name]

[title in proceeding]

Affidavit Disclosing Electronic Information (Corporation)

I, [name] , of [make oath and say/affirm] :

1 I am the [position] of the [name of corporation etc.] , the [title] in this action, which is a [corporation/society/partnership] .

2 The attached certificate is true.

3 I have thoroughly searched for, or supervised a thorough search for, all relevant electronic information in our computers and storage media, and in sources to which we have exclusive access, except as disclosed in this affidavit.

4 I am fully informed of relevant electronic information held for us by another person, and we have acquired the information, except as described in this affidavit.

5 The attached Schedule A lists, in print and in alterable, readily exchangeable, electronic format, all of the relevant, non-privileged electronic information, of which I am aware in computers or storage media we actually possess, in sources we access to the exclusion of another party, and as we have acquired from another person.

6 I have arranged for the electronic information referred to in Schedule A to be copied in a readily exchangeable electronic format, organized in a way that corresponds to the description in Schedule A, and delivered to each other party.

- 7 We retained counsel on the date stated in Schedule B, and we object to disclosing any communication giving counsel's advice or created to obtain counsel's advice.
- 8 The grounds for any other claim that electronic information is subject to a privilege in our favour, or in favour of another person, are also provided in Schedule B.
- 9 In Schedule C, I describe relevant electronic information in our control that I have not yet searched for or acquired, and I provide my undertaking to do so or my reasons for not doing so.
- 10 Schedule C also provides all information known to me about relevant electronic information that has been deleted from a computer or file.
- 11 Schedule C also provides information about a computer or storage medium we once actually possessed that contains relevant electronic information, but which we no longer possess.
- 12 Disclosure of documents that are not electronic information is the subject of a separate affidavit.

[*Sworn/Affirmed*] etc.

[see individual's affidavit for certificates and schedules to be attached]

Form 18.04A

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

[title in proceeding]

and

[name]

[title in proceeding]

Discovery Subpoena (Party)

To: [name of party, officer, or employee and designated address]

You must give evidence on discovery

The court requires you to attend a discovery in this proceeding to be held at [a.m./p.m] on
, 20 at and to answer all questions properly asked by a
party.

Documents, electronic information, other things

The court also requires that you bring to the discovery [describe documents or other things]
and that you provide access at the discovery to [describe electronic information] .

Failure may be punished

Failure by you to obey this discovery subpoena may be punished as contempt of court.

Issued , 20

Prothonotary

Representations and undertaking

On behalf of [full name of party obtaining subpoena/myself] , I say:

1 [The party is/I am] in compliance with Rule 15 - Disclosure of Documents and Rule 16 - Disclosure of Electronic Information.

2 I believe this discovery will promote the just, speedy, and inexpensive resolution of this proceeding because [reasons] .

3 [I have attempted to organize a discovery of this witness by agreement but have been unsuccessful./The subpoena is needed to secure the attendance of the witness.]

4 The witness to whom this subpoena is addressed is an individual party.

[or]

4 The designated manager of [name of corporate party] and one additional employee or officer have not yet been discovered, and this subpoena is addressed to one of those two.

[or]

4 This subpoena is directed to an employee or officer of [name of corporate party] , the designated manager and one other officer or employee have been discovered, and the party undertakes to pay all of the following expenses:

- (a) all charges of the reporter to record and transcribe the discovery;
- (b) the reasonable expenses of the witness to attend the discovery, including transportation, accommodation and meals.

Signature

Signed _____, 20

Signature
Print Name:

Form 18.05A

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

[title in proceeding]

and

[name]

[title in proceeding]

Discovery Subpoena (Non-party)

To: [name and community
of witness]

You must give evidence on discovery

The court requires you to attend a discovery in this proceeding to be held at [a.m./p.m] on
, 20 at and to answer all questions properly asked of you
by a party.

You must bring documents

The court also requires that you bring to the discovery [describe documents or things] and that
you provide access at the discovery to [describe electronic information] .

Failure may be punished

Failure by you to obey this discovery subpoena may be punished as contempt of court.

You may request this subpoena be revoked

You may make a motion to a judge to revoke this subpoena no less than two days before the day the discovery is to be heard.

You have rights to compensation and counsel

You have the right to be reimbursed your reasonable expenses to attend the discovery and a fee of twenty dollars per hour of attendance. You may be represented by counsel when you attend the discovery, but you have no right to be reimbursed for counsel's fees unless a judge orders reimbursement.

Issued _____, 20

Prothonotary

Form 18.05B [heading not required if attached to, or printed on back of, subpoena]

Representations and undertaking

On behalf of [full name of party obtaining subpoena/*myself*] , I say:

- 1 [This party is/ I am] in compliance with Rule 15 - Disclosure of Documents and Rule 16 - Disclosure of Electronic Information.
- 2 I believe the discovery of [name of witness] would promote the just, speedy, and inexpensive resolution of this proceeding because [reasons] . An interview is not a sufficient alternative to discovery because [reasons] .
- 3 [The party undertakes/I undertake] to pay all of the following:
 - (a) the expenses of the discovery including all charges of the reporter and transcriber, and any other expense necessary to have a copy of the transcript delivered to each other party;
 - (b) immediately on presentation of receipts or other evidence, the reasonable expenses of the witness to attend the discovery, including transportation, accommodation and meals;
 - (c) immediately on conclusion of the discovery, an attendance fee for the witness of twenty dollars per hour.

Signature

Signed _____, 20

Signature
Print name:

Form 18.11

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

[title in proceeding]

and

[name]

[title in proceeding]

Discovery Subpoena (Application)

To: [name of witness, and designated address of party
witness or community of non-party witness]

You must give evidence on discovery

The court requires you to attend a discovery in this proceeding to be held at [a.m./p.m.] on
, 20 at and to answer all questions properly
asked by a party.

Documents, electronic information, other things

The court also requires that you bring to the discovery [describe documents or things] and that
you provide access at the discovery to [describe electronic information] .

[Rights of non-party witness

You may be represented by counsel when you attend the discovery.

*The party obtaining this subpoena has undertaken describe any undertaking required by judge
approving subpoena.]*

Failure may be punished

Failure by you to obey this subpoena may be punished as contempt of court.

Issued

, 20

Prothonotary

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

[title in proceeding]

and

[name]

[title in proceeding]

Interrogatories

To: [name of witness]

Answers are demanded from you

[name of party] , being satisfied that obtaining answers in this manner will promote the just, speedy, and inexpensive resolution of this proceeding, demands that you answer the questions below under oath or affirmation, no more than twenty days after the day this demand is delivered to you.

The questions

The questions are as follows:

- 1 [one question, written simply and briefly] ?
- 2 [next question, written simply and briefly] ?
- 3 ?

Refusal to answer questions and excuse by a judge

You must not fail to respond to this demand for answers. You may include in your response a refusal to answer a question that calls for privileged information, or information that is irrelevant and will not lead to relevant information. Also, you may make a motion to a judge to be excused from answering a question.

Costs if you fail or refuse to answer

A judge may order you to answer a question and award costs against you.

Deliver your answer to all parties

You are required to deliver your answer to the person signing this demand by mailing it or delivering it to the address given below, and you are required to deliver copies to each other party by mail or delivery to their addresses given below.

Signature

Signed _____, 20

Signature

Print name:

Address for delivery:

[names and designated addresses
of other parties]

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

[title in proceeding]

and

[name]

[title in proceeding]

Response to Interrogatories

To: [name of each party]

In answer to the Interrogatories dated _____, 20____, I [*make oath and say/solemnly affirm*] that I am [name and occupation], and respond to the questions as follows:

1 Question: [repeat first question from demand]

Answer: [*Based on my personal knowledge.../ I have no personal knowledge of this, but based upon the information of ...name informant..., whom I believe,.../ I do not know the answer to this question and cannot acquire the information called for./ I refuse to answer this question because...*]

2 Question: [repeat second question from demand]

Answer: ...

Sworn or affirmed, etc.

Form 20.03 (not for court filing)

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

[title in proceeding]

and

[name]

[title in proceeding]

Request for Admission

To: [person requested]

You are requested to admit facts

[name of party requesting] requests that you admit the following facts:

1

2

3

Presumed admission

You are required to deliver a response to this request for admission no more than fifteen days after the day this request is delivered to you. If you do not deliver the response in that time, you will be taken to have made each requested admission.

Signature

Signed _____, 20

Signature
Print name:

Form 20.04 (not for court filing)

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

[title in proceeding]

and

[name]

[title in proceeding]

Response to Request for Admission

To: [name of each other party]

In response to the Request for Admission dated _____, 20____ I say as follows:

1 Requested admission: [repeat first requested admission]

Response: [*Admitted/Not admitted* because ...]

2 Request admission: [repeat second]

Response: ...

Signature

Signed _____, 20____

Signature

Print name:

Form 22.12

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

[title in proceeding]

and

[name]

[title in proceeding]

Notice of Prothonotary’s Motion

To: [name of each party entitled to notice]

Motion

The prothonotary moves for an order [briefly describe order] .

Time and place

The motion is to be heard by [the judge in chambers, the judge in appearance day chambers, the Honourable Justice name] on , 20 at [a.m./p.m.] in the [Courthouse/Law Courts] , Street, , Nova Scotia.

References

The prothonotary refers to the following legislation, Rule, or point of law:

Representations

The prothonotary says that the following facts justify the order:

1

2

3

Your rights

You may attend the hearing of the motion, provide your representations unless the judge requires an affidavit, and state your position on whether the proposed order should be made. If you do not attend, the judge may grant the order without further notice to you.

Signature

Signed _____, 20

Signature
Print name:

Form 23.03

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

[title in proceeding]

and

[name]

[title in proceeding]

Notice of Motion

To: [name of each party entitled to notice]

Motion

[name of party making motion], the [*plaintiff/defendant/third party/intervenor/applicant/respondent*] in this proceeding, moves for an order [briefly describe order].

Time and place

The motion is to be heard by a judge on _____, 20____ at _____ [a.m./p.m.] in the [Courthouse/Law Courts] _____, _____ Street, _____, Nova Scotia. The moving party has */set the motion for hearing in a half-hour or less in chambers./arranged one-half day in chambers./arranged* [amount of time] *in chambers*. The moving party says that the motion will not require more time.

References

The moving party relies on the following legislation, Rules, or points of law:

Evidence

The evidence in support of the motion is as follows [*affidavit of _____ sworn on _____, 20____ and filed with this notice/affidavit of _____ sworn on _____, 20____ already filed in this proceeding/affidavit of _____ to be sworn and filed before the deadline, about _____.*]

A copy of each affidavit is to be delivered to you with this notice.

Possible order against you

You may attend the hearing of the motion, and state your position on whether the proposed order should be made. If you do not attend, the judge may grant an order without further notice to you.

Signature

Signed _____, 20____

Signature
Print name:

Form 23.14

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

[title in proceeding]

and

[name]

[title in proceeding]

Ex Parte Motion

Motion

[name of party making the motion] , the [*plaintiff/defendant/third party/intervenor/applicant/respondent*] in this proceeding, moves for an order [briefly describe order] .

Evidence in support of motion

The evidence in support of the motion is as follows [*affidavit of* _____ *sworn on* , 20 ____ *and filed with this notice/affidavit of* _____ *sworn on* _____ , 20 ____ *already filed in this proceeding/affidavit of* _____ *to be sworn and filed before the deadline, about* _____ .]

References

The moving party relies on the following legislation, Rules, or points of law:

Ex Parte

This motion is made without notice to any other person because

Hearing

The party making this motion will appear before the judge in chambers at the [Courthouse/Law Courts] , Street, Nova Scotia at [a.m./p.m.] on , 20 .

Signature

Print Name:

Form 24.03

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

[title in proceeding]

and

[name]

[title in proceeding]

Appearance Day Notice

Motion

[name of party making motion] , the [*plaintiff/defendant/third party/intervenor/applicant/respondent*] in this proceeding moves for an order [briefly describe order] .

Time and place

The motion is to be heard by the judge in appearance day chambers on 20 at [*noon/ a.m./ p.m.*] in the Law Courts at 1815 Upper Water Street, Halifax, Nova Scotia. The motion can be heard and determined quickly.

Reason for motion

The motion is being made because: [referring only to facts that cannot be contested, concisely describe the dispute, failure or other problem that lead to the motion] .

Representations, not affidavit or testimony

A party may make representations at the hearing about facts that are not contested. No party will provide an affidavit or testimony at the hearing. The judge will only act on facts that cannot be contested, as told to the judge by the parties.

Your representations

You have the right to be present and speak at the hearing. You must be as brief as possible.

Attending by telephone or teleconference

If you live, or have your place of business, more than fifty kilometers from the appearance day chambers you may make arrangements, through the prothonotary, to be present and speak at the hearing by telephone or other teleconference.

Failure to attend

If you do not attend the judge may grant an order without further notice to you.

Signature

Signed _____, 20

Signature
Print name:

Affidavit of Service

I, _____, of _____, [make oath and say that/affirm that] I did,
on _____ before the hour of [a.m./p.m.], personally deliver a certified copy
of a notice, the same as the certified copy to which this affidavit is attached, to
_____. The delivery took place at [community]. I knew the person to be the one
to whom delivery was to be made because [state how identified person]

Sworn to/Affirmed before me)
on _____, 20)
at _____)
)
)
)
)

Signature of Authority
Print Name:
Official Capacity:

Signature of Witness

Form 31.18

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

[title in proceeding]

and

[name]

[title in proceeding]

Designation of Address for Delivery

[name of party] designates the following [address/new address] address for delivery of documents:

Documents delivered to this address are taken to be received when delivered.

Additional contact information has been given to the prothonotary.

Signature

Signed _____, 20

Signature
Print Name:

Form 31.19

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

[title in proceeding]

and

[name]

[title in proceeding]

Notice of Constitutional Issue

Notice to Crown

This notice is delivered to the office of [*the Attorney General of Nova Scotia at the Attorney's main office/the Attorney General of Canada at the Attorney's Office in Halifax/other*] , to notify the Attorney General that [name of party] asserts in this proceeding that a statute of [*the Legislative Assembly/Parliament/other*] , or a regulation under such a statute, is unconstitutional.

Legislation in issue

The legislation asserted to be unconstitutional is [citation including section, subsection, etc. of statute or regulation] .

Reason for assertion

The grounds for asserting the legislation is unconstitutional are as follows:

1 [state grounds concisely]

2

3

Copy of pleading

Attached is a copy of the [statement of claim/statement of defence/notice of application/notice of contest/other] in which the assertion is made.

Further notice to Crown

An attorney general may file a demand for notice and be entitled to further notice of all steps in this proceeding. The Crown may be joined as a party if it wishes to participate in the proceeding. This notice is additional to the provisions of the *Constitutional Questions Act* and the requirement to give notice to the Attorney General under that statute.

Signature

Signed _____, 20

Signature
Print Name:

[list all parties entitled to notice and their addresses for delivery]

Form 33.06

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

[title in proceeding]

and

[name]

[title in proceeding]

Notice of New Counsel

New counsel

The [plaintiff/applicant/appellant/defendant/respondent] , [name] , who was [acting on their own/represented by name of former counsel] , is now represented by [name of new counsel] .

Address for delivery

The party designates the following address: _____ Street, _____, Nova Scotia [postal code] . Documents delivered to this address will be considered received by the party upon delivery.

Other contact information

Further contact information is available from the prothonotary.

Signature

Signed _____, 20

Signature of New Counsel
Print name:

Form 33.07

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

[title in proceeding]

and

[name]

[title in proceeding]

Notice of Intention to Act on One's Own

Discharge of counsel

[I/We] discharged [name of counsel] on [date] .

Acting on own

[I/We] have not retained new counsel and have decided to act on [my/our] own in this proceeding.

Contacting Prothonotary

[I have arranged to deliver this notice personally to the prothonotary, or a deputy prothonotary, so that the prothonotary, or deputy, may provide information to me. I have spoken to the prothonotary by telephone, and the prothonotary gave me permission not to deliver this notice personally for filing and provided me with information about my obligation to comply with the Nova Scotia Civil Procedure Rules and to maintain my address for delivery. Change to “we”, “us”, and “our” if corporate party or more than one individual party signs.]

Address for delivery

[I/We] designate the following address:

Documents delivered to this address are considered received by [me/us] on delivery.

Further contact information is available from the prothonotary.

Signature

Signed _____, 20

Signature
Print Name:

Form 34.03

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

[title in proceeding]

and

[name]

[title in proceeding]

Appointment of Agent

[name of corporate party] appoints [name and office of agent] as its agent with authority to speak for the corporation and to bind the corporation on any subject relating to this proceeding. This authority continues unless we replace the agent with another agent or counsel, and file a notice of replacement of agent or notice of new counsel.

The signing officers personally represent to the court and the other parties that they have authority to make this appointment, and it is properly executed by the corporation.

, 20

[name of corporate party]

[seal, if required]

Form 34.04

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

[title in proceeding]

and

[name]

[title in proceeding]

Replacement of Agent

[name of corporate party] replaces [name of former agent] with [name of replacement] as its agent to speak for the corporation and bind the corporation on any subject relating to this proceeding. This authority continues unless we replace the agent with another agent or counsel, and file a notice of replacement of agent or a notice of new counsel.

The signing officers personally represent to the court and the other parties that they have authority to make this appointment, and it is properly executed by the corporation.

, 20

[name of corporate party]

[seal, if required]

Form 35.12

20

No.

In the Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

[title in proceeding]

and

[name]

[title in proceeding]

Notice to Subsequent Encumbrancer

Claim to foreclose your interest

This proceeding was started to foreclose the equity in [approved description property to be sold] . The claim is made in accordance with a [mortgage/debenture/describe other security interest] that was granted by [name of debtor] on [date of mortgage, debenture, or other security interest] . You have been identified as having a subsequent interest, such as a mortgage, judgment, other charge, right of way, or tenancy.

How foreclosure will happen

[The property will be sold by the sheriff at the courthouse in at.... a.m./p.m. on . /The property will be sold by ... as receiver on behalf of the court./or other.] Your interest will be foreclosed when the property is sold, unless you defend or contest the claim.

Defending or contesting the claim

You may file a [notice of defence/notice of contest] by which you [defend against/contest] the claim to foreclose your interest. The notice must be prepared in a form, filed with the prothonotary, and delivered to the parties, as provided in the *Nova Scotia Civil Procedure Rules*. The notice must be filed no more than [twenty-five days after the day this notice is mailed to you./other.]

Limits on claim against you

You have been joined as a party to this proceeding only for the purpose of claiming foreclosure of your interest. No other claim is made against you, and your name will not appear in the heading of the proceeding.

Signature

Signed _____, 20____

Signature of plaintiff

Print Name:

Address for delivery and telephone number:

OR

Signature of counsel

[name] as counsel

for [name of plaintiff]

Address for delivery and telephone number:

Sheriff's address and telephone number:

Form 36.07

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading unless varied to provide for litigation guardian]

[name]

[title in proceeding]

and

[name]

[title in proceeding]

Litigation Guardian's Statement

I [name] consent to be the litigation guardian of [name] who is [relationship to litigation guardian] . I have appointed [counsel's name] to act for us. I have no interest in this proceeding adverse to that of the person I represent as litigation guardian, and I acknowledge that a litigation guardian may be liable for costs if the guardian abuses the court's processes.

Signed

Signed

, 20

Signature

Print Name:

Form 38.08

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

[title in proceeding]

and

[name]

[title in proceeding]

Demand for Particulars

[name of demanding party] demands from [name of other party] a further and better statement of that party's [*claim/defence*], as follows:

1 Particulars of ...

2

3

Signature

Signed _____, 20

Signature

Print Name:

Form 38.09

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

[title in proceeding]

and

[name]

[title in proceeding]

Answer to Demand for Particulars

[name of answering party] answers the demand for particulars of [name of demanding party] as follows:

1 [copy first demand]

Answer: [*The particulars are.../The demand is refused because...*]

2 [copy second demand]

Answer...

Signature

Signed _____, 20

Signature

Print Name:

Form 39.08

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

[title in proceeding]

and

[name]

[title in proceeding]

**Affidavit/Affidavit of [name] /Affidavit of [name]
sworn on [date] /Supplemental Affidavit/etc.**

I [make oath/affirm] and give evidence as follows:

- 1 I am [name] *the/a* [witnesses' relationship, if any, to the proceeding or a party] .
- 2 I have personal knowledge of the evidence [sworn to /affirmed] in this affidavit except where otherwise stated to be based on information or belief.
- 3 I state, in this affidavit, the source of any information that is not based on my own personal knowledge, and I state my belief of the source.
- 4 [Confine affidavit to the facts, do not state any opinion, plea, view, or submission. Use concise sentences divided by numbered paragraphs.]

Sworn to/Affirmed before me)
 on , 20)
 at ,)
)
)
)

Signature of Authority

Signature of Witness

Print Name:
Official Capacity:

Form 43.04

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

[title in proceeding]

and

[name]

[title in proceeding]

Bond for Temporary Recovery Order

Purpose of bond

This bond is signed, sealed, and delivered to the court in support of the motion of [name of moving party] made to the prothonotary for a recovery order against [name] to recover the following property: [describe/see attached schedule].

Bond

We [name of moving party], as party, [name], as surety, and [name], as surety, bind ourselves jointly and severally to pay the sum of \$ [one and one quarter times value] payable when the party signing this bond fails to deliver property to, or fails to indemnify, another party as required by *Nova Scotia Civil Procedure Rule* 43.04.

Conditions of bond

This bond is void only when the claim of the party who obtains the temporary recovery order is brought to a final determination, and either the court allows the claim or the court dismisses the claim and the party delivers the property to another party determined to be entitled to it and indemnifies the other party for losses that result from having been deprived of possession.

Who has benefit of bond

This bond is delivered to the court for the benefit of each other party, their heirs, representatives, successors, and assigns, and it may be assigned to a party as the court directs.

Signed, sealed, and turned
over for delivery to the
court _____, 20

_____(Seal)

[Name of Party]

Print name:

Subscribing Witness
Print name:

_____(Seal)

[Name of Surety]

Print name:

_____(Seal)

[Name of Surety]

Print name:

[If signed by recognized surety company, remove signature of party and references to surety. If signed by party and sureties, attach affidavits of justification]

Form 43.05

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

[title in proceeding]

and

[name]

[title in proceeding]

Temporary Recovery Order

Before the Prothonotary.

On motion of [name of moving party] the court orders as follows:

Sheriff to seize property

- 1 The sheriff to whom the original, or a certified copy, of this order is delivered, or another sheriff designated by the sheriff to whom it is delivered, must immediately take possession of [describe property/*the property described in the attached schedule*] , located at [civic address] , and held by [name of party or agent/*persons unknown for name of party*] .

Entering places, taking moveable, and breaking obstructions

- 2 The sheriff has the right to enter on land, go into any building on the land, take control of any moveable, break any lock, or tear down any other obstruction.

Injunction against obstruction and for cooperation

- 3 A person who receives a copy of this order or otherwise has notice of it shall not obstruct the seizure and, if the person has means of access to the property, must provide access to the sheriff.

Storage and protection

- 4 The sheriff may make arrangements for storage and protection of the property before it is turned over to a party.

Expenses to be paid by party who obtains order

- 5 The party who obtains this order must pay the expenses of seizure, storage, and protection of seized property and the sheriff need not act, or continue acting, on this order if the party fails to pay the expenses or provide a reasonable advance.

Party to cause order to be delivered

- 6 The party who obtains this order must, as soon as possible, cause a person, other than a party or director, officer, or employee of a party, to deliver a certified copy of the order to each other party by personal delivery or, if they have designated an address for delivery in this proceeding, by delivery to the party's place for delivery.

Registration if land is seized

- 7 In addition to steps taken by the sheriff to seize land under this order, the party who obtains the order shall, on behalf of the sheriff, cause it to be recorded under the *Land Registration Act* or register it under the *Registry Act*.

Reacquiring property

- 8 The party against whom this order is made may reacquire possession of the property by filing a bond and delivering a prothonotary's certificate in accordance with the *Nova Scotia Civil Procedure Rules* before the property is turned over to the party who obtains the order.

Delivery of property

- 9 The sheriff must turn the property over to the party who obtains this order five days after the day the party delivers a certified copy of this order to the party against whom it is made, unless the party against whom this order is made delivers a prothonotary's certificate to the sheriff. The sheriff must return the property to the party against whom this order is made, if the party delivers a prothonotary's certificate before the property is turned over to the party who obtains the order.

Report

- 10 The sheriff must file a report of the actions taken under this order no more than fifty days after it is issued, and a report of each further action taken after that time.

Contempt

11 Failure to comply with this order may be punished as a contempt.

Issued _____, 20

Prothonotary

Form 43.06A

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

[title in proceeding]

and

[name]

[title in proceeding]

Bond to Retain Property

Purpose of bond

This bond is signed, sealed, and delivered to the court to keep or reacquire property described in a temporary recovery order in this proceeding, which property was, or still is, held by [name] in the following way at the following place: [describe possession].

Bond

We [name of party] , as party, [name] , as surety, and [name] , as surety, bind ourselves jointly and severally to pay the sum of \$ [same amount as in moving party's bond] payable when the party signing this bond fails in the claim for possession of the property and fails to deliver the property to, or indemnify, another party as required by *Civil Procedure Rule* 43.06.

Conditions of bond

This bond is void only when both of the following conditions are fulfilled:

- (1) [name of reacquiring party] brings to a final determination their claim for possession of the property;
- (2) either the court allows the claim of the reacquiring party for possession of the property, or the court dismisses the claim and the reacquiring party delivers the property to the party determined to be entitled to it and indemnifies the other party for losses caused to the party by their having been deprived of possession.

Who has benefit of bond

This bond is delivered to the court for the benefit of each other party, their heirs, representatives, successors, and assigns, and it may be assigned to a party as the court directs.

Signature

Signed, sealed, and turned
over for delivery to the
court , 20

_____(Seal)

[Name of Party]

Print name:

Subscribing Witness

Print name:

_____(Seal)

[Name of Surety]

Print name:

_____(Seal)

[Name of Surety]

Print name:

[If signed by recognized surety company, remove signature of party and references to surety. If signed by party and sureties, attach affidavit of jurisdiction.]

Form 43.06B

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

[title in proceeding]

and

[name]

[title in proceeding]

Prothonotary's Certificate

This certifies that [name of reacquiring party] has filed the bond required for a party to keep, or reacquire, possession of the property for which a temporary recovery order was issued in this proceeding.

Signed _____, 20

Prothonotary

Form 44.04

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

[title in proceeding]

and

[name]

[title in proceeding]

Bond for Attachment

Purpose of bond

This bond is signed, sealed, and delivered to the court in support of the motion of [name of moving party] made to the prothonotary for an attachment order against the assets of [name], including [describe assets and include location] .

Bond

We [name moving party] , as party, [name] , as surety, and [name] , as surety, bind ourselves jointly and severally to pay the sum of \$ [one and one quarter times the limit in the temporary attachment order] payable when the party signing this bond fails to indemnify another party as required by *Nova Scotia Civil Procedure Rule 44.04*.

Conditions of bond

This bond is void only when the claim of the party who obtains the attachment is brought to a final determination, and either the court allows the claim, or the court dismisses the claim and the party who obtains the attachment indemnifies the party whose property is attached for losses caused to that party by the attachment.

Who may have benefit of bond

This bond is delivered to the court for the benefit of all other parties, their heirs, representatives, successors, and assigns, as the court may direct, and it may be assigned to a party as the court directs.

Signature

Signed, sealed, and turned
over for delivery to the
court _____, 20

_____(Seal)
[Name of Party]
Print name:

Subscribing Witness
Print name:

_____(Seal)
[Name of Surety]
Print name:

_____(Seal)
[Name of Surety]
Print name:

[If signed by a recognized surety company, remove signature of party references to surety. If signed by party and sureties, attach affidavits of justification.]

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

[title in proceeding]

and

[name]

[title in proceeding]

Attachment Order

Before the Prothonotary.

On motion of [name of moving party] the court orders as follows:

Attachment

1 The property of [name of party], a party in this proceeding, is attached. The attachment is effective against the following property when the original or a certified copy of this order is recorded, registered, or delivered as follows:

- (a) land under the *Land Registration Act*, when the copy, and the description referred to in subsection 71(1) of the *Land Registration Act*, are recorded in accordance with that legislation;
- (b) land under the *Registry Act*, when the copy, and the description and appraisal referred to in subsection 23(1) of the *Registry Act*, are registered in accordance with that legislation;
- (c) a moveable in the actual possession of the party, when the copy is delivered to the party;
- (d) a moveable held by another person, when the copy is delivered to the other person;

- (e) a debt or obligation due, or to come due, when the copy is delivered to the person who owes the debt or obligation;
- (f) corporate shares or securities, when the copy is delivered to the issuing corporation;
- (g) other property, when the copy is delivered to the party.

The limit of the attachment is \$ [limit set by moving party for an amount equal to, or less than, the value of the claim for damages of the party] .

Sheriff to take attached property

- 2 A sheriff to whom a certified copy of this order is delivered, and to whom information about attached property is given, shall take, and hold as a receiver, the attached property, including a debt, rent, legacy, share, bond, debenture, other corporate security, fund, currency, demand, or demand accruing due;

Person who holds property must turn it over

- 3 A party or other person to whom a certified copy of this order is delivered and who holds attached property must turn it over to the sheriff, unless the sheriff, in writing, permits the person to continue holding the property.

Debts and obligations presently owed to party

- 4 A person who owes a debt, or other obligation, to the party whose property is attached must immediately pay the debt, or liquidate the obligation and pay the money, to the sheriff, unless the sheriff allows otherwise in writing.

Debts and obligations to be paid in future

- 5 A person who owes a debt to be paid to the party, who owes an obligation to the party that will be liquidated and paid, or has an obligation to the party that will be valued and paid in the future, must make the payment to the sheriff when the payment comes due, unless the sheriff allows otherwise in writing.

Inquiries by sheriff

- 6 The sheriff is not required to investigate or search for property, but the sheriff must act on relevant and reliable information provided by the party who obtains this order or any other person and the sheriff may make inquiries.

Person must answer sheriff's questions

- 7 A person to whom a certified copy of this order is delivered must answer the sheriff's questions about any attached property and fully inform the sheriff of their knowledge of the attached property, including a debt or obligation owed to the party whose property is attached.

Obligations of party who moved for order

- 8 The party who obtains this order must deliver a certified copy of it to the party whose property is attached and, if land is to be attached, take steps on behalf of the sheriff to effect recording under the *Land Registration Act* or registration under the *Registry Act*.

Storage, protection, and inventory

- 9 The sheriff may make reasonable arrangements for storage and protection of attached property and must make an inventory of the property taken and held under this order, and provide a copy of the inventory to a person who requests it.

Expenses to be paid by moving party

- 10 The party who obtains this order must pay the expenses of attaching, taking, holding, storing, and protecting attached property and must provide a reasonable advance required by the sheriff. The sheriff need not act, or continue acting, on this order if the party who moved for it fails to pay the expenses of attachment, taking possession, and holding the property or fails to provide a required advance.

Sheriff not to exceed limit

- 11 The sheriff must cease taking property when the sheriff is satisfied that the value of the attached property is the same as the limit of this attachment order, and the sheriff may resume taking property when the sheriff is no longer satisfied the value is the same as, or greater than the limit.

Termination by certificate

- 12 The attachment terminates, obligations to hold property or make payments cease, and the sheriff must return property delivered and money paid to the sheriff under this order when the party whose property is attached delivers to the sheriff a prothonotary's certificate under Rule 44.07.

Continuing order

13 This order continues until the claim for damages of the party who obtained the order is dismissed or a judgment for damages is satisfied, unless a prothonotary's certificate is filed or a judge orders otherwise.

Sheriff's Report

14 The sheriff must file a report of the actions taken under this order no more than fifty days after it is issued, and a report of each further action taken after that time.

Contempt

15 Failure to comply with this order may be punished as a contempt.

Issued , 20

Prothonotary

Form 44.07A

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

[title in proceeding]

and

[name]

[title in proceeding]

Bond to Terminate Attachment

Purpose of bond

This bond is signed, sealed, and delivered to the court to terminate the temporary recovery order in this proceeding.

Bond

We [name of party filing bond] , as party, [name] , as surety, and [name] , as surety, bind ourselves jointly and severally to pay the sum of \$ [one and one quarter times limit in the temporary attachment order], payable when execution is levied against the party signing this bond on the claim for which the temporary attachment was issued, and the execution fails to attach assets to the limit of the temporary attachment order.

Conditions of bond

This bond is void if the claim is dismissed, or the claim is allowed and the judgment is satisfied fully or to the extent of the limit of the temporary attachment order.

Who has benefit of bond

This bond is delivered to the court for the benefit of all other parties, their heirs, representatives, successors, and assigns, and it may be assigned as the court directs.

Signature

Signed, sealed, and turned
over for delivery to the
court

, 20

_____(Seal)

[Name of Party]

Print name:

Subscribing Witness

Print name:

_____(Seal)

[Name of Surety]

Print name:

_____(Seal)

[Name of Surety]

Print name:

[If signed by a recognized surety company, remove signature of party references to surety. If signed by party and sureties, attach affidavits of justification.]

Form 44.07B

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

[title in proceeding]

and

[name]

[title in proceeding]

Prothonotary's Certificate

This certifies that [name of party whose property was attached] has filed the bond required for termination of the temporary attachment order issued in this proceeding.

Signature

Signed

, 20

Prothonotary

Form 46.04 (for delivery to prothonotary,
but not for filing)
(no heading)

Court Number: [number assigned to proceeding]

Paying Party: [name]

Other Parties: [names]

Notice of Payment into Court

The paying party delivers the sum of \$ _____ to the prothonotary. The purpose of this payment is to *secure an offer to* [settle/contribute] *dated* _____, 20 /*satisfy the claim of* [name] *for* [describe claim] *but leave in issue* [describe remaining issues] /*permit the paying party's defence of tender.*

This notice is to be kept confidential, unless a judge directs otherwise.

Signed _____, 20

Signature
Print name:

Form 50.05

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

[title in proceeding]

and

[name]

[title in proceeding]

Subpoena

To: [name and community of witness]

The court requires your attendance

You must attend a [trial/hearing/inquiry/appeal/commission] in the proceeding described by the above heading. You must bring with you the following documents and other evidence, or provide access to the following electronic information:

Time, date, and place

You must come to [address] at [a.m./p.m.] on , 20 .

Party issuing

This subpoena was issued on the motion of [name of party] , who is [acting on their own/represented by , as counsel] .

Waiting to be called

When you attend at the required place, you must wait there until you are called to the stand. If there is an adjournment, you must come back at the time and date set for resumption.

Permission to not attend

You may ask the presiding judge for permission to not attend some of the [trial/hearing/inquiry/appeal/commission] .

Arrest, costs, and punishment for contempt

If you fail to attend as required, you may be arrested and taken to give evidence. If you fail to attend as required, bring required documents or other evidence as required, or fail to provide access to electronic information as required, you may be ordered to pay the expenses caused by an adjournment, and be punished for contempt.

Issued _____, 20

Prothonotary

Affidavit of Delivery

I, _____, of _____, [make oath and say/affirm] that I did, on _____ 20 _____ before the hour of [a.m./p.m.] _____, personally deliver the sum of \$ _____ and a certified copy of a subpoena, the same as the certified copy to which this affidavit is attached, to _____ . The delivery took place at [community] . I knew the person to be the one to whom delivery was made because [state how identified person]

Sworn/Affirmed etc.

Form 50.13

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

[title in proceeding]

and

[name]

[title in proceeding]

Warrant for Arrest of Defaulting Witness

To: Sheriff for

Findings

The judge authorizing the issuance of this warrant has found that an order or a subpoena to attend a [trial/hearing/inquiry/appeal/commission/other] was personally delivered to [name of witness] , with the required payment. Further, the witness failed to attend as required by the subpoena or order. Furthermore, the witness has relevant evidence to give in [this proceeding./ describe proceeding.]

Direction to arrest, detain, and bring before judge

The sheriff must arrest and detain the witness and, on that same day, bring the witness before the judge who authorizes this warrant or another judge of this court. The sheriff is not obligated to execute this warrant unless a judge is available.

Purpose of bringing before judge

The witness will testify when brought before the judge, will be remanded to a lock-up facility pending testimony, or will be released by the judge on a promise to attend court on such terms as the judge may require. The witness may also be cited for contempt.

Information

The sheriff must, as soon as possible after the arrest, read this order to the witness so the witness is informed of the reasons for, and the purpose of, the arrest and detention. The sheriff must inform the witness of the right of an arrested person to retain and instruct counsel without delay. The sheriff is directed to assist the witness to seek or communicate with counsel if the witness wishes to do so, and to advise the witness about duty counsel, if duty counsel is available.

Issued _____, 20

Prothonotary

Form 56.04

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

[title in proceeding]

and

[name]

[title in proceeding]

Order for Commission

Before the Honourable Justice

On the motion of [name of moving party or counsel for moving party] , the following is ordered:

- 1 *Mr./Ms./other* [name of commissioner] of [community] is authorized to administer an oath or affirmation to and [take/transmit] the evidence of [name of witness] who resides in [community] , for use in this proceeding.
- 2 The evidence is to be [taken by audio recording and transcription/taken by audio-visual recording and transcription/transmitted by video conference of such quality the witness is virtually present before this court/transmitted by teleconference] .
- 3 The evidence is to be [taken/transmitted] [time, date, and place /a time, date, and place to be set by the commissioner by delivery to each party and the witness of a notice in writing no less than one month before the date] .

- 4 The commission is conditional on the commissioner accepting the instructions in the document attached to this order, signing a copy of the document, and filing it with the court.

Issued _____, 20

Prothonotary

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

[title in proceeding]

and

[name]

[title in proceeding]

Instructions to Commissioner for Taking Evidence

The Supreme Court of Nova Scotia has commissioned you to take evidence for use in this proceeding and, as a condition of your appointment, requires that you accept the following instructions by signing a copy of this document and filing it with the court. If the evidence is to be taken outside Nova Scotia, you may also accept instructions from a court in the jurisdiction where the taking of evidence occurs.

Impartiality and accuracy

- 1 You will conduct the taking of evidence impartially, cause it to be accurately recorded, and see that it is transcribed as soon as possible after the witness testifies.

Administering oath or affirmation

- 2 The authorization for you to administer an oath or affirmation is in accordance with Sections 2 and 67 of the Nova Scotia *Evidence Act*. The words of the oath or affirmation are:

You [swear/solemnly, sincerely, and truly declare and affirm] that the evidence you are about to give in this proceeding between [names of parties] will be the truth, the whole truth, and nothing but the truth.
(Witness acknowledges)

If you are taking evidence outside Nova Scotia, you may take whatever further steps are required to ensure that the laws of perjury of the place where the examination is conducted apply to the taking of the evidence.

Order of examinations

- 3 After swearing or affirming the witness, you will permit the party who moved for the order appointing you to conduct a direct examination of the witness, allow each other party to conduct a cross-examination in the order in which the parties appear in the heading, and allow any re-direct examination by the party who leads evidence on direct.

Objections

- 4 A party may object to a question, but, unless the question is withdrawn, you must direct the witness to answer it so the court can rule later on admissibility of the answer.

Exhibits

- 5 You will mark each exhibit shown to the witness by consecutive number, and take control of the exhibit.

Translation

- 6 You will retain a translator or signer if the witness cannot adequately understand the questions, or give answers adequately understood, without the assistance of a person who is able to translate or sign. After swearing or affirming them, you, or counsel for a party, will question the translator or signer on record about their ability to clearly understand the questions to be asked and the answers to be given, and to exactly translate the questions and answers. They must also swear or affirm as required by *Nova Scotia Civil Procedure Rule* 48.03(3).

Transcript

- 7 You, or a person retained by you who is competent to prepare a transcript for use in court, will prepare a transcript of everything said during the taking of evidence, compare the transcript with the recording, and certify that the transcript is accurate.

Your report

8 You will report to the court that you carried out your commission in accordance with the order and these instructions, and you will file the transcript and each exhibit with the report. These are filed by delivery to [name of prothonotary] , Prothonotary of the Supreme Court of Nova Scotia, at _____ Street _____ Nova Scotia, Canada [postal code] .

Issued _____, 20

Prothonotary
[include name, address and telephone
number]

I accept these instructions.
_____, 20

Signature
Print Name:

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

[title in proceeding]

and

[name]

[title in proceeding]

Instructions to Commissioner to Transmit Evidence

The Supreme Court of Nova Scotia has commissioned you to transmit evidence to the court in this proceeding and, as a condition of your appointment, requires that you accept the following instructions by signing a copy of this document and filing it with the court. You may also accept instructions from a court in the jurisdiction where the taking of evidence occurs, if it is outside Nova Scotia and the court of that jurisdiction is requested to compel the witnesses' attendance.

Transmission, description, and identification

- 1 You will carefully cause the witnesses' voice and image to be simultaneously transmitted to the court, describe at the beginning of the transmission the parts of the commissioner's room not seen in the courtroom, and identify everyone present there. The transmission must be by video conference *[of such quality the witness is virtually present in the courtroom/describe equipment]* .

Administering oath or affirmation

- 2 The authorization for you to administer an oath or affirmation is in accordance with Sections 2 and 67 of the Nova Scotia *Evidence Act*. The words of the oath or affirmation are:

You *[swear/solemnly, sincerely, and truly declare and affirm]* that the evidence you are about to give in this proceeding between *[names of parties]* will be the truth, the whole truth, and nothing but the truth.
 (Witness acknowledges)

If you are taking evidence outside Nova Scotia, you may take whatever further steps are required to ensure that the laws of perjury of the place where the examination is conducted apply to the taking of evidence.

Directions by, and report to, judge

- 3 The judge will direct the examinations after you swear or affirm the witness. You will follow directions given by the judge to you, such as directions about exhibits, controlling the witness, translation or signing, and a witness who may only testify on a promise to tell the truth. You must report to the judge anything unusual that happens in the room, unless it appears in the transmission.

Inferior transmissions

- 4 If the transmission is not by video conference of such quality that the witness is virtually present in the courtroom, you must keep the witness from communicating with others during the examination, keep them from consulting notes or other information, show the witness each exhibit as directed by the judge or referred to by a party, and make a report on record when the witness looks at an exhibit indicating what the witness is looking at. These instructions may be varied by the judge.

Failures in transmission

- 5 The court will provide an emergency telephone number, and you must call that number to get directions from the judge if the transmission fails to the extent that you and the judge are not in communication.

Your report

- 6 You will report if the judge directs you to do so, including directions about any exhibit proved during the taking of evidence.

Issued , 20

Prothonotary
[include name, address and
telephone number]

I accept these instructions.

, 20

Signature
Print Name:

Form 56.08

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

[title in proceeding]

and

[name]

[title in proceeding]

Letter of Request

To: [full name of court or judicial authority]

A proceeding was started in the Supreme Court of Nova Scotia involving the above named parties, and documents are filed with the court's primary official, the prothonotary.

The Honourable Justice _____, a judge of this court, was satisfied that it is in the interests of justice that [name of witness] of [community], a witness residing in your jurisdiction, give evidence in this proceeding from the community in which they reside. The evidence includes the following documents: _____.

Therefore, the court issued an order for a commission to [name of commissioner] of [address] providing for the examination of the witness at a place in your jurisdiction and *[taking down the witnesses' evidence/transmitting the evidence by video conference to this court while it is in session]* .

The Supreme Court of Nova Scotia requests that you permit the commissioner to conduct the examination of the witness in accordance with the *Nova Scotia Civil Procedure Rules* and instructions issued by the Supreme Court of Nova Scotia. However, those instructions may be modified as you require.

The Supreme Court of Nova Scotia requests that, in the interests of justice, you cause, by the means ordinarily used in your jurisdiction to secure attendance, the witness named above to attend before the commissioner and answer questions. We also request that you require the witness to bring the documents named above.

For your information, the Nova Scotia *Evidence Act* and the *Nova Scotia Civil Procedure Rules* allow this court to do the same on your request in a similar case.

Signature

Signed

, 20

Prothonotary
[include name, address, and
telephone number]

Form 63.04

20 [year appeal is started]

Court No. [to be assigned by Prothonotary]

Charge No. [obtain from Provincial Court]

Person No. [obtain from Provincial Court]

Supreme Court of Nova Scotia

Between:

[name]

Appellant

and

[name]

Respondent

Form 63.05

20

Court No.
Charge No.
Person No.

Supreme Court of Nova Scotia

Between:

[name]

Appellant

and

[name]

Respondent

Notice of Summary Conviction Appeal

Appellant appeals

The appellant appeals from the decision of [*His/Her*] Honour [*Judge/Mr./ Ms.*] [name] a [*judge/justice of the peace/adjudicator/other*] of the [*Provincial Court of Nova Scotia/other*]. The decision was made on [date decision given orally or date of reserved written decision] at [courthouse where oral decision was given or written decision released]. [If appeal is from conviction and sentence: *The appellant also appeals from sentence passed on* .]

Motion for directions and to set date

Take notice that at [*a.m./p.m.*] on [date] the appellant will make a motion to the judge presiding in Crownside chambers in the [*Law Courts/Courthouse*] at [place] to set a time, date, and place for the hearing of the appeal, set deadlines for filing the transcript, exhibits, and briefs, and obtain other directions.

Decision appealed from

The [*appellant/respondent*] was charged as follows: [copy charge from the information]. The decision appealed from was a [*conviction/dismissal/order staying the information/sentence/verdict of unfit to stand trial/verdict of not criminally responsible/* or describe other order or disposition]. [If appeal is of conviction and sentence, or sentence only, give details of the sentence including what offence the sentence was for.]

Grounds of appeal

The grounds of appeal are as follows:

1 [state grounds concisely]

2

3

Order requested [omit if sentence only]

The appellant says the court should allow the appeal, set aside the [conviction/acquittal/order/verdict/other] , and [enter an acquittal, enter a conviction, order a new trial, other] .

Variation of sentence requested [omit if not applicable]

The appellant says that the court should vary the sentence as follows:

Interim order [omit if not seeking]

The appellant intends to make a motion for a stay of [describe what is to be stayed] . This motion will be made no later than [date] .

Transcript [to be completed for all appeals, including Crown appeals]

The appellant acknowledges that subsection 821(3) of the *Criminal Code* requires the appellant to cause a transcript to be furnished to the court and the respondent. The appellant has made arrangements for transcription, has made inquiries about when it will be ready, and is able to deliver it no later than [period required to complete transcript] .

Contact information

The appellant designates the following address:

Documents delivered to this address will be considered received by the appellant on delivery. Further contact information is available to the respondent from the prothonotary.

Signature

Signed _____, 20__

Signature of the appellant
Print name:

OR

Signature of counsel
[name] as counsel
for [name]

Prothonotary's certificate

I certify that this notice of appeal was filed with the court on _____, 20__ .

Prothonotary

Form 65.03

20 [year application is started]

No. [to be assigned by Prothonotary]

Supreme Court of Nova Scotia

Between:

[name]

Applicant

and

[The Attorney General
of Nova Scotia]

Respondent

Form 65.04

20

No.

Supreme Court of Nova Scotia

Between:

[name]

Applicant

and

The Attorney General of
Nova Scotia

Respondents

Application for Reduction of Parole Ineligibility

Reduction sought

I [full name] born on [date of birth] apply to the Honourable the Chief Justice of the Supreme Court of Nova Scotia for a reduction in my period of parole ineligibility.

Details of conviction and sentence

I was convicted and sentenced as follows:

1 I was indicted that I did _____ contrary to Section _____ of the *Criminal Code*.

2 [The indictment was tried at/I pleaded guilty at] _____ .

3 The date of the [conviction/guilty plea] was _____ .

4 I was sentenced on [date] to imprisonment for life without eligibility for parole for _____ years from that date.

5 The following are all the institutions in which I have been held since I was charged and the dates of my entry into each:

Name of Institution

Date of Entry

Affidavit

I, _____, [*swear/affirm*] that the statements in the attached application for reduction of parole ineligibility are true, and are based on my personal knowledge except [indicate any statements that are based on what you are told by another, name that person, and state your belief of them] .

Sworn to/Affirmed before me)
on _____, 20)
at _____,)
)
)
)
)

Signature of Authority

Print Name:

Capacity:

Signature of Witness

Form 67.03

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading from builders' lien statement of claim]

[name]

[title in proceeding]

and

[name]

[title in proceeding]

Notice of Alternative Claim

To: [name defendant claimed to be personally liable]

Action was taken to enforce lien

The plaintiff has taken action against you.

The plaintiff started the action by filing a statement of claim under the *Builders' Lien Act* with the court on the date certified by the prothonotary on the statement of claim.

The action is for enforcement of the lien by sale and for a judgment for any deficiency.

Alternative claim for judgment

An alternative claim is made that you are personally liable to pay the amount secured by the lien.

The alternative claim is made by filing this notice of alternative claim.

The alternative claim is for judgment if the plaintiff chooses to withdraw the claim to enforce the lien.

Judgment unless you defend

If you do not defend this claim the plaintiff may withdraw the claim to enforce the lien and enter judgment against you for \$ _____, [*plus interest on that sum calculated simply/daily/monthly/annually at the rate of _____ % per year from _____, 20 _____, until the day of judgment/plus prejudgment interest on that sum from the day the debt came due at four percent a year*], plus costs of \$ _____ [Tariff D amount], plus taxed disbursements without further notice to you.

How to defend

You or your counsel may 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:

- 1 20 days, if delivery is made in Nova Scotia;
- 2 40 days, if delivery is made elsewhere in Canada;
- 3 60, if delivery is made anywhere else.

Filing and delivering your notice of defence

Your notice of defence must be filed with the court at the office of the prothonotary at _____ Street, _____, Nova Scotia. (telephone # _____).

A copy of your notice of defence must be delivered to the plaintiff at the plaintiff's address for delivery designated below.

You may satisfy the 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 disbursements recoverable as further costs. You may settle the amount for disbursements with the plaintiff's counsel or, if there is no counsel, with the plaintiff or by proceeding with a taxation of the disbursements in the Small Claims Court.

You may file a demand of notice

If you do not have a defence to the claim or you do not choose to defend it, you may, if you wish, file with the court and deliver to the plaintiff a demand of notice. If you do file a demand of notice, the plaintiff must notify you before entering judgment and, unless the court orders otherwise, you will be entitled to notice of each other step in this action.

Contact information

The plaintiff designates the following address:

Documents delivered to this address will be considered received by the plaintiff upon delivery.

Further contact information is available to each party from the prothonotary.

Place of trial

The plaintiff proposes that, if the action is defended, 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]

Form 69.02

20

No.

Supreme Court of Nova Scotia

Between: [complete standard heading as required by Rule 83 - Court Records]

[name]

Petitioner

and

[name]

Respondent

Election Petition

Status to challenge election

An election was held on [date of election] for the election of a member of the House of Assembly representing [electoral district] . I [had a right to vote at/was a candidate in] the election. [vary if more than one petitioner]

Challenge to election

[I/We] claim that there has been [an undue return/an unlawful act by a candidate not returned] within the meaning of the *Controverted Elections Act*. The return date in the election writ was [date] . OR For the purpose of clause 9(b) of the *Controverted Elections Act*, the date of an alleged unlawful act was [date] .

Grounds for the claim

[I/We] make this claim on the following grounds: [briefly state grounds in point form, provide statements of fact and not argument]

- 1
- 2
- 3

Relief sought

[I/We] request that [name be declared duly returned./the election be declared void./the return be enforced./other.]

Notice to respondent: trial date and directions

The petition will be tried on a date to be set by a judge. The petitioner will ask the judge presiding in chambers to set the date and give directions for the conduct of this proceeding at [a.m./p.m.] on [date] in the [Courthouse/Law Courts] , Street, Nova Scotia. You have the right to be present or represented by counsel. If you are not present or represented, the judge may proceed without you and the petition may be determined without further notice to you.

Notice to respondent: designate address

You are required to designate an address to which further documents may be delivered to you. (See *Civil Procedure Rule 31 - Notice.*) Documents delivered to your designated address are considered immediately received by you.

Contact information

I/We designate the following address:

Documents delivered to this address are considered immediately received by [me/us] . Further contact information is available to each party through the prothonotary.

Signature

Signed _____, 20

Signature of petitioner
[Note: *Act* requires signature
of petitioner]
Print name:

Counsel of record

I am counsel for the petitioner.

Signature

Signed _____, 20____

Signature of Counsel
Print name:

Certificate of prothonotary

I certify that this election petition was filed with the court on _____, 20____.

Prothonotary

Form 78.05

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

[title in proceeding]

and

[name]

[title in proceeding]

Order

[may add words to distinguish from other orders]

Before the Honourable Justice [name or blank] in Chambers

OR

Before [*the Honourable Justice/the Prothonotary*/name or blank]

A concise narrative is permitted but not required. e.g. *A motion was made on [date] , the judge [granted/dismissed/other] the motion by decision on [date] ; This proceeding was [tried/heard] on [date] , a [decision/verdict] was given on [date] , which [granted/dismissed/other] . . .*

[Subtitle is optional]

1. It is ordered that . . .

[Subtitle is optional]

2. It is ordered . . .

, 20

Prothonotary

Form 79.10

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

[title in proceeding]

and

[name]

[title in proceeding]

Notice of Execution against Joint Account

Joint account holders: [name and address of each account holder]

Joint account number:

Balance: \$

Execution order delivered

Attached to this notice is a copy of an execution order that was delivered to us.

Share of account to be paid to sheriff

The joint account holder who is named as judgment debtor on the order is presumed to be entitled to an equal share of the account, unless you or another interested person proves otherwise. We will pay that share to the sheriff, unless you or another interested person files with the court a notice of motion for an order determining what, if any, interest the judgment debtor has in the account.

Ten days to make your motion

Your notice of motion and supporting affidavits must be filed with the court no more than ten days after the day this notice is delivered to you, and you must deliver copies of them immediately to the judgment creditor, the sheriff, each other joint account holder, and us.

Account frozen

We will refuse withdrawals, cheques, and other demands on the joint account until the equal share is paid to the sheriff, a judge permits us to honour a demand, or a judge determines the amount of the judgment debtor's interest in the account.

Contact information

We designate the following address:

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

Signature

Signed _____, 20

Signature of officer

Print name of corporation:

Print name of officer:

Form 79.17A

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

[title in proceeding]

and

[name]

[title in proceeding]

Execution Order

Judgment Debtor: [name and address of judgment debtor]

Amount to be recovered

1 This execution order is issued to recover the amounts showing, or allowed for, in the attached statement of amount for execution.

Sale of land

2 The sheriff may take possession of land to be sold under the *Sale of Land Under Execution Act*.

Seizure of other property

3 The sheriff must seize, otherwise take control of, and accept as a receiver all property in which the judgment debtor has an interest, except property exempt from execution and property held by the execution creditor as trustee for another person. This includes moveables, currency, shares, bonds, debentures, other security, legacies, debts, rent, wages, and any other demand due or accruing due to the judgment debtor at any time. The sheriff may come on land, open a building, take control of a moveable not under seizure, break a lock or other barrier, and take any other reasonable measure to effect the seizure. The property may be seized, or otherwise taken from, the judgment debtor or any other person.

Copy of order on seizure

- 4 The sheriff must deliver a copy of this order personally to a person from whom a moveable is seized when the person is present, and by registered mail after the seizure to a person who is not present.

Inventory and limit for seizure

- 5 The sheriff must prepare an inventory of seized moveables including the sheriff's estimate of the value of each. The sheriff may not seize more moveables than the sheriff estimates are necessary to satisfy the amount for execution under all execution orders against the judgment debtor.

Attachment of moveable and debt

- 6 The sheriff who cannot conveniently seize a moveable may cause a copy of the execution order to be delivered to a person who has control of the moveable. The sheriff may deliver a copy of the order to a person who is or may become obligated to pay a debt or other liquidable obligation to and for the benefit of the judgment debtor. The judgment debtor's interest in the moveable or the obligation is attached when the order is delivered. The person is released from liability to make a payment to, or hold a moveable on behalf of, the judgment debtor only when one of the following occur:

- the person makes the payment to the sheriff;
- the sheriff seizes the moveable, or sells a moveable without a seizure;
- the person complies with terms for payment, seizure, or sale agreed to by the sheriff or set by further order.

Injunction to hold property, freeze obligations, and require delivery or payment

- 7 A judgment debtor, a person who controls property of the judgment debtor, and a person who is obligated or becomes obligated to pay a debt or other liquidable obligation to the judgment debtor must not give up control of the property or make the payment unless one of the following applies:

- the property or obligation is exempt from this execution order;
- the sheriff, in writing, permits otherwise;
- this execution order or a further order provides otherwise.

The person must, instead, allow the property to be seized by, or make the payment to, the sheriff. A person who fails to obey these injunctions may be punished under *Nova Scotia Civil Procedure Rule 88 - Contempt*.

Sale of moveable and other kinds of property

8 The sheriff may sell at public auction anything that is seized and is saleable to a member of the public. The sheriff may make a motion for permission to sell an asset of the judgment debtor by private sale or by public sale other than an auction.

Collecting debt

9 The sheriff may demand payment of a debt, or other liquidable obligation, other than wages owed to the judgment debtor and take any step the judgment debtor could take to collect the debt, including enforce security for the debt.

Injunction for securities

10 A person who controls a share, bond, debenture or other security in which the judgment debtor has an interest must transfer the interest to the sheriff, or liquidate the security as the sheriff directs and pay the proceeds to the sheriff.

Payment of judgment debtor's wages

11 The following amounts of the judgment debtor's weekly after-tax wages from all sources are exempt from this execution order:

number of dependants	weekly exemption
none	\$285
one	350
two	430
three	540
four	615
five	680
more	750.

An employer who owes wages to, or comes to owe wages to, the judgment debtor must pay the unexempt amount to the sheriff. An employer must not by reason of this execution order, terminate the employment of, demote, reduce the wages of, or otherwise penalize the judgment debtor. A failure to comply with these injunctions may be punished under *Nova Scotia Civil Procedure Rule 88 - Contempt*. Also, the employer is released from liability to pay the unexempt wages only when the payment is made to the sheriff.

Wages in account of deposit-taking corporation

- 12 A deposit-taking corporation that maintains an account into which, to the knowledge of a person who is responsible for the account, the judgment debtor's wages are automatically deposited must pay from the account the amount the employer would have had to pay. A failure to comply with this injunction may be punished under *Nova Scotia Civil Procedure Rule 88 - Contempt*. Also, the corporation is released from liability only when that amount is paid to the sheriff. The sheriff may make a calculation of the amount and the deposit-taking corporation may rely on the calculation.

Injunction for joint account

- 13 A deposit-taking corporation must not honour a demand on a joint account of which the judgment debtor is one of the joint account holders until the judgment debtor's interest is determined in accordance with *Nova Scotia Civil Procedure Rule 79.09*. A payment made contrary to this injunction does not discharge the deposit-taking corporation's liability to the judgment debtor and it may be punished under *Nova Scotia Civil Procedure Rule 88 - Contempt*.

Injunction to assist sheriff

- 14 The judgment debtor, a person who controls property of a judgment debtor, and a person who is or becomes obligated to a judgment debtor must fully answer any question of the sheriff about the judgment debtor's property and give the answers in the manner directed by the sheriff. A person who controls access to the judgment debtor's property must provide the sheriff with access. No person may obstruct the sheriff from carrying out this order. An act or omission contrary to these injunctions may be punished under *Nova Scotia Civil Procedure Rule 88 - Contempt*.

Agent of sheriff

- 15 The sheriff may retain a person to act as the sheriff's agent in carrying out this order.

Sheriff's expenses

- 16 The sheriff may pay all reasonable expenses incurred to carry out this order, including expenses to seize, otherwise take control of, store, protect, and liquidate property of the judgment debtor. The sheriff may agree to terms with, or accept an advance from, the judgment creditor to cover an expense. The sheriff may refuse to act on this order until terms are agreed or an advance is given.

Surplus

- 17 The sheriff may pay money, or deliver property, to the judgment debtor that is not required to satisfy the amount for execution, unless a judge directs otherwise.

Directions

- 18 A sheriff who receives a copy of an execution order may make a motion for directions on the sheriff's duties under the order or any other subject related to the order, and the sheriff may be represented by counsel or act on the sheriff's own behalf.

Issued , 20

Prothonotary

Form 79.17.B [to be attached to execution order]

Statement of Amount for Execution

Part 1 - Judgment Amount

judgment debt	\$ [include costs and pre-judgment interest]
less credits	(\$ _____)
judgment amount	\$

Part 2 - Total Due to Creditor

registration expenses	\$
plus judgment interest	\$
plus judgment amount	\$ _____
total due to creditor	\$

Part 3 - Further Charges and Credits [to be completed by sheriff or prothonotary]

sheriff's fees and expenses	\$
plus further judgment interest	\$
less further credits	(\$ _____)
balance	\$

Form 79.19

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

[title in proceeding]

and

[name]

[title in proceeding]

Periodic Execution Order

Judgment debtor: [name and address of judgment debtor]

Amount of periodic order: \$

Payments due on: [*the day of each month starting on* /other]

Expiry date: [*open ended/termination event/date*]

Certified to be for family maintenance or support: [*yes/no*]

If family maintenance or support, arrears: [*nil/not enforced by this order/\$*]

Injunction for periodic payment

A person to whom a copy of this order is delivered, and who is, or becomes, periodically obligated to pay money to the judgment debtor must pay to the sheriff, and out of each periodic obligation, the amount required by this order. Examples of periodic obligations are wages, salary, commissions, gratuities, other regular compensation for work, payments under an annuity, rent, regular income from shares, and periodic trust payments.

Amount required

The person must pay the lesser of the following amounts each time the periodic obligation comes due, unless the judgment debtor's periodic entitlement is exempt from execution:

- (a) the amount of the periodic order or, if this order includes arrears of family maintenance or support, 125% of the amount of the periodic order;

(b) the amount due on the periodic obligation.

Exempt wages

The following amounts of the judgment debtor’s weekly after-tax wages from all sources are exempt from this execution order:

number of dependants	weekly exemption
none	\$285
one	350
two	430
three	540
four	615
five	680
more	750.

These exemptions do not apply to an order certified to be for family maintenance or support.

Failure to comply: contempt and pay twice

A person who fails to comply with this injunction may be punished for contempt. Also, a person who pays money to the judgment debtor in contravention of this order remains liable for the amount.

Termination

The requirement to pay under this order ceases on the termination date or event stated on this order or, if there is no termination date or event, when the person who is periodically obligated receives a copy of an order terminating the periodic order or declaring it to be terminated.

Issued , 20

Prothonotary

Form 79.23A

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

[title in proceeding]

and

[name]

[title in proceeding]

Discovery Subpoena in Aid of Execution

To: [name and address
of debtor, officer, manager, or director]

Details of judgment

[name of judgment creditor] obtained a judgment against [name of judgment debtor] on [date] for \$. The judgment creditor is entitled to ask you questions, to be answered under oath or affirmation, at a discovery held to inquire into the judgment debtor's assets and circumstances.

You must give evidence at the discovery

The court requires you to attend the discovery. It is to be held at [a.m./p.m] on , 20 at [place] . You are required to answer all questions properly asked of you by the judgment creditor.

You must bring documents

The court also requires that you bring to the discovery [describe documents or things] and that you provide access at the discovery to [describe electronic information] .

Failure may be punished

Failure by you to obey this discovery subpoena may be punished as contempt of court.

Right to counsel

You may retain and be represented by counsel.

Issued _____, 20

Prothonotary

Form 79.23B [to be attached to or printed on the back of the subpoena for a judgment debtor]

The judgment creditor represents that the person to whom this subpoena is addressed is [*the judgment debtor./an officer of the judgment debtor./a manager of the judgment debtor/a director of the judgment debtor./a former officer, manager or director of the judgment debtor and there are no present officers, managers, or directors.*]

The judgment creditor also represents that the discovery to be held under this subpoena is necessary to determine whether there are assets available for execution, to locate assets to be executed on, or to identify a debt or other liquidable demand for attachment.

Dated _____, 20

Signature
Print Name:

Form 81.04

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading]

[name]

[title in proceeding]

and

[name]

[title in proceeding]

Notice of *Ex Parte* Registration

To: [name and address of judgment debtor]

Judgment registered in Nova Scotia

Take notice that a judgment obtained against you by the applicant in [place of original judgment] is now registered in Nova Scotia and may be enforced as an order of this court.

Details of judgment and registration

The judgment was granted by [court in original jurisdiction] on [date of judgment] for \$ [amount] against [names of all judgment debtors] . It was registered in Nova Scotia by order in this proceeding dated [date] , which proceeding was started by *ex parte* application.

Setting aside registration

The Nova Scotia *Reciprocal Enforcement of Judgments Act* provides that this court may set the registration aside on the following grounds:

- (a) the original court acted either
 - (i) without jurisdiction under the conflict of laws rules of the court to which application is made, or
 - (ii) without authority under the law in force in the reciprocating state where the judgment was made to adjudicate concerning the cause of action or subject-matter that resulted in the alleged judgment or concerning the person of the alleged judgment debtor, or without such jurisdiction and without such authority;

- (b) the judgment debtor, being a person who was neither carrying on business nor ordinarily resident within the jurisdiction of the original court, did not voluntarily appear or otherwise submit during the proceeding to the jurisdiction of that court;
- (c) the judgment debtor, being the defendant in the proceeding, was not duly served with the process of the original court and did not appear, notwithstanding that he was ordinarily resident or was carrying on business within the jurisdiction of that court or agreed to submit to the jurisdiction of that court;
- (d) the judgment was obtained by fraud;
- (e) an appeal is pending or the time within which an appeal may be taken has not expired;
- (f) the judgment was in respect of a cause of action that for reasons of public policy or for some similar reason would not have been entertained by the registering court; or
- (g) the judgment debtor would have a good defence if a proceeding were brought on the judgment.

You have one month after a copy of this notice is delivered to you to make a motion to set aside the registration.

Address for delivery

The applicant designated an address for delivery of documents in this proceeding:

[designated address]

Documents delivered to this address are considered received when delivered. Further contact information is available from the prothonotary.

Signature

Signed _____, 20

Signature
Print name:

Form 82.08A

20

No.

Supreme Court of Nova Scotia

Between:

[names of each plaintiff in a series, i.e. do not list]

[*Plaintiff/Plaintiffs*]

and

[names of each defendant in a series]

[*Defendant/Defendants*]

Form 82.08B

20

No.

Supreme Court of Nova Scotia

Ex Parte Application by [name of each applicant]
[*Applicant/Applicants*] for an order [short description of order]

Form 82.08C

20

No.

Supreme Court of Nova Scotia

Between:

[names of each applicant in a series, i.e. do not list]

[*Applicant/Applicants*]

and

[names of each respondent in a series]

[*Respondent/Respondents*]

Form 82.08D

20

No.

Supreme Court of Nova Scotia

Between:

[names of each appellant in a series, i.e. do not list]

[Appellant/Appellants]

and

[names of each respondent in a series]

[Respondent/Respondents]

Form 82.08E

20

No.

Supreme Court of Nova Scotia

Between:

[names of each petitioner in a series, i.e. do not list]

[Petitioner/Petitioners]

and

[names of each respondent in a series]

[Respondent/Respondents]

Form 82.08F

20

No.

Supreme Court of Nova Scotia

Between: [copy standard heading except add third parties]

[name]

Plaintiff

and

[name]

Defendant

and

[names of each third party in a series, i.e do not list]

[*Third Party/Third Parties*]