



# APPLICATION FOR DEFAULT JUDGMENT

Provincial Court of Newfoundland and Labrador



Small Claims Division

# APPLYING FOR A DEFAULT JUDGMENT

COURT FILE NUMBER

What is the court file number and location shown on the Statement of Claim?

## Step 1

**COMPLETE** the APPLICATION FOR DEFAULT JUDGMENT. To complete this form, use a typewriter or print clearly. There are 5 copies, so be sure all copies are legible.

Are you sure the name(s) you used here are the same as the ones used on the Statement of Claim? It is important to use the correct name(s) or the order may not be enforceable.

## Step 2

**FILE** the APPLICATION by taking it and a completed certificate of service for the STATEMENT OF CLAIM to the Provincial Court (Small Claims Division). The staff will examine the certificate to make sure the STATEMENT OF CLAIM has been properly served. Then they will look at your STATEMENT OF CLAIM to see if a hearing is required.

**YOU MUST FILL IN THIS SECTION** and have it witnessed by a Justice of the Peace, Notary Public or Commissioner for Oaths.

## Step 3

If no hearing is required you will be asked to fill out the Default Judgment section at the bottom of the form and your Judgment can be signed immediately.

If a hearing is required, the court staff will set a date for you to appear before a judge. At this hearing, the judge will decide the amount of your claim, or if the claim is not for money, the terms of the appropriate order. You should bring to the hearing any supporting documents or evidence you wish the judge to consider. After reviewing the evidence, the judge will enter judgment which you will put in the DEFAULT JUDGMENT section on the form.

### DEFAULT JUDGMENT

If a judgment has been made for the payment of money, fill out the amounts on the right side of the default judgment.

If the judge's order includes any other terms, record those terms in the lines on the left.

When you have completed the form, take it to the Court Clerk to be checked and signed.

### WHAT EXPENSES MAY BE CLAIMED?

If you have any expenses that were not included on your Statement of Claim bring any evidence of those costs and be sure to ask the judge to include them in the judgment.

### WHAT INTEREST MAY BE CLAIMED?

If you claimed interest from the date of filing of your Statement of Claim, you may now show any amount which might have accumulated since the date of filing to today's date.

If no interest was claimed originally you are entitled to interest in accordance with the Judgment Interest Act.

## Step 4

**When** the DEFAULT JUDGMENT is completed, file a copy with the Provincial Court and then you will be able to enforce your Judgment.

**THE COURT STAFF  
WILL FILL IN THIS  
SECTION BEFORE YOU  
GO ON TO FILL OUT THE  
DEFAULT JUDGMENT.**

After a Default Judgment is made or a date is set for a hearing, the defendant may not file a reply without the permission of a judge.

# APPLICATION FOR DEFAULT JUDGMENT

IN THE PROVINCIAL COURT OF NEWFOUNDLAND (SMALL CLAIMS DIVISION)

COURT FILE NUMBER

COURT LOCATION

**In the case between:**

\_\_\_\_\_ **PLAINTIFF(S)**

and

\_\_\_\_\_ **DEFENDANT(S)**

Fill in the names, copying them from the statement of claim.

Proof of Claim  
Fill in the blanks and have your signature witnessed.

I, \_\_\_\_\_ of \_\_\_\_\_ address \_\_\_\_\_ make oath and say as follows. 1. That the statement of claim was served on the defendant by \_\_\_\_\_ on \_\_\_\_\_ date \_\_\_\_\_. That since the issuance of the statement of claim the defendant has paid the sum of \_\_\_\_\_ (if the defendant has not made any payments, state \_\_\_\_\_) and the amount still owing to the plaintiff is \_\_\_\_\_.

Sworn to at \_\_\_\_\_ in the Province of Newfoundland.  
this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_  
before me, \_\_\_\_\_  
Justice of Peace  
Notary Public or  
Commissioner for oaths  
\_\_\_\_\_ plaintiff's signature

Fill in this section.

If you appeared in court, the judge will have told you what the terms of the judgment are.

If no court appearance was required the terms of the Judgment will be those requested on your Statement of Claim.

## DEFAULT JUDGMENT

As \_\_\_\_\_ defendant has not filed a reply and the plaintiff has proved the defendant has been served with the Statement of claim, **THIS COURT ORDERS THE DEFENDANT TO:**

PAY		
THE SUM OF		
	\$	amount of claim granted by court
	+ \$	expenses
	+ \$	interest
	= \$	<b>TOTAL AMOUNT</b>

This will be signed and dated by the court.

\_\_\_\_\_ month \_\_\_\_\_ day \_\_\_\_\_ year \_\_\_\_\_ by the court

**THE DEFENDANT IS ORDERED TO CARRY OUT THE TERMS OF THE JUDGMENT IMMEDIATELY.**

The court staff will fill in this section.

- No hearing is required \_\_\_\_\_ or \_\_\_\_\_
- A hearing is required before a Judge of the Provincial Court. At the hearing, the Judge will determine the amount the plaintiff is entitled to, or the terms of an appropriate order or judgment for this case.

**A HEARING WILL BE HELD ON**

\_\_\_\_\_ month \_\_\_\_\_ day \_\_\_\_\_ year at \_\_\_\_\_ time  M  P

or as soon after this time as the court schedule allows.

at \_\_\_\_\_ court location

If you cannot attend this hearing please notify the Court.  
If you do not attend at the time set for the default hearing, the Judge may cancel it.

APPLICATION FOR DEFAULT JUDGMENT