

How to Make an Application for Judgment

Instructions

An **Application for Judgment (Form F26.02A)** is a form that you may use to apply for judgment in an uncontested proceeding. If any of the following applies to your situation, your matter is an uncontested proceeding:

- The Respondent failed to file and serve a Response within the prescribed time (and a Notice of Default (Form F6.06A) has been filed);
- The Response has been withdrawn or struck out;
- The Respondent filed a Response stating that they are not contesting a claim in the Application;
- The Applicant failed to file a Reply in relation to a claim against them made in the Response within the prescribed time (and a Notice of Default (Form F6.06A) has been filed);
- The Reply has been withdrawn or struck out;
- The Applicant filed a Reply stating that they are not contesting a claim in the Response;
- The parties have applied together for the same relief; or
- Each party to the proceeding consents to a draft judgment or order.

Completing Your Application for Judgment

You can fill out this form by hand or you can download and fill out this form electronically at www.court.nl.ca/supreme/family/forms.html (If you fill out the form electronically, you must still print the form and file it with the Court). You must fill out the entire Application for Judgment form. If you need more space to fill out any section of this form, attach an extra page and indicate which section is continued on the extra page.

Filing Your Application for Judgment

To file your Application for Judgment, bring it to the Supreme Court location where your family law file is or mail the Application to that Supreme Court location. Before you file it, you should make an extra copy of your completed and signed Application for Judgment for your own records.

If you are applying for a divorce, you must also file: 1) a draft **Divorce Judgment (Form F26.03A)** along with 2 extra copies of that Divorce Judgment. You can get a Divorce Judgment form from any Supreme Court location or online: www.court.nl.ca/supreme/family/forms.html and 2) a **Notice of Default (Form F6.06A)** if the other party failed to file a Response or Reply within the prescribed time.

Serving Your Application for Judgment

You do not have to give a copy of this Application to the other person unless they have filed a **Demand for Notice (Form F6.04A)**.

More Information

Questions? Go to <https://www.court.nl.ca/supreme/family-division/> or contact a Court near you:

Corner Brook: (709) 637-2227
 Gander: (709) 256-1115
 Grand Bank: (709) 832-1720

Grand Falls-Windsor: (709) 292-4260
 Happy Valley-Goose Bay: (709) 896-7892
 St. John's: (709) 729-2258

--- It is highly recommended that you get advice from a lawyer ---

If you need help finding or getting a lawyer, you can contact:

Public Legal Information Association of NL (PLIAN): www.publiclegalinfo.com or 1 (888) 660-7788
 Legal Aid: www.legalaid.nl.ca or 1(800) 563-9911

--- REMOVE THIS PAGE BEFORE FILING THIS APPLICATION ---

Form F26.02A: Application for Judgment (Family Law)

(for uncontested family law proceedings)



In the Supreme Court of
Newfoundland and Labrador
(General/Family)

FOR COURT USE ONLY

COURT FILE NO: _____

CENTRAL DIVORCE REGISTRY NO: _____

Filed at _____, Newfoundland and
Labrador, this _____ day of _____, 20_____.

Registry Clerk of the Supreme Court of Newfoundland and Labrador

BETWEEN: _____ APPLICANT or CO-APPLICANT
(Print full name)

AND: _____ RESPONDENT or CO-APPLICANT
(Print full name)

AND: _____
(Print full name)

NOT APPLICABLE
 SECOND APPLICANT
 SECOND RESPONDENT
 CO-APPLICANT

Part A The Order(s) Sought

Check the type of order(s) that you are seeking and provide a brief description:

<input type="checkbox"/> Divorce:
<input type="checkbox"/> Parenting (Decision-making and/or Parenting time):
<input type="checkbox"/> Contact Order/ Third Party Time with Child:
<input type="checkbox"/> Child Support:
<input type="checkbox"/> Spousal (<i>married</i>) Support or Partner (<i>unmarried</i>) Support:
<input type="checkbox"/> Parental Support (<i>for parents</i>) or Dependant Support (<i>for someone other than parents or child</i>):
<input type="checkbox"/> Division of Matrimonial (<i>married</i>) Property or Common Law (<i>unmarried</i>) Property:
<input type="checkbox"/> Consent Order:
<input type="checkbox"/> Other:

Part B Basis for Application for Judgment

Check the box that applies to your situation:

<input type="checkbox"/> The Respondent failed to file and serve a Response within the prescribed time.
<input type="checkbox"/> The Response has been withdrawn or struck out.
<input type="checkbox"/> The Respondent filed a Response stating that they are not contesting the claim(s) made in the Application.
<input type="checkbox"/> The Applicant failed to file a Reply in relation to a claim against them made in the Response within the prescribed time.
<input type="checkbox"/> The Reply has been withdrawn or struck out.
<input type="checkbox"/> The Applicant filed a Reply stating that they are not contesting the claim(s) made in the Response.
<input type="checkbox"/> The Co-Applicants filed a Joint Originating Application for the same relief.
<input type="checkbox"/> The Applicant and the Respondent have consented to the draft judgment or draft order.

Part C Relevant Documents

Check the following documents that support your claims as they relate to the order that you are seeking:
(Attach any documents that you have not already filed with the court)

<input type="checkbox"/> Originating Application	<input type="checkbox"/> Property Statement of the Applicant
<input type="checkbox"/> Originating Application for Variation	<input type="checkbox"/> Property Statement of the Respondent
<input type="checkbox"/> Joint Originating Application	<input type="checkbox"/> Affidavit of Service
<input type="checkbox"/> Joint Originating Application for Variation	<input type="checkbox"/> Previous Court Order(s)
<input type="checkbox"/> Response	<input type="checkbox"/> Domestic Contract (eg. Separation Agreement)
<input type="checkbox"/> Demand for Notice	<input type="checkbox"/> Certificate (or Registration) of Marriage
<input type="checkbox"/> Notice of Default	<input type="checkbox"/> Order dispensing with Certificate of Marriage
<input type="checkbox"/> Reply	<input type="checkbox"/> 1 self-addressed, stamped envelope with the Applicant's address
<input type="checkbox"/> Financial Statement of the Applicant	<input type="checkbox"/> 1 self-addressed, stamped envelope with the Respondent's address
<input type="checkbox"/> Financial Statement of the Respondent	<input type="checkbox"/> Draft Divorce Judgment and/or other draft orders
<input type="checkbox"/> Other:	

Check this box if you are Co-Applicants (filed a Joint Originating Application or Joint Originating Application for Variation). If you are Co-Applicants, you do not need to fill in Part D.

Part D Service of Originating Application or Response

Fill in the details of the service of the Originating Application, Originating Application for Variation, or Response.

Name of person served:	
Date of service:	Month: _____ Day: _____ Year: _____
Address of service:	
	Street Address _____ City _____ Province _____ Postal Code _____
Method of service:	<p>For Originating Application or Response (involving divorce and/or parenting):</p> <p><input type="checkbox"/> Personal service</p> <p><input type="checkbox"/> Substituted service as ordered by the Court</p>
	<p>For Originating Application or Response (involving claims other than divorce and/or parenting):</p> <p><input type="checkbox"/> Personal service</p> <p><input type="checkbox"/> Leaving a copy with the Respondent's lawyer</p> <p><input type="checkbox"/> Leaving a copy at the Respondent's address (and mailing a copy to the same address that day or the following day)</p> <p><input type="checkbox"/> Regular mail</p> <p><input type="checkbox"/> Registered mail/Courier</p> <p><input type="checkbox"/> Email</p> <p><input type="checkbox"/> Fax</p> <p><input type="checkbox"/> Electronic document exchange or other electronic form of communication</p> <p><input type="checkbox"/> Substituted service as ordered by the Court</p>

- Check this box if you are Co-Applicants (filed a Joint Originating Application or Joint Originating Application for Variation). **Both Co-Applicants must fill out Part E. Make a copy of pages 4-6 for the second Co-Applicant. Attach both affidavits to this Application for Judgment.**

Part E Affidavit

I, _____, of _____
(Print your name) (City/Town and Province)

swear or affirm and say as follows:

1. I have personal knowledge of the facts in this affidavit, except where stated to be information learned from someone else and where that is stated, I believe the information to be true.
2. Other Proceedings
 No other legal proceedings have been commenced by me or the other party with reference to the marriage, cohabitation, parenting, support, or division of property, except as follows:

3. Agreements or Contracts

Check the box that applies to your situation:

There are no agreements or contracts between me and the other party.

OR

There are agreements or contracts between me and the other party.
If the agreement or contract has not been filed with the Court, attach a copy of the agreement or contract to this form.

The agreement or contract deals with the following issues (eg. parenting, child support, property, etc.):

4. Changes to Pleadings

Check the box that applies to your situation:

There have been no changes to the contents in my:

<input type="checkbox"/> Originating Application	<input type="checkbox"/> Originating Application for Variation	<input type="checkbox"/> Interim Application
<input type="checkbox"/> Response	<input type="checkbox"/> Other:	

There have been changes to the contents in my:

<input type="checkbox"/> Originating Application	<input type="checkbox"/> Originating Application for Variation	<input type="checkbox"/> Interim Application
<input type="checkbox"/> Response	<input type="checkbox"/> Other:	

Fill in the details of the changes to the contents:

If there is a change in your financial circumstances since the filing of the Originating Application, Originating Application for Variation, Interim Application, Response, Financial Statement, and/or Property Statement, you must file and serve updated documents.

5. Divorce (if applicable)

In order to apply for a divorce, you must be able to satisfy ALL of the requirements below:

There is no prospect of reconciliation of the marriage between the other party and myself.

The other party and I have remained living separate and apart from the date of our separation to the date of this Affidavit.

If you have a child or children:

Applicant or Co-Applicant's Annual Income:	\$
Respondent or Co-Applicant's Annual Income:	\$

Reasonable arrangements have been made for the support of the child(ren). Provide details:

Check this box if you are seeking an earlier date of effect for a divorce judgment. You must fill out a Request for Earlier Date for a Divorce Judgment form.

6. Support (if applicable)

Check the box that applies to your situation:

I am claiming support.

I know/believe the other party's income to be: \$ _____ per year.

If you are seeking child support and the other party has not filed income information, you must provide sufficient information of the other party's income.

I am not claiming support.

Sufficient financial arrangements have been made for the care of the child(ren).

7. Costs (if applicable)

Costs are claimed in the amount of \$ _____ for the following reasons:

8. Service of Judgment:

The present address of the other party where service of the judgment may be made is:

I know/believe that this is the address of the other party because:

Service of the judgment upon the other party should be dispensed with for the following reasons:

Statement of Truth

You must swear or affirm that the facts and information that you have written in this Application for Judgment and Affidavit is the truth. You must swear or affirm and sign this Statement of Truth in front of a commissioner of oaths, notary public, justice of the peace, or lawyer. Court Registry staff are commissioners of oaths and you may sign this application at the Court when you file it.

I declare the facts and information of this Application for Judgment and Affidavit are true to the best of my knowledge and belief.

SWORN TO or AFFIRMED at _____, this _____ day of _____, 20____.

Signature Signature of Person Authorized to Administer Oaths