

Form 56A.35A

(rule 56A.35)

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

Court No. _____

Court File No. _____

Central Divorce Registry No. _____ (if applicable)

BETWEEN: _____ APPLICANT

AND: _____ RESPONDENT

Notice to Disclose

TO : The Respondent (or Applicant) (name)

YOU ARE REQUIRED to provide to the Applicant (or Respondent) and file with the Court within 15 days of service of this Notice: check applicable

A Financial Statement in Form 56A.27A of the *Rules of the Supreme Court, 1986*, including the required income tax documents;

A Property Statement in Form 56A.27C of the *Rules of the Supreme Court, 1986*;

A copy of your Income Tax Return and Notice of Assessment for the year(s) _____;

Your most recent statement of earnings indicating the total earnings paid in the year to date, including overtime, or if such a statement is not provided by your employer, a letter from your employer setting out that information, including your rate of annual salary or remuneration;

A copy of each of your 3 most recent pay remittance stubs;

A copy of each of your 3 most recent employment insurance benefit statements;

A copy of each of your 3 most recent worker's compensation benefit statements;

Current documentary evidence confirming the amount of social assistance that you receive;

For the taxation year(s) _____

- (i) the financial statements of your business or professional practice, other than a partnership; and
- (ii) a statement showing a breakdown of all salaries, wages, management fees or other payments or benefits paid to, or on behalf of, persons or corporations with whom you do not deal at arm's length;
- Confirmation of your income and draw from, and capital in, the partnership for the taxation year(s) _____;
- For each corporation that you control, the following information for the taxation year(s) _____;
- (i) the financial statements of each corporation and its subsidiaries; and
- (ii) a statement showing a breakdown of all salaries, wages, management fees or other payments or benefits paid to, or on behalf of, persons or corporations with whom each corporation and every related corporation does not deal at arm's length;
- A copy of the trust settlement agreement and copies of the trust's financial statement(s) for the year(s) _____;
- A copy of the most recent pension plan statement(s) of any and all plans in which you have or will have an interest;
- Current documentary evidence confirming entitlement and valuation of any accrued severance benefits, annual leave and other monetary benefits in which you have an interest;
- A copy of any health and dental insurance coverage available to you through your employer, indicating whether coverage is available for your spouse and/or children;
- A copy of the most recent assessment notice issued for and any appraisals conducted with respect to real property you own;
- Particulars or copies of every cheque issued to you for the period _____ from any business or corporation in which you have an interest or to which you have rendered a service;
- Copies of all bank account statements in your name for the period _____;
- Copies of the most recent statement for all R.R.S.P.'s, term deposit certificates, guaranteed investment certificates, stock accounts and other investments in your name or in which you have an interest;

Copies of all whole life, term life, disability or other insurance policies in your name and/or in which you have an interest, including the cash surrender value of any such policy;

Copies of credit card statements for all credit cards in your name for the period _____;

An authorization to the appropriate person or institution to obtain any of the above information that you have not provided; and

(*a copy of any other item being specifically requested*)

(The party seeking disclosure may request one or more of the above depending on the nature of the proceeding.)

IF YOU OBJECT to disclosing any of these documents, you must make an objection in writing setting out the reasons for your objection, and serve it with the information which you do not object to disclosing in response to this notice, within 15 days of service of this Notice.

DATED at _____, Newfoundland and Labrador, this ____ day of _____, 20__.

Party or Party's Lawyer

Whose address for service is:

The requested documents are to be: (a) served on the party seeking disclosure at the address for service set out at the end of this document; and (b) filed on the court file.

NOTE: If during the course of the proceeding you find out that the information you provided in a response to this notice is incorrect or incomplete, or there is a material change in the information provided, you must serve on every other party to this claim and file with the court the correct information, together with any documents substantiating it.

Notice

IF YOU FAIL TO PROVIDE THE REQUESTED DOCUMENTS WITHIN THE TIME GIVEN, the party seeking disclosure may apply on notice to the Court for any or all of the following:

- a) an Order drawing an adverse inference against you and imputing income to you in such amount as the court considers appropriate;
- b) an Order for payment of support in such amount as the Court considers appropriate;
- c) an Order that the documents requested be delivered within a specified time;
- d) an Order directed to your employer or other person for disclosure of financial information;
- e) an Order for costs, including costs up to an amount that fully compensates the party seeking disclosure for all costs incurred in the proceeding;
- f) an Order granting the party seeking disclosure any other remedy requested.