

FORM 64P
NOTICE OF REFERENCE TO ORIGINAL DEFENDANTS

(Court file no.)

SUPREME COURT OF PRINCE EDWARD ISLAND
TRIAL DIVISION

BETWEEN:

(name)

Plaintiff

and

(name(s))

Defendant(s)

and

(name(s))

Defendant(s)
added on the reference

NOTICE OF REFERENCE

The judgment in this action directs me (*where the judgment is for sale, insert: to conduct a sale of the mortgaged property and*) to inquire whether any person other than the plaintiff has a lien, charge or encumbrance on the mortgaged property in question in this action subsequent to the plaintiff's claim, and to take an account due to the plaintiff and any such person.

It appears that the persons named in the attached schedule may have a lien, charge or encumbrance on the property (*where the judgment directs the referee to add encumbrancers, add: and I have therefore added as defendants those person who were not already parties to this action*).

YOU ARE REQUIRED TO APPEAR before me to prove your claim, either in person or by a Prince Edward Island lawyer acting for you, on (*day*), (*date*), at (*time*), at (*address*). At that time, I shall determine whether any of the parties have a lien, charge or encumbrance on the property and ascertain the amount of those claims and of the plaintiff's claim. (*Where the judgment is for sale without a redemption period, add: At the same time, I shall settle the conditions of sale and advertisement and make any other necessary arrangements for the sale.*)

(*Where the judgment is for sale conditional on proof of a claim by a subsequent encumbrancer, add: The defendant (name of subsequent encumbrancer) has requested a sale of the property. If the defendant fails to attend and prove a claim before me, there will not be a sale of the property, and the claims of those who fail to appear before me may be foreclosed.*)

IF YOU FAIL TO ATTEND at the time and place set out above, the action will proceed in your absence and without further notice to you and your rights in the property may be foreclosed.

If you are a subsequent encumbrancer and fail to attend and prove your claim at the time and place set out above, you will be treated as disclaiming any lien, charge or encumbrance on the property, the property may be dealt with as if you had no such claim and your claim may be foreclosed.

(Date)

(Signature of referee)

TO: (Names and addresses of defendants named in statement of claim)

SCHEDULE OF ENCUMBRANCERS

Name of encumbrancer	Nature of encumbrance	Instrument no.	Date of instrument	Date of registration
----------------------	-----------------------	----------------	--------------------	----------------------