

FORM 640
NOTICE OF REFERENCE TO SUBSEQUENT ENCUMBRANCER
NAMED AS ORIGINAL PARTY

(Court file no.)

SUPREME COURT OF PRINCE EDWARD ISLAND
TRIAL DIVISION

BETWEEN:

(name)

Plaintiff

and

(name)

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 of the amount due to the plaintiff and any such person. It appears that you may have a lien, charge or encumbrance on the property.

YOU ARE REQUIRED TO APPEAR before me and 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 the amount of the claim of the plaintiff, and of the encumbrancers who prove their claims before me. (*Where the judgment is for sale without redemption period, add: At the same time, I shall settle the conditions of sale and advertisement and make any other necessary preparations for the sale of the property.*)

IF YOU 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 and the action will proceed in your absence and without further notice to you. The property shall 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 who appear*

to be subsequent encumbrancers)