

**FORM 70B  
COUNTERPETITION  
(AGAINST PETITIONER AND PERSON NOT ALREADY  
PARTY TO MAIN ACTION)**

*(Where all respondents to the counterpetition are already parties to the main action, use Form 70F.)*

*(General heading)*

*(Add a second title of proceeding, as follows:)*

AND BETWEEN:

*(name)*

Petitioner by  
counterpetition

*(Court seal)*

and

*(name)*

Respondents to the  
counterpetition

**ANSWER AND COUNTERPETITION**

**TO THE RESPONDENTS TO THE COUNTERPETITION**

A LEGAL PROCEEDING has been commenced against you by way of a counterpetition in a divorce action in this court.

IF YOU WISH TO DEFEND THIS COUNTERPETITION, you or a Prince Edward Island lawyer acting for you must prepare an answer to counterpetition in Form 70H prescribed by the Rules of Civil Procedure, serve it on the petitioner by counterpetition's lawyer or, where the petitioner by counterpetition does not have a lawyer, serve it on the petitioner by counterpetition, and file it, with proof of service, in this court office, WITHIN TWENTY DAYS after this answer and counterpetition is served on you.

If you are not already a party to the main action and you are served in another province or territory of Canada or in the United States of America, the period for serving and filing your answer is forty days. If you are served outside Canada and the United States of America, the period is sixty days.

If you are not already a party to the main action, instead of serving and filing an answer, you may serve and file a notice of intent to defend in Form 70J prescribed by the Rules of Civil Procedure. This will entitle you to ten more days within which to serve and file your answer.

If this counterpetition contains a claim against you for support or division of property, you must, if you have not already done so, serve and file a financial

statement in Form 70I prescribed by the Rules of Civil Procedure, within the time set out above for serving and filing your answer to counterpetition, whether or not you wish to defend this counterpetition. If you serve and file an answer to counterpetition, your financial statement must accompany it, unless you have already served a financial statement.

**IF YOU FAIL TO DEFEND THIS COUNTERPETITION, JUDGMENT MAY BE GIVEN AGAINST YOU IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU.**

(Date)

Issued by \_\_\_\_\_  
Registrar

Address of court office \_\_\_\_\_

TO (Name and address of respondent  
to the counterpetition other  
than the petitioner)

AND TO (Name and address of petitioner's  
solicitor or petitioner)

(The counterpetition is to follow the last paragraph of the answer. Number the paragraphs in sequence commencing with the number following the number of the last paragraph of the answer.)

#### COUNTERPETITION

The respondent (name if more than one respondent) claims: (State here the precise relief claimed. If the respondent wishes to include provisions of a separation agreement in the decree, refer to the specific provisions to be included.)

(Then set out in separate, consecutively numbered paragraphs each allegation of material fact relied on to substantiate the counterpetition.)

#### DECLARATION OF RESPONDENT

I have read and understand this counterpetition. The statements in it are true, to the best of my knowledge, information and belief.

Dated \_\_\_\_\_

\_\_\_\_\_  
Signature of respondent

(Where the respondent acts in person, set out the respondent's address and telephone number and strike out the statement of solicitor appearing below. Where the counterpetition does not include a claim for a divorce, strike out the statement of solicitor appearing below.)

Respondent's address and  
telephone number \_\_\_\_\_  
\_\_\_\_\_

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STATEMENT OF SOLICITOR

I, (*name*), solicitor for the respondent, certify to this court that I have complied with the requirements of section 9 of the Divorce Act. (*Where in the circumstances it would clearly not be appropriate to discuss the matters in section 9 with the respondent, set out the circumstances.*)

Date \_\_\_\_\_

\_\_\_\_\_  
Signature of solicitor

(*Name, address and  
telephone number of solicitor*)