

NOTICE OF APPLICATION TO VARY

(Heading as in Form 70E)

NOTICE OF APPLICATION TO VARY

(or)

NOTICE OF APPLICATION FOR PROVISIONAL ORDER TO VARY

TO THE RESPONDENT: _____
(full name and address including postal code)

(If this application is for a provisional order to vary child or spousal support and is being made without notice to the respondent, add "THIS APPLICATION IS WITHOUT NOTICE TO THE RESPONDENT")

THE APPLICANT HAS COMMENCED A LEGAL PROCEEDING. THIS APPLICATION
will be heard by a judge on _____, the _____ day of _____,
_____, at _____.
(time) *(Address of court house)*

THE APPLICATION IS FOR AN ORDER [OR A PROVISIONAL ORDER] VARYING:

The _____
(specify the kind of order the applicant seeks to vary; for example, custody, child support)
order granted by _____ of _____,
(judge) *(court)*
of _____ pronounced on the _____ day of _____,
(province)

(List any other orders which the applicant is asking to vary.)

The details of the variation the applicant is requesting are found on the attached page.

*Note: Provisions marked with * are not applicable if it is an application for a provisional order to vary child support or spousal support and is made without notice to the Respondent.*

(If this application is for an order varying a child or spousal support order, add:)

**You or a Manitoba lawyer acting for you must serve and file in the court office an affidavit and a financial statement in Form 70D of the *Queen's Bench Rules* within 20 days of receiving this application.*

(If this application is for an order varying a child support order under the *Divorce Act (Canada)*, add both of the following paragraphs:)

**If either the applicant or you live outside Manitoba, you must also serve and file in the court office an affidavit containing the documents required by section 21 of the *Federal Child Support Guidelines* within 20 days of receiving this application.*

Note that if:

- you are the person who is receiving or will be paid child support under the order the applicant is asking to vary; and
- there are no other support or property issues; and
- you are asking only for a table amount of support under the child support guidelines; and
- all the children for whom you want support are under the age of majority; and
- the applicant has not raised any issues requiring the production of your income information under the child support guidelines;

you do not need to file and serve at this time a financial statement nor an affidavit containing the documents required by section 21 of the *Federal Child Support Guidelines*.

***IF YOU WISH TO PRESENT AFFIDAVIT OR OTHER DOCUMENTARY EVIDENCE TO THE COURT OR TO EXAMINE OR CROSS-EXAMINE WITNESSES ON THE APPLICATION, you or a Manitoba lawyer acting for you must serve a copy of the evidence on the applicant's lawyer or, where the applicant does not have a lawyer, serve it on the applicant, and file it in the court office where the application is to be heard as soon as possible, but not later than 2:00 p.m. on a day that is at least seven days before the hearing.**

***IF YOU FAIL TO APPEAR AT THE HEARING, AN ORDER MAY BE MADE IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU.**

(date)

Issued by _____
Registrar

Court of Queen's Bench-_____ Centre

(address)

DETAILS OF THE REQUESTED VARIATION

(Set out in separate, consecutively numbered paragraphs the details of the requested variation. Where the application requests a variation of child support, specify whether the claim is for an amount of support in the applicable table in the child support guidelines, an amount for special or extraordinary expenses, or a different amount.)

FINANCIAL INFORMATION

(Attached is the applicant's financial statement (Form 70D).)

(NOTE: The applicant does not need to attach a financial statement nor an affidavit containing the documents required by section 21 of the Federal Child Support Guidelines, if

- (a) the applicant is not asking for a variation of a child support, spousal support, or property order; or*
- (b) the applicant is asking for a variation of child support, and*
 - child support is the only support or property issue in dispute in the application, and*
 - the applicant is being paid, or asking to be paid, child support by the responding party, and*
 - the applicant is not, and would not be, paying child support under the order to be varied, and*
 - the applicant is asking only for a table amount of child support under the child support guidelines, and*
 - all the children for whom the applicant wants support are under the age of majority.)*

(Where the application requests a variation of child support under the Divorce Act (Canada) and either the applicant or the respondent lives outside Manitoba, add:)

Attached is the applicant's affidavit containing the documents required under section 21 of the Federal Child Support Guidelines.

EVIDENCE TO BE USED AT THE HEARING

THE FOLLOWING DOCUMENTARY EVIDENCE will be used at the hearing of the application:

(List affidavits or other documentary evidence on which the applicant will be relying.)

(date)

(name of applicant's lawyer or applicant)

(address of applicant's lawyer or applicant)

(telephone number of applicant's lawyer or applicant)