

NOTES

Form 56

(Rules 13-3 (1) and 14-1 (8) and Section 6 (3) of Appendix B)

1

[Style of Proceeding]

SUBPOENA TO DEBTOR

2

[Rule 22-3 of the Supreme Court Civil Rules applies to all forms.]

To:*[name]*.....

3

TAKE NOTICE that the amount set out in the endorsement below is now owing by the debtor*[name]*..... on the order dated*[dd/mmm/yyyy]*....., a copy of which is attached.

YOU ARE REQUIRED TO APPEAR PERSONALLY at the courthouse at*[address]*..... at*[time of day]*..... on*[dd/mmm/yyyy]*..... to be examined on oath as to:

- (a) the income and property of the debtor,
- (b) the debts owed to and by the debtor,
- (c) the disposal the debtor has made of any property, and
- (d) the means the debtor has, or has had, or in future may have, of satisfying the order.

WARNING: Failure to attend at the hearing of this subpoena can result in your arrest and committal to prison WITHOUT DELIVERY TO YOU OF ANY FURTHER NOTICE OR DOCUMENT.

Date:*[dd/mmm/yyyy]*.....

Signature of [] creditor [] lawyer for creditor(s)

.....*[type or print name]*.....

Address for service of creditor(s):

ENDORSEMENT OF AMOUNT PAYABLE

[Set out, in the form of an account, the amount of the debt or instalment owing, the costs incurred on the order and of proceedings subsequent to the order, the amounts paid and dates of payment, the interest owing and how computed.]

4

Subtotal \$.....

5

Add Expenses of service by sheriff *[to be endorsed by officer serving at the time of service]* \$.....

6

Total amount payable \$.....

If the total amount payable is paid to the creditor or into court for the account of the creditor before the date of the hearing, you are excused from attending.

NOTES

Court forms are available at: www.ag.gov.bc.ca/courts/other/supreme/2010SupRules/info/index_civil.htm.

They can be completed online and filed electronically using Court Services Online:
www.courtservicesonline.gov.bc.ca.

They can also be printed and completed manually; or completed online, printed and filed.

File this form in the court registry and personally serve it on the debtor.

1. The style of proceeding is the part at the top of the document that identifies your case within the court system. You will use the style of proceeding on every one of your documents, whether they are filed in the court registry or not. Insert the court number, the location of the registry (e.g., Vancouver), as it is part of your style of proceeding. Write in the names of the plaintiff and defendant in capital letters (not addresses) in the style of proceeding.
 2. Name of debtor that you wish to examine.
 3. Date the court gave judgment in your favour.
 4. The subtotal is the amount owing after the creditor calculates the amounts described in the instructions above this space.
 5. The sheriff will advise you about the cost of service.
 6. Total the two sums.
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