

65.

O. 42, r. 13(1)

JUDGMENT DEBTOR SUMMONS

(Title as in action)

(a) *To a person.*

To [name of person] of [address] the abovenamed Judgment Debtor,

You are hereby summoned to appear before [state the Court] of the State Courts on the date and time shown above to be examined respecting your ability to satisfy the judgment recovered against you in the above action on [date] for \$ [sum] and \$ [sum] costs upon which judgment the sum of \$ [sum] is still due.

Take notice that if you do not appear, an order for your arrest may be issued.

(Seal of the Court and signature of the Registrar)

(b) *To a partner or person carrying on business in a name other than his or her own.*

To [name of person (one person only to each summons)] alleged to be a partner in, or carrying on business in the name of, the firm against which judgment (or order) has been obtained] of [address],

Whereas the claimant obtained judgment (or an order) against the defendant firm [name] in this Court on [date] for the sum of \$ [sum] and \$ [sum] costs upon which judgment the sum of \$ [sum] is still due:

And whereas (on your admission in the proceedings) (or having been individually served with the originating claim in this action as a partner you failed to appear at the trial) (or having been adjudged to be liable as a partner) you are liable under the said judgment (or order) as (a partner in the defendant firm) (or the person carrying on business in the name of the defendant firm):

And whereas the Court has granted permission to issue this judgment debtor summons against you:

You are hereby summoned to appear before [state the Court] of the State Courts on the date and time shown above to be examined on your ability to satisfy the said judgment (or order).

Take notice that if you do not appear (or if the person to be served has not admitted in the proceedings that he or she is liable as a partner, or has not been adjudged to be liable as a partner, or has not been individually served as a partner and failed to appear at the trial) you will be deemed to admit your liability to pay the amount, due under the said judgment or order, and an order for your arrest may be issued.

(Seal of the Court and signature of the Registrar)

*(c) To an officer of a corporation.*

To [name] of [address] an officer of the abovenamed defendant corporation,

You are hereby summoned to appear before the [state the Court] of the State Courts on the date and time shown above to be examined on the ability of the abovenamed defendant corporation to satisfy the judgment (or order) recovered (or made) against the said corporation in the above action on [date] for \$ [sum] and costs of \$ [sum] upon which judgment (or order) the sum of \$ [sum] is still due.

Take notice that if you do not appear an order for your arrest may be issued.

(Seal of the Court and signature of the Registrar)

*(d) In respect of an order of the Commissioner for Labour.*

To the abovenamed judgment debtor,

You are hereby summoned to appear before the [state the Court] of the State Courts on the date and time shown above to be examined on your ability to satisfy the order made against you by the Commissioner for Labour on [date] whereby you were ordered to pay \$ [sum] to [name] and for which a certificate signed and sealed by the Commissioner for Labour was on [date] filed and recorded in this Court under which order the sum of \$ [sum] is still due.

Take notice that if you do not appear an order for your arrest may be issued.

(Seal of the Court and signature of the Registrar)

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