

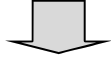
FORM 23—SUMMONS TO PAYMENT HEARING

(Paragraph 16(3)(a))

TO SUMMON A PERSON TO PAYMENT HEARING

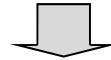
STEP 1

COMPLETE the SUMMONS TO PAYMENT HEARING. To complete this form, type or print clearly.



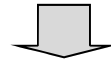
STEP 2

FILE the SUMMONS TO PAYMENT HEARING by taking it to the Territorial Court registry. The staff will tell you the hearing date. Then they will check the form and, when it is accepted for filing, apply the registry stamp and return the copies you need for your records and for serving on the person named in the summons.



STEP 3

PERSONALLY SERVE the party named in the summons with a copy of the summons at least seven days before the hearing date. The purpose is to be sure the person knows about the requirement to come to court. You should bring your completed AFFIDAVIT OF SERVICE (Form 3) to court with you.



STEP 4

THEN the person named must appear on the hearing date. If the person does not appear, a warrant for arrest of the person may be issued.

The purpose of a payment hearing is to allow a judge to

- assess the debtor's ability to pay; and
- consider whether a payment schedule should be ordered.

You can require the person to bring documents and other things that relate to:

- the income and assets of the debtor;
- the debts owed to and by the debtor;
- any income and assets that the debtor has disposed of since the cause of action arose;
- the means that the debtor has, or may have in the future, of paying the amount owed;
- any other subject concerning the payment of the amount owed that the judge may allow.

SUMMONS TO PAYMENT HEARING
 IN THE TERRITORIAL COURT OF THE NORTHWEST TERRITORIES

REGISTRY FILE NO.
REGISTRY LOCATION

SUMMONS TO PAYMENT HEARING

TO: NAME

Fill in the name and address and telephone number of the person you are requiring to come to Territorial Court.

ADDRESS

CITY, TOWN, COMMUNITY

TERRITORY/PROVINCE

POSTAL CODE

TELEPHONE

IN THE CASE BETWEEN

Fill in the name of the creditor.

NAME

CREDITOR

AND

Fill in the name of the debtor.

NAME

DEBTOR

You are required to attend the Territorial Court of the Northwest Territories on

Date

at

Time ___ M

or as soon after this time as the Territorial Court schedule allows.

at

Location of Payment Hearing

You are required to bring the following documents and other things:

List what you want the person to bring.

Check box if section is continued on an ADDITIONAL PAGE (Form 45). Be sure to attach page.

This is the amount the creditor claims against you:

If claiming interest, use an ADDITIONAL PAGE (Form 45) showing your calculations. Be sure to attach page.

(a) Total Amount of Judgment		\$	_____
(b) Less any payments to creditor	-	\$	_____
(c) Amount remaining due	=	\$	_____
(d) Interest (calculated to date below)	+	\$	_____
(e) Creditor's expenses allowed by the Court	+	\$	_____
Amount due to the creditor	Total	= \$	_____

Check box if section is continued on an ADDITIONAL PAGE (Form 45). Be sure to attach page.

What happens at the payment hearing?

Evidence may be heard about any of the following:

- a. the income and assets of the debtor;
- b. the debts owed to and by the debtor;
- c. any assets that the debtor has disposed of since the claim arose;
- d. the means that the debtor has, or may have in the future, of paying the amount owed.

Can the Summons be cancelled?

Any person who is served with a SUMMONS TO PAYMENT HEARING may apply to a judge who may

- a. cancel the SUMMONS TO PAYMENT HEARING if the person is not the right person to provide the information on behalf of the debtor; and
- b. issue a new SUMMONS TO PAYMENT HEARING to someone who is the right person to provide the information.

What happens if you do not attend?

A judge may issue a WARRANT OF ARREST for your arrest.

This SUMMONS has no effect unless signed and dated by a judge or a clerk of the Territorial Court.

Date

Judge or Clerk of the Territorial Court