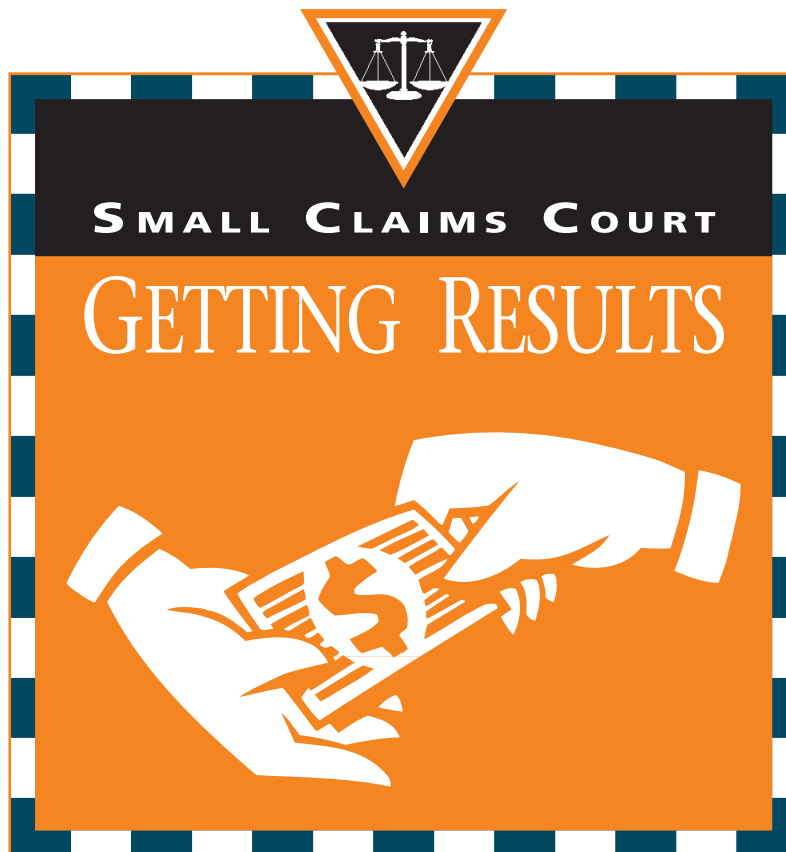


SUMMONS TO A PAYMENT HEARING



PROVINCIAL COURT OF BRITISH COLUMBIA

TO SUMMON A PERSON TO A PAYMENT HEARING

REGISTRY FILE NUMBER

What is the registry file number and location shown on the Notice of Claim?

Step 1

COMPLETE the SUMMONS TO A PAYMENT HEARING. To complete the form, use a typewriter or print clearly. There are 4 copies, so be sure all copies are legible. For more help there are booklets called "Getting Ready for Court" and "Getting Results".



Step 2

FILE the SUMMONS TO A PAYMENT HEARING by taking it to the Small Claims Court Registry. The staff will tell you the hearing date. Then they will check your form and when it is accepted for filing, apply the registry stamp and return the copies so the person named can be served.



Step 3

PERSONALLY SERVE the party named in the summons with a copy of the summons at least 7 days before the hearing date. The purpose of "Service" is to make sure the person knows about the requirement to come to court. You should bring your completed affidavit of service to court with you. For more help with service there is a booklet called "Serving Documents".



Step 4

AND 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.

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

- 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.

SUMMONS TO A PAYMENT HEARING

IN THE PROVINCIAL COURT OF BRITISH COLUMBIA (SMALL CLAIMS COURT)

REGISTRY FILE NUMBER
REGISTRY LOCATION

TO:

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

NAME _____
 ADDRESS _____
 CITY, TOWN, MUNICIPALITY _____ PROV. _____ POSTAL CODE _____ TEL. # _____

You have been summoned to a payment hearing in the case between:

_____ **CREDITOR**

and
 _____ **DEBTOR**

Copy the names of all parties in the case as shown on the Payment or Default Order.

You are required to attend the Provincial Court of British Columbia

Fill in the date, time and place of the hearing.

_____ at _____ or as soon after this time as the court schedule allows.
date time am / pm

at _____
court location

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

List what you want the person to bring to court.

If claiming Interest, show your calculation. Attach an extra sheet if necessary.

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

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 a Payment Hearing may apply to a judge who may

- a) cancel the summons if the person is not the right person to provide information on behalf of the debtor, and
- b) direct the registrar to issue a new summons to someone who is the right person to provide the information.

What happens if the person summoned does not attend?

If the creditor asks, a warrant for the arrest of the person may be issued.

_____ by the court
date

SUMMONS TO A PAYMENT HEARING

court copy

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CREDITOR

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_____ date _____ by the court

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_____ by the court
date

creditor copy