

**Example 3: Affidavit**

Court file No XXXX-XXX

IN THE COURT OF QUEEN'S BENCH OF NEW BRUNSWICK  
FAMILY DIVISION  
JUDICIAL DISTRICT OF MONCTON

BETWEEN:<sup>1</sup>

Jane Doe,

APPLICANT

- and -

Richard Smith,

RESPONDENT

**AFFIDAVIT**

I, Jane Doe of Hometown, in the County of Westmorland and Province of New Brunswick, make oath and say that:

1. I am the applicant in the Notice of Motion dated the 8th day of June, 2005 and the applicant named in the Notice of Application dated the 9th day of June, 2003.
2. Richard Smith is the respondent in the Notice of Motion dated the 8th day of June, 2005 and the respondent named in the Notice of Application dated the 9th day of June, 2003.
3. The respondent resides at 789 Queen Street in the town of Hometown in the province of New Brunswick. I know this address, as it is where I contact the respondent to discuss matters relating to the children.
4. The respondent Richard Smith and I were married on June 11, 1991.
5. The respondent moved out of the marital home on June 1, 1996 when we separated.
6. The respondent and I have two children, Paula Smith and Jack Smith.
7. Our daughter Paula Smith was born on March 15, 1994 and she is now 11 years old.
8. Our son Jack Smith was born on January 23, 1996 and he is now 9 years old.
9. The children live with me at 456 Main Street in the town of Hometown in the province of New Brunswick.
10. By an Order of Justice (judge's name) dated September 9, 1996, support for the two children was set at a total of \$420 per month to be paid by Richard Smith to Jane Doe. A copy of the order is attached to this affidavit as Exhibit A.<sup>2</sup>
11. The child support payments are not in arrears.

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<sup>1</sup> See page 4 on how to fill in the Title of Proceeding.

<sup>2</sup> Attach the original Order to this Affidavit. Write "A" on the Order. The Commissioner of Oaths should initial beside the "A".

12. The New Brunswick *Child Support Guidelines Regulation - Family Services Act* came into force on May 1, 1998, subsequent to the making of the Order of Justice (judge's name).

13. The respondent's yearly income when we separated was \$30,000.

14. I have been informed by Michael Kramer, contractor, of 231 Pleasant Plane in the city of Smalltown in the county of Westmorland and Province of New Brunswick that he has employed the respondent as a carpenter since October 13, 2003 at a yearly salary of \$42,000, and I believe the information of Mr. Kramer.

15. The respondent and I have been unable to reach an agreement to change the amount of child support.

16. I make this affidavit in support of a motion to vary the Order of Justice (judge's name) to set child support according to the provisions of the *Child Support Guidelines Regulation - Family Services Act*.

17. I confirm that all of the information in the Notice of Motion is correct.

SWORN before me at  
Fredericton, in the County of York,  
in the Province of New Brunswick,  
this 8th day of June, 2005.

Jane Doe

\_\_\_\_\_  
Commissioner of Oaths<sup>3</sup>  
Being a solicitor or  
My appointment expires  
(Month. . . . Day. . . . Year)

\_\_\_\_\_  
Jane Doe

<sup>3</sup> Print the name of the commissioner of oaths under the line.