

**IN THE SMALL CLAIMS COURT OF NEW BRUNSWICK
JUDICIAL DISTRICT OF _____**

BETWEEN:

_____ Claimant(s)

and

_____ Defendant(s)

**AFFIDAVIT TO SET ASIDE DEFAULT JUDGMENT
OR INTERIM JUDGMENT
(FORM 8)**

I, _____, defendant, of _____ in
the County of _____ and Province of _____,

(check only one)

MAKE OATH

or

SOLEMNLY AFFIRM

AND SAY THAT:

1. I am the defendant and I am requesting an order to set aside a judgment entered on _____.
(day/month/year)

2. The reasons for requesting the setting aside of the judgment are as follows:

a. *(check only one)*

I did not receive a copy of the Claim.

or

I received a copy of the Claim on _____.
(day/month/year)

b. I became aware of the default/interim judgment on _____.
(day/month/year)

c. I failed to defend the claim because

Additional pages are attached because more room is needed.

d. I believe I have a valid defence to the claim on the following grounds:

Additional pages are attached because more room is needed.

3. My address is

(mailing address)

(city, town, village)

(province)

(postal code)

Indicate residential address if different from above:

Telephone _____ (work)

_____ (home)

Fax number _____

E-mail address _____

SWORN TO (or SOLEMNLY AFFIRMED))
before me)
at _____,)
in the County of _____,)
and Province of _____,)
this ____ day of _____,)
20____.)

A Commissioner of Oaths /)
A Notary Public (if outside)
New Brunswick))

Signature of Defendant

NOTE :

You must attach a completed Response (Form 2) to this affidavit and serve all parties with a copy of the application, affidavit and completed response at least 10 days before the application is to be heard.