

FORM 70H.2
THE KING'S BENCH (FAMILY DIVISION)
_____ Centre

BETWEEN:

(full name)

petitioner

– and –

(full name)

respondent

**NOTICE OF MOTION TO VARY
FAMILY ARBITRATION AWARD**

TO THE PETITIONER or RESPONDENT: _____
(full name and address including postal code)

THE _____ WILL MAKE A MOTION FOR AN ORDER VARYING:
(identify moving party)

The Family Arbitration Award granted by _____
(arbitrator)

on the _____ day of _____, _____.
(date) (month) (year)

The details of the variation the moving party is requesting are found on the attached page.

(If this motion is for an order varying, rescinding or suspending support, add)

You or a Manitoba lawyer acting for you must file and serve in the court office an affidavit and a financial statement in accordance with Rule 70.37 and Form 70D of the *King's Bench Rules* within the time set out below for filing and serving a notice of opposition to variation.

In addition, if there is a claim related to child support you must also prepare an affidavit containing the documents required by section 21 of the *Manitoba Child Support Guidelines Regulation*. You must file and serve the affidavit within the time set out above for filing and serving your answer. If you file and serve an answer, your affidavit must accompany your answer.

IF YOU ARE SERVED WITH A DEMAND FOR FINANCIAL INFORMATION IN FORM 70D.1, YOU MUST ALSO PROVIDE THE FINANCIAL INFORMATION REQUIRED OF YOU WITHIN THE TIME SET OUT IN THE DEMAND FOR FINANCIAL INFORMATION, WHICH MAY BE DIFFERENT THAN THE TIME SPECIFIED BELOW FOR FILING A RESPONSE TO THIS MOTION.

IF YOU FAIL TO FILE AND SERVE YOUR COMPLETED FINANCIAL INFORMATION ON TIME, YOU MAY INCUR SERIOUS PENALTIES.

IF YOU WISH TO OPPOSE THIS MOTION AND PRESENT AFFIDAVIT OR OTHER DOCUMENTARY EVIDENCE TO THE COURT OR TO EXAMINE OR CROSS-EXAMINE WITNESSES ON THE MOTION, you or a Manitoba lawyer acting for you must prepare:

- a notice of opposition to variation (Form 70H.1);
- a responding affidavit;
- a Financial Statement (Form 70D) if the motion is to vary, rescind or suspend support;

and serve them on the moving party's lawyer or, where the moving party does not have a lawyer, serve them on the moving party, and file them in the court office:

- WITHIN 20 DAYS after this motion is served on you, if you are served in Manitoba;
- WITHIN 40 DAYS after this motion is served on you, if you are served in another province or territory of Canada or in the United States of America;
- WITHIN 60 DAYS after this motion is served on you, if you are served outside Canada or the United States of America.

IF YOU FAIL TO FILE AND SERVE A NOTICE OF OPPOSITION TO VARIATION, AN ORDER MAY BE GRANTED AGAINST YOU ON ANY CLAIM IN THIS MOTION IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU.

FINANCIAL INFORMATION

(Attached is the petitioner's financial statement (Form 70D))

(If the claim affects child support, add:)

(Attached is the petitioner's affidavit containing the documents required under section 21 of the Manitoba Child Support Guidelines Regulation.)

EVIDENCE TO BE USED AT THE HEARING

THE FOLLOWING DOCUMENTARY EVIDENCE will be used at the hearing of the motion:

(List affidavits or other documentary evidence on which the moving party will be relying.)

Date

Signature of lawyer or party filing

(Name of lawyer or party filing)

(Firm name)

(Address)

(Phone)

(Fax)

(E-mail address)