

FORM 64N

Courts of Justice Act

NOTICE OF REFERENCE TO SUBSEQUENT ENCUMBRANCER ADDED ON REFERENCE

(Court file no.)

ONTARIO

SUPERIOR COURT OF JUSTICE

B E T W E E N :

(name)

Plaintiff

and

(name(s))

Defendant(s)

and

(name(s))

Defendant(s) added
on the reference

NOTICE OF REFERENCE

An action has been commenced by the plaintiff for the foreclosure (*or sale*) of the mortgaged property described in the attached schedule. I have been directed by the judgment in this action dated *(date)* (*where the judgment is for sale, insert: to conduct a sale of the property and*) to inquire whether any person other than the plaintiff has a lien, charge or encumbrance on the property subsequent to the plaintiff's claim. It appears that you may have a lien, charge or encumbrance on the property. I have therefore added you as a defendant in this action.

YOU OR A LAWYER ACTING FOR YOU ARE REQUIRED TO APPEAR before me and prove your claim, (*choose one of the following*)

- In person
- By telephone conference
- By video conference

at the following location

(Courthouse address for in person hearing or telephone conference or video conference details, such as a dial-in number, access code, video link, etc., if applicable)

on (day), (date), at (time).

At that time, I shall determine the amount of the claim of the plaintiff, and of the encumbrancers who prove their claims before me. *(Where the judgment is for sale without a redemption period, add: At the same time, I shall settle the conditions of sale and advertisement and make any other necessary preparations for the sale of the property.)*

If you wish to set aside or vary my order adding you as a defendant or the judgment in this action, you must make a motion to the court within ten days after service on you of this notice *(or where the person is to be served outside Ontario, such further time as the referee directs)*. If you fail to do so, you will be bound by the judgment and the subsequent steps in this action.

IF YOU FAIL TO ATTEND AND PROVE YOUR CLAIM at the time and place set out above, you will be treated as disclaiming all interest in the property and the action will proceed in your absence and without further notice to you. The property may be dealt with as if you had no claim, and your claim may be foreclosed.

(Date)

(Signature of referee)

TO *(Names, addresses and email addresses (if any) of defendants added on reference who appear to be subsequent encumbrancers)*

(The description of the mortgaged property in the attached schedule must be the same as in the statement of claim.)