

Court File Number

(Name of court)

Form 26: Statement of Money Owed dated

at Court office address

Recipient(s)

Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Payor

Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

My name is (full legal name)

I live in (municipality and province)

and I swear/affirm that the following is true:

- 1. I am a person entitled to money under an order or a domestic contract that is enforceable in this court.
2. I attach a copy of the court order domestic contract bond/recognizance and it has not been changed by a court order or agreement of the parties, except
3. The total of the periodic payments that remain unpaid today is \$. The detailed calculation of the total is attached to this statement.
4. The amount of interest on the unpaid periodic payments between the date of each default and today is \$. The detailed interest calculations are attached to this statement.

Put a line through any blank space left on this page.

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INSTRUCTIONS FOR COMPLETING FORM 26 (Statement of Money Owed)

Paragraph 3:

Write "NIL",

- (a) if the periodic portion of your order or domestic contract is fully paid up today; or
- (b) if your order or domestic contract does not require the payor to make periodic payments.

If you are claiming unpaid amounts of periodic payments under a support order, a fine or forfeiture to be paid by instalments or a domestic contract, you **MUST** attach one or more separate sheets as an appendix to this statement. There you must set out a history or a diary of the payor's payments and defaults. The diagram to the right shows one way to set out this history or diary. The final total in this diary of payments and defaults must be the same as the dollar amount in paragraph 3.

| Date | Amount Due (Add to TOTAL) | Amount Paid (Subtract from TOTAL) | TOTAL Amount Owing |
|---------------|---------------------------|-----------------------------------|--------------------|
| 4 Sept. 1998 | \$250.00 | | \$250.00 |
| 10 Sept. 1998 | | \$250.00 | \$0.00 |
| 18 Sept. 1998 | \$250.00 | | \$250.00 |
| 24 Sept. 1998 | | \$150.00 | \$100.00 |
| 2 Oct. 1998 | \$250.00 | | \$350.00 |
| 12 Oct. 1998 | | \$125.00 | \$225.00 |
| 16 Oct. 1998 | \$250.00 | | \$475.00 |
| 30 Oct. 1998 | \$250.00 | | \$725.00 |
| 30 Oct. 1998 | \$250.00 | | \$975.00 |

Paragraph 4:

Write "NIL",

- (a) if you don't want to claim any interest on unpaid periodic payments; or
- (b) if your order or domestic contract actually forbids you to claim interest. (If your order or domestic contract says nothing about interest, you can still claim it if you want.)

Even though the payor is fully paid up today on periodic payments and even though the dollar amount that you are claiming in paragraph 3 is "NIL", there may be interest owing from the times when the payor was behind in payments. You may therefore wish to make a claim for that unpaid interest here. If you are not barred from claiming interest and wish to do so, you **MUST** attach one or more work sheets as an appendix to this statement. On those work sheets,

- (c) you must set out your method of computing interest. Unless the court order or domestic contract specifically allows you to compound interest, you must use simple interest.
- (d) you must indicate the appropriate rate of interest. This rate can sometimes be set out in your order or domestic contract, but if it is not, then you must rely on the rate allowed by section 127 of the *Courts of Justice Act*. You can also get this information from the court office.
- (e) for each overdue or partially overdue payment, calculate in dollars and cents the amount of interest allowed by subsection 129(2) of the *Courts of Justice Act*, from the date when it was due until today or until the date of full payment of that overdue amount, whichever date is earlier.

Paragraph 5:

Write "NIL",

- (a) if the lump sum (whether by way of order, forfeiture, fine or support in a domestic contract) is fully paid up today; or
- (b) if there is no requirement on the payor to pay any lump sum.

If there have been partial payments on the lump sum, you **MUST** attach one or more separate sheets as an appendix to this statement. There, you must set out a history or a diary of the payor's partial payments, similar to the diagram on the right. The final total in this history must be the same as the dollar amount that you are claiming in paragraph 5.

| Date | Amount Due (Add to TOTAL) | Amount Paid (Subtract from TOTAL) | TOTAL Amount Owing |
|--------------|---------------------------|-----------------------------------|--------------------|
| 1 Dec. 1998 | \$24,000.00 | | \$24,000.00 |
| 29 Dec. 1998 | | \$4,700.00 | \$19,300/00 |
| 12 Feb. 1999 | | \$1,800.00 | \$17,500.00 |
| 6 May 1999 | | \$1,226.00 | \$16,273.00 |

Paragraph 6:

Write "NIL",

- (a) if you don't want to claim any interest on the lump-sum amount.
- (b) if your order or domestic contract forbids you to claim interest.

Even though the lump sum has been paid up and even though the dollar amount that you are claiming in paragraph 5 is "NIL", the interest earned on it during a time when payment was overdue may still be owing and you may wish to claim it here. If you are not barred from claiming interest and wish to do so, you **MUST** attach one or more work sheets as an appendix to this statement. On those work sheets,

- (c) you must set out your method of computing interest. You must use simple interest unless the court order or domestic contract specifically allows you to compound interest.
- (d) you must indicate the appropriate rate of interest. This rate may sometimes be set out in your order or domestic contract, but if it is not, then you must rely on the rate allowed by section 127 of the *Courts of Justice Act*. You can also get this information from the court office.
- (e) for each partial payment, calculate in dollars and cents the amount of interest from the date of the order or domestic contract until the date of the partial payment. Interest on any balance still outstanding today will be calculated from the date of the order, contract or agreement until today.

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5. The amount of the lump-sum support equalization payment costs fine for contempt of court (Other; specify.)

that remains unpaid today is \$. The detailed calculation is attached to this statement. (See page 4 for instructions.)

6. The total amount of unpaid interest on the lump sum up to today is \$. The detailed calculation is attached to this statement. (See page 4 for instructions.)

7. The amount of court costs remaining unpaid today is \$. The detailed calculation is attached to this statement. (See page 4 for instructions.)

8. The amount of unpaid interest on court costs up to today is \$. The detailed calculation is attached to this statement. (See page 4 for instructions.)

CREDITOR'S RELIEF PROVISIONS

9. Of the money in paragraphs 5 and 6, I attribute \$ of the total lump-sum support. (See page 4 for instructions.)

10. Of the money in paragraphs 3 and 4, I attribute \$ of the total periodic support. (See page 4 for instructions.)

11. The total of the sums in paragraphs 9 and 10 is \$.

12. I have carried out the computations in this statement and the attached sheets correctly to the best of my ability.

FINAL TOTAL

13. The total amount enforceable in this court that I am claiming against the payor is as follows:

Table with 2 columns: Description (a-f) and Amount (\$). Includes a TOTAL row at the bottom.

Put a line through any blank space left on this page.

Sworn/Affirmed before me at municipality in province, state or country on date Commissioner for taking affidavits (Type or print name below if signature is illegible.)

Signature (This form is to be signed in front of a lawyer, justice of the peace, notary public or commissioner for taking affidavits.)

NOTE: To this statement, you must attach a photocopy of the order, domestic contract, bond or recognizance that you will be enforcing through the court. In the case of a bond or recognizance, you must also attach a photocopy of the order of forfeiture. If court costs were determined separately, you should include a photocopy of the order or certificate of costs.

Pages of computer print-out are acceptable provided that they generally conform to the examples or diagrams provided in the instructions above.

INSTRUCTIONS FOR COMPLETING FORM 26 (Statement of Money Owed) (continued)**Paragraph 7:**

Write "NIL",

- (a) if the court costs are fully paid up today; or
- (b) if the court did not award costs to you.

If there have been partial payments on the court costs, you **MUST** attach one or more separate sheets as an appendix to this statement. There, you must set out the history or diary of the payor's partial payments, as illustrated by the diagram alongside the note to paragraph 5. The final total in this diary must be the same as the dollar amount that you are claiming in paragraph 7.

Paragraph 8:

Write "NIL",

- (a) if you don't want to claim any interest on court costs; or
- (b) if your order forbids you to claim any interest on costs.

Even though the court costs may be paid up today and the dollar amount that you are claiming in paragraph 8 is "NIL", the interest earned on those costs during the time when payment on them was overdue may still be owing and you may wish to claim that interest here. If you are claiming interest on court costs, you **MUST** attach one or more work sheets as an appendix to this statement. On those work sheets,

- (c) you must set out your method of computing interest. You must use simple accrual unless the court has specifically allowed you to compound your interest.
- (d) you must indicate the appropriate rate of interest prevailing on the date when the order was made or the rate allowed by the court when it made the order. You can get this information from the court office.
- (e) for each partial payment, you must calculate in dollars and cents the amount of interest from the date of the order until the date of the partial payment. Interest on any balance still outstanding today will run from the date of the order until today.

Paragraph 9:

Write "NIL" if your lump-sum claim has nothing to do with support or maintenance. Otherwise, figure out what portion of your lump-sum claim deals with support or maintenance. You are entitled to include the interest earned on that amount.

This figure will be needed by the clerk of the court and by others, such as the sheriff, because they are required by law to give your claim for lump-sum support priority over the claims of other people with orders against the payor under the *Creditors' Relief Act*. Section 4 of that Act states:

4. **Priority for support orders** – (1) A support or maintenance order has priority over other judgment debts regardless of when an enforcement process is issued or served.
 - (a) if the order is for periodic payments, in the amount of the arrears owing under the order at the time of seizure or attachment; and
 - (b) if the order for a lump sum payment, in the amount of the lump sum.
- (2) *Support orders rank equally.* – Support or maintenance orders rank equally with one another.
- (3) *Enforcement process.* – Process for the enforcement of a support or maintenance order shall be identified on its face as being for support or maintenance.
- (4) *Crown bound.* – Subsection (1) binds the Crown in right of Ontario.

Paragraph 10:

Write "NIL" if your claim has nothing to do with periodic support or maintenance. Otherwise, figure out what portion of your claim deals with periodic support or maintenance. You are entitled to include the interest earned on that amount. This figure together with the one in paragraph 9 will be needed by the clerk of the court and by others, such as the sheriff, to determine the priority that your support arrears should have over the claims of other people with orders against the payor. See subsection 4(1) of the *Creditors' Relief Act*.

CALCULATION OF INTEREST

1. The calculations below relate to interest earned on *(State nature of order, judgment or contract.)*
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2. THE CALCULATIONS BELOW USE:
SIMPLE INTEREST
COMPOUND INTEREST, COMPOUNDED *(State frequency of compounding)*

(Other; specify.)
3. The rate of interest permitted by law is _____ % per *(frequency)*
4. The calculation of the interest is detailed as follows: