**FORM 11B**

**NOTICE OF DEFAULT JUDGMENT**

Court File No. S\_\_\_ SC \_\_\_\_\_\_\_\_\_\_
*(The number assigned by the court)*

SUPREME COURT OF PRINCE EDWARD ISLAND

(SMALL CLAIMS SECTION)

BETWEEN:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

PLAINTIFF(S)

AND:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

DEFENDANT(S)

**NOTICE OF DEFAULT JUDGMENT**

**NOTE:** Take notice that default judgment has been entered in this action as against the defendant(s) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_(Name of defendant)

for the following sums:

Debt (claimed amount) $ *amount*

Pre-judgment interest is calculated

on the sum of $ at the rate of %

per annum from \_\_\_\_\_\_\_\_\_\_\_\_(*date)* to \_\_\_\_\_\_\_\_\_\_*(date)*

being \_\_\_\_(*number of days*) days. $ *amount*

Costs $ *amount*

**Total** $ *amount*

This judgment bears post-judgment interest at  % per annum commencing this date.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 *(Date) (Signature of clerk)*

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| **NOTE:** If you are asking for judgment against different defendants for different amounts, separate Notices of Default Judgment for each defendant will confirm accuracy. |

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| **INSTRUCTIONS FOR REQUESTING DEFAULT JUDGMENT****RULE 11****DO NOT FILE THIS PAGE – DETACH BEFORE FILING****Step 1:** Notethe defendant in default. If you filed a Statement of Claim and the defendant in Prince Edward Island has not filed a Defence within 20 days after you served the claim, or 40 days if you were served outside Prince Edward Island,ask the court clerk to find or “note” the defendant in default. You can do this by filing your Affidavit of Service form (Form 8B) providing the date of service on the defendant, and the Note of Default (Form 11C). (You can get the form from the court office or online at [www.courts.pe.ca/forms](http://www.courts.pe.ca/forms).) |
| If you are asking for judgment against different defendants for different amounts, separate Notices of Default Judgment for each defendant will confirm accuracy.**Step 2:** Ask a court clerk to sign a default judgmentThe court clerk can sign a default judgment in cases where the amount in dispute is stated under an agreement. Examples include unpaid accounts for goods or services sold and delivered, and unpaid loans.To ask a clerk to sig a default judgment, you must fill out and file a Notice of Default Judgment form (Form 11B).ORAsk the court to make a judgment and assess damagesThe court (a judge or the prothonotary) can make a judgment and assess damages in cases where the amount in dispute is not spelled out under an agreement. An example of this is damage to your property.To ask the court to make a judgment and assess damages, you must:1.Make a written request. To do this, you file a Notice of Motion and support Affidavit (Forms 15A and 15B). In the Affidavit, you state the reasons why the motion should be granted. Attach all relevant documents. You may not have to go to court to speak to the judge or prothonotary. The judge or prothonotary will read all the documents and then decide whether a hearing is necessary.**PLEASE REMEMBER TO DETACH THIS SHEET BEFORE FILING YOUR DEFAULT JUDGMENT** |