

FORM 64N
NOTICE OF REFERENCE TO SUBSEQUENT ENCUMBRANCER
ADDED ON REFERENCE

(Court file no.)

SUPREME COURT OF PRINCE EDWARD ISLAND
TRIAL DIVISION

BETWEEN:

(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 ARE REQUIRED TO APPEAR before me and prove your claim, either in person or by a lawyer acting for you, on (*day*), at (*time*), at (*address*). 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 condition 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 Prince Edward Island, 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 and addresses 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.)