

IN THE NUNAVUT COURT OF JUSTICE

BETWEEN:

\_\_\_\_\_  
Petitioner

- and -

\_\_\_\_\_  
Respondent

**AFFIDAVIT OF THE PETITIONER**

I, \_\_\_\_\_, of the \_\_\_\_\_ of  
\_\_\_\_\_, in \_\_\_\_\_,

MAKE OATH AND SAY AS FOLLOWS:

**PARTIES:**

1. I am the spouse of the Respondent (or Petitioner) whose last known address is \_\_\_\_\_ .

**MARRIAGE:**

2. I was married to the Respondent (or Petitioner), \_\_\_\_\_, on \_\_\_\_\_, \_\_\_\_\_, at \_\_\_\_\_, in \_\_\_\_\_, and attached to and marked Exhibit "A" to this affidavit is a certified copy of a marriage certificate issued by the \_\_\_\_\_, which accurately sets out the particulars of my marriage. ( name of issuer and province or territory in which it was issued)

**RESIDENCE:**

3. I (or the Respondent or Petitioner) have been ordinarily resident in Nunavut for a period of at least one year immediately preceding the day the Petition for Divorce was issued in this divorce proceedings.

**GROUND:**

4. There has been a marriage breakdown, which is evidenced by the following:

*(Complete only one of the following sections - A, B or C)*

A. I separated from the Respondent on \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ in \_\_\_\_\_, and have lived separate and apart from the Respondent since that date, which is a period in excess of one year.

**OR**

B. There has been a marriage breakdown, which is evidenced by the following:

- a) The Respondent has committed adultery as evidenced by his (or her) affidavit filed in this divorce proceeding;
- b) I separated from the Respondent on \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ in \_\_\_\_\_, and have lived separate and apart from the Respondent since that date.

**OR**

C. There has been a marriage breakdown, which is evidenced by the following:

- a) The Respondent has treated me with mental or physical cruelty, particulars of which are as follows:

*(Here put in the details of the conduct that the applicant alleges establishes the existence of the mental or physical cruelty.)*

b) I separated from the Repondent on \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ in \_\_\_\_\_, and have lived separate and apart from the Respondent since that date.

**BARS TO DIVORCE:**

5. 1) I have not entered into any agreement or conspiracy, either directly or indirectly, for the purpose of subverting the administration of justice, nor have I entered into any agreement, understanding or arrangement to fabricate or suppress evidence or to deceive the Court in this action.

*(The following two paragraphs are applicable only if the grounds are adultery or mental or physical cruelty.)*

2) I have not done anything to encourage the Respondent to commit the acts complained of, nor have I done anything which would have led the Respondent to believe that I would agree or not object to such acts.

3) I have not forgiven the Respondent for committing the acts described in this affidavit and have not taken him (or her) back to live with me as my spouse.

**CHILDREN, CHILD CARE AND FINANCIAL ARRANGEMENTS FOR CHILDREN:**

6. There are no children of the marriage as defined in the *Divorce Act* (Canada).

**OR**

(1) There are \_\_\_\_\_ children of the marriage, as defined in the *Divorce Act* (Canada), namely:

\_\_\_\_\_, born on \_\_\_\_\_, \_\_\_\_\_,

(2) *(Set our arrangements for custody and access).*

(3) The following arrangements have been made for the support of the children of the marriage and it is my belief that these are reasonable arrangements as required by paragraph 11(1)(b) of the *Divorce Act* (Canada):

- a. *(set out amount to be paid each month plus any other benefits to be provided);*
  
- b. *(set out Petitioner's income and occupation);*
  
- c. *(set out Petitioner's monthly expenses);*
  
- d. *(set out Respondent's income and occupation);*
  
- e. *(detail other financial information relevant to assets, income and expenses and verify information contained in any financial statements attached to the Petition or other pleading);*
  
- f. *(indicate whether any of the children have special needs);*
  
- g. *(provide any other information necessary to satisfy the Court that the arrangements are reasonable).*

*(In addition, a copy of any agreement may be attached).*

**SPOUSAL SUPPORT:**

7. The following arrangements have been made for spousal support:

**FINANCIAL STATEMENTS:**

8. My financial statement, filed on \_\_\_\_\_, is accurate (or if the financial statement is no longer accurate: is no longer accurate and attached to and marked Exhibit "B" to this affidavit is my financial statement and it is accurate).

**RECONCILIATION:**

9. There is no possibility of reconciliation between my spouse and me.

**PETITION FOR DIVORCE:**

10. I have read the Petition for Divorce filed in this divorce proceeding and the information contained in the Petition is correct except where otherwise stated in this affidavit.

**RELIEF REQUESTED:**

11. This affidavit is made in support of an application for the following relief:  
(Set out in list form relief being requested.)

SWORN before me at the Hamlet/Town/City)  
of \_\_\_\_\_, in Nunavut )  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ )

\_\_\_\_\_  
Sign and Print name

\_\_\_\_\_  
Commissioner for Oaths/Notary Public

*Note: This affidavit must be signed before a person authorized to take affidavits by the Evidence Act.*

File no.:

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**IN THE NUNAVUT COURT OF JUSTICE**

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**IN THE MATTER of**

**-AND-**

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**Affidavit of the Petitioner**

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Husband's mailing address and  
telephone number:

Wife's mailing address and telephone  
number;