

Transfer File

Court of King's Bench

Application to Transfer File



Resolution Services



Alberta
Government

Instructions

Transfer Court File

Before you Begin:

- You must have a court file in the Court of King's Bench to use this form.
- This form is intended to allow you to ask the court to transfer your court file from one Judicial Centre to another **within Alberta**.
- If both parties agree to transfer the court file, you can do a Consent Order. Ask us how to do that.
- See our booklet, "Making a Court Application in the Court of King's Bench (With an Application Form)" for more information about how to prepare, file and serve court forms and how to present your case in court.

Fill in the Application form

- Follow the instructions on the form and in the "Making a Court Application" booklet.

Fill in the Affidavit form

- Follow the instructions on the form and in the "Making a Court Application" booklet.
- The judge can transfer the court file if it is **unreasonable** for the action to continue in the judicial centre where it is now. Your affidavit should explain why you believe it is unreasonable to continue in that judicial centre.
- This form has been prepared with the information that the court is likely to want to see. You can, if you wish, change the content of the form to set out the information in a way that you think is best.
- All of the documents that you want the judge to see must be written about in the Affidavit and attached as exhibits to the Affidavit.

IMPORTANT:

- Your court forms must be filed in the Judicial Centre where your court file is **now**.
- You will go to court in the Judicial Centre where your court file is **now**.

After the other party has been served, fill in the Affidavit of Service form

- Follow the instructions on the form and in the "Making a Court Application" booklet.

If the judge transfers your court file:

- File the Order in the Judicial Centre where your file is now.
- The Clerk will send you a letter when the file is sent to the new Judicial Centre.

These instructions have been prepared for you by Resolution Services. Contact us at:

Calgary

7th floor, Calgary Courts Centre
601 - 5 Street SW
Phone 403-297-6981

Edmonton

8th floor, Brownlee Building
10365 – 97 Street
Phone 780-415-0404

Grande Prairie

Main Floor, Court House
10260 - 99 St.
Phone: 780-833-4234

Lethbridge

1st Floor, Court House
320 - 4 St. S
Lethbridge AB T1J 1Z8
Phone: 403-388-3102

Red Deer

Main Floor, Court House
4909 - 48 Ave
Phone: 403-340-7187

Medicine Hat

Court House
460 First Street SE
Medicine Hat, AB T1A 0A8
Phone 403-529-8716

**Outside these centres, call the
Resolution Services Contact Centre at 1-855-738-4747**

Clerk's Stamp

COURT FILE NUMBER _____
(File number, as on other court documents)

COURT Court of King's Bench of Alberta

JUDICIAL CENTRE _____
(City or town where court is located)

APPLICANT _____
(Print your full name, as on other court documents)

RESPONDENT _____
(Print the other party's full name, as on other court documents)

DOCUMENT **Family Law Application to
Transfer Court File**

ADDRESS FOR SERVICE
AND CONTACT _____
INFORMATION OF PARTY (Applicant's Name)

FILING THIS DOCUMENT _____
(Full address)

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NOTICE TO THE RESPONDENT(S)

This application is made against you. You are a Respondent. You have the right to state your side of this matter before the judge. To do so, you must be in Court when the application is heard as shown below:

COURT DATE: _____, _____, 20_____.
(Weekday) (Month) (Day) (Year)

TIME: _____
(Time of Day)

WHERE: _____
(Courtroom (if known), Street address of courthouse)

BEFORE WHOM: **Justice in Family Chambers**

Go to the end of this document to see what else you must do and when you must do it.

1. REMEDY CLAIMED OR SOUGHT:

Transfer of court file

- An order transferring my court file from _____
(Current location of court file)
- to _____
(Court location in Alberta where you want file transferred to)

Other

- Variation of time for service.
- Any other remedies, including costs, that the Court determines to be appropriate.
- Other: *(Describe any other terms you would like in your order)*

2. GROUNDS FOR MAKING THIS APPLICATION:

My grounds for making this application are set out in my Affidavit sworn on

(Date)

3. MATERIAL OR EVIDENCE TO BE RELIED ON:

- I am relying on the evidence set out in my Affidavit sworn on _____
(Date)
- I am relying on the following: *(Describe the evidence, other than your Affidavit, that you are relying on)*

4. APPLICABLE RULES:

- Rule 3.5 – Transfer of action
- Rule 13.5 – Variation of time period
- Other: *(Please state Rule number(s) that apply to your application)*

5. APPLICABLE ACTS AND REGULATIONS:

- Divorce Act (Canada)*
- Federal Child Support Guidelines*
- Other (Please state other Acts / Regulations that apply to your application)*

6. ANY IRREGULARITY COMPLAINED OF OR OBJECTION RELIED ON:

Not applicable

Specify: _____

7. HOW THE APPLICATION IS PROPOSED TO BE HEARD OR CONSIDERED:

(In most circumstances, this section will be left blank. But, if you are asking for your application to be heard in a different way (such as videoconference, or teleconference) you must speak with the Clerk about what to write in this space.)

WARNING

If you do not come to Court on the date and time shown above either in person or by your lawyer, the court may give the Applicant what the Applicant wants in your absence. You will be bound by any order that the Court makes.

If you intend to give evidence in response to the application, you must reply by filing an affidavit or other evidence with the Court, and serving a copy of that affidavit or other evidence on the Applicant(s) a reasonable time before the application is to be heard or considered.

COURT FILE NUMBER _____
(File number, as on other court documents)

COURT Court of King's Bench of Alberta

JUDICIAL CENTRE _____
(City or town where court is located)

APPLICANT _____
(Print your full name, as on other court documents)

RESPONDENT _____
(Print the other party's full name, as on other court documents)

DOCUMENT: **Affidavit – Transfer a Court File**

SWORN / AFFIRMED BY: _____
(Name of person making this Affidavit)

SWORN / AFFIRMED ON: _____
(Date Affidavit sworn / affirmed)

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT _____
(Name of party filing this document)

(Full address of party filing this document)

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I, _____, of _____, Alberta,
(Your name) (Name of City / Town)

SWEAR / AFFIRM AND SAY THAT:

- 1. I am the Applicant. I have personal knowledge of the facts set out below, except where I say that they are based on information and belief. In that case, I believe the facts to be true.
- 2. I am asking the Court to transfer my court file from the Judicial Centre of _____ to the Judicial Centre of _____
(Current Judicial Centre) (New Judicial Centre)
- 3. I live in _____,
(Name of Town / City) (Province)

4. The Respondent lives in _____,
(Name of Town / City) (Province)

(Complete if this applies to you)

5. The child(ren) reside with me the Respondent

6. It is hard for me to travel to the Judicial Centre where the file is now because:
(List your reasons)

7. I have this to say about the Respondent's ability to attend court, if the file is transferred:
(Explain why it is easier for the Respondent to travel that it is for you to travel, or explain why the Respondent should not mind travelling to the new Judicial Centre)

8. I have the following other information about my application to transfer my file:

Sworn (OR Affirmed) before me

at _____, Alberta
on _____, 20 _____

Commissioner for Oaths in and for Alberta, Justice of the
Peace or Notary Public

Print Name and Expiry / Lawyer / Student-at-Law



(Signature of person swearing / affirming Affidavit)

ID Verified _____

Clerk's Stamp

COURT FILE NUMBER _____
(File number, as on other court documents)

COURT Court of King's Bench of Alberta

JUDICIAL CENTRE _____
(City or town where court is located)

APPLICANT _____
(Print your full name, as on other court documents)

RESPONDENT _____
(Print the other party's full name, as on other court documents)

DOCUMENT: **Affidavit of Personal Service**

SWORN / AFFIRMED BY: _____
(Name of person making this Affidavit)

SWORN / AFFIRMED ON: _____
(Date Affidavit sworn / affirmed)

ADDRESS FOR SERVICE
AND CONTACT
INFORMATION OF PARTY
FILING THIS DOCUMENT _____
(Name of party filing this document)

(Full address of party filing this document)

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I, _____, of _____, Alberta,
(Name of person who served) (Name of City / Town)

SWEAR / AFFIRM AND SAY THAT:

1. I have personal knowledge of the facts set out below, except where I say that they are based on information and belief. In that case, I believe the information to be true.
2. I am 18 years of age or older.

3. On _____ I served the Applicant Respondent
(Date)

(Name of person who was served)

with the following documents:

Application form filed: _____
(Date filed)

Originating Application filed: _____
(Date filed)

Affidavit filed: _____
(Date filed)

Claim filed: _____
(Date filed)

Statement filed: _____
(Date filed)

Disclosure Statement filed: _____
(Date filed)

Order filed: _____
(Date filed)

Other: (State the name of the document and the date filed with the court. If it is not a filed document, attach a copy as an exhibit to this Affidavit.)

4. I served the documents listed above by personal service, that is, I left the documents with the
 Applicant Respondent at: (Complete address where you served the Applicant or Respondent)

Sworn (OR Affirmed) before me

at _____, Alberta

on _____, 20 _____

Commissioner for Oaths in and for the Province of Alberta,
Justice of the Peace or Notary Public

Print Name and Expiry / Lawyer / Student-at-Law



(Signature of person swearing / affirming Affidavit)

ID Verified _____