

In the Supreme Court of British Columbia

Claimant:

JANE BEATRICE DOE

Respondent:

JOHN LUTHOR DOE

COUNTERCLAIM

Filed by: **John Luthor Doe**

This counterclaim has been made by the above-named respondent(s) for the relief set out in section 1 below.

If you intend to respond to this Counterclaim, you or your lawyer must

- (a) file a Response to Counterclaim in Form F6 in the above-named registry of this court within 30 days after the date on which this copy of the filed Counterclaim was served on you, and
- (b) serve a copy of the filed Response to Counterclaim on all parties.

Orders, including orders granting the relief claimed, may be made against you if you fail to file the Response to Counterclaim within the 30 day period referred to above.

1. Counterclaim

The respondent is asking for the following:

- An order for divorce. [Schedule 1 is attached.]
- An order respecting child(ren). [Schedule 2 is attached.]
- An order for spousal support. [Schedule 3 is attached.]
- An order relating to property. [Schedule 4 is attached.]
- Another order. [Schedule 5 is attached.]
- An order for costs.

2. The respondent's address for service is:

Address for service: 123 King Street
Anytown, British Columbia V1A 2B3

Fax: 604-123-4567

Email: None.

Date: 1 May 2010

John Doe

Signature of

respondent lawyer for respondent(s)

John Luthor Doe

Note to Claimant AND Respondent

You may be required to file **financial information** (Form F8) if there is a claim against you for the support of a child, spouse or parent. See the note at the end of Schedules 1 and 2 of this Counterclaim for details.

If you do not file the financial information that is required, the court may attribute an amount of income to you, and make a support award against you, based on that amount.

Court File No: E101234
 Court Registry: Vancouver

In the Supreme Court of British Columbia

Claimant:

JANE BEATRICE DOE

Respondent:

JOHN LUTHOR DOE

SCHEDULE 1: DIVORCE

THIS IS SCHEDULE 1 TO THE COUNTERCLAIM OF **JOHN LUTHOR DOE**

1. Personal information

	Claimant	Respondent
Birthdate:	1 April 1960	1 April 1962
Ordinarily resident in British Columbia since:	Birth	1 April 1985
Surname at birth:	Smith	Doe
Surname immediately before marriage:	Brown	Doe
Marital status immediately before marriage:	<input type="checkbox"/> never married <input checked="" type="checkbox"/> divorced <input type="checkbox"/> widowed	<input checked="" type="checkbox"/> never married <input type="checkbox"/> divorced <input type="checkbox"/> widowed
Place of marriage:	Las Vegas, Nevada, USA	

THIS DOCUMENT IS A SAMPLE DOCUMENT AND IS INTENDED AS A GENERAL GUIDE. IT MAY NOT CONTAIN INFORMATION RELEVANT TO YOUR CIRCUMSTANCES. IT SHOULD NOT BE USED AS A PRECEDENT FOR DRAFTING YOUR OWN DOCUMENT.

2. Ground for my claim for divorce

I ask for an order for divorce on these grounds:

- (i) My spouse and I have lived separate and apart since **1 April 2009**.

AND

- we have not lived together since then.
- we have lived together again during the following period(s), in an unsuccessful attempt to reconcile: _____

OR

- (ii) **Other grounds**, under s. 8(2)(b) of the *Divorce Act* (Canada):

AND

- I have not condoned any act relied on under s. 8(2)(b) of the *Divorce Act* (Canada) as a ground for divorce.

3. I confirm that:

- There is no possibility of reconciliation.
- There has been no collusion, as defined in section 11(4) of the *Divorce Act* (Canada), in relation to this claim for divorce.

4. Proof of marriage

- A certificate of marriage or of registration of marriage has been filed
- The claimant states at that a certificate of marriage or of registration of marriage has been filed at Schedule 1, section 4 to the Notice of Family Claim
- A certificate of marriage or of registration of marriage is not being filed with this notice of family claim because [state the reasons], and the certificate will be filed before this claim is set down for trial or an application is made for an order of divorce
- It is impossible to obtain a certificate of marriage or of registration of marriage because: _____

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5. Children

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

The children of the marriage are:

Child's full name:	Birthdate:	Resides with:
Mary Ellen Doe	1 April 1993	Claimant
John Herbert Doe	1 April 1995	Both parties

Date: 1 May 2010

John Doe

Signature of

respondent lawyer for respondent(s)

John Luthor Doe

In the Supreme Court of British Columbia

Claimant:

JANE BEATRICE DOE

Respondent:

JOHN LUTHOR DOE**SCHEDULE 2: CHILDREN**THIS IS SCHEDULE 2 TO THE COUNTERCLAIM OF **JOHN LUTHOR DOE****1. Identification of child(ren)**

I am asking for an order in respect of the following child or children:

Child's name:	Child's birthdate:	Child's relationship to the claimant:	Child's relationship to the respondent:	Child habitually resident in BC since:	Child now living with:
Mary Ellen Doe	1 April 1993	Natural child	Natural child	Birth	Both parties
John Herbert Doe	1 April 1995	Natural child	Natural child	Birth	Both parties

2. Orders sought

I am asking for the following order(s): [Check the correct box(es) and complete the required information.]

- (a) an order respecting parenting arrangements for a child or children [*Complete sections 3 and 4 below.*]
- (b) an order for child support [*Complete sections 5 to 7 below.*]

3. Current parenting arrangements

Current parenting arrangements for the child(ren) are:

Mary and John live in my home half the time and in the Claimant's home half the time, and the Claimant and I care for the children equally.

4. Proposed parenting arrangements

I propose the following parenting arrangements for the child(ren):

I propose that we have joint custody and joint guardianship of the children, and that we share the children's time on a two-week rotation, with me having the child for the last three days of the first week and for the last four days of the second week.

I am asking for an order for custody or access under:

the *Divorce Act* (Canada) the *Family Relations Act*

Date: 1 May 2010

John Doe

Signature of

respondent lawyer for respondent(s)

John Luthor Doe

Note to Claimant AND Respondent

You must file **financial information** (Form F8) if:

- there is a claim against you for the support of a child, OR
- you are claiming child

unless all of the following conditions apply:

- (a) you are making no claim for any other kind of support;
- (b) you are not applying for special expenses under s. 7 of the Child Support Guidelines;
- (c) the child support is for children who are not stepchildren;
- (d) none of the children for whom child support is claimed is 19 years of age or older;

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- (e) there is no application for a shared custody order;
- (f) the income of the party being asked to pay child support is under \$150,000 per year;
- (g) there is no application for a split custody order; and,
- (h) you are not making a claim based on undue hardship under s. 10 of the Child Support Guidelines.

If you do not file the financial information that is required, the court may attribute an amount of income to you, and make a support award against you, based on that amount.

In the Supreme Court of British Columbia

Claimant:

JANE BEATRICE DOE

Respondent:

JOHN LUTHOR DOE**SCHEDULE 4: PROPERTY**THIS IS SCHEDULE 4 TO THE COUNTERCLAIM OF **JOHN LUTHOR DOE****A. Declaration**

- I am married to **Jane Beatrice Doe** and I am asking for a declaration under s. 57 of the *Family Relations Act* that **Jane Beatrice Doe** and I have no reasonable prospect of reconciling with each other.

B. Property claims under the Family Relations Act

I am asking for an order for:

- equal division of family assets, under the Family Relations Act
- reapportionment of family assets, as follows and on the following grounds: _____

The address and legal description of any real property in which I claim an interest as a family asset is:

123 Queen Street
Anytown, British Columbia, V1A 2B3

PID: 012-345-678
Lot 1, Block 1, Section 1, New Westminster District Plan 12345

C. Other property claims

I claim:

- an interest in the following property:
- an order for compensation instead of an interest in the property described as _____ on the following grounds _____

2. Certificate of Pending Litigation

- I am applying for a Certificate of Pending Litigation to be registered against the following real property:

PID: 012-345-678

Lot 1, Block 1, Section 1, New Westminster District Plan 12345

Date: 1 May 2010

John Doe

Signature of

respondent lawyer for respondent(s)

John Luthor Doe