**Form FL‑4.1**

 [Rule 12.121(6)]

Clerk’s Stamp

|  |  |
| --- | --- |
| COURT FILE NUMBER |       |
| COURT | COURT OF QUEEN’S BENCH OF ALBERTA |
| JUDICIAL CENTRE |       |
| PLAINTIFF |       |
| DEFENDANT |       |
| DOCUMENT | **STATEMENT OF DEFENCE****(MATRIMONIAL PROPERTY)** |

|  |  |
| --- | --- |
| ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT |       |

*[NOTE: This form should be used only by spouses or former spouses to whom rule 12.121 applies. All other persons should use Form FL-4 instead.]*

*[This form may be used in response to a Statement of Claim for Divorce and Division of Matrimonial Property (with or without an additional claim for unjust enrichment), a Statement of Claim for Division of Matrimonial Property (with or without an additional claim for unjust enrichment), or in response to a Counterclaim to any of these.]*

*[Choose those which apply and provide details. If you intend to file a Counterclaim with your Statement of Defence, use Form FL‑5 for that purpose.]*

1. I am

[ ]  the Defendant

[ ]  the Defendant by Counterclaim.

2. In respect of the divorce action:

 (a) I agree to the following relief sought by the Plaintiff/Plaintiff by Counterclaim:

 (b) I contest the following part or parts of the Statement of Claim or Counterclaim:

 (c) The reasons for contesting the Statement of Claim or Counterclaim are as follows:

 (d) The details of any

(i) court proceedings for a civil or family restraining order or a protection order under the *Protection Against Family Violence Act*,

(ii) court proceedings, agreements or measures relating to child protection, or

(iii) proceedings, undertakings or recognizances relating to any matter of a criminal nature

involving the parties, and the details of any orders in effect relating to any of these matters, are as follows:

[provide details]

3. In respect of the matrimonial property action:

 (a) I agree to the following relief sought by the Plaintiff/Plaintiff by Counterclaim:

 (b) I contest the following part or parts of the Statement of Claim or Counterclaim:

 (c) The reasons for contesting the Statement of Claim or Counterclaim are as follows:

4. In respect of the action for unjust enrichment:

 (a) I agree to the following relief sought by the Plaintiff/Plaintiff by Counterclaim:

 (b) I contest the following part or parts of the Statement of Claim or Counterclaim:

 (c) The reasons for contesting the Statement of Claim or Counterclaim are as follows:

Statement of Defendant

I, [name], the Defendant, certify to the Court that I am aware of the following duties imposed on me by sections 7.1 to 7.5 of the *Divorce Act* (Canada):

1. I will exercise any parenting time, decision‑making responsibilities or contact with any child(ren) of the marriage in a manner consistent with their best interests.

2. I will protect any child(ren) of the marriage from conflict arising from these legal proceedings, to the best of my ability.

3. I will try to resolve the matters that may be the subject of an order under the Act through a family dispute resolution process, to the extent that it is appropriate to do so.

4. I will provide complete, accurate and up‑to‑date information if required to do so under the Act.

5. If I am subject to an order made under the Act, I will comply with the order until it is no longer in effect.

DATED at [City] Alberta, this [date] day of [month], 20[year].

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

Signature of Defendant

Statement of Lawyer

*(where Defendant has a lawyer)*

I, [name], the lawyer for the Defendant, certify to the Court that I have complied with the requirements of section 7.7 of the *Divorce Act* (Canada).

DATED at [City] Alberta, this [date] day of [month], 20[year].

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

Lawyer for the Defendant