Form 72B

Courts of Justice Act

affidavit (motion for payment out of court)

(General heading)

affidavit

 I, *(full name of deponent)* of the *(*City, Town, *etc.)* of , in the *(*County, Regional Municipality,

*etc.)* of , *(where the deponent is a party or the*

*lawyer, officer, director, member or employee of a party, set out the deponent’s capacity)*, MAKE OATH AND SAY *(or* AFFIRM*)*:

 1. This affidavit is filed in support of a motion for payment out of court of money belonging to *(name of person under disability)*, of *(address)*, who is *(state the nature of the disability)* and who was born on *(date)*.

 2. I am *(state the deponent’s connection with the person under disability)*.

 3. The Accountant *(or* local registrar at *(place))* has informed me that the sum of $ , including interest accrued to *(date)*, is in

 court. There has been previously paid out the sum of $ on *(date)* *(or as may be)*.

 4. It is proposed that the sum of $ be paid out of court to (*name)* for the following purpose: *(Give particulars.)*

 5. I believe that this expenditure is justified for the following reasons: *(Give particulars.)*

***Sworn* or *Affirmed* before me:** *(select one):* [ ]  in person OR [ ]  by video conference

***Complete if affidavit is being sworn or affirmed in person:***

at the (City, Town, etc.) of ..................................................................... in the (County, County, Regional Municipality, etc.) of ...................................................., on *(date)*.

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 *Signature of Commissioner (or as may be)*  *Signature of Deponent*

***Use one of the following if affidavit is being sworn or affirmed by video conference:***

***Complete if deponent and commissioner are in same city or town:***

 by ..................... (*deponent’s name*) at the (City, Town, etc.) of ..................... in the (County, Regional Municipality, etc.) of ....................., before me on ..................... (*date*) in accordance with [O. Reg. 431/20](https://www.ontario.ca/laws/regulation/r20431), Administering Oath or Declaration Remotely. ………………………………………………………

Commissioner for Taking Affidavits *(or as may be)*

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

 *Signature of Commissioner (or as may be)*  *Signature of Deponent*

 ***Complete if deponent and commissioner are not in same city or town****:*

by ..................... (*deponent’s name*) of (City, Town, etc.) of ..................... in the (County, Regional Municipality, etc.) of ....................., before me at the (City, Town, etc.) of ..................... in the (County, Regional Municipality, etc.) of....................., on ..................... (*date*) in accordance with [O. Reg. 431/20](https://www.ontario.ca/laws/regulation/r20431), Administering Oath or Declaration Remotely. ………………………………………………………

Commissioner for Taking Affidavits *(or as may be)*

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

 *Signature of Commissioner (or as may be)*  *Signature of Deponent*

RCP-E 72B (September 1, 2020)