MATRIMONIAL CAUSES RULES 2023

Form 21

ORIGINATING SUMMONS FOR ALTERATION OF MAINTENANCE AGREEMENT AFTER DEATH OF ONE OF THE PARTIES

[Heading as in Form 6]

(Seal)

In the Matter of an Application by

under section 40 of the

Matrimonial Causes Act 1974

Between

Applicant[s]

and

Respondent[s]

Let [blank] of [blank] attend before the Registrar [blank] in chambers at the Supreme Court on [blank] day, the [blank] day of [blank] 20 [blank], at [blank] o'clock, on the hearing of an application by [blank] that the agreement made on the [blank] day of [blank] 20 [blank], between [the applicant and] [blank] who died on the [blank] day of [blank] 20 [blank], [and the respondent] should be altered as shown in the affidavit accompanying this summons so as to make different [or contain] financial arrangements.

Dated this day of

This summons was taken out by [Attorney for the above-named applicant[s]].

To the Respondent.

TAKE NOTICE THAT:-

- 1 A copy of the affidavit to be used in support of the application is delivered herewith.
- 2 You must complete the accompanying acknowledgment of service and send it so as to reach the Court within eight days after you receive this summons.
- 3 [If the respondent is an estate representative of the deceased: You must also file an affidavit in answer to the applicant's application containing full particulars of the value of the deceased's estate for probate, after providing for the discharge of the funeral, testamentary and administration expenses, debts and liabilities, and the persons or classes of persons beneficially interested in the estate, with the names and addresses of all living beneficiaries and stating whether any beneficiary is a minor or incapable, by reason of mental disorder, of managing and administering his property and affairs].

[Or, if the respondent is not an estate representative of the deceased: You may also file an affidavit in answer to the application].

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[Add, in either case: The affidavit must be filed by sending or delivering it, together with a copy for the applicant, so as to reach the Court within 14 days after the time allowed for sending the acknowledgment of service].

4 If you intend to instruct an attorney to act for you, you should at once give him all the documents which have been served on you, so that he may take the necessary steps on your behalf.