

CANADA

COURT OF APPEAL

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PROVINCE OF QUEBEC  
REGISTRY OF ... (*Montreal or Quebec*)

... (*your name*), domiciled and residing  
at ... (*address*), District of ... (*name of  
district*)

No.: (*file number in first instance*)

APPLICANT - ... (*your position at first  
instance*)

v.

... (*name of adverse party*), domiciled  
and residing at ... (*address*), District of ...  
(*name of district*)

RESPONDENT - ... (*position of adverse  
party at first instance*)

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**MOTION TO EXTEND THE EXPIRATION OF THE TIME FIXED**  
**FOR INSITUTING AN APPEAL**  
**(Article 21(4) of the Divorce Act)**

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**TO ONE OF THE HONOURABLE JUSTICES OF THE COURT OF APPEAL, THE  
APPLICANT RESPECTFULLY SUBMITS:**

1. On ... (*date of judgment*), the Honourable ... (*name of judge*) of the ... (*name of court*), District of ... (*name of district*), rendered that ... (*disposition of judgment*), as it appears in the judgment attached to this motion (**Schedule 1**);
2. The inquiry and hearing lasted ... (*duration*);
3. The Applicant was unable to appeal from this judgment in the prescribed delay for the following reasons;
4. ...(*Describe the reasons why you could not take action sooner*);

5. The trial judge erred in his judgment: (*explain in details the arguments you wish to use*):

I - Manifest errors in the discretion of the documentary evidence and of the testimonies:

The trial judge manifestly erred when he ruled that ...

The Applicant intends to demonstrate that ...

This error was overriding because ...

II - Errors of law:

The trial judge erred in law by deciding that ...

The Applicant intends to demonstrate that ...

This error of law is overriding because ...

6. This extension will not cause prejudice to the Respondent.

**FOR THESE REASONS, MAY IT PLEASE THE COURT TO:**

**GRANT** this motion;

**EXTEND** the delay to appeal from the judgment rendered the... (*date*), by the Honourable ... (*name of the judge*), of the ... (*name of court*), District of ... (*name of district*), in file number ... (*file number*);

**ALLOW** the Applicant to file an Inscription in Appeal within ... days before the judgment extending the delay to appeal (*number of days necessary in order to file your inscription in appeal*)

*or*

**ALLOW** this motion to be equivalent to the Inscription in Appeal.

**THE WHOLE**, without costs, unless the Respondent contests.

..... (city and date where the motion will be signed)

(Your signature)

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.... (Your name)

Applicant

Attach an affidavit, a notice of presentation, and a list of schedules to the motion.

*As provided in article 33 of the Rules of the Court of Appeal in Civil Matters, 2 copies of the motion must be filed at the Office of the Court with documents attached at least 2 clear juridical days before the date of presentation. (One clear juridical day is constituted by an entire day, excluding Saturday, Sunday, and statutory holidays. For more information on clear juridical days, please consult article 6 and 8 of the Code of Civil Procedure.) Do not forget to attach proof of service of the motion on the adverse party or on its attorney.*

THIS MODEL DOES NOT EXEMPT THOSE WHO USE IT FROM READING THE RELEVANT PROVISIONS OF THE CODE OF CIVIL PROCEDURE, THE RULES OF THE COURT OF APPEAL OF QUEBEC IN CIVIL MATTERS, AS WELL AS THE DOCUMENTS ENTITLED "CHECKLIST IN CIVIL MATTERS" AND "FREQUENTLY ASKED QUESTIONS (IN CIVIL MATTERS)."