

**FORM P36**  
**(Rule 25-12(6))**  
**WARRANT AFTER SUBPOENA**

**General Notes**

If a person fails to comply with a *Subpoena* (that is, the person fails to deliver to the probate registry the documents described in the *Requisition for Subpoena*, the court may issue a *Warrant* to a peace officer to cause the served person to be apprehended and brought before the court and be detained in custody or released on terms the court may order. The court may further order that the served person pays the costs arising from his or her failure to file the document (Rule 25-12(6)).

The court may, by release order in *Form 117*, order the release of a person apprehended under subrule (6) on receiving an undertaking in *Form 116* from that person.

Note: There is no printed precedent for Forms 116 and 117 shown in this chapter. However, the appropriate templates in electronic form are included in the accompanying CD.

A person who has been served with a Subpoena under this rule may apply to the court for an order setting aside the subpoena on the grounds that compliance with it is unnecessary or that it would work a hardship on the person, and the court may make any order it considers will further the object of the *Supreme Court Civil Rules*.

**Preparation**

- ❶ List documents from *Form P35 –Requisition for Subpoena*.

**Processing**

Contact Sheriff Services at the court in the appropriate registry for enforcement of the *Warrant after Subpoena*.

**FORM P36 (RULE 25-12(6))**

No. \_\_\_\_\_  
*{Location}* Registry

*In the Supreme Court of British Columbia*

In the Matter of the Estate of  
*{LEGAL NAME OF DECEASED}*, Deceased

**WARRANT AFTER SUBPOENA**

**To: Any Peace Officer**

**WHEREAS** *{NAME}* *{address of person}* was subpoenaed to deliver to the registry the following document(s) within 14 days after service of the subpoena and failed to comply with the subpoena:

❶

**THIS COURT ORDERS** you to apprehend and bring him or her promptly before the court at *{Location}* and, after that, to deal with him or her as directed.

Date: *{dd/mmm/yyyy}*.

\_\_\_\_\_  
A Judge of the Supreme Court of British  
Columbia  
*{type or print name}*