

IN THE PROVINCIAL COURT OF BRITISH COLUMBIA

BETWEEN:

CLAYTON PHIPPS

CLAIMANT

AND:

JOHN ROMAN

DEFENDANT

STATEMENT OF FACTS

1. I, JOHN ROMAN, am the Defendant in this action and as such have personal knowledge of the facts hereinafter deposed to, save and except where stated to be based on information and belief, and as to such matters I verily believe them to be true.
2. A Garnishing order was issued in this action on the 3 day of JUNE, 2004 and served on the Garnishee, PACIFIC COAST CREDIT UNION.
3. The Garnishee paid \$ 2150 into court.
4. In the lawsuit the Claimant is suing for the cost of repairing part of the roof on my house.

5. My defence to this lawsuit is that the Claimant did such shoddy work that I have had to have the work he did replaced.

6. As a result of the Garnishment I do not have enough money to
pay my mortgage and feed my family

7. My income, expenses, assets and debts are set out on the attached Statement of Finances.

8. I therefore request an Order to set aside the Garnishing Order and to have the money paid into Court by the Garnishee paid out to me.

SWORN BEFORE ME at Victoria, in
the Province of British Columbia,
this day of 200 .

Defendant

A Commissioner for taking Affidavits
within British Columbia



STATEMENT OF FINANCES

IN THE PROVINCIAL COURT OF BRITISH COLUMBIA (SMALL CLAIMS COURT)

REGISTRY FILE NUMBER 512/04
REGISTRY LOCATION VICTORIA

I, JOHN ROMAN

state:

(STRIKE OUT ANYTHING THAT DOES NOT APPLY TO YOU AND INITIAL.)

1. I am married / ~~single~~ / other (specify): _____

2. I support and maintain (specify number):

3 Children under 18

1 other dependants

3. Listed below is an accurate "Statement of Finances" of my household.

MONTHLY INCOME		MONTHLY EXPENSES	
Net Salary	\$ <u>2400</u>	Rent	\$ _____
Commissions	\$ _____	Mortgage	\$ <u>850</u>
Tips and Gratuities	\$ _____	Property Taxes	\$ _____
Unemployment Insurance	\$ _____	Utilities (heat & light)	\$ <u>175</u>
Pension	\$ _____	Phone	\$ <u>50</u>
Investments	\$ _____	Cablevision	\$ <u>50</u>
Rentals	\$ _____	House/Tenant Insurance	\$ _____
Business Income	\$ _____	Life Insurance	\$ _____
Child Tax Benefit	\$ _____	Food	\$ <u>750</u>
Maintenance (if any)	\$ _____	Restaurant Meals	\$ _____
Workers' Compensation	\$ _____	Sundries & Personal Grooming	\$ _____
Monthly Income of Spouse/Common-Law Spouse living with me	\$ _____	Clothing	\$ <u>100</u>
Income of Children (if any)	\$ _____	Laundry & Dry Cleaning	\$ _____
Other	\$ _____	Motor Vehicle (lease or loan) (license, insurance, fuel & service)	\$ <u>200</u>
SUB-TOTAL	\$ _____	Transportation (public)	\$ _____
Income Assistance	\$ _____	Newspapers & Subscriptions	\$ _____
A. INCOME TOTAL	\$ <u>2400</u>	Entertainment	\$ <u>50</u>
		Alcohol & Tobacco	\$ _____
		Gifts	\$ _____
		Church & Charities	\$ _____
		Maintenance Payments	\$ _____
		Child Care & Babysitting	\$ _____
		School Expenses/Children's Activities, Lessons	\$ <u>40</u>
		Other	\$ <u>35</u>
		B. EXPENSES TOTAL	\$ <u>2300</u>

MONTHLY DEBTS	VALUE OF ASSETS
Credit Card(s): (please specify) _____ \$ _____ _____ \$ _____ _____ \$ _____	Real Estate Equity Market Value \$ _____ Mortgage Balance \$ _____
Bank or Finance Company: (please specify) <u>BANK OF NEW SCOTIA</u> \$ <u>100.00</u> _____ \$ _____ _____ \$ _____	Automobile Equity Make and Year <u>1988 VOLVO</u> \$ <u>5,000.00</u> Market Value \$ _____ Loan Balance \$ _____
Department Store(s): (please specify) _____ \$ _____ _____ \$ _____ _____ \$ _____	Bank or Other Account (include RRSP's) \$ _____ Stocks & Bonds \$ _____ Life Insurance \$ _____ Money owing to you \$ _____ Name of Debtor _____
Other: _____ \$ _____ _____ \$ _____ _____ \$ _____	Personal Property \$ _____ Cash \$ <u>150.00</u> Other \$ <u>5,150.00</u>
C DEBT PAYMENT TOTAL \$ _____	

If you need more space for any item on this Statement, attach an extra sheet and sign it.

Date: _____

Signed: John Roman

Print Name: JOHN ROMAN

A. INCOME TOTAL		\$ <u>2,400</u>
B. EXPENSES TOTAL	-	\$ <u>2,300</u>
SUB-TOTAL	=	\$ <u>100</u>
C. DEBT PAYMENT TOTAL	-	\$ <u>100</u>
BALANCE	=	\$ <u>0</u>