

Number 512/04
Victoria Registry

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

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

6. I have disposed of the following assets since the claim arose:

NONE

7. The following debts are owed to me: NONE

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

Credit Card(s): (please specify)

_____ \$ _____
 _____ \$ _____
 _____ \$ _____

Bank or Finance Company: (please specify)

BANK OF NEW SCOTIA \$ 100.00
 _____ \$ _____
 _____ \$ _____

Department Store(s): (please specify)

_____ \$ _____
 _____ \$ _____
 _____ \$ _____

Other:

_____ \$ _____
 _____ \$ _____
 _____ \$ _____

C DEBT PAYMENT TOTAL \$ _____**VALUE OF ASSETS**

Real Estate Equity

Market Value \$ _____
 Mortgage Balance \$ _____

Automobile Equity

Make and Year 1988 VOLVO \$ 5,000.00
 Market Value \$ _____
 Loan Balance \$ _____

Bank or Other Account (include RRSP's) \$ _____

Stocks & Bonds \$ _____

Life Insurance \$ _____

Money owing to you \$ _____

Name of Debtor _____

Personal Property \$ _____

Cash \$ 150.00Other \$ 5,150.00

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 \$ 2,400
B. EXPENSES TOTAL - \$ 2,300
SUB-TOTAL = \$ 100
C. DEBT PAYMENT TOTAL - \$ 100
BALANCE = \$ 0