

**AFFIDAVIT TO CANCEL A DISMISSAL OR DEFAULT ORDER**

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

REGISTRY FILE NUMBER <b>609/01</b>
REGISTRY LOCATION <b>VICTORIA</b>

Fill in the Registry File number and location

Copy the names and addresses of the claimant and defendant as shown on the notice of claim

<b>IN THE CASE BETWEEN:</b>			
NAME <b>Sheila Wood</b>			CLAIMANT(S)
ADDRESS <b>1920 Frost Street</b>			
<b>Victoria, B.C.</b>		<b>V8L 3R5</b>	<b>381-1925</b>
CITY, TOWN, MUNICIPALITY	PROV	POSTAL CODE	TEL #
AND NAME <b>Denise Cumming</b>			DEFENDANT(S)
ADDRESS <b>420 Rose Avenue</b>			
<b>Victoria, B.C.</b>		<b>V9L 2G6</b>	<b>475-2224</b>
CITY, TOWN, MUNICIPALITY	PROV	POSTAL CODE	TEL #

Attach this Affidavit to a completed "Application to a Judge"

What order do you want cancelled? Tell what kind of order it is and when it was made

Why was the order made?

What happened in this case? Explain why it happened

If there has been a delay in asking for the order to be cancelled tell why

What are the points in your claim or defence you believe you will be able to prove in a trial if your application is granted? Tell exactly what these points are

Do not sign your affidavit until a commissioner for taking of affidavits is present

A commissioner for taking affidavits will witness your signature

I, **Denise Cumming**, **Secretary**  
NAME OCCUPATION  
of **420 Rose Avenue, Victoria, B.C. V9L 2G6**  
ADDRESS

make oath and say that  
 solemnly affirm that

1 I am the **Defendant** in this action and this is my Affidavit  
in support of the attached application

2 A  Dismissal  
 Default Order  
 Residential Default Order  
was registered in this action against me on DATE **3 January 2001**

3 I failed to  File a Reply within 14 days of being served a Notice of Claim  
 Appear at a Settlement Conference  
 Appear at Trial  
 Appear at an Arbitration Hearing  
because **I never received a copy of the Notice of Claim. It was mailed to me but I never received a copy of it.**

4 I first learned of the Dismissal or Default Order or Residential Default Order on DATE **16 April 2001**  
and (complete if applicable) the reason for the delay for filing the attached Application is **I did not know about the Default Order until I was served with a Summons to a Payment Hearing.**

5 The facts that support my  claim or  defence are **that the Claimant caused the accident by driving her car through a Stop sign at Vancouver Street and cutting me off as I was riding my bicycle in the right lane west on Yates Street. That I therefore request an Order to set aside the Default Order filed against me in this action.**

month	day	year	signature of person filling out the affidavit
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Sworn/Affirmed before me on

month	day	year	at	location where affidavit is sworn
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signature of commissioner for taking affidavits for British Columbia