

NOTES

FORM 109
(RULE 22-2 (2) AND (7))

1

This is the _____ affidavit
Of _____
[name]

in this case and was made on

[dd/mmm/yyyy]

No. _____

2

In the Supreme Court of British Columbia

Between

Plaintiff(s)

and

Defendant(s)

AFFIDAVIT

[Rule 22-3 of the Supreme Court Civil Rules applies to all forms.]

3

I, _____ of _____, _____
[name] [address] [occupation]

SWEAR (OR AFFIRM) THAT:

4

1

5

SWORN (OR AFFIRMED) BEFORE ME)
 at _____ ,)
)
 British Columbia)
)
 on _____)
 [dd/mmm/yyyy])
) _____)
)
 _____)
 A commissioner for taking affidavits for British Columbia)
)
 _____)
 [print name or affix stamp of commissioner])

[The following endorsement must be completed if required under Rule 22-2 (7) of the Supreme Court Civil Rules.]

Endorsement of Interpreter
[if applicable]

I, _____ of _____ , _____
[name] [address] [occupation]

CERTIFY THAT:

- 1 I have a knowledge of the English and _____ languages and I am competent to interpret from one to the other.
- 2 I am advised by the person swearing or affirming the affidavit and believe that the person swearing or affirming the affidavit understands the _____ language.
- 3 Before the affidavit on which this endorsement appears was made by the person swearing or affirming the affidavit I correctly interpreted it for the person swearing or affirming the affidavit from the English language into the _____ language and the person swearing or affirming the affidavit appeared to fully understand the contents.

Date: _____
[dd/mmm/yyyy]

Signature of interpreter

NOTES

Court forms are available at: www.ag.gov.bc.ca/courts/other/supreme/2010SupRules/info/index_civil.htm. They can be completed online and filed electronically using Court Services Online: www.courtservicesonline.gov.bc.ca. They can also be printed and completed manually; or completed online, printed and filed.

This document must be filed in the court registry and attached to your notice of motion.

1. State your name and date that you swore the affidavit.
2. This information identifies your case within the court system. Insert the court file number and the location of the registry (e.g., Vancouver).
3. State your name, address, and occupation.
4. List the facts that you want the court to know about your application for bankruptcy, in numbered paragraphs. For example:
 1. I am the bankrupt in these proceedings and as such have personal knowledge of the matters hereinafter deposed to.
 2. My bankruptcy was caused by (provide explanation) and the details are set out in the Trustee's s. 170 report, attached as Exhibit A). (The trustee's report is also called a section 170 report, a S170 report, or a Report of Trustee on Bankrupt's Application for Discharge).
 3. My original application for discharge was heard on (date). The result of the application was (state the result). (Or, if the application was adjourned, explain why.)
 4. I am presently (employed/unemployed). I attach as Exhibit B to this affidavit my last 3 paystubs (if applicable).
 5. I attach as Exhibit C to this affidavit an accurate statement of my monthly income and expenses for myself (and others, if applicable).
 6. I make this affidavit in support of my application for an absolute discharge from bankruptcy, pursuant to the provisions of the *Bankruptcy and Insolvency Act*.

You might also include the following information if it is relevant to your application:

- Your past and present personal and financial situation since the date of bankruptcy. You should state why you did not seek the discharge earlier or why you were not able to comply with the bankrupt's duties or conditional requirements.
- Important changes in your financial situation during the period of bankruptcy, such as your employment, your income, etc.
- The reasons why you are seeking a discharge now.
- The reason why you are not represented by a trustee or a lawyer.
- Your current debts and liabilities.
- What debts and liabilities you have incurred since the date of bankruptcy.

- What assets you have acquired, distributed, transferred or sold since the date of bankruptcy.
- Respond to any statements, findings, recommendations or objections set out in the trustee's report and any other reports that are filed in response to your application.

5. Your affidavit must be sworn or affirmed before a lawyer, a notary public, or a designated court official at the court registry.
