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## INTRODUCTION

**Purpose and currency of checklist.** This checklist is designed to be used with the CLIENT IDENTIFICATION AND VERIFICATION PROCEDURE (A-1) checklist. It indicates areas that may be covered in an examination in aid of execution (pursuant to Supreme Court Civil Rule 13-4). It is intended primarily for examination of an individual debtor, but item 13 suggests questions for a corporate debtor. The checklist should be used as a guideline only. The nature and scope of the examination in each case is a matter for professional judgment. This checklist is current to July 1, 2015.

Procedural matters relating to examination in aid of execution are dealt with in item 8.4 of the COLLECTIONS PROCEDURE (E-4) checklist.

**New developments:**

- **Civil Resolution Tribunal.** The *Civil Resolution Tribunal Act*, S.B.C. 2012, c. 25 (the "*CRT Act*"), received Royal Assent on May 31, 2012. As of July 1, 2015, only Part 8, Div. 1, ss. 67-77, which deals with the appointment of tribunal members and staff, was in force. On July 15, 2015, additional sections will have come into force that authorize the making of regulations and tribunal rules and practice directions, provide authority to the chair, and bind the tribunal members to confidentiality (ss. 62, 63, 78, 83, 84, 87, and 93). The *CRT Act* creates a dispute resolution mechanism to deal with some small claims matters, including debt (less than $25,000, or a lesser amount if so prescribed by regulation). The *Civil Resolution Tribunal Amendment Act, 2015,* S.B.C. 2015, c. 16, received Royal Assent on May 14, 2015, amending the *CRT Act* so as to make participation in the CRT process mandatory for specified types of small claims disputes (while creating authority for the Provincial Court to order that the CRT not adjudicate or help to settle a "tribunal small claim" in specified circumstances).
- **Law Society Rules.** On July 1, 2015, revised and consolidated Law Society Rules came into effect. For a redlined version of the draft renumbered rules, providing background information and a historical table showing the new and old numbers assigned to each rule, see: www.lawsociety.bc.ca/docs/newsroom/highlights/Draft-LawSocietyRules2015-redlined.pdf.
- **Lawyer's duty of candour.** Rule 3.6-3, commentary [1] of the *Code of Professional Conduct for British Columbia* (the "*BC Code*") was amended in June 2015 regarding the duty of candour owed to clients respecting fees and other charges for which a client is billed.
- **Lawyer withdrawing from file.** Effective July 2015, an amendment to *BC Code* rule 3.7-9 requires a lawyer to promptly notify the client, other counsel, and the court or tribunal of the lawyer's withdrawal from a file.
- **Supreme Court Civil Rules amendments.** Amendments to the Supreme Court Civil Rules, B.C. Reg. 168/2009, effective July 1, 2015 (B.C. Reg. 103/2015) included amendments to Forms 15, 16, 40, 80 in Appendix A, in addition to amendments to probate rules and forms.
- **Changes to Court of Appeal Rules.** The Court of Appeal Rules, B.C. Reg. 297/2001, are amended pursuant to B.C. Reg. 134/2015, effective July 24, 2015, to, *inter alia*, replace "indigent status" in Rule 38 with "an order that no fees are payable"; repeal and replace Rule 56 regarding where a justice may order that no fees are payable; and amend Forms 9 (Appeal Record); 19 (Affidavit in Support of Indigent Application); 23 (Order); and 25 (Order of a Justice).
- **Changes to Small Claims Rules.** The Small Claims Rules, B.C. Reg. 261/93, are amended pursuant to B.C. Reg. 135/2015, effective July 30, 2015 and October 31, 2015, to, *inter alia*, change dates, add new subrules, and repeal provisions regarding Rule 7.2—Mediation for Claims up to $10,000.

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| • **Termination of Small Claims Court Mediation Program.** Provincial Court of British Columbia Notice to the Profession NP 07, effective July 31, 2015, clarifies the transition process for scheduling and conducting Small Claims Rule 7.2 mediations through to October 31, 2015, on which date the mediation program is terminated.<br>• **Articled students and temporary articled students acting as commissioners.** Effective Sept. 1, 2015, pursuant to B.C. Reg. 142/2015, articled students and temporary articled students are permitted to act as commissioners for taking affidavits.<br>**Of note:**<br>• **Aboriginal law.** Real or personal property of a "band" or "Indian" (as defined by the *Indian Act*, R.S.C. 1985, c. I-5) is protected under ss. 89 and 90 of the *Indian Act* if situated on reserve lands. Typically, such property is not subject to charge, pledge, mortgage, attachment, levy, seizure, distress, or execution in favour of any person other than an Indian or a band. If the creditor is an Indian or band, the *Indian Act* protections do not apply. Note that a leasehold interest in designated land is not protected, nor is personal property sold under conditional sales agreements: see s. 89(1.1) and (2). In addition to *Indian Act* considerations, some Indian bands or First Nation entities have entered into treaties or have special land-tenure agreements in place that may affect collection efforts against personal and real property. Also, there may be special agreements in place for individual Indians to opt out of treaties or reserve tenures (for example, in the Treaty 8 area).<br>If collection efforts are to be made against band or Indian assets on reserve lands (including funds in a financial institution), reserve lands, or lands subject to a treaty, consider seeking advice from a lawyer with experience in Aboriginal law matters. Further information on Aboriginal law issues is available on the "Aboriginal Law" page in the "Practice Points" section of the Continuing Legal Education Society of British Columbia website (www.cle.bc.ca) and in other CLEBC publications, including *British Columbia Creditors' Remedies—An Annotated Guide*, looseleaf and online (CLEBC, 2001) and *British Columbia Real Estate Practice Manual*, 3rd ed., looseleaf and online (CLEBC, 2006).<br>**CONTENTS**<br>1. Initial Contact<br>2. Preliminary Matters<br>3. Employment<br>4. Real Property<br>5. Other Property (Legal or Equitable)<br>6. Dispositions of Property<br>7. Spouse<br>8. Family<br>9. Debts<br>10. Personal Budget<br>11. Litigation and Judgments<br>12. Satisfaction of the Judgment<br>13. Supplementary Questions for a Corporate Debtor | |

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## CHECKLIST

### 1. INITIAL CONTACT

1.1 Consider Law Society Rules 3-98 to 3-109 on client identification and verification, and complete the CLIENT IDENTIFICATION AND VERIFICATION PROCEDURE (A-1) checklist.

Before taking any steps to enforce a judgment on behalf of a client, consider the limitation period for enforcing a judgment as set out in s. 7 of the *Limitation Act*, S.B.C. 2012, c. 13 (or s. 3 of the former Act).

1.2 Before conducting an examination in aid of execution, consider performing basic searches, using BC OnLine and other online databases, to better understand the debtor's financial status and to test the debtor's credibility:

.1 Company searches for all corporate parties, checking back to the time when the events giving rise to the action occurred:

(a) Name.

(b) Registered and records offices.

(c) Identity and addresses of directors and officers.

(d) Good standing.

.2 Land title search on the debtor's addresses (PIDs for land title office ("LTO") searches can be obtained by doing an address search on the BC Assessment website) and any other property in which the debtor may have an interest. Search by the debtor's name for any other real property holdings.

(a) Some jurisdictions, such as Alberta, do not allow searches by owner name. If the debtor might have property in another jurisdiction, consider retaining a local agent to conduct searches and, pending those results, consider commencing action where exigible assets are located.

.3 Office of the Superintendent of Bankruptcy ("OSB") (an agency of Industry Canada). If bankruptcy proceedings have commenced, an automatic stay will apply to all other actions, subject to leave of the court. OSB searches also now disclose proceedings under the *Companies' Creditors Arrangement Act*, R.S.C. 1985, c. C-36. If an "initial order" has been pronounced in such proceedings, review the order for the term of any stay of proceedings and determine if any extensions have been granted.

(a) If an assignment or a notice of intention to file a proposal has been filed, contact the trustee and obtain a creditor's package, then file proof of claim. Consider whether it is appropriate to seek leave to bring or continue an action, such as if insurance proceeds are available, or whether you should be claiming as an unsecured creditor in the estate.

(b) If there is a potential trust claim, special rules apply to claim a right in property, with specific timing requirements. You may wish to consult a lawyer who is familiar with insolvency.

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| (c) Consider whether the claim is one that "survives" the bankruptcy, for example because it arises from fraud or defalcation. While the stay of proceedings prohibits any action being taken as against the bankrupt's assets, you may wish to take steps in the bankruptcy proceedings to confirm that the judgment does in fact survive, and monitor the proceedings closely so that action can be taken as soon as the bankrupt or trustee is discharged. | |
| .4 Personal property registry | |
| **2. PRELIMINARY MATTERS** | |
| 2.1 Full name of debtor (including whether any other name has ever been used), home address and telephone number, business address and telephone number (if any), occupation(s). | |
| 2.2 Date of birth. | |
| 2.3 Address and telephone number. | |
| Marital Status. If separated, for purposes of the *Family Law Act*, S.B.C. 2011, c. 25, the date of separation. Note that under the now-repealed *Family Relations Act*, s. 56 stipulated other events besides separation triggering a spouse's entitlement to an undivided 50% interest in a family asset. Under the transitional provisions of the *Family Law Act*, s. 252, unless the spouses otherwise agree, a proceeding to enforce, set aside, or replace an agreement respecting property division before the *Family Law Act* came into force (March 18, 2013) or a proceeding respecting property division commenced under the *Family Relations Act* "must be started or continued, as applicable, under the [*Family Relations Act*] as if the [*Family Relations Act*] had not been repealed". | |
| 2.4 Whether the person being examined was the defendant in the specified action. | |
| 2.5 Whether a judgment was obtained against the debtor by the plaintiff in the action referred to (specify date and amount of judgment). | |
| 2.6 Introduction to questioning: | |
| .1 Remind the debtor of oath or affirmation. | |
| .2 Will examine regarding assets and want specific answers to the fullest and best of the debtor's ability. | |
| .3 Questions relate to property owned now and also since the debt arose. | |
| .4 Questions relate also to assets held on trust or as nominee for the debtor. | |
| **3. EMPLOYMENT** | |
| 3.1 Occupation. | |
| 3.2 Employment since the time the debt arose. For each job: | |
| .1 Employer's name and address. | |
| .2 Length of employment. | |
| .3 Position. | |
| .4 Full time or part time. | |
| .5 Prospects. | |

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| .6 Any other employment. Ask the same questions as items .1 to .5 above. | |
| .7 Whether the debtor has any equity in the business in which he or she is employed. | |
| .8 If no longer employed, why was the employment terminated? | |
| .9 Did the debtor receive severance pay, bonus, golden handshake, etc., on termination? | |
| 3.3 If the debtor works for his or her own company: | |
| .1 Address. | |
| .2 Registered office. | |
| .3 Holdings. | |
| .4 Ownership of company and names of directors. | |
| .5 Type of shareholding and number of shares held. Ask for production of corporate records book. | |
| .6 Any shareholders' agreement(s), with particular reference to restrictions on share transfer. Ask for a copy of the agreement. | |
| .7 Any indebtedness of the company. | |
| .8 Any security held on assets in the company owing to debtor. Ask for copies of security documents. | |
| .9 Any shareholder's loans made to the company, and repayment terms. | |
| .10 If a partnership, ask what capital contribution was made. Ask what draw is paid. Ask whether there are retained earnings. | |
| 3.4 Employment income. For each job: | |
| .1 Amount and basis of income (e.g., salary or commission). | |
| .2 Timing of payment. | |
| .3 Date of payment. | |
| .4 Whether paid directly into bank account. | |
| .5 Any bonuses (e.g., performance, year-end). | |
| .6 Any deferred profit sharing plan (how much paid in last 12 months). | |
| .7 Any participation plan. | |
| .8 Insurance. | |
| .9 Stocks or bonds. | |
| .10 Cars, memberships, etc. | |
| .11 Any amounts currently owing to the debtor. | |
| .12 What deductions are made at source. | |
| .13 Whether the debtor filed tax returns for the last two years (or dating back to when the cause of action arose). If so: | |
| (a) Gross earnings and sources. | |
| (b) Net earnings. | |
| (c) Income tax paid. | |
| (d) Ask for copies of the returns. | |

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| .14 For a self-employed debtor, is there income splitting or contribution to a family trust. Ask for particulars. | |
| 3.5 Previous employment. | |
| 3.6 Has the debtor ever had a business, been involved in a partnership, been an officer or director of a corporation, or carried on business under a trade or business name. If so, get details, including remuneration. | |
| 3.7 Prospects, if currently unemployed. | |
| **4. REAL PROPERTY** | |
| 4.1 Current residence: | |
| .1 Address. | |
| .2 Owned or rented. | |
| .3 If rented: | |
| (a) Rental amount, when due, whether paid by cash or cheque (if cheque, who signs it), paid to whom. | |
| (b) Whether there is a lease and, if so, the details (including who signed the lease). | |
| (c) Any other expenses, such as deposit. | |
| (d) Owner and landlord and whether related to the debtor. | |
| (e) Where the owner got the money to buy it, particularly if the owner is a family member. | |
| .4 If owned: | |
| (a) Date of purchase. | |
| (b) Amount of mortgage payments. | |
| (c) How the debtor pays for it. | |
| (d) Equity. Ask for copy of any appraisals. | |
| (e) If strata, amount of maintenance fees. | |
| 4.2 Whether the debtor holds any other real property, or any interest in real property, either individually or in connection with any other person, including beneficial ownership. | |
| 4.3 Whether the debtor holds any other real property or any interest in real property in any other province or country. | |
| 4.4 Whether the debtor has held any other real property, or any interest in real property, from the time the debt arose. | |
| 4.5 For each piece of real property or interest in real property: | |
| .1 Location, address, legal description. | |
| .2 Description. | |
| .3 Nature of interest (including equitable interests, e.g., where the debtor is a trust beneficiary). | |
| .4 Length of holding. | |
| .5 Value (e.g., assessed value for property tax). Obtain recent appraisals, if available. | |

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| .6 Who provided the money to buy the property. | |
| .7 Outstanding balance or value of any encumbrances against the debtor's interest in property. | |
| .8 Whether leased or sub-leased and, if so, names of tenants. | |
| .9 Whether held by the debtor alone, or in joint tenancy or tenancy in common. Identity of any other parties. | |
| 4.6 If the debtor does not own any real property now: | |
| .1 When did he or she last do so? | |
| .2 How and when was it transferred; to whom; for what consideration? Ask for copies of transfer documents. | |
| **5. OTHER PROPERTY (LEGAL OR EQUITABLE)** | |
| 5.1 Motor vehicles, boats, planes, etc.: | |
| .1 Description, including registration number, licence number, etc. | |
| .2 Type of interest. | |
| .3 How long held. | |
| .4 Use made of it. | |
| .5 Location (address). | |
| .6 Value. | |
| .7 Money owing on the property, and details, including whether the creditor has any security. Ask for copies of any security documents. | |
| .8 Whether held by the debtor alone. Identity of co-owners. | |
| .9 Are there any encumbrances against the property? If so, what is balance outstanding. | |
| .10 In the case of a boat, whether it is registered in the Ships Registry. | |
| .11 If the debtor does not own a car now: | |
| (a) When did the debtor last own one. | |
| (b) How and when was it transferred; to whom; for what consideration; whether any security was taken. | |
| (c) Whether the debtor drives a car now and, if so, the details (particularly ownership of the car). | |
| .12 Obtain the debtor's driver's licence number for name search. | |
| 5.2 Machinery, equipment, tools, etc.: | |
| .1 Description. | |
| .2 Type of interest. | |
| .3 How long held. | |
| .4 Location (address). | |
| .5 Value. | |
| .6 Whether held by the debtor alone. Identity of co-owners. | |

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| .7 Whether any encumbrances against the property. If so, what is balance outstanding. | |
| 5.3 Investments (e.g., bonds, common stock, preferred stock, term deposits, mutual funds): | |
| .1 Description, in detail (e.g., number of shares, whether shares are registered or straight form). | |
| .2 Type of interest. | |
| .3 How long held. | |
| .4 Location (address). | |
| .5 Value. | |
| .6 Maturity date, if any. | |
| .7 Principal or interest. | |
| .8 Whether held by the debtor alone. Identity of co-owners. | |
| .9 Whether shares have been hypothecated. If so, the balance outstanding on the debt. | |
| 5.4 RRSPs (Note: *Court Order Enforcement Act,* R.S.B.C. 1996, c. 78, s. 71.3 exempts RRSPs from enforcement procedures, with some exceptions: RRSPs may be exigible in proceedings under the *Family Maintenance Enforcement Act*, R.S.B.C. 1996, c. 127, or where contributions were made within 12 months of the debt that is being enforced became due.) For RRSP holdings, note particulars: | |
| .1 Description. | |
| .2 How long held. | |
| .3 Location. | |
| .4 Value. Ask for any statements reflecting the value of the RRSP. | |
| .5 Whether held by the debtor alone. Identity of co-owners. | |
| .6 Beneficiary. | |
| .7 Whether it is self-directed or, locked in. If it is locked in, when did it become locked in? When was the RRSP account opened? What is/was the source of the funds in the RRSP? | |
| .8 Whether monthly payments are made to it. If so, from what source. | |
| .9 Whether any amounts have been paid out of the RRSP in the last two years. | |
| .10 Whether any contributions were made to the RRSP after or within the 12 months before the date on which the debt that is the subject of the examination became due. | |
| 5.5 Bank accounts or trust accounts: | |
| .1 Type of account. | |
| .2 Name and address of the institution that holds the account. | |
| .3 Account number. | |
| .4 Balance. | |

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| .5 Interest accruing. | |
| .6 Whether it is a joint account and, if so, identity of co-owners. | |
| .7 If the debtor does not have a bank account now: | |
| (a) When did the debtor last have one; where was the account; when was it closed? | |
| (b) When did the debtor last have any claim to or interest in any account in any name; details? | |
| .8 When did the debtor last draw a cheque; to whom; amount; what was it for? | |
| .9 Whether the debtor has a safety deposit box or the right of access to one: | |
| (a) Box number. | |
| (b) Location. | |
| (c) Contents of box. | |
| (d) If not, when did the debtor last have one, and obtain details (a)-(c). | |
| 5.6 Insurance (on debtor's life, someone else's life, vehicles, etc.), annuity, accident, or disability plans: | |
| .1 Description, including policy number. | |
| .2 Name and address of the company that holds the plan. | |
| .3 Whether held by the debtor or by others on the debtor's life. | |
| .4 Beneficiary. For life or personal accident insurance, whether there is a designated beneficiary. If so, *Insurance Act*, S.B.C. 2012, c. 1, ss. 65 and 124 make insurance money exempt from execution. | |
| .5 Current cash surrender value of plan. | |
| .6 Maturity value and date. | |
| .7 Amount and timing of payments; who pays the premiums. | |
| 5.7 Debts or obligations owing to the debtor, or judgments held by the debtor (e.g., mortgages, IOUs, promissory notes, loan agreements): | |
| .1 Description. | |
| .2 Whether now due or due in future. | |
| .3 Current value. | |
| .4 Matured value and maturity date. | |
| .5 Whether the debt is owing to the debtor alone. Identity of joint creditors. | |
| .6 Debtor's name, address, and occupation. | |
| .7 Security for the debt. | |
| .8 Steps taken to collect debts or judgments currently owing. | |
| .9 Ask for copies of any contracts and security documentation. | |
| 5.8 Cheques, negotiable instruments, money orders, travellers' cheques, letters of credit, etc.: | |
| .1 Description. | |
| .2 Details. | |

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| .3 Whether held by the debtor alone. Identity of co-owners. | |
| .4 Value. | |
| 5.9 Interests in companies, partnerships, associations (other than those covered in item 3.3): | |
| .1 Name and location (address, registered office). | |
| .2 Type of company, partnership, association. | |
| .3 Nature of interest. | |
| .4 Holdings. | |
| .5 Value of interest. | |
| .6 Whether held by the debtor alone. Identity of co-owners. | |
| .7 Dividends, wages, fees, or stipends paid. | |
| 5.10 Personal effects: | |
| .1 Whether the debtor owns the furniture in the residence. | |
| .2 Anything special (e.g., furniture, antiques, works of art, appliances, television, stereo, computer, piano, silver, crystal, camera, collection, jewelry, fur coat). If so: | |
| (a) Description. | |
| (b) Location (address). | |
| (c) Value. | |
| (d) Whether owned by the debtor alone. Identity of co-owners. | |
| .3 Total approximate value of all personal effects. | |
| 5.11 Cash: | |
| .1 Amount of money presently in the debtor's wallet and pockets. | |
| .2 Cash at home or in other places. | |
| 5.12 Other: | |
| .1 Any interest in real or personal property that is inchoate, subsisting, but not matured (e.g., interim agreement, option to purchase): | |
| (a) Description and nature of the interest. | |
| (b) When the interest will vest. | |
| (c) Maturity value and date. | |
| (d) Identity of the person who presently holds the interest. | |
| .2 Any property presently in anyone else's possession (e.g., loaned, rented, pawned, held for repairs, etc.): | |
| (a) Description. | |
| (b) Nature of the interest. | |
| (c) Value. | |
| (d) Location (address, identity of holder). | |
| (e) Details of the transaction. | |
| .3 Inheritances. If so, name of the executor or lawyer handling the estate. | |

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| .4 Any interest as beneficiary, executor, administrator, trustee, guardian, etc. under any will or deed of trust, or in any estate. | |
| .5 Whether the debtor has ever been party to a trust instrument or put any property in trust for himself or herself, or for anyone else. | |
| .6 Interest in any patent, copyright, formula, process, invention, royalties. | |
| .7 Livestock, pets. | |
| .8 Any pending business deals that are likely to benefit the debtor. | |
| .9 Licences and quotas of significant value issued by any government agency, government department, or regulatory body. | |
| 5.13 Who provided the money to buy the various items of property. | |
| 5.14 Anything else of value not already mentioned. | |
| 5.15 Any other sources of income not already mentioned. | |
| **6. DISPOSITIONS OF PROPERTY** | |
| 6.1 Whether the debtor has sold or transferred any assets from the date of the debt to the present. If so: | |
| .1 Description of real or personal property or interest therein. | |
| .2 Type of disposition (e.g., conveyance, assignment, gift, charge, payment). | |
| .3 Nature of the interest disposed of. | |
| .4 Identity of the transferee and whether there is any relationship to the debtor; whether the transferee knew of the debtor's financial position. | |
| .5 Date. | |
| .6 Value received. | |
| .7 Whether any interest is still held in the property. | |
| .8 Whether, at the time of the disposition, the debtor was unable to pay debts as they fell due. If not, what were the reasons for not paying the debt to your client? | |
| .9 If the disposition was a payment, whether it was done in the course of business. | |
| .10 Any other reason for disposition (if not a transfer for value). | |
| 6.2 Whether the debtor assigned any property to anyone by way of security. | |
| 6.3 Whether the debtor allowed anyone to use the debtor's land or other property free of charge. | |
| 6.4 Whether the debtor gave a spouse or children gifts for holidays, birthdays, etc. If so, what were the values of such gifts. | |

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**7. SPOUSE**

For a discussion of the scope of the examination and its restrictions, particularly on questions to a spouse, see *Advance Magazine Publishers Inc. v. Fleming*, 2002 BCSC 995.

However, the scope of inquiry/relevance has likely been broadened as a result of the new *Family Law Act* provisions. If there has been a separation, inquiries may be necessary to determine claims against the debtor's assets, and claims the debtor may have to the spouse's assets and/or debts.

7.1 Whether the debtor is single, living common-law, married, separated, divorced, widowed, etc. Whether a spouse is living with the debtor. If separated or divorced, the date of separation (see *Family Law Act*, s. 81). Where proceedings have been commenced in respect of a property division agreement made before the *Family Law Act* came into force (March 18, 2013) or a proceeding was commenced under the now-repealed *Family Relations Act*, regard might be required to the events triggering a spouse's entitlement to an undivided one-half interest in family assets under s. 56 of the *Family Relations Act*: see item 2.3.

7.2 Spouse's name.

7.3 Employment status:

.1 If employed:

(a) Occupation.

(b) Employer.

(c) Earnings.

(d) How long the spouse has worked there.

.2 Previous employment:

(a) Where.

(b) When.

(c) Any monies due.

7.4 Spouse's holdings in real property (refer to questions in item 4.5).

7.5 Whether the spouse owns any vehicles, etc. (refer to questions in item 5.1).

7.6 Whether the spouse has bank or trust accounts (refer to questions in item 5.5). Also: whether the debtor has given his or her spouse any money to put in the account; if so, how much, and when.

7.7 Spouse's other property:

.1 Type of property.

.2 Description.

.3 Location (address).

.4 Nature of interest.

.5 Length of holding.

.6 Value.

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| .7 Whether it is held by the spouse alone. Identity of co-owners.<br>Is it "family property" as defined in the *Family Law Act* or, if the *Family Relations Act* applies (see item 2.3), is it a "family asset"? | |
| **8. FAMILY** | |
| For a discussion of the scope of examination questions for a spouse, see *Advance Magazine Publishers Inc. v. Fleming*, 2002 BCSC 995. | |
| 8.1 Whether there are any other family members living with the debtor. | |
| 8.2 Whether the debtor supports any family members. | |
| 8.3 Whether any of the debtor's children work. | |
| 8.4 Whether any of the debtor's children own real property, motor vehicles, bank accounts, etc. (see the corresponding questions for a spouse in items 7.4, 7.5 and 7.6). | |
| 8.5 Whether any interests have recently been conveyed or otherwise transferred to family members. | |
| 8.6 Whether any child support or spousal support court orders or agreements are in effect. If yes, what amounts are being paid or are due? Request copies of the order(s), agreement(s), and proof of payment. | |
| 8.7 Whether there are any orders or requirements to pay issued by the Family Maintenance Enforcement Program. Ask for copies. | |
| **9. DEBTS** | |
| 9.1 Whether the debtor has any debts other than the one to your client (including credit cards, purchases on layaway, etc.). | |
| 9.2 For each debt or credit card: | |
| .1 Creditor's name and address. | |
| .2 Date. | |
| .3 Details. | |
| .4 Security. | |
| .5 Payment history. | |
| .6 Credit card number. | |
| 9.3 When did the debtor last apply for or obtain a loan? Get details. | |
| 9.4 Does the debtor hold property in trust for anyone? Get details. | |
| 9.5 Has the debtor guaranteed any indebtedness for anyone in the past year? | |
| 9.6 Has the debtor made or endorsed any paper for anyone in the past year? | |
| 9.7 Is the debtor holding any property of any kind for the benefit of anyone else? | |
| 9.8 What is the cause of the debtor's financial difficulties? | |
| 9.9 Has the debtor made any assignment of debts? | |
| 9.10 Has the debtor declared insolvency or bankruptcy? | |
| 9.11 Has the debtor ever claimed to be insolvent or made an application under Parts II or III of the *Bankruptcy and Insolvency Act*, R.S.C. 1985, c. B-3? | |

| PROVISIONS TO BE CONSIDERED | NOTES |
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| 9.12 Has the debtor any contingent liabilities (e.g., guarantees)? | |
| **10. PERSONAL BUDGET** | |
| 10.1 Income per week: | |
| .1 Salary. | |
| .2 Part-time income. | |
| .3 Room and board from others. | |
| .4 Pensions. | |
| .5 Employment insurance. | |
| .6 Workers compensation. | |
| .7 Family allowances. | |
| .8 Annuities. | |
| .9 Inheritances. | |
| .10 Other. | |
| 10.2 Expenses per week: | |
| .1 Food. | |
| .2 Clothing. | |
| .3 Housing: | |
| (a) Rent or mortgage. | |
| (b) Taxes. | |
| (c) If strata, maintenance fees. | |
| (d) Fuel. | |
| (e) Utilities. | |
| .4 Transportation. | |
| .5 Insurance. | |
| .6 Education. | |
| .7 Recreation. | |
| .8 Medical and dental. | |
| .9 Bank loans. | |
| .10 Other. | |
| **11. LITIGATION AND JUDGMENTS** | |
| 11.1 Details of all suits against the debtor. | |
| 11.2 Details of all suits being brought by the debtor. | |
| 11.3 Details of all other judgments against the debtor. | |
| 11.4 Is the debtor paying any judgments and, if so, how? | |
| 11.5 Have other creditors levied executions? | |
| 11.6 Does the debtor foresee initiating or defending any litigation in the near future? | |

| PROVISIONS TO BE CONSIDERED | NOTES |
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| 11.7 Details of any criminal charges against the debtor now (including income tax, provincial charges), or that may be brought in the near future. | |
| 11.8 Are there any outstanding assessments by the Canada Revenue Agency, or any other taxation authority, against the debtor? Are there any outstanding assessments against any corporation of which the debtor is a director or officer? Ask for details of assessments and copies of notices. | |
| **12. SATISFACTION OF THE JUDGMENT** | |
| 12.1 Why has the judgment not been paid? | |
| 12.2 Has the debtor made any offer to your client to reduce this debt, either prior to or subsequent to judgment? | |
| 12.3 Does the debtor intend to pay your client? If so: | |
| .1 How (amounts, dates, etc.)? | |
| .2 When? | |
| .3 Whether arrangements have been made. | |
| .4 Whether this will be before or after paying other creditors. | |
| **13. SUPPLEMENTARY QUESTIONS FOR A CORPORATE DEBTOR** | |
| 13.1 Preliminary matters: | |
| .1 Name of officer. | |
| .2 Address and telephone. | |
| .3 Position with the company. | |
| .4 Length of time with the company. | |
| .5 Whether the notice of appointment shown was served on an officer of the company. | |
| .6 Whether officer is aware of the amount owing to the creditor under the judgment. | |
| 13.2 Minute book and financial statements: | |
| .1 Location of minute book. | |
| .2 Financial statements for the past five years, including: | |
| (a) Revenues. | |
| (b) Expenses. | |
| (c) Salaries paid to officers and directors. | |
| (d) Loans, advances, or dividends to shareholders. | |
| (e) Any extraordinary expenses or revenues. | |
| (f) Has the company returned any goods to creditors or paid creditors outside the normal course of business? | |
| .3 Bank statements. | |
| 13.3 Corporation: | |
| .1 Date of incorporation. | |
| .2 Shares and shareholders: | |

| PROVISIONS TO BE CONSIDERED | NOTES |
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| (a) Original share issue (including kinds, numbers, and values of original shares). | |
| (b) Original and past shareholders. | |
| (c) Present shareholders. | |
| (d) Whether there was ever a time when there was only one shareholder. | |
| (e) Location of shareholders' agreement. | |
| (f) Details regarding share transfers. | |
| (g) Whether shares were paid for in full. | |
| (h) Whether the company has repurchased any of its shares. | |
| (i) Whether the company has undergone any share reorganizations. | |
| .3 Directors, officers, and employees: | |
| (a) Original and past directors. | |
| (b) Present directors. | |
| (c) Original and past officers. | |
| (d) Present officers. | |
| (e) Employees since the time the debt was incurred. | |
| (f) Present employees. | |
| .4 Office and premises: | |
| (a) Head office. | |
| (b) Whether premises occupied are owned or leased; details. | |
| (c) Whether the company ever owned premises. | |
| .5 Business: | |
| (a) Type of business. | |
| (b) Cause of the financial difficulties. | |
| (c) If the company has ceased to carry on business, date on which it did so. | |
| 13.4 Other creditors: | |
| .1 Names and addresses of all creditors. | |
| .2 The status of their claims (e.g., secured claim, judgment). | |
| .3 Any security held by creditors. | |
| .4 Does the company owe any money to a bank (e.g., loan, overdraft) and, if so, what kind of security does the bank have? | |
| .5 Are there any mortgages or liens against assets (e.g., cars, equipment, trade fixtures, inventory)? | |
| .6 Whether any goods are taken or sold on consignment. | |
| 13.5 Assets: | |
| .1 Refer to previous items regarding real property (particularly item 4.5); motor vehicles, etc. (item 5.1); machinery, equipment, tools, etc. (item 5.2); investments (item 5.3); personal property (item 5.10); debts or obligations owing to the company (item 5.7); etc. | |
| .2 Ensure that you have covered: | |
| (a) Inventory. | |

| PROVISIONS TO BE CONSIDERED | NOTES |
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| (b) Accounts receivable. | |
| (c) Leases. | |
| (d) Holdings outside Canada (including identity of persons with whom the company dealt). | |
| (e) Licences and quotas of significant value issued by any government agency, government department, or regulatory body. | |
| 13.6 Dividends: | |
| .1 Last dividend paid by the company: | |
| (a) Date. | |
| (b) To whom it was paid. | |
| (c) Amount. | |
| .2 Other dividends that have been paid: | |
| (a) Dates. | |
| (b) To whom they were paid. | |
| (c) Amount. | |
| 13.7 Shareholder loans: | |
| .1 Amounts paid on account of shareholder loans, with dates and particulars of each payment; compare to judgment date, to identify possible fraudulent preference. | |
| .2 Terms of any shareholder loans | |
| 13.8 Salaries and bonuses: | |
| .1 Last salary or bonus paid by the company: | |
| (a) Date. | |
| (b) To whom it was paid. | |
| (c) Amount. | |
| .2 Other bonuses that have been paid: | |
| (a) Dates. | |
| (b) To whom they were paid. | |
| (c) Amount. | |
| 13.9 Whether there were any expenses incurred on behalf of the company by directors, shareholders, or employees that were paid back by the company. If so: | |
| .1 Who was paid back? | |
| .2 When? | |
| .3 Amount. | |
| 13.10 Whether there were any shareholders' loans to the company that were paid back by the company. If so: | |
| .1 Who was paid back? | |
| .2 When? | |
| .3 Amount. | |

| PROVISIONS TO BE CONSIDERED | NOTES |
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| 13.11 Whether there were any bank loans, leases, or other liabilities secured by guarantees which were paid out. If so:<br>.1 When?<br>.2 Amount.<br>13.12 Regarding satisfaction of the judgment, refer to item 12. | |