

PROVISIONS TO BE CONSIDERED	NOTES
<p style="text-align: center;"><b>INTRODUCTION</b></p> <p><b>Purpose and currency of checklist.</b> This checklist is designed to be used with the client identification and verification procedure (A1) checklist. It indicates areas that may be covered in an examination in aid of execution (pursuant to Supreme Court Civil Rule 13-4, effective July 1, 2010; formerly Supreme Court Rule 42A). 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 March 1, 2010, except that it incorporates the new Supreme Court Civil Rules, which take effect on July 1, 2010.</p> <p>Procedural matters relating to examination in aid of execution are dealt with in item 8.4 of the COLLECTIONS PROCEDURE (E4) checklist.</p> <p><b>New developments:</b></p> <ul style="list-style-type: none"> <li>• <b>New Supreme Court Civil Rules.</b> The Supreme Court Civil Rules, B.C. Reg. 168/2009 replace the Supreme Court Rules, B.C. Reg. 221/90 on July 1, 2010. New Civil Rule 13-4, replacing Rule 42A, governs examinations in aid of execution. The new Rules appear on the Supreme Court’s website at <a href="http://www.courts.gov.bc.ca/supreme_court/Practice_directions_and_notices/acts_rules_and_forms">www.courts.gov.bc.ca/supreme_court/Practice_directions_and_notices/acts_rules_and_forms</a>; see also the <i>Civil Rules Transition Guide</i> (CLEBC, 2010).</li> <li>• <b>Amendments to Court Order Enforcement Act.</b> As a result of amendments to the <i>Court Order Enforcement Act</i>, R.S.B.C. 1996, c. 78, all property in a registered plan is exempt from any enforcement process initiated against a registered plan from November 1, 2008. A “registered plan” is defined as: a registered retirement savings plan, deferred profit sharing plan, or registered retirement income fund as they are defined in the <i>Income Tax Act</i>, R.S.C. 1985, c. 1. This creditor protection is subject to some limits. For example, there is no creditor protection for: property contributed to a registered plan after or within 12 months before the date on which the debt being enforced became due, property that has been paid out of a registered plan, or an enforcement process under the <i>Family Maintenance Enforcement Act</i>, R.S.B.C. 1996, c. 127 (the “FMEA”).</li> </ul> <p><b>Aboriginal law.</b> Real or personal property of a “band” or “Indian” (as defined by the <i>Indian Act</i>, R.S.C. 1985, c. I-5) is protected under ss. 89 and 90 of the <i>Indian Act</i> 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 <i>Indian Act</i> 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 <i>Indian Act</i> 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).</p> <p>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 (<a href="http://www.cle.bc.ca">www.cle.bc.ca</a>) and in other CLEBC publications.</p>	

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<p style="text-align: center;"><b>CONTENTS</b></p> <ol style="list-style-type: none"><li>1. Initial Contact</li><li>2. Preliminary Matters</li><li>3. Employment</li><li>4. Real Property</li><li>5. Other Property (Legal or Equitable)</li><li>6. Dispositions of Property</li><li>7. Spouse</li><li>8. Family</li><li>9. Debts</li><li>10. Personal Budget</li><li>11. Litigation and Judgments</li><li>12. Satisfaction of the Judgment</li><li>13. Supplementary Questions for a Corporate Debtor</li></ol> <p style="text-align: center;"><b>CHECKLIST</b></p> <p><b>1. INITIAL CONTACT</b></p> <p>1.1 Consider Law Society of British Columbia Rules on client identification and verification, and complete the CLIENT IDENTIFICATION AND VERIFICATION PROCEDURE (A1) checklist.</p> <p><b>2. PRELIMINARY MATTERS</b></p> <p>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).</p> <p>2.2 Date of birth.</p> <p>2.3 Address and telephone number.</p> <p>2.4 Whether the person being examined was the defendant in the specified action.</p> <p>2.5 Whether a judgment was obtained against him or her by the plaintiff in the action referred to (specify date and amount of judgment).</p> <p>2.6 Introduction to questioning:</p> <ol style="list-style-type: none"><li>.1 Reminder of oath or affirmation.</li><li>.2 Will examine regarding assets and want specific answers to the fullest and best of debtor's ability.</li><li>.3 Questions relate to property owned now and also since the debt arose.</li><li>.4 Questions relate also to assets held on trust or as nominee for debtor.</li></ol> <p><b>3. EMPLOYMENT</b></p> <p>3.1 Occupation.</p> <p>3.2 Employment since the time the debt arose. For each job:</p> <ol style="list-style-type: none"><li>.1 Employer's name and address.</li></ol>	

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<ul style="list-style-type: none"> <li>.2 Length of employment.</li> <li>.3 Position.</li> <li>.4 Full time or part time.</li> <li>.5 Prospects.</li> <li>.6 Any other employment. Ask same questions as items .1 to .5 above.</li> <li>.7 Whether debtor has any equity in the business in which he or she is employed.</li> <li>.8 If no longer employed, why was employment terminated?</li> <li>.9 Did debtor receive severance pay, bonus, golden handshake, etc., on termination?</li> </ul> <p>3.3 If debtor works for his or her own company:</p> <ul style="list-style-type: none"> <li>.1 Address.</li> <li>.2 Registered office.</li> <li>.3 Holdings.</li> <li>.4 Ownership of company and names of directors.</li> <li>.5 Type of shareholding and number of shares held. Ask for production of corporate records book.</li> <li>.6 Any shareholders' agreement(s) with particular reference to restrictions on share transfer. Ask for copy of the agreement.</li> <li>.7 Any indebtedness of the company.</li> <li>.8 Any security held on assets in the company owing to debtor. Ask for copies of security documents.</li> <li>.9 Any shareholder's loans made to company and repayment terms.</li> <li>.10 If a partnership, ask what capital contribution was made. Ask what draw is paid. Ask whether there are retained earnings.</li> </ul> <p>3.4 Employment income. For each job:</p> <ul style="list-style-type: none"> <li>.1 Amount and basis (e.g., salary or commission).</li> <li>.2 Timing of payment.</li> <li>.3 Date of payment.</li> <li>.4 Whether paid directly into bank account.</li> <li>.5 Any bonuses (e.g., performance, year-end).</li> <li>.6 Any deferred profit sharing plan (how much paid in last 12 months).</li> <li>.7 Any participation plan.</li> <li>.8 Insurance.</li> <li>.9 Stocks or bonds.</li> <li>.10 Cars, memberships, etc.</li> <li>.11 Any amounts currently owing to debtor.</li> <li>.12 What deductions are made at source.</li> </ul>	

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<p>.13 Whether debtor filed tax returns for the last two years (or dating back to date the cause of action arose). If so:</p> <ul style="list-style-type: none"> <li>(a) Gross earnings and sources.</li> <li>(b) Net earnings.</li> <li>(c) Income tax paid.</li> <li>(d) Ask for copies of the returns.</li> </ul> <p>.14 Whether self-employed debtor income splits or contributes to a family trust. Ask for particulars.</p> <p>3.5 Previous employment.</p> <p>3.6 Whether debtor has ever been in business on his or her own, 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.</p> <p>3.7 Prospects, if currently unemployed.</p> <p><b>4. REAL PROPERTY</b></p> <p>4.1 Current residence:</p> <ul style="list-style-type: none"> <li>.1 Address.</li> <li>.2 Owned or rented.</li> <li>.3 If rented: <ul style="list-style-type: none"> <li>(a) Rental amount, when due, whether paid by cash or cheque (if cheque, who signs it), paid to whom.</li> <li>(b) Whether there is a lease and, if so, the details (including who signed the lease).</li> <li>(c) Any other expenses, such as deposit.</li> <li>(d) Owner and landlord and whether related to debtor.</li> <li>(e) Where owner got the money to buy it, particularly if owner is a family member.</li> </ul> </li> <li>.4 If owned: <ul style="list-style-type: none"> <li>(a) Date of purchase.</li> <li>(b) Amount of mortgage payments.</li> <li>(c) How debtor pays for it.</li> <li>(d) Equity. Ask for copy of any appraisals.</li> <li>(e) If strata, amount of maintenance fees.</li> </ul> </li> </ul> <p>4.2 Whether debtor holds any other real property, or any interest in real property, either individually or in connection with any other person, including beneficial ownership.</p> <p>4.3 Whether debtor holds any other real property or any interest in real property in any other province or country.</p> <p>4.4 Whether debtor has held any other real property, or any interest in real property, from the time the debt arose.</p> <p>4.5 For each piece of real property or interest in real property:</p> <ul style="list-style-type: none"> <li>.1 Location, address, legal description.</li> </ul>	

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<ul style="list-style-type: none"> <li>.2 Description.</li> <li>.3 Nature of interest (including equitable interests, e.g., where debtor is a trust beneficiary).</li> <li>.4 Length of holding.</li> <li>.5 Value (e.g., assessed value for property tax). Obtain recent appraisals, if available.</li> <li>.6 Who provided the money to buy the property.</li> <li>.7 Outstanding balance or value of any encumbrances against debtor's interest in property.</li> <li>.8 Whether leased or sub-leased and, if so, names of tenants.</li> <li>.9 Whether held by debtor alone, or in joint tenancy or tenancy in common. Identity of any other parties.</li> </ul> <p>4.6 If debtor does not own any real property now:</p> <ul style="list-style-type: none"> <li>.1 When did he or she last do so?</li> <li>.2 How and when was it transferred; to whom; for what consideration? Ask for copies of transfer documents.</li> </ul>	
<p><b>5. OTHER PROPERTY (LEGAL OR EQUITABLE)</b></p> <p>5.1 Motor vehicles, boats, planes, etc.:</p> <ul style="list-style-type: none"> <li>.1 Description, including registration number, licence number, etc.</li> <li>.2 Type of interest.</li> <li>.3 How long held.</li> <li>.4 Use made of it.</li> <li>.5 Location (address).</li> <li>.6 Value.</li> <li>.7 Money owing on the property, and details, including whether the creditor has any security. Ask for copies of any security documents.</li> <li>.8 Whether held by debtor alone. Identity of co-owners.</li> <li>.9 Whether any encumbrances against the property. If so, what is balance outstanding.</li> <li>.10 In the case of a boat, whether it is registered in the Ships Registry.</li> <li>.11 If debtor does not own a car now: <ul style="list-style-type: none"> <li>(a) When did he or she last do so.</li> <li>(b) How and when was it transferred; to whom; for what consideration; whether any security was taken.</li> <li>(c) Whether debtor drives a car now and, if so, the details (particularly ownership of the car).</li> </ul> </li> <li>.12 Obtain debtor's driver's licence number for name search.</li> </ul> <p>5.2 Machinery, equipment, tools, etc.:</p> <ul style="list-style-type: none"> <li>.1 Description.</li> <li>.2 Type of interest.</li> </ul>	

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<ul style="list-style-type: none"> <li>.3 How long held.</li> <li>.4 Location (address).</li> <li>.5 Value.</li> <li>.6 Whether held by debtor alone. Identity of co-owners.</li> <li>.7 Whether any encumbrances against the property. If so, what is balance outstanding.</li> <li>5.3 Investments (e.g., bonds, common stock, preferred stock, term deposits, mutual funds):               <ul style="list-style-type: none"> <li>.1 Description, in detail (e.g., number of shares, whether shares are registered or straight form).</li> <li>.2 Type of interest.</li> <li>.3 How long held.</li> <li>.4 Location (address).</li> <li>.5 Value.</li> <li>.6 Maturity date, if any.</li> <li>.7 Principal or interest.</li> <li>.8 Whether held by debtor alone. Identity of co-owners.</li> <li>.9 Whether shares have been hypothecated. If so, balance outstanding on debt.</li> </ul> </li> <li>5.4 RRSPs (Note: 2008 amendments to the <i>Court Order Enforcement Act</i> exempt RRSPs from enforcement procedures, with some exceptions, including for the <i>FMEA</i>, or payments made within 12 months):               <ul style="list-style-type: none"> <li>.1 Description.</li> <li>.2 How long held.</li> <li>.3 Location.</li> <li>.4 Value. Ask for any statements reflecting value of RRSP.</li> <li>.5 Whether held by debtor alone. Identity of co-owners.</li> <li>.6 Beneficiary.</li> <li>.7 Whether it is self-directed, locked in, or not locked. If 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?</li> <li>.8 Whether monthly payments are made to it. If so, from what source.</li> <li>.9 Whether any amounts have been paid out of the RRSP in last 2 years.</li> <li>.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.</li> </ul> </li> <li>5.5 Bank accounts or trust accounts:               <ul style="list-style-type: none"> <li>.1 Type of account.</li> <li>.2 Name and address of institution that holds the account.</li> <li>.3 Account number.</li> </ul> </li> </ul>	

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<p>.4 Balance.</p> <p>.5 Interest accruing.</p> <p>.6 Whether it is a joint account and, if so, identity of co-owners.</p> <p>.7 If debtor does not have a bank account now:</p> <p style="padding-left: 20px;">(a) When did debtor last have one; where; when was it closed?</p> <p style="padding-left: 20px;">(b) When did debtor last have any claim to or interest in any account in any name; details?</p> <p>.8 When did debtor last draw a cheque; to whom; amount; what was it for?</p> <p>.9 Whether debtor has a safety deposit box or the right of access to one:</p> <p style="padding-left: 20px;">(a) Box number.</p> <p style="padding-left: 20px;">(b) Location.</p> <p style="padding-left: 20px;">(c) Contents of box.</p> <p style="padding-left: 20px;">(d) If not, when did debtor last have one; details.</p> <p>5.6 Insurance (on debtor's life, someone else's life, vehicles, etc.), annuity, accident, or disability plans:</p> <p>.1 Description, including policy number.</p> <p>.2 Name and address of the company that holds the plan.</p> <p>.3 Whether held by debtor or by others on debtor's life.</p> <p>.4 Beneficiary. For life or personal accident insurance, whether there is a designated beneficiary. If so, the <i>Insurance Act</i>, R.S.B.C. 1996, c. 226 makes insurance money exempt from execution (<i>Insurance Act</i>, ss. 54 and 107).</p> <p>.5 Current cash surrender value of plan.</p> <p>.6 Maturity value and date.</p> <p>.7 Amount and timing of payments; who pays the premiums.</p> <p>5.7 Debts or obligations owing to debtor or judgments held by debtor (e.g., mortgages, IOUs, promissory notes, loan agreements):</p> <p>.1 Description.</p> <p>.2 Whether now due or due in future.</p> <p>.3 Current value.</p> <p>.4 Matured value and maturity date.</p> <p>.5 Whether debt is owing to debtor alone. Identity of joint creditors.</p> <p>.6 Debtor's name, address, and occupation.</p> <p>.7 Security for the debt.</p> <p>.8 Steps taken to collect debts or judgments currently owing.</p> <p>.9 Ask for copies of any contracts and security documentation.</p> <p>5.8 Cheques, negotiable instruments, money orders, travellers' cheques, letters of credit, etc.:</p> <p>.1 Description.</p> <p>.2 Details.</p>	

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

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<p>.4 Any interest as beneficiary, executor, administrator, trustee, guardian, etc. under any will or deed of trust or in any estate.</p> <p>.5 Whether debtor has ever been party to a trust instrument or put any property in trust for himself or herself or anyone else.</p> <p>.6 Interest in any patent, copyright, formula, process, invention, royalties.</p> <p>.7 Livestock, pets.</p> <p>.8 Any pending business deals that are likely to benefit debtor.</p> <p>5.13 Who provided the money to buy the various items of property.</p> <p>5.14 Anything else of value not already mentioned.</p> <p>5.15 Any other sources of income not already mentioned.</p>	
<p><b>6. DISPOSITIONS OF PROPERTY</b></p>	
<p>6.1 Whether debtor has sold or transferred any assets from the date of the debt to the present. If so:</p> <p>.1 Description of real or personal property or interest therein.</p> <p>.2 Type of disposition (e.g., conveyance, assignment, gift, charge, payment).</p> <p>.3 Nature of the interest disposed of.</p> <p>.4 Identity of the transferee and whether any relationship to debtor; whether transferee knew of debtor's financial position.</p> <p>.5 Date.</p> <p>.6 Value received.</p> <p>.7 Whether any interest is still held in the property.</p> <p>.8 Whether, at the time of the disposition, debtor was unable to pay his or her debts as they fell due. If not, what were the reasons for not paying the debt to your client?</p> <p>.9 If the disposition was a payment, whether it was done in the course of business.</p> <p>.10 Any other reason for disposition (if not a transfer for value).</p> <p>6.2 Whether debtor assigned any property to anyone by way of security.</p> <p>6.3 Whether debtor allowed anyone to use his or her land or other property free of charge.</p> <p>6.4 Whether debtor gave spouse or children presents for holidays, birthdays, etc. Whether presents were valuable.</p>	
<p><b>7. SPOUSE</b></p>	
<p>For a discussion of the scope of examination and restrictions, particularly on questions to a spouse, see <i>Advance Magazine Publishers Inc. v. Fleming</i>, 2002 BCSC 995.</p> <p>7.1 Whether debtor is single, living common-law, married, separated, divorced, widowed, etc. Whether spouse is living with debtor.</p> <p>7.2 Spouse's name.</p>	

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<p>7.3 Employment status:</p> <ul style="list-style-type: none"> <li>.1 If employed: <ul style="list-style-type: none"> <li>(a) Occupation.</li> <li>(b) Employer.</li> <li>(c) Earnings.</li> <li>(d) How long spouse has worked there.</li> </ul> </li> <li>.2 Previous employment: <ul style="list-style-type: none"> <li>(a) Where.</li> <li>(b) When.</li> <li>(c) Any monies due.</li> </ul> </li> </ul> <p>7.4 Spouse’s holdings in real property (refer to questions in item 4.5).</p> <p>7.5 Whether spouse owns any vehicles, etc. (refer to questions in item 5.1).</p> <p>7.6 Whether spouse has bank or trust accounts (refer to questions in item 5.5). Also: whether debtor has given spouse any money to put in the account; how much; when.</p> <p>7.7 Spouse’s other property:</p> <ul style="list-style-type: none"> <li>.1 Type of property.</li> <li>.2 Description.</li> <li>.3 Location (address).</li> <li>.4 Nature of interest.</li> <li>.5 Length of holding.</li> <li>.6 Value.</li> <li>.7 Whether held by spouse alone. Identity of co-owners.</li> </ul> <p>7.8 Who provided the money to buy the items of property.</p> <p>7.9 Whether any interests have been conveyed or otherwise transferred to spouse recently.</p> <p>7.10 Whether spouse supports anyone.</p>	
<p><b>8. FAMILY</b></p> <p>For a discussion of the scope of examination questions on a spouse, see <i>Advance Magazine Publishers Inc. v. Fleming</i>, 2002 BCSC 995.</p> <p>8.1 Whether there are any other family members living with debtor.</p> <p>8.2 Whether debtor supports any family members.</p> <p>8.3 Whether any of debtor’s children work.</p> <p>8.4 Whether any of debtor’s children own real property, motor vehicles, bank accounts, etc. (see corresponding items for spouse).</p> <p>8.5 Whether any interests have recently been conveyed or otherwise transferred to family members.</p> <p>8.6 Whether any child support or spousal support court orders or agreements in effect. If yes, what are amounts of payments? Request copies.</p>	

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<p>8.7 Whether there are any orders or requirements to pay issued by the Family Maintenance Enforcement Program. Ask for copies.</p>	
<p><b>9. DEBTS</b></p> <p>9.1 Whether debtor has any debts other than the one to your client (including credit cards, buying on time).</p> <p>9.2 For each debt or credit card:</p> <ul style="list-style-type: none"> <li>.1 Creditor's name and address.</li> <li>.2 Date.</li> <li>.3 Details.</li> <li>.4 Security.</li> <li>.5 Payment history.</li> <li>.6 Credit card number.</li> </ul> <p>9.3 When did debtor last apply for or obtain a loan; details.</p> <p>9.4 Whether debtor holds property in trust for anyone; details.</p> <p>9.5 Whether debtor guaranteed any indebtedness for anyone in the past year.</p> <p>9.6 Whether debtor made or endorsed any paper for anyone in the past year.</p> <p>9.7 Whether debtor is holding any property of any kind for the benefit of anyone else.</p> <p>9.8 What is the cause of debtor's financial difficulties.</p> <p>9.9 Whether debtor has made any assignment of debts.</p> <p>9.10 Whether debtor has declared insolvency or bankruptcy.</p> <p>9.11 Whether debtor has ever said that he or she was insolvent or made an application under Parts II or III of the <i>Bankruptcy and Insolvency Act</i>, R.S.C. 1985, c. B-3.</p> <p>9.12 Whether the debtor has any contingent liabilities (e.g., guarantees).</p>	
<p><b>10. PERSONAL BUDGET</b></p> <p>10.1 Income per week:</p> <ul style="list-style-type: none"> <li>.1 Salary.</li> <li>.2 Part time income.</li> <li>.3 Room and board from others.</li> <li>.4 Pensions.</li> <li>.5 Employment insurance.</li> <li>.6 Workers compensation.</li> <li>.7 Family allowances.</li> <li>.8 Annuities.</li> <li>.9 Inheritances.</li> <li>.10 Other.</li> </ul>	

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<p>10.2 Expenses per week:</p> <ul style="list-style-type: none"> <li>.1 Food.</li> <li>.2 Clothing.</li> <li>.3 Housing: <ul style="list-style-type: none"> <li>(a) Rent or mortgage.</li> <li>(b) Taxes.</li> <li>(c) If strata, maintenance fees.</li> <li>(d) Fuel.</li> <li>(e) Utilities.</li> </ul> </li> <li>.4 Transportation.</li> <li>.5 Insurance.</li> <li>.6 Education.</li> <li>.7 Recreation.</li> <li>.8 Medical and dental.</li> <li>.9 Bank loans.</li> <li>.10 Other.</li> </ul>	
<p><b>11. LITIGATION AND JUDGMENTS</b></p>	
<ul style="list-style-type: none"> <li>11.1 Details of all suits against debtor.</li> <li>11.2 Details of all suits being brought by debtor.</li> <li>11.3 Details of all other judgments against debtor.</li> <li>11.4 Whether debtor is paying any judgments and, if so, how.</li> <li>11.5 Whether other creditors have levied executions.</li> <li>11.6 Whether debtor foresees any litigation against him or her in the near future, or whether the debtor foresees bringing any litigation.</li> <li>11.7 Details of any criminal charges against debtor now (including income tax, provincial charges), or that may be brought in the near future.</li> <li>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.</li> </ul>	
<p><b>12. SATISFACTION OF THE JUDGMENT</b></p>	
<ul style="list-style-type: none"> <li>12.1 Why the judgment has not been paid.</li> <li>12.2 Whether debtor has made any offer to your client to reduce this debt, either prior to or subsequent to judgment.</li> <li>12.3 Whether debtor intended or intends to pay your client. If so: <ul style="list-style-type: none"> <li>.1 How (amounts, dates, etc.)?</li> <li>.2 When?</li> <li>.3 Whether arrangements have been made.</li> <li>.4 Whether this will be before or after paying other creditors.</li> </ul> </li> </ul>	

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<p><b>13. SUPPLEMENTARY QUESTIONS FOR A CORPORATE DEBTOR</b></p> <p>13.1 Preliminary matters:</p> <ul style="list-style-type: none"> <li>.1 Name of officer.</li> <li>.2 Address and telephone.</li> <li>.3 Position with the company.</li> <li>.4 Length of time with company.</li> <li>.5 Whether the notice of appointment shown was served on an officer of the company.</li> <li>.6 Whether officer is aware of the amount owing to the creditor under the judgment.</li> </ul> <p>13.2 Minute book and financial statements:</p> <ul style="list-style-type: none"> <li>.1 Location of minute book.</li> <li>.2 Financial statements for past five years, including: <ul style="list-style-type: none"> <li>(a) Revenues.</li> <li>(b) Expenses.</li> <li>(c) Salaries paid to officers and directors.</li> <li>(d) Loans, advances, or dividends to shareholders.</li> <li>(e) Any extraordinary expenses or revenues.</li> <li>(f) Whether company has returned any goods to creditors or paid creditors out of the normal course of business.</li> </ul> </li> <li>.3 Bank statements.</li> </ul> <p>13.3 Corporation:</p> <ul style="list-style-type: none"> <li>.1 Date of incorporation.</li> <li>.2 Shares and shareholders: <ul style="list-style-type: none"> <li>(a) Original share issue (including kinds, numbers, and values of original shares).</li> <li>(b) Original and past shareholders.</li> <li>(c) Present shareholders.</li> <li>(d) Whether there was ever a time when there was only one shareholder.</li> <li>(e) Location of shareholders' agreement.</li> <li>(f) Details regarding share transfers.</li> <li>(g) Whether shares were paid for in full.</li> <li>(h) Whether company has repurchased any of its shares.</li> <li>(i) Whether company has undergone any share reorganizations.</li> </ul> </li> <li>.3 Directors, officers, and employees: <ul style="list-style-type: none"> <li>(a) Original and past directors.</li> <li>(b) Present directors.</li> <li>(c) Original and past officers.</li> <li>(d) Present officers.</li> <li>(e) Employees since the time the debt was incurred.</li> </ul> </li> </ul>	

PROVISIONS TO BE CONSIDERED	NOTES
<p>(f) Present employees.</p> <p>.4 Office and premises:</p> <p>(a) Head office.</p> <p>(b) Whether premises occupied are owned or leased; details.</p> <p>(c) Whether the company ever owned premises.</p> <p>.5 Business:</p> <p>(a) Type of business.</p> <p>(b) Cause of the financial difficulties.</p> <p>(c) If company has ceased to carry on business, date on which it did so.</p> <p>13.4 Other creditors:</p> <p>.1 Names and addresses of all creditors.</p> <p>.2 The status of their claims (e.g., secured claim, judgment).</p> <p>.3 Any security held by creditors.</p> <p>.4 Whether company owes any money to a bank (e.g., loan, overdraft) and, if so, what kind of security the bank has.</p> <p>.5 Any mortgages or liens against assets (e.g., cars, equipment, trade fixtures, inventory).</p> <p>.6 Whether any goods are taken or sold on consignment.</p> <p>13.5 Assets:</p> <p>.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.</p> <p>.2 Ensure that you have covered:</p> <p>(a) Inventory.</p> <p>(b) Accounts receivable.</p> <p>(c) Leases.</p> <p>(d) Holdings outside Canada (including identity of persons with whom company dealt).</p> <p>13.6 Dividends:</p> <p>.1 Last dividend paid by the company:</p> <p>(a) Date.</p> <p>(b) To whom it was paid.</p> <p>(c) Amount.</p> <p>.2 Other dividends that have been paid:</p> <p>(a) Dates.</p> <p>(b) To whom they were paid.</p> <p>(c) Amount.</p> <p>13.7 Salaries and bonuses:</p> <p>.1 Last salary or bonus paid by the company:</p> <p>(a) Date.</p>	

PROVISIONS TO BE CONSIDERED	NOTES
<p>(b) To whom it was paid. (c) Amount.</p> <p>.2 Other bonuses that have been paid: (a) Dates. (b) To whom they were paid. (c) Amount.</p> <p>13.8 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.</p> <p>13.9 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.</p> <p>13.10 Whether there were any bank loans, leases, or other liabilities secured by guarantees which were paid out. If so: .1 When? .2 Amount.</p> <p>13.11 Regarding satisfaction of the judgment, refer to item 12.</p>	

