

No.
Vancouver Registry



GARNISHING ORDER BEFORE JUDGMENT
IN THE SUPREME COURT OF BRITISH COLUMBIA

Before a Registrar of the Supreme Court

BETWEEN:

CANADIAN FEDERATION OF STUDENTS, CANADIAN FEDERATION OF STUDENTS
BRITISH COLUMBIA COMPONENT and CANADIAN FEDERATION OF STUDENTS -
SERVICES

PLAINTIFFS

AND:

CARIBOO COLLEGE STUDENT SOCIETY

DEFENDANT

AND:

THE ROYAL BANK OF CANADA

GARNISHEE

On reading the affidavit of Philip Link, Student Association Representative of 2344
Spruce Street, Vancouver, British Columbia, sworn the 1st day of April, 1997, I order that,
except as otherwise ordered, all debts, obligations and liabilities owing, payable or accruing due
from the garnishee [or garnishees or any of them] to the Defendant(s), other than for wages or
salary, be attached up to the total amount set out below and paid into Court.

DATED the 2nd day of April, 1997.

~~DEPUTY~~ Deputy Registrar

To the Defendant(s):
Cariboo College Student Society
900 College Drive, P.O. Box 3010
Kamloops, British Columbia, V2C 5N3

To the Garnishee(s):
The Royal Bank of Canada
Saheli Shopping Centre Branch
175 - 945 Columbia Street West
Kamloops, British Columbia, V2C 1L5

Amount due	\$86,421.68
Cost of attachment proceedings	<u>275.00</u>
Total amount attached	<u>\$86,696.68</u>

ADDRESS OF REGISTRY: 800 Smithe Street, Vancouver, B.C. V6Z 2E1

Name and Address of Solicitor: J. Geoffrey Howard, Gowling, Strathy & Henderson, 2414 -
1055 Dunsmuir Street, Vancouver, British Columbia, V7X 1J1
(telephone: 683-6498 facsimile: 683-3558)

NOTICE TO GARNISHEE

If you do not pay into Court at once with the amount of your indebtedness to the Defendant, an order may be made against you for the payment of the full amount with costs.

If you dispute your liability you should at once file a dispute note.

NOTICE TO DEFENDANT

You may apply to the Registrar or the Court, and if considered just in all the circumstances, an order may be made releasing all or part of this garnishment.

Section 3 of the Court Order Enforcement Act provides, in part,

Subsection,

(3) No order shall be made under this Part for the attachment of a debt due to an employee for his salary or wages before a judgment or order for the payment of money has been obtained against him in the proceeding.

Subsection,

(4) Except as otherwise provided in this Part, seventy per cent of any wages due by an employer to an employee is exempt from seizure or attachment under a garnishing order issued by a Judge or Registrar; but in no case shall the amount of the exemption allowed under this subsection be less than,

- (a) in the case of a person without dependents, \$200.00 per month, proportionately for a shorter period; and
- (b) in the case of a person with one or more dependents, \$200.00 per month, or proportionately for a shorter period.

Subsection,

(5) Subsection (4)(a) does not apply where the debt is contracted for board or lodging; and subsection (4)(b) does not apply where the debt is contracted for board and lodging and in the opinion of the Judge or Registrar the exemption set out in paragraph (b) of it is not necessary for the support and maintenance of debtor's dependents.

Subsection,

- (6) Notwithstanding any other provision of this part, where the wages of a person are seized or attached under
- (a) a court order for alimony or maintenance;
 - (b) a duly executed separation agreement; or
 - (c) an order under the Family Relations Act,

the exemption allowed to that person is fifty per cent of any wages due where the wages due do not exceed \$600.00 per month; but in no case shall the amount of the exemption allowed under this subsection be less than \$100.00 per month, or proportionately for a shorter period.

Subsection,

(7) In this section, the expressions "debt due" and "Debts due" include debts, obligations, and liabilities owing, payable or accruing due and wages that would in the ordinary course of employment become owing, payable or due within seven days after the date on which an affidavit has been sworn under subsection (1) or subsection (2).