



Mary D'Alessio No. 1  
October 21, 2011  
No. NEW-S-S135837  
New Westminster Registry

**IN THE SUPREME COURT OF BRITISH COLUMBIA**

**Between:**

**Canadian Imperial Bank of Commerce**

**Plaintiff**

**And:**

**Sino General also known as Sino Cameron General  
Also known as Sino C. General**

**Defendant**

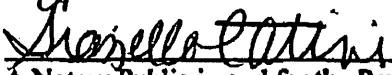
**AFFIDAVIT**

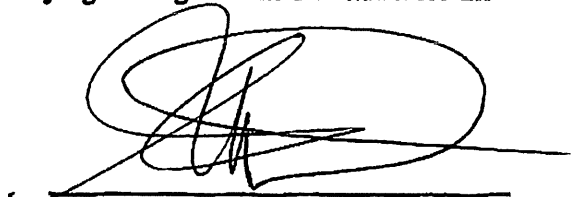
**I, Mary D'Alessio, Relationship Officer, of Toronto, Ontario, MAKE OATH AND SAY:**

- 1. I am employed by the Plaintiff herein and as such have personal knowledge of the matters hereinafter deposed to save and except where same are stated to be based on information and belief and where so stated I verily believe the same to be true.**
- 2. I am authorized by the Plaintiff to swear this affidavit.**
- 3. I have personal conduct of the collection of this account from the Defendant.**
- 4. I have reviewed the records of the Plaintiff in which were listed in the ordinary course of business entries of the dealings between the Plaintiff and the Defendant regarding CIBC overdraft account number 03862 8114935/CIBC reference no. 9892306477 (the "Account").**
- 5. On May 14, 2005, the Defendant applied for a CIBC account. The Plaintiff accepted the application and opened the Account for the Defendant. A copy of the Signature Card is attached hereto as Exhibit "A".**
- 6. The Defendant acknowledged receiving a copy of the CIBC Personal Account Agreement ("Agreement"), and agreed to be bound by the Agreement. A copy of the Agreement in effect at that time is attached hereto as Exhibit "B".**
- 7. The Agreement provided, at paragraph 7, that CIBC may allow an overdraft to arise in the Account for any reason, including as a result of withdrawals, paying cheques, or charging of service fees, or otherwise.**
- 8. The Agreement provided, also at paragraph 7, that the Defendant would pay the amount by**

- 16.2 By letter dated May 10, 2011, attached hereto as Exhibit "F", demand for payment was made. In addition, CIBC, by its Ontario solicitors, advised the Defendant of the Plaintiff's position that the Defendant's unusual communication dated March 24, 2011 was in the nature of a sham debt elimination scheme;
- 16.3 By communications dated May 11 and 26, 2011, attached hereto together as Exhibit "G", the Defendant responded to the foregoing. The communications are entitled "Notice of Contract Rejection" and the Defendant refers to himself as "Sino General ©, Secured Party Creditor, Executive Trustee for the trust known as SINO GENERAL ©". These are hallmarks of sham debt elimination schemes;
- 16.4 By letter dated June 20, 2011, attached hereto as Exhibit "H", to the Defendant, KRMC advised that the Plaintiff would be taking legal action;
- 16.5 On June 7, 2011, attached hereto as Exhibit "I", the Defendant sent to CIBC, and various CIBC executives, a further unusual communication notwithstanding CIBC instruction that all further communication with respect to this matter be addressed to its Ontario solicitors.
17. I have reviewed the records of the Plaintiff with respect to this matter and in this regard the Defendant is justly and truly indebted to the Plaintiff for the amounts stipulated in the Statement of Claim.
18. I know of no fact which could constitute a defence to the claim of the Plaintiff.
19. I swear this affidavit in support of an application for judgment against the Defendant for the amount claimed in the Statement of Claim.

SWORN BEFORE ME at the City  
of Toronto, in the Province of Ontario  
this 27 day of October, 2011.

  
A Notary Public in and for the Province of  
Ontario.

  
Mary D'Alessio

Graziella Latini  
a commissioner authorized to administer oaths in  
the Court of Justice of Ontario  
Kronis, Rotsztein, Marges, Cappel LLP  
Barristers and Solicitors  
25 Sheppard Ave. W. Suite 1100  
Toronto, Ontario M2N 6S6

This affidavit is filed by George H. Richards of the law firm, Richards & Richards, whose place of business and address for service is situate at 10325 150th Street, Surrey, BC, V3R 4B1. Telephone: 604-588-6844. Fax: 604-588-8800.



8248 - 02/11



Signature Card

Primary Accountholder: SINO C GENERAL

Secondary Accountholder:

I certify that the information I have provided is correct. Account: If I am opening an account, I agree to be bound by the Personal Account Agreement. I have received a copy of it and written information about fees and interest rates. Overdraft: If I am obtaining CIBC Overdraft Protection Service, I agree to be bound by the CIBC Overdraft Protection Service Agreement you (CIBC) have given me. Convenience Card™: If I am obtaining a Convenience Card™, I agree to be bound by the CIBC Convenience Banking Service Agreement you have given me. It says, among other things, that I must keep absolutely confidential all PINs/codes I am given or choose and that I must not choose a code which anyone else could easily guess (such as a code based on my address, birthday/year of birth or phone number). You have advised me of my daily ABM and Interac Direct Payment access limits in writing. CIBC U.S. Dollar Account: If I am opening a U.S. Account, the deposit evidenced by this instrument does not constitute a deposit that is insured under the Canada Deposit Insurance Corporation Act.

If I consented to you obtaining a credit report about me in connection with this application, you obtained the report from the credit bureau whose name and address are noted under the Personal Account Agreement. You may exchange information about me with any credit bureau from time to time in the future, as well. I agree to the provisions of the "Personal Information" section located under the Personal Account Agreement. I further consent that: (a) you may tell me about products and services through direct mail, telephone, and other direct means; and (b) you may share information within the CIBC Group, unless prohibited by law, so that CIBC Group may tell me about products and services. ("Information" and "CIBC Group" are explained in the Privacy Agreement.) If I don't wish to consent to (a) or (b), I can contact you at 1 800 465-CIBC (2422) at any time.

Quebec: I expressly asked that this card and all documents be in English. J'ai demandé expressément que cette carte, et tous les documents soient en anglais.

**CIBC Overdraft Protection Service:**

Overdraft Limit: \$0.00

Current Interest Rate: 21% per year

Date: May 14, 2005

Parent/Guardian Name (please print)

Primary Accountholder's Signature

Parent/Guardian Signature

Secondary Accountholder's Signature

Account Number	Joint	Multi Signature	Date Opened	Customer Initials	Date Closed/Disposition
81-14935	N		May 14, 2005		
81-15036	N		May 14, 2005		

Branch of Account: 03882

Identification Used for Primary:

ACCESS CARD : 4506445218180295  
CANADIAN DRIVER'S LICENSE : G25267172750519  
CERTIFICATE OF INDIAN STATUS : 1219476

\* If more than one account is listed below, this is the total overdraft limit for these accounts.



**CIBC Retail Operations  
Bankbook Reconstruction Report**

June 14, 2011

Request Number: 20110613-1092

Date Range: March 27, 2005 March 27, 2006

Transit: 03862

Account: 8114935

Account Name: GENERAL S

<u>Date</u>	<u>Transaction Description</u>	<u>Amount</u>	<u>Daily Closing Balance</u>
May 16, 2005	CREDIT MEMO	879.27	
May 16, 2005	DEBIT MEMO	29.27	
May 16, 2005	WITHDRAWAL	22.00	
May 16, 2005	WITHDRAWAL	21.50	
May 16, 2005	PURCHASE	12.78	
May 16, 2005	PURCHASE	15.08	
May 16, 2005	PURCHASE	19.90	
May 16, 2005	PURCHASE	10.00	
May 16, 2005	PURCHASE	8.95	
May 16, 2005	PURCHASE	34.50	
May 16, 2005	PURCHASE	12.75	
May 16, 2005	NETWORK FEE	1.50	
May 16, 2005	NETWORK FEE	1.50	689.54
May 17, 2005	PURCHASE	4.27	
May 17, 2005	TRANSFER	446.00	
May 17, 2005	PURCHASE	10.00	
May 17, 2005	PURCHASE	6.87	222.40
May 18, 2005	PURCHASE	21.00	
May 18, 2005	TRANSFER	916.00	
May 18, 2005	WITHDRAWAL	500.00	
May 18, 2005	TRANSFER	500.00	
May 18, 2005	TRANSFER	500.00	
May 18, 2005	PURCHASE	28.00	
May 18, 2005	PURCHASE	15.37	
May 18, 2005	WITHDRAWAL	500.00	
May 18, 2005	DEBIT MEMO	50.00	24.03
May 24, 2005	PURCHASE	14.80	
May 24, 2005	PURCHASE	8.44	0.79
June 06, 2005	DEPOSIT	100.00	
June 06, 2005	WITHDRAWAL	100.00	0.79
June 09, 2005	RET CHEQUE	100.00	-99.21
June 10, 2005	PAYROLL	948.40	
June 10, 2005	WITHDRAWAL	800.00	49.19
June 16, 2005	WITHDRAWAL	40.00	9.19
June 17, 2005	PRE-AUTH	50.83	
June 17, 2005	NSF CHARGE	35.00	
June 17, 2005	ERROR	50.83	-25.81
June 23, 2005	CHEQUE	60.00	-85.81
June 24, 2005	PAYROLL	989.70	
June 24, 2005	WITHDRAWAL	900.00	3.89

Page 1 of:

2:

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Date Range: March 27, 2005

March 27, 2006

Transit: 03862

Account: 8114935

Account Name: GENERAL S

<u>Date</u>	<u>Transaction Description</u>	<u>Amount</u>	<u>Daily Closing Balance</u>
June 30, 2005	O/D SC	10.00	
June 30, 2005	SERVICE CHG	12.95	
June 30, 2005	O/D INT	0.20	-19.26
July 06, 2005	CHEQUE	80.00	
July 06, 2005	REVERSAL	80.00	-19.26
July 07, 2005	CHEQUE	75.00	-94.26
July 08, 2005	PAYROLL	824.55	730.29
July 11, 2005	WITHDRAWAL	725.00	5.29
July 19, 2005	CHEQUE	110.00	
July 19, 2005	NSF CHARGE	35.00	
July 19, 2005	REVERSAL	110.00	-29.71
July 21, 2005	CHEQUE	110.00	-139.71
July 22, 2005	PAYROLL	715.06	
July 22, 2005	WITHDRAWAL	350.00	
July 22, 2005	WITHDRAWAL	72.91	162.44
July 29, 2005	WITHDRAWAL	152.00	
July 29, 2005	O/D SC	5.00	
July 29, 2005	SERVICE CHG	12.95	
July 29, 2005	O/D INT	0.18	-17.69
July 29, 2005	SERVICE CHG	12.95	-30.64
August 31, 2005	PRE-AUTH	51.36	
September 01, 2005	PRE-AUTH	24.61	
September 01, 2005	NSF CHARGE	70.00	
September 01, 2005	ERROR	24.61	
September 01, 2005	ERROR	51.36	-100.64
September 30, 2005	SERVICE CHG	12.95	
September 30, 2005	O/D INT	1.74	-115.33
October 17, 2005	PRE-AUTH	51.36	
October 17, 2005	PRE-AUTH	24.61	
October 17, 2005	NSF CHARGE	70.00	
October 17, 2005	ERROR	24.61	
October 17, 2005	ERROR	51.36	-185.33
October 31, 2005	SERVICE CHG	12.95	
October 31, 2005	O/D INT	2.67	-200.95
November 30, 2005	SERVICE CHG	12.95	
November 30, 2005	O/D INT	3.48	-217.38
December 30, 2005	SERVICE CHG	12.95	
December 30, 2005	O/D INT	3.88	-234.21
January 31, 2006	SERVICE CHG	12.95	
January 31, 2006	O/D INT	4.18	-251.34
February 28, 2006	SERVICE CHG	12.95	
February 28, 2006	O/D INT	4.06	-268.35
March 27, 2006	DEPOSIT	272.05	
March 27, 2006	O/D INT	3.70	0.00

\*\*\*\*\* End of Report \*\*\*\*\*

Page 2 of 2

2

Request Number: 20110613-1092