


Please listen agents of Victoria Land Title Office,

My name is Victoria. I am under contract to administer the affairs of my now passed common law spouse Gerald Wayne Jack Daley as his personal representative. Here is proof of our common law status.



Service
Canada

PROTECTED B (when completed)
Personal Information Bank
HRSDC PPU 116 and 146

Statutory Declaration of Common-law Union (Single signature)

Social Insurance Number
726 085 574

SECTION A - TO BE COMPLETED BY THE APPLICANT

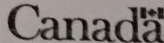
Canada, Province or Territory of British Columbia <small>province or territory</small>	To Wit:	In the matter of the <i>Canada Pension Plan</i> and the <i>Old Age Security Act</i> and In the Matter of Common-Law Union
I, Victoria Nevens , of Victoria , <small>name name of city, town or village county</small> in the province or territory of British Columbia , solemnly declare that Gerald Daley <small>province or territory name of common-law partner</small> and I lived together for 7 continuous year(s) from 2010/02/01 to 2017/05/11 . <small>number of years year/month/day year/month/day</small>		
1. Are there children of the common-law union? This would include adopted children or children of one common-law partner to whom the other acted as a parent. <input checked="" type="radio"/> No <input type="radio"/> Yes <small>If yes, please provide the following information:</small> The following is information on each child. (If more space is required, attach a separate sheet.)		
<small>First name</small>	<small>Legal last name</small>	<small>Last name commonly used</small>
<small>Date of birth</small>		
2. My common-law partner and I: a) Jointly signed a residential lease, mortgage or purchase agreement relating to a residence in which we both lived. <input type="radio"/> Yes <input checked="" type="radio"/> No	b) Jointly owned property other than our residence. <input type="radio"/> Yes <input checked="" type="radio"/> No	c) Had joint bank, trust, credit union or charge card accounts. <input type="radio"/> Yes <input checked="" type="radio"/> No
3A. I had life insurance on myself that named my common-law partner as beneficiary. <input type="radio"/> Yes <input checked="" type="radio"/> No	3B. My common-law partner had life insurance on him/herself that named me as beneficiary. <input type="radio"/> Yes <input checked="" type="radio"/> No	
4. If none of the above sections apply, what other documentary evidence are you aware of that would support your conjugal relationship as common-law partners? SEE ATTACHED		
I hereby declare that, to the best of my knowledge, the information on this declaration is true and complete. I realize that my personal information is governed by the <i>Privacy Act</i> and may be disclosed where authorized under the <i>Old Age Security Act</i> and the <i>Canada Pension Plan</i> . NOTE: If you make a false or misleading statement, you may be subject to an administrative monetary penalty and interest, if any, under the <i>Canada Pension Plan</i> or the <i>Old Age Security Act</i> , or may be charged with an offence. Any benefits you received or obtained to which there was no entitlement would have to be repaid.		
Your Name (Please print) Victoria Nevens	Your Signature X [Signature]	
Was the form completed and signed by someone other than the applicant? If yes, that person must complete the section below and submit proof that they are authorized to act on behalf of the client. Call us at 1-800-277-9914 to find out what documents are required.		
<small>Name</small>	<small>Relationship to applicant</small>	<small>Telephone number</small>
<small>Address</small>	<small>Signature</small> X [Signature]	

SECTION B - TO BE COMPLETED BY THE COMMISSIONER FOR OATHS

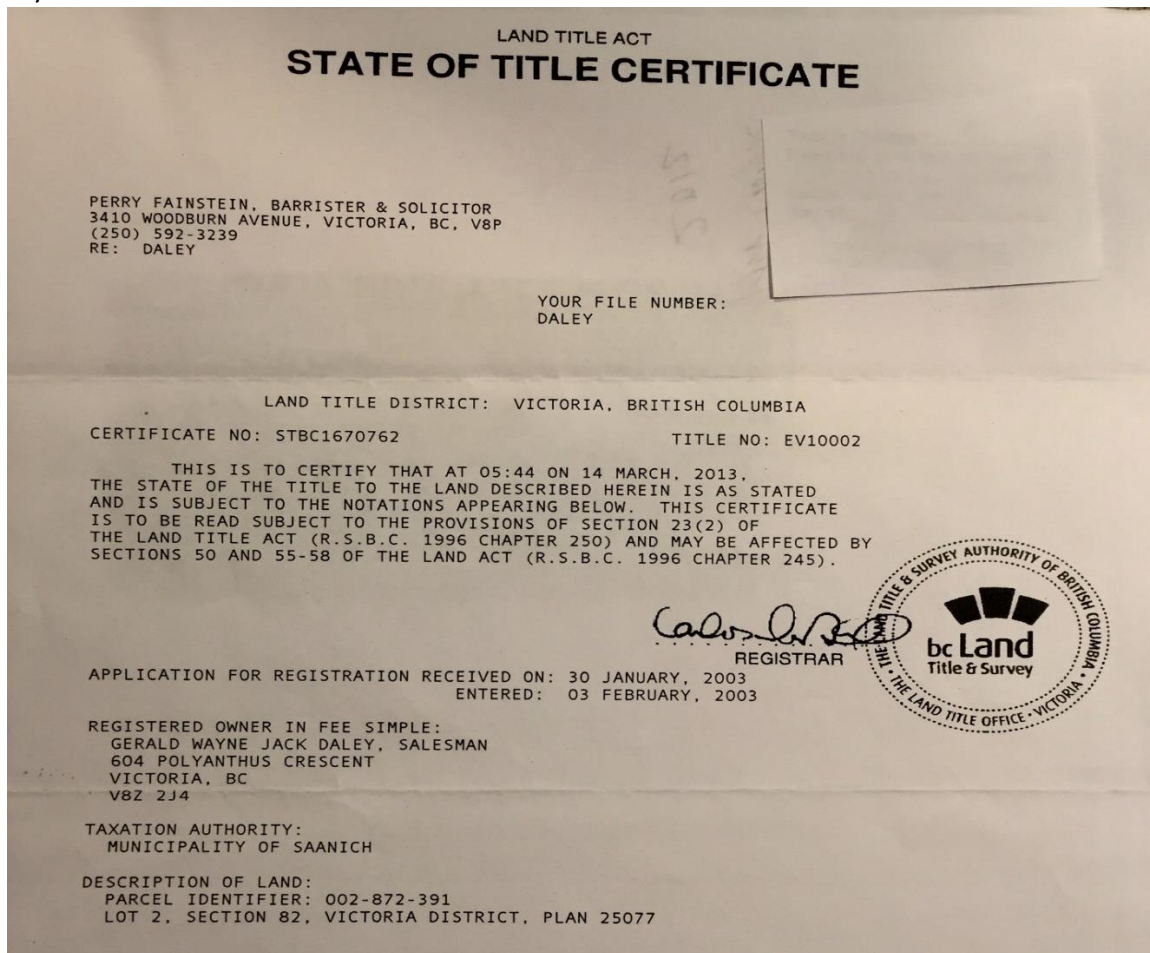
Declared before me at #1 Victoria , county of Vancouver Island , <small>name of city, town or village county</small>	in the province or territory of British Columbia this 24th day of April , 2017 . <small>province or territory day month year</small>
Name of Commissioner and Organization (Please print) Donald E. Linge Barrister and Solicitor 1244 Esplanade Canada delivers Human Resources and Skills Development Canada programs and services for the Government of Canada.	Signature of Commissioner X [Signature]
Commissioner Authority Number (if applicable)	

SC ISP-3104 (2011-11-15) E

Disponible en français



My name was never recorded on title of our homestead as shown below.



Gerald Wayne Jack Daley was a senior when he signed, published and declared a testamentary trust January 27, 2016. This link <http://seniorsfirstbc.ca/resources/legal-research-articles/shared-ownership-of-property-article/> provides counsel pertaining to a surviving spouse's right of survivorship for joint ownership of tenants-in-common.

What is the nature of the ownership if the nature of ownership is not stated?

If the ownership or title document says nothing about the nature of the ownership, **AS A GENERAL RULE BC LAW ASSUMES THAT:**

- For personal property (eg. cars, bank accounts, etc), the ownership is a joint tenancy; and
- **FOR REAL PROPERTY (EG. HOUSE), THE OWNERSHIP IS A TENANCY-IN-COMMON.**

family.legalaid.bc.ca

If you own the house as tenants in common, after your spouse dies, their share goes to:

- the person it was left to in the will, or
- their general estate.

The title deeds of your property will tell you if you're joint tenants or tenants in common.

If it doesn't actually say "joint tenancy" (or if it doesn't call you a joint tenant), it's automatically a tenancy in common.



Right of Survivorship

The right of survivorship is an attribute of several types of joint ownership of property, most notably joint tenancy and tenancy in common.

When jointly owned property includes a right of survivorship, the surviving owner automatically absorbs a dying owner's share of the property. Thus if A and B jointly own a house with a right of survivorship, and B dies, A becomes the sole owner of the house, despite any contrary intent in B's will.

In BC do tenants in common hold survivorship rights to a homestead when a spouse passes away? Yes, tenancy in common is a type of joint ownership. Is Victoria Ann, Executrix, Trustee and beneficiary of the Daley Family Trust authorised to claim survivorship rights of the homestead pursuant to legal remedies provided to tenants in common? Yes, she will exercise this right of survivorship.

married persons are equal in law in BC as commo

A new **legal** definition of "**spouse**" came into effect in **B.C.** on Monday, meaning that **common-law couples** that have lived together for two years have the same rights and responsibilities as married couples. ... And once an **unmarried couple** spends two years living together, it's a done deal. Mar 19, 2013

Common-law couples hold "legal" right of survivorship
www.cbc.ca · british-columbia

Common-law couples as good as married in B.C. | CBC News - CBC.ca

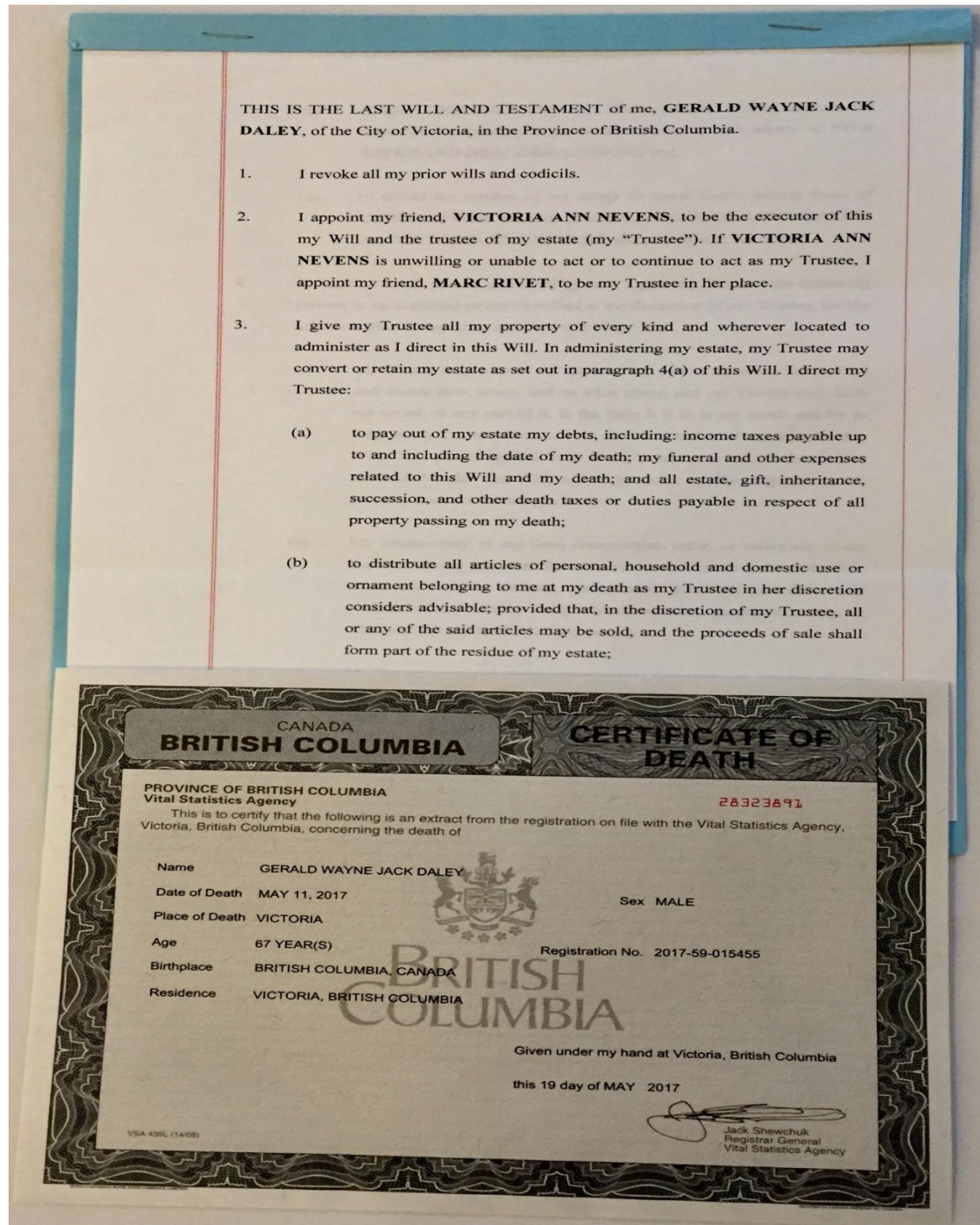
Common-law spouses hold "legal" right to survivorship since 2013.

Boyd ranks **British Columbia** as the most common-law-friendly province. Since 2013, couples living common law for two years have the same rights as their married counterparts. If the relationship falls apart, partners are entitled to half of shared debts and assets.

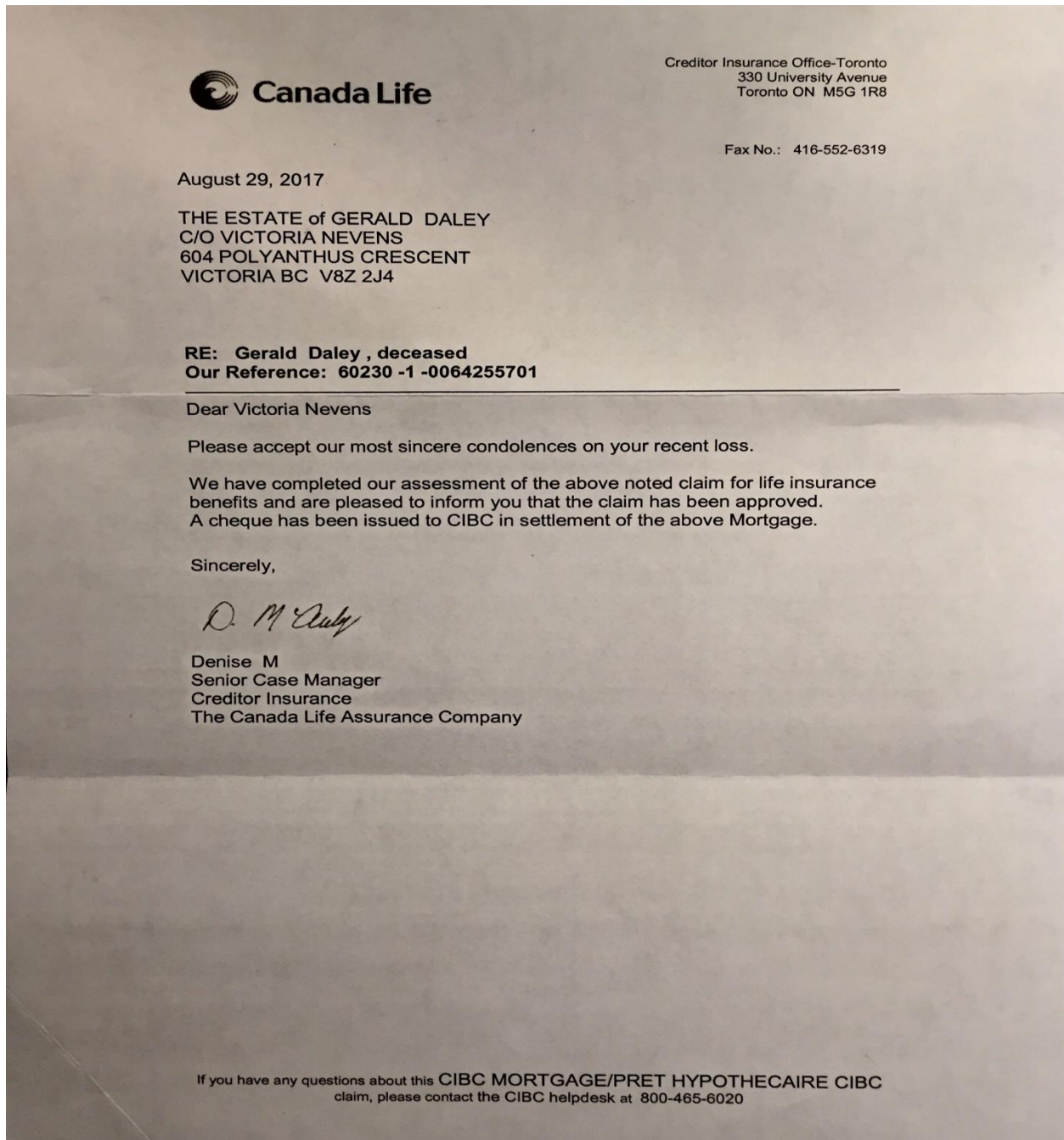
"Legally" Living Woman Victoria Ann [Nevens] is common-law spouse of testator Gerald Wayne Jack Daley. Married persons in BC hold right of survivorship to real estate.

Was property owned by Gerald Wayne Jack Daley subject to right of survivorship? Yes, BC Govt guidelines of March 2013 defined common-law spouses as *equal in law* to married persons therefore pursuant to the right of survivorship real estate jointly owned by Gerald Wayne Jack Daley with his surviving common law spouse Victoria is transferred outside the estate legally abolishing the probate process.

My spouse created a family trust. Our real estate is owned by the trust to shield us from third party creditors like banks. Original copy of both the testamentary trust and death certificate shown for proof of testimony.



My spouse purchased Life Insurance on our mortgage as shown. I am common law spouse with right of survivorship to 604 Polyanthus Crescent. Our family real estate is owned outright by myself and the Daley Family Trust, **a divided interest.**



This is a notice to require the true owner which is myself, as surviving common-law spouse Victoria A Nevens, as well as the Daley Family Trust be recorded on title forthwith of the homestead as I have right as a life tenant on the real estate. The personal representative, which is myself, will hold this property as instructed by the testamentary trust which is why the name of the trust is also necessary on title.

As I feel this may be uncharted territory for the Victoria Land title office agents allow me to explain why the usual requirement for probate so the personal representative can register the testamentary trust on title is not required in this particular case.

Letters Probate is a process where the court has confirmed the validity of a Will and the authority of the executor of the Will. **An executor's authority, however, comes from the Will and not the Letters Probate.** beaconlaw.ca/strategies-to-avoid-probate-fees/ There is no legal requirement the Daley Family Trust is subject to probate. In fact, due to the real estate being subject to right of survivorship, this matter is not probated as the property passes on outside the estate. Additionally, as per the discretion of the surviving spouse the property is held *in Trust* by the estate's personal representative pursuant to the *Land (Spouse Protection) Act* 4 (2). Be aware the court of appeal noted in *Pecore v. Pecore*, 2007 SCC 17 at para. 4: **The beneficial owner of property has been described as "the real owner of property even though it is in someone else's name":...** Jack's Will, a legally binding contract, in other words THE LAW was written to hold the land and premises *in Trust* by the estate's Executrix for the remainder of the surviving spouse's life. **Testamentary trust real estate is owned subject to right of survivorship and the Trust controlled by the Executor, consequently not part of "the public" or to a probate process.**

🔍 survivorship rights in BC Canada

Will VS right of survivorship? ^

A will can legally dispose of all property in a person's estate following their passing. ... Similarly, property owned subject to a **right of survivorship** is passed on outside the estate. Ownership automatically vests in the **survivor** at death, and the other original owner no longer has an ownership interest.

[lz info.legalzoom.com](http://info.legalzoom.com) › article › does-...

The legal language of the Last Will and Testament of the testator page 2 paragraph 4(a) agrees with the *Land (Spouse Protection) Act* Section 4 (2) which counsels the personal representative to hold the homestead in trust for an estate for the life of the surviving spouse. *"Despite any testamentary disposition or rule of law and subject to the liability of the land comprising the homestead for foreclosure or the payment of debts, a personal representative holds the homestead in trust for an estate for the life of the surviving spouse"*; in this case beneficiary Victoria N. Paragraph 4(a) of the Daley Family trust agrees with the *Trustee Act* **Inheritance if person holds in trust**

71 (3) For the purpose of this section, the personal representative of the deceased is deemed in law to be the heir and assign within the meaning of all trusts and powers.

There is another, more important reason probate is not required. I as Executrix do not have personal possession of the property gifted to me by my spouse at present. If agents of this office refuse to adhere to the rules and demand, ignorantly, illegally probate be filed title must be recorded as shown on page 7 BEFORE the probate application or agents of this office will be forcing me against my will to commit indictable crime(s), namely fraud. To legally file a probate I as personal representative of the estate must have physical possession of my spouse's property gifted to me and that is 604 Polyanthus Crescent among many other sentimental items no longer in my possession.

LAND TITLE ACT
STATE OF TITLE CERTIFICATE

RE: DALEY

YOUR FILE NUMBER:
DALEY

LAND TITLE DISTRICT: VICTORIA, BRITISH COLUMBIA

CERTIFICATE NO: STBC1670762

TITLE NO: EV10002

THIS IS TO CERTIFY THAT AT 05:44 ON 14 MARCH, 2013,
THE STATE OF THE TITLE TO THE LAND DESCRIBED HEREIN IS AS STATED
AND IS SUBJECT TO THE NOTATIONS APPEARING BELOW. THIS CERTIFICATE
IS TO BE READ SUBJECT TO THE PROVISIONS OF SECTION 23(2) OF
THE LAND TITLE ACT (R.S.B.C. 1996 CHAPTER 250) AND MAY BE AFFECTED BY
SECTIONS 50 AND 55-58 OF THE LAND ACT (R.S.B.C. 1996 CHAPTER 245).

Carol L. B...

REGISTRAR

APPLICATION FOR REGISTRATION RECEIVED ON: **DECEMBER 1 2021**
ENTERED: _____



REGISTERED OWNER IN FEE SIMPLE:

Victoria Ann Nevens and the DALEY FAMILY TRUST

604 POLYANTHUS CRESCENT
VICTORIA, BC
V8Z 2J4

TAXATION AUTHORITY:
MUNICIPALITY OF SAANICH

DESCRIPTION OF LAND:
PARCEL IDENTIFIER: 002-872-391
LOT 2, SECTION 82, VICTORIA DISTRICT, PLAN 25077

Against the law and more importantly against my consent two void mortgages have been recorded on this land since 2020. **WENYONG GAO and FENG LI** held the first void mortgage. I am not aware of the names of the persons who hold a void mortgage on my property presently. They and their matters are not the concern of this educational conversation and application to change ownership of my property forthwith. What should have been done is being done correctly now under my sound-mind, legal and lawful leadership. **My spouse gave me this power & authority. It shall not be questioned or compromised.**

[Changes to Ownership - LTSA](#)

[LOTR for Trusts and Estates \(cwilson.com\)](http://cwilson.com)



The court found that under the Act, a mortgage granted by a person who obtained their title by fraud or forgery is invalid and the Act preserves the *nemo dat quod non habet* rule 6⁶ with respect to charges. So even where a mortgagee has relied on the registered title and dealt *bona fide* with a non-fictitious registered owner, a mortgagee does not acquire any estate or interest in the lands on registration of their mortgages where they have been granted by a person who had no valid interest in the lands and such mortgages are void.

The decision confirmed the security of fee simple title to land, while increasing the burden on mortgagees to carry out more fulsome due diligence with respect to their borrowers.

To subscribe to receive BCRA publications such as this one, or to update your email address or current subscriptions, [click here](#).

1. *Gill v. Bucholtz*, 2009 BCCA 137 (BCCA).
2. *Land Title Act*, RS Chapter 250 Section 23(2).
3. *Land Title Act*, RS Chapter 250 Section 23(2)(i).
4. *Land Title Act*, RS Chapter 250 Section 23(2).
5. *Land Title Act*, RS Chapter 250 Section 23, 25 and 26.
6. Latin for "no one can give what he does not have".



FORM 60

IN THE SUPREME COURT

BETWEEN:

CANADIAN IMPERIAL BANK

AND:

GERALD WAYNE JACK DALEY
THE ESTATE OF GERALD WA
THE EXECUTOR/ADMINISTR
THE ESTATE OF GERALD WA
VICTORIA NEVENS

CERTIFICATE

Property Sold	Name of Purchaser	Price
LOT 2 SECTION 82, VICTORIA DISTRICT. PLAN 25077	Wenyong Gao and Feng Li	
	Totals:	\$680,000.00

I, SUZANNE BOSSIO, of 300 – 350 Lansdowne Street, Vancouver, British Columbia, Assistant with the law firm of Fulton & Company LLP

1. The Petitioner did, in accordance with the provisions of the Act, on May 19, 2020, complete the sale of the property described in the certificate.
2. The result of the sale is truly set forth in the certificate.

SWORN BEFORE ME at the City of Kamloops, in the Province of British Columbia, this 11 day of May, 2020.

A Commissioner for taking Affidavits in the Province of British Columbia.

DANIEL A. CARROLL
BARRISTER & SOLICITOR
1111 LANSDOWNE ST.

As a society you all have an obligation to understand “legal language” to help solidify there will be no appeal or court order to file with agents of Victoria Land Title office to return the title to the true owner immediately. **I identify as expert trained counsel.**

Be aware the court of appeal noted in Pecore v. Pecore, 2007 SCC 17 at para. 4: **The beneficial owner of property has been described as “the real owner of property even though it is in someone else’s name”:**...

Avoiding ownership of property in your own name

Most debtors are often wondering whether creditors can ‘take’ or seize their house in Canada. However, ideally speaking, if you are a debtor, then it’s best to not have any property in your own name. If you are married then any assets that you purchase should be purchased in the name of your spouse.

It would be worthwhile to introduce the term “judgment proof” here and what implications it can have for debtors in Canada. **There are certain exemptions to the judgments that creditors have obtained against debtors. If these exemptions apply to all your property, wages, and other assets, they make you judgment proof as creditors cannot enforce the judgment.** In short, this means that the debtor does not own any or enough property or claims the benefits of exempt property.

One of these exemptions is jointly owned assets – assets that are co-owned by you and another person. As such, **these are exempt from judgment unless both of you are subject to the judgment.** So it is a good idea for debtors to co-own assets with a co-owner who ideally is free of any debts, if owning an asset in one’s name is unavoidable.

For assets held only in your name, your spouse's creditors or trustee in bankruptcy will not usually be able to seize them. SAME GOES FOR YOUR INTEREST IN PROPERTY AS A TENANT IN COMMON (WHICH THE LAW WOULD CALL A DIVIDED INTEREST), UNLESS YOU ARE RESPONSIBLE FOR YOUR SPOUSE'S DEBTS FOR SOME REASON (SUCH AS IF YOU CO-SIGNED OR GUARANTEED A LOAN, OR USED A SECONDARY CREDIT CARD ON YOUR SPOUSE'S ACCOUNT).

When it comes to the Family Law Act, both spouses are responsible to *one another* for debts incurred during the relationship, **BUT the act itself doesn't give any extra rights to creditors to go after a spouse of the debtor.**

If testator Gerald Wayne Jack Daley had gone into default on an alleged loan such as a credit line secured by a mortgage held by ‘creditor’ “CIBC” they have no claim legally or lawfully to file a foreclosure petition as the Daley land and premises was jointly owned via tenancy in common, **A DIVIDED INTEREST**, making Jack and his common law spouse Victoria foreclosure **judgment proof** as explained in previous repeated examples. After the testator passed the real estate

belonged to the Testamentary trust to be held for the assistance of the beneficiaries, certainly the surviving spouse named in the Law/Testamentary trust. A contract or covenant is an irreversible Law. For example, "*the court*" decided the following when a tenant-in-common went into default on a mortgage:

Most provinces have legislation that allows for a petition to the court for partition of property. In British Columbia, the law is known as the *Partition of Property Act*. The procedures and criteria for partition is different in each province but they generally all give the court discretion, require that the petitioner be in possession or have an immediate right to possession (see, for example, [Garnet v. McGoran](#) where a mortgagee was denied partition based on this criteria), and that partition is preferred over sale.

Garnet and McGoran, Re 1980 Dominion Law Reports 649

Under provincial partition legislation in Ontario, a person holding a **mortgage** on the interest of one of the **tenants in common** asked the court to partition the property when payments fell into default. **The court refused saying that one of the requirements of the statute is that the applicant must be entitled to possession:**

"None but those entitled to possession, that is, none but those who really need it are entitled to possession."

The mortgagee, even where there had been default, did not have that entitlement.

Mortgagee Definition: The person who extends credit secured by a mortgage; the mortgage lender

Mortgage Definition: An interest given on a piece of land, in writing, to guarantee the payment of a debt or the execution of some action.

An appeal or court order from BC Supreme Court is not required as its agents for BC Supreme Court who granted a fraudulent mortgage to **WENYONG GAO and FENG LI** knowing there is no legal or lawful mechanism to enforce a foreclosure on real estate held in trust or held as a divided interest as the property was not owned by Gerald Wayne Jack Daley at the time the petition was filed by CIBC and agents of Fulton & Co. and Taylor Cox. The mortgage granted to **WENYONG GAO and FENG LI** was void from the beginning as is the mortgage of the squatters in adverse possession of my stolen homestead currently.

These egregious crimes against the true owner of 604 Polyanthus Crescent are now being corrected by the only Woman with jurisdiction of the matter and that is myself personal representative of Gerald Wayne Jack Daley, Executrix Victoria Ann Nevens. Do you understand? If not agents of Victoria Land Title office may be subject to criminal and civil litigation as my rights and the truth are not up for debate.

The truth is agents for BC Supreme Court have NO jurisdiction over this matter.

Deny due Process = Void Judgment

- "Not every action by any judge is in exercise of his judicial function. It is not a judicial function for a Judge to commit an intentional tort even though the tort occurs in the Courthouse, when a judge acts as a Trespasser of the Law, when a judge does not follow the law, the judge loses subject matter jurisdiction and The Judge's orders are void, of no legal force or effect"! Yates Vs. Village of Hoffman Estates, Illinois, 209 F.Supp. 757 (N.D. Ill. 1962)
- "Where a court failed to observe safeguards, it amounts to denial of due process of law, court is deprived of juris." Merritt v. Hunter, C.A. Kansas 170 F2d 739

Void Judgment - England

- a 'void' order or claim has no legal effect *ab initio* (from the beginning/outset) and therefore does not need to be appealed, although for convenience it may sometimes be necessary to have it set aside (Lord Denning in *MacFoy v United Africa Co. Ltd.* [1961] and *Firman v Ellis* [1978] QB 866) whereas a 'voidable' order or claim has legal effect unless and until it is set aside. Therefore, while a void order or claim does not have to be obeyed and can be ignored and its nullity can be relied on as a defence when necessary (*Wandsworth London Borough Council v. Winder* [1985] A.C. 461),

Void Judgment - England

- In *Bellinger v Bellinger* [2003] UKHL 21 the House of Lords confirmed that a void act is void from the outset and no Court – not even the House of Lords (now the Supreme Court) – has jurisdiction to give legal effect to a void act no matter how unreasonable that may seem, because doing so would mean reforming the law which no Court has power to do because such power rests only with Parliament. The duty of the Court is to interpret and apply the law not reform or create it.

Void Judgments

- "brutum fulmen": "An empty noise; an empty threat. A judgment void upon its face which is in legal effect no judgment at all, and by which no rights are divested, and from which none can be obtained; and neither binds nor bars anyone. *Dollert v. Pratt-Hewitt Oil Corporation*, Tex.Civ.Appl, 179 S.W.2d 346, 348. Also, see *Corpus Juris Secundum*, "Judgments" §§ 499, 512 546, 549. Black's Law Dictionary, 4th Edition

The Supreme Court of Canada decided "*fraud unravels everything*", deception vitiates contracts and all transactions whatsoever

Supreme Court of Canada states:

Estey J., speaking for the majority of this Court in *Kuchma v. Rural Municipality of Taché*, at page 239. "Fraud, dishonesty, bad faith, extortion and bribery form a special category of causes of nullity, which transcends all others."

Fraud unravels everything. The Court is careful not to find fraud unless it is distinctly pleaded and proved; but once it is proved, it vitiates judgements, contracts and all transactions whatsoever...

For decision above see pg 13 of link attachment <https://scc-csc.lexum.com/scc-csc/scc-csc/en/6093/2/document.do>

Mortgage Fraud

In April 2009, the **BC Court of Appeal** held that unless a mortgage is granted by the true owner of a property, the mortgage is invalid and **the owner's title will be returned to its original state.**

Friend of the Daley family **GRAHAM DOUGLAS MACK** will be logically providing its electronic signature along with paying any fees associated to complete the transfer of ownership forthwith. **ATTENTION Mr. Mack in three days from the date of this email silence is tacit agreement to providing assistance.** Being a guilty party to my harm, loss and injuries it would be wise to be kind and generous. Do you understand? I am going home Mr. Mack exactly like I said I would.

FORM 170_V14

VICTORIA LAND TITLE OFFICE

LAND TITLE ACT BRITISH COLUMBIA
FORM 17 CHARGE, NOTATION OR FILING Nov-27-2018 13:12:14.001
LAND TITLE AND SURVEY AUTHORITY

CA7212249
PAGE 1 OF 15 PAGES

Your electronic signature is a representation by you that:

- you are a subscriber; and
- you have incorporated your electronic signature into
 - this electronic application, and
 - the imaged copy of each supporting document attached to this electronic application, and have done so in accordance with Sections 168.3 and 168.41(4) of the *Land Title Act*, RSBC 1996, C.250.
- Your electronic signature is a declaration by you under Section 168.41 of the *Land Title Act* in respect of each supporting document required in conjunction with this electronic application that:
 - the supporting document is identified in the imaged copy of it attached to this electronic application;
 - the original of the supporting document is in your possession; and
 - the material facts of the supporting document are set out in the imaged copy of it attached to this electronic application.

Each term used in the representation and declaration set out above is to be given the meaning ascribed to it in Part 10.1 of the *Land Title Act*.

1. APPLICANT: (Name, address, phone number of applicant, applicant's solicitor or agent)

Daniel Carroll, FULTON & COMPANY LLP
300-350 Lansdowne Street
Kamloops BC V2C 1Y1
Document Fees: \$71.58
250-372-5542
File #8-1802

Deduct LTSA Fees? Yes

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:
[PID] [legal description]
002-872-391 LOT 2 SECTION 82 VICTORIA DISTRICT PLAN 25077

STC? YES

3. NATURE OF CHARGE, NOTATION, OR FILING: AFFECTED CHARGE OR NOTATION NO:
CERTIFICATE OF PENDING LITIGATION
ADDITIONAL INFORMATION:

NATURE OF CHARGE, NOTATION, OR FILING: AFFECTED CHARGE OR NOTATION NO:
ADDITIONAL INFORMATION:

4. PERSON TO BE REGISTERED AS CHARGE OWNER: (including occupation(s), postal address(es) and postal code(s))

CANADIAN IMPERIAL BANK OF COMMERCE
750 LAWRENCE AVENUE WEST
TORONTO M6A 1B8 ONTARIO CANADA
Incorporation No 0

P0000162 I0000162 00378212 0024

Robert Graham <rgraham@leaguelaw.com>

Oct 25, 2018, 3:10 PM

to me

Hello Ms. Nevens,

We have not heard from you for some time regarding the estate of Mr. Daley. We have been advised that the bank is foreclosing on the house.

Please advised at your earliest convenience how you would like our office to handle matters moving forward. We are unable to assist you with the estate if we do not receive any instructions.

If you are unable or unwilling to continue to act as the Personal Representative it may be worthwhile considering renouncing your position and have the alternate, Mr. Marc Rivet, step in to administer the estate.

Please provide instructions at your earliest convenience.

Yours truly,

Robert Graham

B.A., J.D. | Solicitor

My gut instinct at this time was telling me I was being lied to, intentionally deceived by BC LAW SOCIETY CRIMINALS into performing unnecessary tasks to make these CRIMINALS rich while THEY STOLE MONEY from the Daley Family trust. I never received the proper "legal" advice from this criminal organization or any other criminal organization engaged for direction after my spouse passed...DO NOT SPEAK TO BC 🏴‍☠️ BAR 🏴‍☠️ MEMBERS, THEY ARE COMPULSIVE 🤪 LYING 💰 THIEVES!

Head office: #210-174 Wilson St. | Victoria, B.C. Canada | V9A 7N6

T: 250 888 0002 | F: 778 433 0171 | www.LeagueLaw.com

Victoria | Vancouver | Kelowna | Nanaimo | Duncan | Campbell River

The [Wills, Estates and Succession Act](#) of BC agrees a gift is given without conditions as the spirit, as the foundation behind testamentary trusts of charity to protect named testator's equity & wealth as well as their beneficiary's future health, welfare and safety.

Part 4 — Wills

Division 2 — Legal Effect of a Will

Property that can be gifted by will

41 (1) A person may, by will, make a **gift of property to which he or she is entitled at law or in equity at the time of his or her death, including property acquired before, on or after the date the will is made.

(2) Unless a contrary intention appears in a will, when a will refers to property, the will, with respect to the property, is to be interpreted as if it had been made immediately before the death of the will-maker.

(3) A **gift in a will

(a) takes effect according to its terms, and

(b) subject to the terms of the **gift, gives to the recipient of the **gift every [[Every Definition & Meaning | Dictionary.com](#)] legal or equitable interest in the property that the will-maker had the legal capacity to *give.

Definition of *give: **to present voluntarily and without expecting compensation; bestow**: to hand to someone: to place in someone's care to yield somewhat, as to influence or force; compromise:

Definition of **gift: something **given** voluntarily without payment in return, as to show favor toward someone, honor an occasion, or make a gesture of assistance; present. ~the act of giving. ~something bestowed or acquired without any particular effort by the recipient or **without its being earned**:

A second witness to the spirit of charity and protection in a testamentary legal contract is located in Section 3 and 4 (a) of the Daley Family Trust. The *Land*

(Spousal Protection) Act agrees with protecting surviving spouses as beneficiary with a homestead, an estate personal representative the Executor/Executrix holding the property ***in trust*** for the remaining life of the widow/er as guided below in Section 4 (2) of the LSPA.

LAND (SPOUSE PROTECTION) ACT [Land \(Spouse Protection\) Act \(gov.bc.ca\)](http://gov.bc.ca)

Application of *Wills, Estates and Succession Act*

4 (1) If an entry has been made on the title under section 2, section 162 (1) of the *Wills, Estates and Succession Act* applies to the devolution of the homestead.

(2) Despite (even though) any testamentary (of, relating to, or of the nature of a testament or will. given, bequeathed, done, or appointed by will set forth or contained in a will) disposition (final settlement of a matter, bestowal, as by gift) or rule of law and subject to the liability of the land comprising the homestead for foreclosure or the payment of debts, **a personal representative holds the homestead in trust for an estate for the life of the surviving spouse.**

[The benefits of testamentary trusts · Derek Cooper, Senior Wealth Advisor · Scotia Wealth Management](#)

A testamentary trust is created in a Will and comes into effect only upon the testator's (Will maker's) death. Like all trusts, it creates a legal relationship between the testator, beneficiaries and trustee.

The testator creates the terms of the trust through the Will and funds the trust through the estate on death. The trustee, appointed under the Will, assumes legal title to the trust property and manages the trust in accordance with its terms, for the benefit of the beneficiaries.

[Trusts in Vancouver and British Columbia, Canada \(bcheritagelaw.com\)](http://bcheritagelaw.com)

A **trust** exists where a person called the “**Trustee**” has an equitable obligation to handle property for the benefit of a person called a “**Beneficiary**”. The person who created the trust is called the “**Settlor**”.

A trust can be created by a written document, called an **express trust**, or it can be created by implication, called an **implied trust**.

A trust is usually created by:

1. a written trust document created by the settlor and signed by both the settlor and the trustee (often referred to as an *inter vivos* or “living trust”);
2. an oral declaration;
3. a will, also called a testamentary trust; or
4. a court order (for example, in family proceedings).

A trust requires three certainties:

1. a clear **intention** to create a trust;
2. clear identification of the property or **subject matter** of the trust, and
3. clear identification of the beneficiaries (**objects**) of the trust.

Trusts can be useful in estate planning:

- centralize ownership and management of assets,
- provide flexibility in future wealth distribution,
- **protect assets from third parties,**
- **shield asset ownership for privacy,** and
- delay or **avoid** probate procedure and **probate claims**.

A testamentary trust (Last Will and Testament) allows you to decide, while you are alive, how the wealth you bequeath should be used. This type of trust specifies who the beneficiaries of your estate will be, but also how they will access the funds and, above all, under what conditions.

A testamentary trust is a contract that entrusts the administration of your estate to an intermediary. A testamentary trust involves three parties: the transferor, the trustee and the beneficiary.

- The transferor is the testator, the person setting up the testamentary trust, upon their death. The trust lasts until the inheritance has been fully distributed.
- The trustee, named by the transferor, is responsible for administering the wealth in the trust. They must report on the management and administration to whomever the transferor has designated. They ensure the beneficiaries' rights and assets are protected.
- The beneficiary is the person who receives, under certain conditions, the assets bequeathed to them. Typically, a beneficiary can draw an income from the trust until they are able to cash in the trust in its entirety.

A testamentary trust is particularly useful in two situations: when the beneficiaries are bad at managing money or they have debts. In such instances, a trust will ensure healthier inheritance management.

A testamentary trust is a good way to protect the bequeathed wealth. The person who has died can remain in control of their assets after death. They give what they want, to whom they want, under the conditions they want.

Since a trust is a legal entity with its own assets, the bequeathed inheritance remains separate from a beneficiary's wealth. The trust is a legal entity in its own right. The funds held in it are unseizable and are not part of the beneficiary's wealth. For those who have financial troubles, their inheritance will be safe from creditors.

You can literally put anything in a trust: a house, an RRSP, a life insurance policy, a vehicle, biological real property—even an art collection.

1. [Who Owns The Property In A Trust? - daitips.com](https://daitips.com/who-owns-the-property-in-a-trust/)

<https://daitips.com/who-owns-the-property-in-a-revocable-trust>

Estate planning allows for **trust property** to pass directly to the designated beneficiaries upon the trustor's death without probate. Is a trustee an **owner** of a **property**? **The grantor names a trustee to manage and distribute property held in trust according to the trust's terms. The trust becomes the owner of any assets transferred into it.**

For example, on the following 3 pages is a Testamentary trust created by testator GWJ Daley. The lesson regarding the Truth continues after the Law/Contract.

THIS IS THE LAST WILL AND TESTAMENT of me, GERALD WAYNE JACK DALEY, of the City of Victoria, in the Province of British Columbia.

1. I revoke all my prior wills and codicils.
2. I appoint my friend, VICTORIA ANN NEVENS, to be the executor of this my Will and the trustee of my estate (my "Trustee"). If VICTORIA ANN NEVENS is unwilling or unable to act or to continue to act as my Trustee, I appoint my friend, MARC RIVET, to be my Trustee in her place.
3. I give my Trustee all my property of every kind and wherever located to administer as I direct in this Will. In administering my estate, my Trustee may convert or retain my estate as set out in paragraph 4(a) of this Will. I direct my Trustee:
 - (a) to pay out of my estate my debts, including: income taxes payable up to and including the date of my death; my funeral and other expenses related to this Will and my death; and all estate, gift, inheritance, succession, and other death taxes or duties payable in respect of all property passing on my death;
 - (b) to distribute all articles of personal, household and domestic use or ornament belonging to me at my death as my Trustee in her discretion considers advisable; provided that, in the discretion of my Trustee, all or any of the said articles may be sold, and the proceeds of sale shall form part of the residue of my estate;

(c) if either VICTORIA ANN NEVENS or MARC RIVET assumes the duties of my Trustee, to pay to him or her a cash legacy of FIVE THOUSAND DOLLARS (\$5,000.00); and

(d) to divide the residue of my estate in equal shares among those of CHRISTOPHER SHANE DALEY, JENNIFER LYNN DALEY, and VICTORIA ANN NEVENS, who are alive at my death.

4. In addition to all powers conferred by law, I give my Trustee the following powers to be exercised or not exercised at the discretion of my Trustee, for the administration of my estate and the trusts of my Will:

(a) My Trustee may convert my estate or any part of my estate into money, and decide how, when, and on what terms; and my Trustee may keep my estate, or any part of it, in the form it is in at my death and for as long as my Trustee decides, even for the duration of the trusts in this Will. This power applies even if the property is not an investment authorized under this Will, a debt is owing on the property, or the property does not produce income.

(b) My Trustee may, at any time, compromise, settle, or waive any claim due to or due by my estate for whatever consideration and on whatever terms my Trustee decides; and extend, continue, or renew any evidence of any liability I may have as endorser, guarantor, surety, or otherwise for any liability of any person.

(c) My Trustee may not claim remuneration for acting as Trustee of my Will, in addition to any gift or benefit I give to my Trustee in this Will

or any Codicil to it, with the exception of any care and management fee to which by law my Trustee may be entitled.

IN WITNESS WHEREOF I have hereunto set my hand and seal this 27th day of January, 2016.

SIGNED, PUBLISHED AND DECLARED
by **GERALD WAYNE JACK DALEY**,
the above named Testator, as and for his
Last Will and Testament, in the presence of
us, both present at the same time, who, at
his request, in his presence, and in the
presence of each other, have hereunto
subscribed our names as witnesses:

The Grantor in a private trust is the lawmaker. The trustee makes sure everyone is following them.

The trustee becomes the legal owner of the property (res). An owner sets the rules.



D. Edlund
Legal Assistant
201 - 300 Gorge Rd. W.
Victoria, BC V9A 1M8



GERALD WAYNE JACK DALEY



HOIWON KIM
Barrister & Solicitor
201 - 300 Gorge Road West
Victoria, BC V9A 1M8

When the Grantor grants a trustee something the trustee manages those affairs for the Grantor.

Cap-It-All letters equates to a loss of life and a loss of civil rights.

1. [Who Owns Property Transferred Into a Trust? Revocable ...](#)

<https://answers.uslegal.com/trusts/revocable-trusts/18442>

2009-09-04 · **Once assets are put into the trust they belong to the trust itself, not the trustee, and remain subject to the rules and instructions of the trust contract.** Most basically, a trust is a right in property, which is held in a fiduciary relationship by one party for the benefit of another. **The trustee is the one who holds title to the trust property, and the beneficiary is the person who receives the benefits of the trust.**

[Changes to Ownership - LTSA](#)

[LOTR for Trusts and Estates \(cwilson.com\)](#)

married persons are equal in law in BC as commo

A new legal definition of "spouse" came into effect in **B.C.** on Monday, meaning that common-law couples that have lived together for two years have the same rights and responsibilities as married couples. ... And once an unmarried couple spends two years living together, it's a done deal. Mar 19, 2013

Common-law couples hold "legal" right of survivorship

www.cbc.ca · british-columbia

[Common-law couples as good as married in B.C. | CBC News - CBC.ca](#)

globalnews.ca

Common-law spouses hold "legal" right to survivorship since 2013.

Boyd ranks British Columbia as the most common-law-friendly province. Since 2013, couples living common law for two years have the same rights as their married counterparts. If the relationship falls apart, partners are entitled to half of shared debts and assets.

"Legally" Living Woman Victoria Ann [Nevens] is common-law spouse of testator Gerald Wayne Jack Daley. Proof available upon request. Married persons in BC hold right of survivorship to real estate.

Was property owned by Gerald Wayne Jack Daley subject to right of survivorship? Yes, BC Govt guidelines of March 2013 defined common-law spouses as *equal in law* to married persons therefore pursuant to the right of survivorship real estate jointly owned by Gerald Wayne Jack Daley with his surviving common law spouse Victoria is transferred outside the estate legally abolishing the probate process.

Gerald Wayne Jack Daley was a senior when he signed, published and declared a testamentary trust January 27, 2016. This link <http://seniorsfirstbc.ca/resources/legal-research-articles/shared-ownership-of-property-article/> provides counsel pertaining to a surviving spouse's right of survivorship for joint ownership of tenants-in-common.

family.legalaidth.bc.ca

If you own the house as tenants in common, after your spouse dies, their share goes to:

- the person it was left to in the will, or
- their general estate.

The title deeds of your property will tell you if you're joint tenants or tenants in common.

If it doesn't actually say "joint tenancy" (or if it doesn't call you a joint tenant), it's automatically a tenancy in common.

What is the nature of the ownership if the nature of ownership is not stated?

If the ownership or title document says nothing about the nature of the ownership, **AS A GENERAL RULE BC LAW ASSUMES THAT:**

- For personal property (eg. cars, bank accounts, etc), the ownership is a joint tenancy;
- **FOR REAL PROPERTY (EG. HOUSE), THE OWNERSHIP IS A TENANCY-IN-COMMON.**

law.cornell.edu

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Right of Survivorship

The right of survivorship is an attribute of several types of joint ownership of property, most notably joint tenancy and tenancy in common.

When jointly owned property includes a right of survivorship, the surviving owner automatically absorbs a dying owner's share of the property. Thus if A and B jointly own a house with a right of survivorship, and B dies, A becomes the sole owner of the house, despite any contrary intent in B's will.

In BC do tenants in common hold survivorship rights to a homestead when a spouse passes away? Yes, tenancy in common is a type of joint ownership. Is Victoria Ann, Executrix, Trustee and beneficiary of the Daley Family Trust authorised to claim survivorship rights of the homestead pursuant to legal remedies provided to tenants in common? Yes, she will exercise this right of survivorship.

Armed with the truth previously explained Jack Daley's Testamentary Trust is not subject to a probate application to obtain a Grant of Letters Probate. Letters Probate is a process where the court has confirmed the validity of a Will and the authority of the executor of the Will. **An**

executor's authority, however, comes from the Will and not the Letters Probate.

beaconlaw.ca/strategies-to-avoid-probate-fees/

There is no legal requirement the Daley Family Trust is subject to probate. In fact, due to the real estate being subject to right of survivorship, this matter is not probated as the property passes on outside the estate. Additionally, as per the discretion of the surviving spouse the property is held **in Trust** by the estate's personal representative pursuant to the *Land (Spouse Protection) Act* 4 (2). Be aware the court of appeal noted in *Pecore v. Pecore*, 2007 SCC 17 at

para. 4: **The beneficial owner of property has been described as "the real owner of property even though it is in someone else's name":...** Jack's Will, a legally binding contract, in other words THE LAW was written to hold the land and premises **in Trust** by the estate's Executrix for the remainder of the surviving spouse's life. **Testamentary trust real estate is owned subject to right of survivorship and the Trust controlled by the Executor, consequently not part of "the public" or to a probate process.**

The legal language of the Last Will and Testament of the testator page 2 paragraph 4(a) agrees with the *Land (Spouse Protection) Act* Section 4 (2) which counsels the personal representative to hold the homestead in trust for an estate for the life of the surviving spouse. "*Despite any testamentary disposition or rule of law and subject to the liability of the land comprising the homestead for foreclosure or the payment of debts, a personal representative holds the homestead in trust for an estate for the life of the surviving spouse*"; in this case beneficiary Victoria N. Paragraph 4(a) of the Daley Family trust agrees with the *Trustee Act* **Inheritance if person holds in trust**

71 (3) For the purpose of this section, the personal representative of the deceased is deemed in law to be the heir and assign within the meaning of all trusts and powers.

[How to Avoid Probate in Canada: 8 Steps \(with Pictures\) - wikiHow](#)

6 Set up a trust. A trust allows you to title your property to it, to be held by an appointed trustee, on your behalf. You may appoint yourself as trustee if you choose. The trust will provide for the distribution of the property after **your** death. Since the **property is owned by the trust, it never becomes a part of your probate estate and is not subject to probate** taxes.

survivorship rights in BC Canada

Will VS right of survivorship? ^

A will can legally dispose of all property in a person's estate following their passing. ... Similarly, property owned subject to a **right of survivorship** is passed on outside the estate. Ownership automatically vests in the **survivor** at death, and the other original owner no longer has an ownership interest.

[info.legalzoom.com](#) > article > does-...

Living Trusts: Do They Protect Your Assets From Creditors?

A surprising number of readers want to know "Can a living trust protect my family's assets from creditors and lawsuits?"

I think there are some promoters out there that use this as a pitch to get people to set up a living trust using their services:

"Transfer your assets to a living trust and hide them from your creditors," are the claims. Sorry, that's not the law.

Let's have a quick review of a revocable living trust. Basically **a trust is "a legal arrangement where property is held for the benefit of someone." In other words, you "entrust" title to your assets to "someone" who is instructed to use and manage those assets per the terms of the trust document.**

A trust is revocable if it contains language that allows you to change your mind and terminate or modify it. In California, the Probate Code specifically states that all trusts are revocable, unless specifically stated otherwise.

A trust is called a "living" trust because it is set up by you while you are living. **If you set up a trust through your will, it's called a "testamentary" trust since it is created through your last will and testament.**

The right to revoke your trust means you can remove any asset from the trust title at any time you choose.

Since you have the right to revoke the trust, you are treated as the legal owner of the trust assets for purposes of income tax law or creditor collection law.

So, the general, basic answer to the question, "Will my revocable living trust protect my assets from my creditors?" is no. Since you can remove any asset at any time, your creditor can force you to remove the asset.

Now there are types of "irrevocable" trusts that can be used for protection of "spendthrifts."

(That's the fancy term for someone who can't manage their own property due to lack of sophistication, gullibility, or other problems).

I know a family where one son spends money as soon as he gets it.

He gives it to friends, spends it on new toys, whatever. He just doesn't have a healthy concept of money and can't keep it. He is a classic "spendthrift."

In his parents' case, what they have done in their living trust is said, in effect, after they're both dead, the spendthrift son's share of the estate will be held in an irrevocable trust for his benefit.

He is to be given a monthly draw on the trust until he dies or until the money runs out.

In that case, **the money** in the "spendthrift trust" **is sheltered from** the son's **creditors since he does not, nor did he ever, own the assets held inside the trust.**

Sure, the creditors can get his monthly draw once he gets it, but the main trust is sheltered for his benefit.

That is **a classic and perfectly legal way of sheltering assets from the creditors** of a "spendthrift" using a living trust (**it can also be done using a testamentary trust**).

Good luck and until next time,

Phil Craig

[Ten Perfectly Legal ways You can Make Yourself Creditor Proof \(bankruptcy-canada.ca\)](http://bankruptcy-canada.ca)

Ten Perfectly Legal ways to Make Yourself Creditor Proof are:

1. Close any bank accounts at financial institutions where you have credit cards, personal loans, lines of credit, or your mortgage.
2. Sell your real property (house).
3. Avoid ownership of property in your own name.
4. Drive an inexpensive Car.
5. Close your chequing or savings accounts.
6. Avoid owing more than \$3,000 to a single creditor.
7. Seek employment in a field where you can change employers.
8. Take advantage of wage garnishment laws which protect low-income workers.
9. Relocate to New Brunswick.
10. Move to another Country

Avoiding ownership of property in your own name

Most debtors are often wondering whether creditors can 'take' or seize their house in Canada. However, ideally speaking, if you are a debtor, then it's best to not have any property in your own name. If you are married then any assets that you purchase should be purchased in the name of your spouse.

It would be worthwhile to introduce the term "judgment proof" here and what implications it can have for debtors in Canada. **There are certain exemptions to the judgments that creditors have obtained against debtors. If these exemptions apply to all your property, wages, and other assets, they make you judgment proof as creditors cannot enforce the judgment.** In short, this means that the debtor does not own any or enough property or claims the benefits of exempt property.

One of these exemptions is jointly owned assets – assets that are co-owned by you and another person. As such, **these are exempt from judgment unless both of you are subject to the judgment.** So it is a good idea for debtors to co-own assets with a co-owner who ideally is free of any debts, if owning an asset in one's name is unavoidable.

Dominique Alford

From: Dominique Alford
Sent: November 19, 2018 4:14 PM
To: Victoria Nevens
Cc: Julia Grant
Subject: Estate of Jack Daley
Attachments: Authorization re Banks.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Victoria,

I wanted to send you a quick email to let you know that I received Jack's original Will from Donald Linge's office this afternoon as well as their Will's Notice Search results (which saves me a step). He did send a small account (totalling \$883.65) but I told him that it would not get paid until the house sells and there was some money in the estate. It does not look like they were able to locate Jack's son – though there is a note on the file that you had texted Jennifer at one point asking her for Shane's contact information. Did you ever receive a response from her in that regard? If not, I will contact Jennifer's lawyer tomorrow and see if they have any information. If not, we will have to hire a "skip tracer" to find Shane so that we know where to send the Notice that needs to be sent out to the beneficiaries. I will have to contact Jennifer's lawyer regardless as I need to know if I am to send her Notice to them or to Jennifer directly.

In the meantime, I will need to contact CIBC and request that they send me the date of death particulars for Jack's account(s) with them. As such, I am attaching an Authorization for you to sign which will allow CIBC to talk to me. Please sign it and either email it back to me or fax it back to me as soon as possible. My fax number is 778.426.3332.

Also, today I spoke with Dan Carroll, who is the lawyer at Fulton & Company LLP, and representing CIBC in the foreclosure action. I explained the situation to him and asked him about the court hearing later this week. The hearing is still going to go ahead but, as I mentioned to you already, it is primarily procedural – just to get someone named for the estate for the purpose of the litigation – and to get you added as a "interested party" because you live in the house (I did tell Mr. Carroll that you and Jack were common law and that you are not simply a "tenant"). The foreclosure hasn't officially started yet and he asked that I keep him up to date on the status of the probate as he may be able to go back to CIBC and ask them to wait a bit longer. If not, they would still go ahead and start the formal foreclosure process and then once they get an order nisi they would sit back and let you try to sell the house. I felt good after my conversation with him – he seemed reasonable and appeared to understand the situation. I did tell him that the only major delay that I potentially could see was finding Jack's son – but hopefully that won't end up taking too long. Skip tracers are pretty good these days if we have no other way of finding Shane.

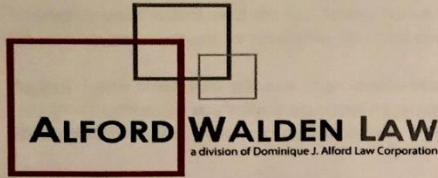
Lastly, have you been able to update the house insurance yet?

Do you want me to copy Bob on my emails to you about the estate?

Thank you,

Dominique.

Both Donald Linge and Dominique Alford GUILTY of GROSS NEGLIGENCE by refusing to provide TRUTHFUL LEGAL advice. Instead, both sought to STEAL as much as possible from the Daley Family Trust to damage and cause loss to the beneficiaries by insisting on processes that are IRRELEVANT and UNNECESSARY to enrich themselves and CRIMINAL ORGANIZATION/RICO BC PROVINCIAL COURT "public servants"! Once Mr. Carroll became aware Jack and were common law partners he knew a foreclosure petition would be legally impossible yet the violent assaults continued resulting in the entire estate, once transferred from material to liquid assets being stolen or what those posing as "the court" unlawfully refer to as "monies paid into court".



Lawyers & Notaries

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Reply to: **Dominique J. Alford***
Extension: **#202**
Email: **dalford@alfordwalden.com**
* DENOTES LAW CORPORATION

Our File Number: 70030

🔍🔒 lawyer dominic alford

December 4, 2018

Victoria Ann Nevens
604 Polyanthus Crescent
Victoria, BC V8Z 2J4

Dear Ms. Nevans:

Re: Estate of Gerald Wayne Jack Daley, deceased



Further to the email that I sent you today (copy attached), I am writing in follow up to my emails sent November 19, 2018 (containing an Authorization for you to sign and return to my office) and November 20, 2018 (being a Retainer Letter outlining my scope of work for you to sign and return to my office). Copies of both of those emails and attachments are enclosed with this letter for your easy reference.

In order to proceed with the administration of the Estate, I will need you to sign and return the Authorization and the Retainer Letter to my office as soon as possible and in any event no later than December 18, 2018. If I do not receive the signed documents by that date or if I do not otherwise hear from you by that date I will have no other choice than to withdraw my service.

Good communication between clients and lawyers is necessary in order to have a productive working relationship. As a lawyer it is my role to advise you of the steps that need to be taken in order to administer the Estate and to give you advice and direction. In turn, as the client, it is your role to consider my advice and to give me instructions to proceed in a certain manner, including providing me with the information that I require in order to give you effective service.

Due to the foreclosure action commenced by CIBC, it is imperative that you commence acting in your role as the executor of the Estate and obtain a grant of probate as soon as possible so that you are able to assume control of the Estate's main asset, being 604 Polvanthus Crescent, and to have conduct of sale for the property. If you continue to delay, the choice will be taken away from you and you will be in breach of your duties as the executor of the Estate. If you have

LAWYERS & NOTARIES

ALFORD WALDEN LAW is a division of Dominique J. Alford Law Corporation

From the proof above Ms. Alford sought to advise me, the lawful controller of the estate, to cause loss, harm and injury to the Daley Family Trust and its beneficiaries. I could not explain why I was physically paralyzed at the time but I was being lied to and I couldn't explain it like I can perfectly today. Ms. Alford knew a foreclosure petition was impossible yet continued to cooperate with its friends at "Fulton & Co.". TRUTH IS A PROBATE APPLICATION IS NOT REQUIRED FOR THIS MATTER NOR WAS IT EVER! Ms. Alford was refusing to provide me with the truth that I am legally half owner of the Estate's main asset when my spouse was alive, after his passing I am the lawful and legal owner. My job as Executrix/personal representative is to protect the assets and beneficiaries from loss, harm or injury. The grossly negligent Ms. Alford continues its fraudulent abusive statements by projecting and gaslighting me in its correspondence dated December 8 2018 by claiming my right to control the inheritance has been taken away from me as apparently, I am in breach of my duties as Executor. This is not true. I was never in breach of my duties but I could not move forward with either Don Linge or Dominique Alford as these persons were ignorant of my rights and the proper legal procedures which are designed to protect myself as Trustee, my protections as surviving spouse and the legal protections afforded to the other beneficiaries.



Title fraud

When you purchase a home, you purchase the title to the property. Your solicitor registers you as the owner of the property in the provincial land title office.

Title fraud normally starts with identity theft. This occurs when your personal information is collected and used by someone identifying themselves as you. There are several ways criminals can steal your identity without your knowledge which includes:

- Dumpster diving
 - Mail box theft
 - Phishing
 - Computer hacking
- CIBC, its LIARS aka "Fulton & Co." + "Cox Taylor" UNLAWFULLY BECAME "EXECUTOR/PERSONAL REPRESENTATIVE" FOR GERALD WAYNE JACK DALEY VIOLATING THE TRUSTEE'S (Victoria N.) LAWFUL RIGHT HENCE THESE AGENTS ARE GUILTY OF IDENTIFY THEFT

Sadly, the only red flag for title fraud occurs when your mortgage mysteriously goes into default and the lender begins foreclosure proceedings. Even worse, as the homeowner, you are the one hurt by title fraud, rather than the lender, as is often the case with mortgage fraud.

Unlike with mortgage fraud, during title fraud, you haven't been approached or offered anything -

Title Fraud

Title fraud is when a fraudster steals your identity and forges documents to either re-mortgage your home and walk away with the proceeds, or to sell your home right out from under you.



Fraud comes in many forms and whether it's referred to as mortgage fraud, real estate fraud or title fraud; it is a growing problem in Canada and across North America.

The three main fraud types affecting the real estate industry in Canada are:

1. Title fraud — when the ownership or title of a property is fraudulently changed or documents are forged to allow a fraudster to illegally sell or refinance the property.
2. Mortgage fraud — a scheme used to obtain a mortgage from a lender under false pretenses, also known as application fraud.

CIBC,
DOZENS OF
BC BAR
MEMBERS
inc. BC
SUPREME
COURT & ALL
BC
ATTORNEY
GENERALS,
VICTORIA
REAL
ESTATE
AGENTS
GUILTY OF
TITLE FRAUD

The effects of title fraud

Unlike credit card fraud, title fraud puts the onus on you as a homeowner to prove that real estate title fraud has occurred. If you are a victim and don't have a title insurance policy in place, it can take considerable time, money and effort to deal with having to restore your title and/or remove any fraudulently registered mortgages. Plus, until the title is restored, you will be unable to sell or mortgage your home, potentially derailing important financial plans.

Although title insurance can't prevent you from becoming a victim of fraud, it can protect you from many of its consequences and the resulting stress.

To learn more about the benefits of title insurance and how it can protect you, please [click here](#) or email info@fct.ca.

How to protect your home from mortgage and real estate title fraud

Real estate title and mortgage fraud are on the rise. Thieves and fraud artists can, in fact, steal your home. The most vulnerable group of people in Canada are seniors, especially those who are mortgage-free.

updated
for 2019

These types of fraud can take on many different forms; the perpetrators are sophisticated and they use modern technology to their advantage. And, for the most part, these major crimes are committed with the use of the correct documentation and the knowledge about how the real estate process works. First Canadian Title, a title insurance company, estimates that mortgage fraud in Canada has surpassed \$100 million in total value. Real estate or title fraud happens about twice a week in Canada, with most victims elderly. But, by taking some simple precautions, you can prevent it from happening to you.

How does real estate title fraud happen?

When you bought your home the ownership was transferred to you and you were given the title to the property in your name. The government land registration documented this and anyone searching the records will see you as the owner.

Real estate fraud occurs when a thief obtains the title to your property through a fraudulent transfer document. Unfortunately it can be very simple and it is almost always tied into an event of identity theft. The fraud artist will target your house, forge the transfer deed and then register the title to the property in their name. Next, they forge a discharge of the existing mortgage and then borrow against the clear title. Of course the fraudster does not make any payments and when the lender serves notice that it intends to foreclose, the scheme is at that point brought to the attention of the real owner.

Equitable Interest

- **What is EQUITABLE INTEREST?**
- **A real right, but not a legal right, in a property. Examples are a life tenant, or the beneficiary of a trust. Known also as equitable estate.**
- **An equitable interest is an "interest held by virtue of an equitable title (a title that indicates a beneficial interest in property and that gives the holder the right to acquire formal legal title) or claimed on equitable grounds, such as the interest held by a trust beneficiary. The equitable interest is a right in equity that may be protected by an equitable remedy" - Wikipedia**

Equitable Property Defined

Maxims of Equity and Adjudication States that a court of equity (§ 58) To Protect and Enforce Rights to Property the Object of Suits in Chancery.-
The term "property," as used in this section, includes that is the subject of exclusive individual ownership; or, to be more specific, includes not only lands, houses, goods and chattels, rights and credits, but, also, a man's person, and his wife and minor children, and his right to work, and to sell and acquire property, and engage in any lawful business, and his and their reputation, health and capacity to labor, and his and their right to enjoy the senses of sight, smell, hearing and taste, and his and their right of speech and locomotion, and his and their right to enjoy their sense of moral propriety when normal. As men live by their labor and property, no man is presumed to part with either without receiving or expecting an equivalent in value. Hence, whenever one person has obtained either the labor or property of another he should pay or account therefor, unless he can prove it was a gift; and so, whatever injury one person does to another's property or capacity to labor should be made good.

GUILTY OF TITLE FRAUD CIBC, agents for CIBC DAN CARROLL,
GRAHAM MACK, DISTRICT REGISTRAR et al.

FORM 31 (Section 215(1))

CERTIFICATE OF PENDING LITIGATION


NATURE OF INTEREST: CHARGE: CERTIFICATE OF PENDING LITIGATION HEREWITH FEES: \$71.58
Parcel Identifier: 002-872-391 - LOT 2, SECTION 82, VICTORIA DISTRICT, PLAN 25077

Address of person entitled to register
this Certificate of Pending Litigation:

750 Lawrence Avenue West
TORONTO, ONTARIO
M6A 1B8

Full name, address and telephone
number of person presenting application:


FULTON & COMPANY LLP
Barristers and Solicitors
300 - 350 Lansdowne Street
KAMLOOPS, B.C. V2C 1Y1
(250) 372-5542 DAC/8-1802


Signature of Authorized Agent

NO. 184508
VICTORIA REGISTRY

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN-


SUPREME COURT
OF
BRITISH COLUMBIA
AND: **SEAL**
VICTORIA
REGISTRY
NOV 16 2018


CANADIAN IMPERIAL BANK OF COMMERCE
PETITIONER(S)
GERALD WAYNE JACK DALEY, DECEASED, THE ESTATE OF GERALD WAYNE JACK
DALEY, DECEASED, THE EXECUTOR/ADMINISTRATOR/PERSONAL REPRESENTATIVE
OF THE ESTATE OF GERALD WAYNE JACK DALEY, DECEASED, JOHN DOE and JANE
DOE
RESPONDENT(S)

CERTIFICATE OF PENDING LITIGATION

I certify that in a proceeding commenced in this Court a claim is made for an estate or interest in land or a right of action
in respect of land is given by an enactment other than the Land Title Act. The particulars are set out in the attached
copy of the document by which claim is made.

Given under my hand and seal of the court at VICTORIA, British Columbia, this 16th day of November October A.D., 2018.


District Registrar

Fee not applicable where certificate of pending litigation relates to proceedings under Builders Lien Act.

VICTORIA LAND TITLE OFFICE

LAND TITLE ACT BRITISH COLUMBIA
FORM 17 CHARGE, NOTATION OR FILING Nov-27-2018 13:12:14.001
LAND TITLE AND SURVEY AUTHORITY

CA7212249

PAGE 1 OF 15 PAGES

- Your electronic signature is a representation by you that:
 - you are a subscriber; and
 - you have incorporated your electronic signature into
 - this electronic application, and
 - the imaged copy of each supporting document attached to this electronic application, and have done so in accordance with Sections 168.3 and 168.4(4) of the *Land Title Act*, RSBC 1996, C.250.
 - Your electronic signature is a declaration by you under Section 168.41 of the *Land Title Act* in respect of each supporting document required in conjunction with this electronic application that:
 - the supporting document is identified in the imaged copy of it attached to this electronic application;
 - the original of the supporting document is in your possession; and
 - the material facts of the supporting document are set out in the imaged copy of it attached to this electronic application.
- Each term used in the representation and declaration set out above is to be given the meaning ascribed to it in Part 10.1 of the *Land Title Act*.

Graham Douglas Mack 43EEIW	Digitally signed by Graham Douglas Mack 43EEIW Date: 2018.11.27 08:47:30 -08'00'
----------------------------------	---

1. APPLICANT: (Name, address, phone number of applicant, applicant's solicitor or agent)

Daniel Carroll, FULTON & COMPANY LLP
300-350 Lansdowne Street

250-372-5542
File #8-1802

Kamloops BC V2C 1Y1

Document Fees: \$71.58

Deduct LTSA Fees? Yes

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:
[PID] [legal description]

002-872-391 LOT 2 SECTION 82 VICTORIA DISTRICT PLAN 25077

STC? YES

3. NATURE OF CHARGE, NOTATION, OR FILING: AFFECTED CHARGE OR NOTATION NO:

CERTIFICATE OF PENDING LITIGATION
ADDITIONAL INFORMATION:

NATURE OF CHARGE, NOTATION, OR FILING: AFFECTED CHARGE OR NOTATION NO:

ADDITIONAL INFORMATION:

4. PERSON TO BE REGISTERED AS CHARGE OWNER: (including occupation(s), postal address(es) and postal code(s))

CANADIAN IMPERIAL BANK OF COMMERCE
750 LAWRENCE AVENUE WEST

TORONTO

M6A 1B8

ONTARIO

CANADA

Incorporation No

0

Indictable crimes, violations of Common Law continue

1 message

Sun, Nov 17, 2019 at 11:49 PM

Victoria N. <headstreetbarber@gmail.com>

To: Dan Carroll <dcarroll@fultonco.com>, AG.Minister@gov.bc.ca, Sutherland Films <sutherland.museum.org@gmail.com>, canada@hrw.org, Court Watch <info@canadacourtwatch.com>, International Human Rights Commission <ihrc7geneva@gmail.com>, bradwalkerre@gmail.com
Bcc: tips@therebel.media, gopublic@cbc.ca, fifth@cbc.ca

It is obvious from repeated attempts by Victoria to settle a very serious matter privately (by administrative processes) between her household and those committing indictable crimes posing as "CIBC" and "Fulton & Co." there is never going to be a meeting of the minds between the parties as Victoria has nothing in common with these criminal terrorist organizations and those who pretend to be them.

Every real estate agent contacted by "Fulton & Co." making a choice to become involved in the indictable crimes of "CIBC" and its debt collector is responsible for their criminal activities by fines and jail time. This is due to the Canadian Constitution being claimed to be the most powerful law in Canada. The Constitution claims to recognize the superiority of the Most-High and His rule of law which is His Common Law. Under the Charter Victoria has the right to equality under the law Section 15 (1) Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

Has the current real estate agent been made aware there was another agent recently who decided to remove themselves from this fraudulent situation once informed of the indictable crimes they would become guilty of committing by association with this matter? Ignorance of the law is not an excuse or defense.

Every person fraudulently attempting to sell or buy Victoria's domicile must be provided with FULL DISCLOSURE of the indictable crimes they will be committing so PDF **Fraudulent Foreclosure** must be read and understood by both sellers and buyers of property that is NOT lawfully up for sale.


Mr. Carroll you were provided documentation and invoices last week of which you have failed to respond thus far which shortly becomes "consent by silence". Victoria will move forward with default judgements to hold you and your client accountable for threats of violence, intimidation, attempted murder, theft, fraud etc., harm, loss and damage your actions have done to an innocent Woman. Do you understand you, no one in your "company" nor your client are "above the law"? If you wish not to handle this matter privately Victoria has no choice but to hold all involved accountable in the public as is her duty to the Common Law.


Any questions?

~Victoria

All Common Law Rights Reserved

2 attachments

 Affirmation of Identification.pdf
195K

 Fraudulent Foreclosure.pdf
825K