

This is the 1st affidavit
of Victoria [Nevens] in this case
and was made on January 20, 2020

No. 184508
Victoria Registry

In the Supreme Court of British Columbia

Re: **Common Law**: The Way, the Truth and the Life,
*International Convention on the Elimination of ALL Forms of Racial
Discrimination,*
*Canadian Multiculturalism Act and
Residential Tenancy Act*

BETWEEN:

CANADIAN IMPERIAL BANK OF COMMERCE

PETITIONER

AND:

Gerald Wayne Jack Daley, DECEASED
The estate of Gerald Wayne Jack Daley, DECEASED
Victoria Nevens the EXECUTOR/ADMINISTRATOR/PERSONAL
REPRESENTATIVE of the estate of Gerald Wayne Jack Daley
JOHN DOE and JANE DOE

RESPONDENTS

AFFIDAVIT of Victoria [Nevens]

I, **Victoria [Nevens]**, Sui Juris, hereafter "I", one of the biblehub.net/peculiar+people on the land known as British Columbia, in this court of record, do depose to say I am competent to swear and have personal firsthand knowledge of the matters hereafter testified to and hereby aver the following under penalty of perjury and unforgivable biblehub.net/blasphemy.

I, **Victoria [Nevens]** know the problem I am trying to solve is one that can be resolved by this application. I fully understand Common Law and legal rules governing my application. I have followed all the rules and met the deadlines governing applications. I have all the correct documents; and I am prepared to argue my application before a competent, honorable master.

I am 46 years old, occupied as a professional teacher of the Gospel of the Kingdom of Heaven/Common Law, lawful holder and caretaker of Lot 2 Section 82 Victoria District Plan 25077.

Part 1

1. I am the lawful EXECUTOR/ADMINISTRATOR/PERSONAL REPRESENTATIVE of the estate of my spouse the Honorable Gerald Wayne Jack Daley and respondent in this matter, and as such have personal knowledge of the material facts hereinafter deposed to.
2. I make this my affidavit in support of my request by Short Notice Requisition an order under Rule 8-5 (1) that the main application be brought on urgent notice dated 20 January 2020.

Application

3. I am asking in the event there is an unlawful refusal to administer Common Law Justice and Judgment, if the material facts are not honored and admitted by this Court of the orders sought in the Notice of Application against CANADIAN IMPERIAL BANK OF COMMERCE and its solicitors it shall order an interim stay of the completion date of said sale to be recorded as one hundred and eighty (180) days or six (6) months after the date of the hearing.
4. I am asking all orders made by this Court pursuant to Common Law in regards to this application be binding on the Petitioner CANADIAN IMPERIAL BANK OF COMMERCE and its solicitors doing business as FULTON & COMPANY LLP without delay, legal fiction excuse, encumbrance or further Order of this Court.

Background

5. October 29 2018 I the Honorable Victoria Nevens was appointed litigation representative granted by "the court" before master BOUCK November 22 2018 on Notice of Application filed by the Petitioner's solicitors.
6. January 15 2020 upon hearing before master KEIGHLEY I was struck as the lawful appointed litigation representative by "the court" in this fraudulent foreclosure proceeding.
7. January 16 2020 I was personally served by BRAD WALKER the Order Made After Application (Order Approving Sale) given less than two weeks to find a new location to live and move seventeen (17) years of personal belongings without financial, mental, emotional or physical support to do so.

Circumstances

8. It is a material fact I was falsely led to believe my familial Land and Premises had not been unlawfully sold November 28 2019 until January 16 2020.
9. It is a material fact a "New Listing" for sale sign was placed on my family's Lands December 8 2019.
10. It is a material fact my family's property was being shown as "for sale" up to January 12 2019. Hereto attached as **Exhibit "A"** are true copies of emails sent between January 2 through 11 2020 from real estate agent BRAD WALKER.
11. It is a material fact I had not seen or been made aware of the email or any other notifications by the Petitioner's solicitor January 2 2019 regarding the January 15 2020 hearing.

12. It is a material fact if I had known of the January 15 2020 hearing for the Order Approving Sale I would have filed a response and sent many emails to the Petitioner's solicitor and real estate agents demanding to know why if my family's Land and Premises was sold November 28 2019 why is it being shown less than seventy-two (72) hours before the scheduled hearing.
13. It is a material fact the Petitioner's solicitors were aware in November 2019 my family's Land and Premises was unlawfully sold, the completion date January 30 2020 noon yet chose to hide this from me in an act of "bad faith" until less than two weeks before I am about to be unlawfully unethically forced into destitution and homelessness.
14. I now am forced to file a Short Notice Requisition to stop the threats and torture of a bailiff/possession order and theft of my family's personal property, Lands and Premises which has been perpetrated by the Petitioner's solicitor DAN CARROLL written January 15 2020 delivered in person by BRAD WALKER mid afternoon January 16 2020. Hereto attached as **Exhibit "B"** is a true copy of the letter.
15. It is a material fact the Petitioner, its solicitors and real estate agents have purposely fraudulently concealed pertinent information from me in order to cause me maximum psychological, emotional, financial and physical traumatic harm. The facts are the facts as presented in the affidavit exhibits. Hereto attached as **Exhibit "C"** are true copies of the harm, loss and injuries these actions did, are and will continue to cause me.
16. January 14 2020 it is a material fact I attended a hearing before master KEIGHLEY who knew my life-threatening circumstances, refused me Justice and Redress due from criminal actions of another person instead chose to issue his unlawful appealable opinion to defraud me of financial resources and cooperate with those who have destroyed my quality of life.
17. January 15 2020 it is a material fact the Petitioner's solicitor had its hearing before master KEIGHLEY who had opportunity to show honor and good faith requesting an extension of the completion date another thirty (30) days as written page 3 No. 6 of the Order Made After Application (Order Approving Sale). In an act of dishonor these persons refused to treat me like they all expect to be treated to cause me maximum psychological, emotional, financial and physical trauma violating my Common Law, *International Convention on the Elimination of ALL Forms of Racial Discrimination*, *Crimes Against Humanity and War Crimes Act*, *Canadian Multiculturalism Act* and *Residential Tenancy Act* (BC) Rights.
18. It is a material fact those acting as "the court" do not follow Common Law or their own rules rendering them dishonorable. This is the Common Law reason they have no jurisdiction to issue orders to cooperate with the offensive fraud perpetuated by the Petitioner, its solicitors and others against the Honorable Gerald Wayne Jack Daley, his spouse, executrix and trustee in order to rape a righteous Man's estate defaming his legacy, honor and character as well as destroy his innocent spouse's quality of life.
19. It is a material fact those doing business as "the court" dealing with my race must be experts in Common Law, never permitted to pervert Justice by rendering their own opinion, forbidden to show partiality to persons like the Petitioner CANADIAN IMPERIAL BANK OF COMMERCE and its solicitors, never judge a matter until it has been FULLY investigated,

not permitted to accept false testimony nor are they permitted to mistreat or take advantage of a foreigner (me), widow (me) or orphan (me) pursuant to **Leviticus 19:15, 18-19, 33, Exodus 22:21-22; 23:7 Deuteronomy 1:13, 17; 19:15-17; 24:17**

Part 2

1. I am the lawful EXECUTOR/ADMINISTRATOR/PERSONAL REPRESENTATIVE of the estate of my spouse the Honorable Gerald Wayne Jack Daley and respondent in this matter, and as such have personal knowledge of the facts hereinafter deposed to.
2. I make this my affidavit in support of my requests by Notice of Application and Requisition - Short Notice dated 20 January 2020.

Application

3. I am seeking racial consideration and binding orders for the Administration of Common Law Justice, Remedy and Restoration pursuant to the information provided by my Notice of Application and material facts in the form of an Affidavit and Exhibits. I seek those doing business as the Petitioner CANADIAN IMPERIAL BANK OF COMMERCE, its solicitors and the Court to see, understand and tell the Truth so they may receive mercy and forgiveness.
4. I am seeking an order to squash the request Court File No. VIC-S-H-184508 submitted by the Petitioner CANADIAN IMPERIAL BANK OF COMMERCE and its solicitors sealed October 19 2018.
5. I am seeking an order to squash an Order Made After Application (Order Approving Sale) sealed January 15 2020 as anyone can clearly see on the document I have been struck as the appointed litigation representative no longer joining me as a party in these proceedings. In affidavit #1 of GRAHAM MACK dated October 29 2018 page 2 Section 4(b) confirms I am the tenant of the Lands and Premises being subject matter of the proceeding see its **Exhibit "B"**; and (c) I am the executor of my spouse's estate as written by wish in his Last Will and Testament (the "Will") see its fraudulently concealed **Exhibit "C"**. Section 5 states I must be substituted as a party by reason of fact that (a) my tenancy constitutes an interest in the subject Lands and Premises which ranks subsequent in priority..., and (b) **section 94 of the Residential Tenancy Act provides that no Order of a Court in a foreclosure proceeding that effects the possession of residential premises is enforceable against a Tenant UNLESS the Tenant is joined as a party in the proceeding.**
6. I am seeking an admission of "bad faith" unconscionable, dishonorable conduct and written apology from the Petitioner's solicitor DAN CARROLL for his letter dated January 15 2020 (among other harassing threatening correspondence I've received from DAN CARROLL who is NOT "above the law") who knows and understands section 94 of the *Residential Tenancy Act*. DAN CARROLL'S letter to me is filled with indictable offences including but not limited to Criminal Code of Canada offences under Section **21(1)(a)(b)(c) (2), 22(1)(2)(3), 219(1)(a)(b) (2), 264(1) (2)(b)(c)(d), 264.1(1)(a), 265(1)(a)(b) (2), 269.1(1)(b), 322(1)(a)(d), 328(a)(b), 361(1), 372(1), 374(a)(b), 380(1), 423(1)(a)(b), 424, 429(1), 430(1)(a)(c)(d), 463(a)(b)(c)(d), 467.1(a)(b), 467.11(1), 467.13(1)**. Hereto attached as **Exhibit "B"** is a true copy of the letter.

7. I am seeking from CANADIAN IMPERIAL BANK OF COMMERCE recovery of costs in the amount of the principle of the "Mortgage" and all interest paid from the execution date of July 19 2005 to today's date, for criminal and civil damages pursuant to **Exodus 22:25 Leviticus 25:36 Numbers 5:6-7 Deuteronomy 15:1, 7** payable by the Petitioner and its solicitors doing business as FULTON & COMPANY LLP without delay, legal fiction excuse, encumbrance or further Order of this Court.
8. I am seeking in the probable event there is an unlawful dishonorable refusal to administer Common Law Justice and Judgment against CANADIAN IMPERIAL BANK OF COMMERCE; the material facts are not privileged and admitted by this Court it shall order an interim stay of the completion date of said sale to be recorded as one hundred and eighty (180) days or six (6) months after the date of the application hearing.

Background

9. Respondent in error the Honorable Jack Daley is my best friend and spouse. We met in 1996 and held fast to one another until he passed from here into eternity May 2017. Jack and I purchased Land and Premises our family created memories in January 2003. The recollections and energy of our love here are one of three things keeping me alive.
10. The Honorable Jack Daley is a righteous Honorable Man who did what was right, protecting and providing for me planning for my future when he was no longer here to do so. Jack left legal remedies to ensure he did not leave me, his beloved, with a burden of debt or worse, homeless and destitute. Jack provided legal means to keep our Lands and Premises after he passed debt free being my health, welfare and safety were always his first priority.
11. Jack purchased Life Insurance on "the *Mortgage*". When he obtained this protection there would have been no charge owed on an alleged '*credit line*' as my spouse was against debt. Hereto attached as **Exhibit "D"** is a true copy of the letter received the Mortgage was paid out August 2017 by Canada Life.
12. The Honorable Jack Daley wrote his Last Will and Testament leaving me the power to waive any liability owing to "any person" making sure I would always have the protection and provision of a roof over my head and a comfortable place to work out of love and concern for my fragile health, oppressed welfare and in need of protection safety. Hereto attached as **Exhibit "E"** is a true copy of the wishes and future intentions for me his beloved (the "Will") of mine truly, the Honorable Gerald Wayne Jack Daley.

Circumstances

13. October 19 2018 the Petitioner applied to the Court to foreclose.
14. October 29 2018 the Petitioner by Notice of Application to substitute party and amend pleadings name me an Honorable Woman as a CORPORATION "VICTORIA NEVENS" as tenant of lands and premises being the subject matter of this proceeding and confirmed **I am the executor** of my spouse's Last Will and Testament (the "Will"). This application was sought as my tenancy constitutes an interest in the subject Lands and Premises which ranks subsequent in priority to the Petitioner's Mortgage and **section 94 of the Residential Tenancy Act provides that no Order of a Court in a foreclosure**

proceeding that effects the possession of residential premises is enforceable against a Tenant unless the Tenant is joined as a party in the proceeding.

15. November 23 2018 the Petitioner by Notice of Application seeks to appoint me as litigation representative for the purposes of the foreclosure proceeding. It is my understanding from the documents delivered the application was heard December 17 or 18, 2018 at 850 Burdett Avenue Victoria BC.
16. It is a material fact every seven years ALL debts are released, forgiven in full pursuant to **Nehemiah 10:31 Deuteronomy 15:1-2** At the end of every seven years you must cancel debts. This is what you will do: If you've made a loan, don't collect payment on the debt your neighbor still owes you. Don't demand repayment, because the [time] for suspending payments on debts has been proclaimed in the Most High's honor. The execution date of the "Mortgage" is July 19 2005 which was Lawfully, morally and honourably to be forgiven July 19 2012. Again, any amount allegedly borrowed after July 19 2005 was Lawfully, morally and honourably to be waived by the Petitioner July 19 2019 **SEVEN DAYS BEFORE** CANADIAN IMPERIAL BANK OF COMMERCE gave direction to unlawfully file a Notice of Application to administer my familial rightful Lands and Premises.
17. July 26 2019 the Petitioner pursues an unlawful Notice of Application to fraudulently convert my Lands and Premises. Before this date I am repeatedly explaining to the Petitioner and its solicitors the "Mortgage" was paid in full by my spouse's Canada Life Insurance policy in August 2017 to no avail.
18. October 2019 after becoming physically and psychologically paralyzed from another tortuous attack, oppression and vicious persecution to steal from the Honorable Jack Daley estate destroying my quality of life the Spirit of Truth told me to look again at the Petitioner's applications and solicitor affidavits. He also told me to read carefully my Honorable spouse's wishes for how he saw my life after he was not here to love, protect and provide for me. That is when I knew the material facts are the Petitioner's solicitors are fraudulently concealing evidence to hide my power written in my Honorable spouse's Last Will and Testament to set off the alleged debt owned to their client.
19. It is a material fact after I knew the Petitioner and its solicitor were fraudulently '*legally*' raping my family of our rightful Lands and Premises, I sent urgent information packages to the BC Attorney General DAVID EBY, Deputy Attorney General RICHARD FYFE, the Law Society of British Columbia and Chief Justice MELISSA GILLESPIE. Hereto attached as **Exhibit "F"** is a copy of the information sent to MELISSA GILLESPIE. Hereto attached as **Exhibit "G"** is a true copy of the OFFICE OF THE CHIEF JUDGE'S response.
20. It is a material fact I have serious concerns regarding the conduct and competence of the Petitioner's solicitors as such I was forced to file an information package with the Law Society of British Columbia. There is no surprise those doing business as the Law Society of British Columbia have decided to become party to the offences of the Petitioner and its solicitors. Hereto attached as **Exhibit "H"** is a true copy of their refusal to act and why I sent a complaint because there is are major obvious concerns with those doing business as

FULTON & COMPANY LLP committing a myriad of indictable offences against my Honorable spouse and I so far with the cooperation of those acting as "the court".

21. It is a material fact the Petitioner has a history of stealing from their deceased clients guilty of fraud over \$5,000, possession over \$5,000 and breach of trust. Hereto attached as **Exhibit "I"** is a true copy of a CBC News post dated September 25 2019.
22. It is a material fact the Petitioner, its solicitors and those doing business as "the Court" biblehub.net/steal+from+the+poor, biblehub.net/denying+justice to the innocent for their own unquenchable lust and need for biblehub.net/dishonest gain.
23. It is a material fact agencies and subjects of "Her Majesty the Queen", the Petitioner, its solicitors and those doing business as "the Court" do not abide by the rule of law. I am a witness and victim of this dishonorable conduct of those named. Herein attached as **Exhibit "J"** is a true part of Groves vs. MCFD points [27] to [29].
24. It is a material fact the Petitioner, its solicitors and those doing business as "the Court" begin to act in honor by holding fast to their oath to be *Defenders of the Faith*, the Common Law, the only rule of law as does their commonwealth master and servant "Her Majesty the Queen".
25. It is a material fact the Petitioner was personally served by me a Notice of Civil Claim January 8 2020. I was careful to pay attention to Supreme Court Civil *rule Allegation of malice* (17) It is sufficient to allege malice, fraudulent intention, knowledge or other condition of the mind of a person as a fact, without setting out the circumstances from which it is to be inferred in my pleading against the Petitioner.
26. It is a material fact the solicitors doing business as "FULTON & COMPANY LLP" were served a Notice of Civil Claim January 13 2020. I was careful to pay attention to Supreme Court Civil *rule When particulars necessary* (18) If the party pleading relies on misrepresentation, fraud, breach of trust, wilful default or undue influence, or if particulars may be necessary, full particulars, with dates and items if applicable, must be stated in the pleading in my claim against those doing business as FULTON & COMPANY LLP.
27. It is a material fact the solicitors for the Petitioner after having me the executor of the estate added by Notice of Application as the appointed litigation representative repeatedly listed me the Honorable Victoria Nevens, as DECEASED/Deceased on their fraudulent conversion/concealment legal documents.

Summary

28. By reason of fact Common Law ranks subsequent in priority to any and all legal *color of law* fiction *rules, covenants, conventions, regulations, codes, contracts, statutes, by-laws etc.* the Petitioner, its solicitors and those acting as "the Court" must admit the Truth pursuant to **Mark 4:22** as presented in this Notice of Application, my affidavit and attached exhibits. "The court" who is not permitted to render its OWN opinion or act as administrator for the Petitioner but must judge the material facts and follow Common Law which are my race and ethnicity's unalienable right binding on all subjects & public servants of "Her Majesty".

29. The Petitioner, its solicitor and other agencies apparently administrations of Justice have been made aware of the evidence in this Notice of Application for months. Despite me the executor, trustee respondent and tenant of the Lands and Premises knowing, understanding and speaking the Truth to these persons they refuse to admit guilt and cease and desist their actions violating my rights pursuant to the International Convention on the Elimination of All Forms of Racial Discrimination Article 5 (a) the RIGHT TO EQUAL TREATMENT BEFORE THE TRIBUNALS AND ALL OTHER ORGANS ADMINISTERING JUSTICE (b) the RIGHT TO SECURITY of person AND PROTECTION BY THE STATE AGAINST VIOLENCE OR BODILY HARM, WHETHER INFLICTED BY GOVERNMENT OFFICIALS OR BY ANY INDIVIDUAL GROUP OR INSTITUTION.
30. There are 3 witnesses to provide me remedy that there is no debt owing to the Petitioner. Common Law states in plain terms there is no obligation to the CANADIAN IMPERIAL BANK OF COMMERCE. My spouse the Honorable Gerald Wayne Jack Daley left me two forms of remedy to provide me our Lands and Premises by way of his Canada Life Insurance Policy and his Last Will and Testament. In Common Law two or three honest witnesses establish and confirm the material facts. Jack and I both stand in honor as it pertains to this proceeding unlike the Petitioner its solicitors and others who have been told the Truth.
31. In the void from the beginning order made after application (order approving sale) sealed 15 January 2020 Petitioner CANADIAN IMPERIAL BANK OF COMMERCE and master KEIGHLEY have ignorantly and maliciously provided two (2) weeks to move from my Lands and Premises after living here for seventeen (17) years. I oppose the Petitioner's request and court order pursuant to the rule of Law, the Common Law and section 94 of *Residential Tenancy Act*. I will not consent to my own death. It is impossible to perform this unlawful, illegal malicious "bad faith" notice and demand because I become party to these offenders, their indictable criminal offences and blasphemy.
32. The original Petition to the court by CANADIAN IMPERIAL BANK OF COMMERCE must be squashed without delay for the reasons above and ample Truthful evidence provided.
33. An admission of guilty by all parties involved is paramount to change their behaviour and provide me my right to be made whole psychologically, financially, physically and spiritually. Justice is Truth and Truth is Justice.

SWORN (OR AFFIRMED) BEFORE ME)	
at Victoria)	
British Columbia)	
on)	
_____)	_____
[dd/mmm/yyyy])	Victoria Nevens
)	[name]
_____)	
A commissioner for taking affidavits for)	
British Columbia)	
_____)	
[print name or affix stamp of commissioner])	