

This is the **1st** affidavit
of **John Peter Smith** in this case,
and was made on **1 June 2010**

Court File No.: **E101234**
Court Registry: **Vancouver**

In the Supreme Court of British Columbia

Claimant:

JOHN PETER SMITH

Respondent:

JANE ALICE SMITH

AFFIDAVIT • DESK ORDER DIVORCE

I, **JOHN PETER SMITH**, plumber, of **123 King Street** in the City of **Anytown**, in the Province of British Columbia, SWEAR (OR AFFIRM) THAT:

1. I am the Claimant Respondent.
2. There is no possibility of reconciliation between my spouse and I.
3. I believe that the following facts are true:
 the facts set out in the notice of family claim.
OR
 the facts set out in the response to family claim and counterclaim.
4. The certificate of marriage or certified copy of the registration of marriage filed in this family law case fully and correctly describes the true particulars of marriage.
OR
 It is impossible to obtain a certificate of marriage or a certified copy of the registration of marriage and instead, in accordance with s. 52(1)(a) of the *Evidence Act*, I refer to the affidavit of _____, a person who was

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present at the marriage ceremony, which affidavit is filed in this family law case.

5. (a) I was living separate and apart from my spouse at the start of this family law case and I have lived separate and apart from my spouse since **31 October 2008** except: _____ .

OR

- (b) My spouse has admitted to me that *[he/she]* committed the acts of adultery alleged in Schedule 4 of the *[Notice of Family Claim/Counterclaim]*, and as corroboration I refer to:

the affidavit(s) of _____ .

OR

the transcript of the examination for discovery of _____ marked as **EXHIBIT "A"** to this Affidavit.

OR

- I have no personal knowledge of the acts of adultery alleged in Schedule 4 of the *[Notice of Family Claim/Counterclaim]*, and in proof of the adultery committed by my spouse I refer to:

the affidavit(s) of _____ .

OR

the transcript of the examination for discovery of _____ marked as **EXHIBIT "A"** to this Affidavit.

OR

- (c) My spouse has treated me with physical or mental cruelty since the date of the marriage as follows:
6. I am neither directly nor indirectly a party to an agreement or conspiracy for the purpose of subverting the administration of justice, or to any agreement, understanding or arrangement to fabricate or suppress evidence or to deceive the court.

[Paragraph 7 is to be checked only if the grounds for divorce are the adultery or physical or mental cruelty of a spouse. If the grounds are separation for more than a year, do not check paragraph 7.]

- 7. I have not condoned the conduct of my spouse that is alleged as the grounds for divorce in that I have not forgiven my spouse for that conduct, nor have I encouraged or acquiesced in that conduct.
- 8. There are no children of the marriage as defined by the *Divorce Act* (Canada).

OR

- The following are the children of the marriage:

Name	Birthdate	Age
Sandra Anna Smith	1 April 2004	6
Michael Paul Smith	1 April 2005	5

[Check the following box if there are children of the marriage.]

- 9. I have sworn a child support affidavit in Form F37.

[Check the following box and complete the required information if there are children of the marriage.]

- 10. The following arrangements have been made for the custody of and access to the children:

I seek an order that the Respondent and I have joint custody and joint guardianship of both children, an order that the Respondent have the children’s primary residence and an order that I see the children on every Tuesday and Thursday from after school to 7:30pm and on every other weekend from Friday after school to the following Monday at the start of school

SWORN (OR AFFIRMED) BEFORE)
ME at Anytown, British Columbia, this 1st)
 day of June, 2010.)

 A Commissioner for taking Affidavits for)
 the Province of British Columbia)

JOHN PETER SMITH