

FORM 1 (RULE 8 (3))

S024040

No.
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

CANADIAN IMPERIAL BANK OF COMMERCE

PLAINTIFF

AND:

RICHARD W. WARKE
CARLOTTE WARKE

DEFENDANTS

WRIT OF SUMMONS

(Name and address of each plaintiff)

CANADIAN IMPERIAL BANK OF COMMERCE
P.O. Box 157
Toronto, Ontario
M5L 1E7

19 JUL 02 22:00:00 R139 208.00
21407 0024040

(Name and address of each defendant)

RICHARD W. WARKE
5340 Seaside Place
West Vancouver, B.C.
V7W 3E2

CARLOTTE WARKE
5340 Seaside Place
West Vancouver, B.C.
V7W 3E2

ELIZABETH THE SECOND, by the Grace of God, of the United Kingdom, Canada and Her other Realms and Territories, Queen, Head of the Commonwealth, Defender of the Faith.

TO the defendant(s): RICHARD W. WARKE
 CARLOTTE WARKE

TAKE NOTICE that this action has been commenced against you by the Plaintiff(s) for the claim(s) set out in this writ.

IF YOU INTEND TO DEFEND this action, or if you have a set off or counterclaim that you wish to have taken into account at the trial, **YOU MUST**

- (a) **GIVE NOTICE** of your intention by filing a form entitled "Appearance" in the above registry of this court, at the address shown below, within the Time for Appearance provided for below and **YOU MUST ALSO DELIVER** a copy of the "Appearance" to the plaintiff's address for delivery, which is set out in this writ, and
- (b) if a statement of claim is provided with this writ of summons or is later served on or delivered to you, **FILE** a Statement of Defence in the above registry of this court within the Time for Defence provided for below and **DELIVER** a copy of the Statement of Defence to the plaintiff's address for delivery.

YOU OR YOUR SOLICITOR may file the Appearance and the Statement of Defence. You may obtain a form of Appearance at the registry.

JUDGMENT MAY BE TAKEN AGAINST YOU IF

- (a) **YOU FAIL** to file the Appearance within the Time for Appearance, provided for below, or
- (b) **YOU FAIL** to file the Statement of Defence within the Time for Defence provided for below.

TIME FOR APPEARANCE

If this Writ is served on a person in British Columbia, the time for appearance by that person is 7 days from the service (not including the day of service).

If this Writ is served on a person outside British Columbia, the time for appearance by that person, after service, is 21 days in the case of a person residing anywhere within Canada, 28 days in the case of a person residing in the United States of America, and 42 days in the case of a person residing elsewhere.

(or, if the time for appearance has been set by order of the court, within that time.)

TIME FOR DEFENCE

A Statement of Defence must be filed and delivered to the plaintiff within 14 days after the later of

- (a) the time that the Statement of Claim is served on you (whether with this writ of summons or otherwise) or is delivered to you in accordance with the Rules of Court, and

(b) the end of the Time for Appearance provided for above.

(or, if the time for defence has been set by order of the court, within that time.)

(1) The address of the registry is:

800 Smithe Street, Vancouver,
British Columbia, V6Z 2E1

(2) The PLAINTIFF'S ADDRESS FOR DELIVERY IS:

c/o Suite 200 - 853 Richards Street,
Vancouver, British Columbia, V6B 3B4

Fax number for delivery (if any): NONE

(3) The name and office address of the plaintiff's solicitor is:

Robert J. Ellis,
Barrister & Solicitor,
Suite 200 - 853 Richards Street,
Vancouver, B.C., V6B 3B4
Telephone: 669-7131 Fax: 669-7684

STATEMENT OF CLAIM

1. The Plaintiff's claim is against the Defendants, Richard W. Warke and Carlote Warke jointly and severally, for the sum of \$9,419.45 as monies paid on behalf of the Defendants by the Plaintiff at their request and interest thereon. Such request was made by the Defendants and agreement to pay the Plaintiff interest thereon was pursuant to a written agreement entered into between Canadian Imperial Bank of Commerce, Visa Division and the Defendants, or alternatively was implied by the use of the CIBC Visa Credit Card No. 4500 089 090 232 018.
2. Pursuant to the said agreement the Plaintiff claims interest at the rate of 19.5% per annum computed from the date as stated below to the date of judgment or payment.
3. The Plaintiff's further claim is against the Defendant, Richard W. Warke for the sum of \$27,185.61 as monies paid on behalf of the said Defendant by the Plaintiff at his request and interest thereon. Such request was made by the Defendant and agreement to pay the Plaintiff interest thereon was pursuant to a written agreement entered into between Canadian Imperial Bank of Commerce, Visa Division and the said Defendant, or alternatively was implied by the use of the CIBC Visa Credit Card No. 4500 607 595 191 015.

Action No.
Vancouver Registry
IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

CANADIAN IMPERIAL BANK OF COMMERCE

PLAINTIFF

AND:

RICHARD W. WARKE
CHARLOTTE WARKE

DEFENDANTS

File No. 1920-2441

WRIT OF SUMMONS with the STATEMENT OF CLAIM

Robert J. Ellis
Ellis, Roadburg,
Suite 200, 853 Richards Street,
Vancouver, British Columbia
V6B 3B4
Telephone: 669-7131 Fax: 669-7684



Court No. 5024040
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN: CIBC PLAINTIFF

AND: Richard Warke Carlotta Warke DEFENDANT

STATEMENT OF DEFENCE

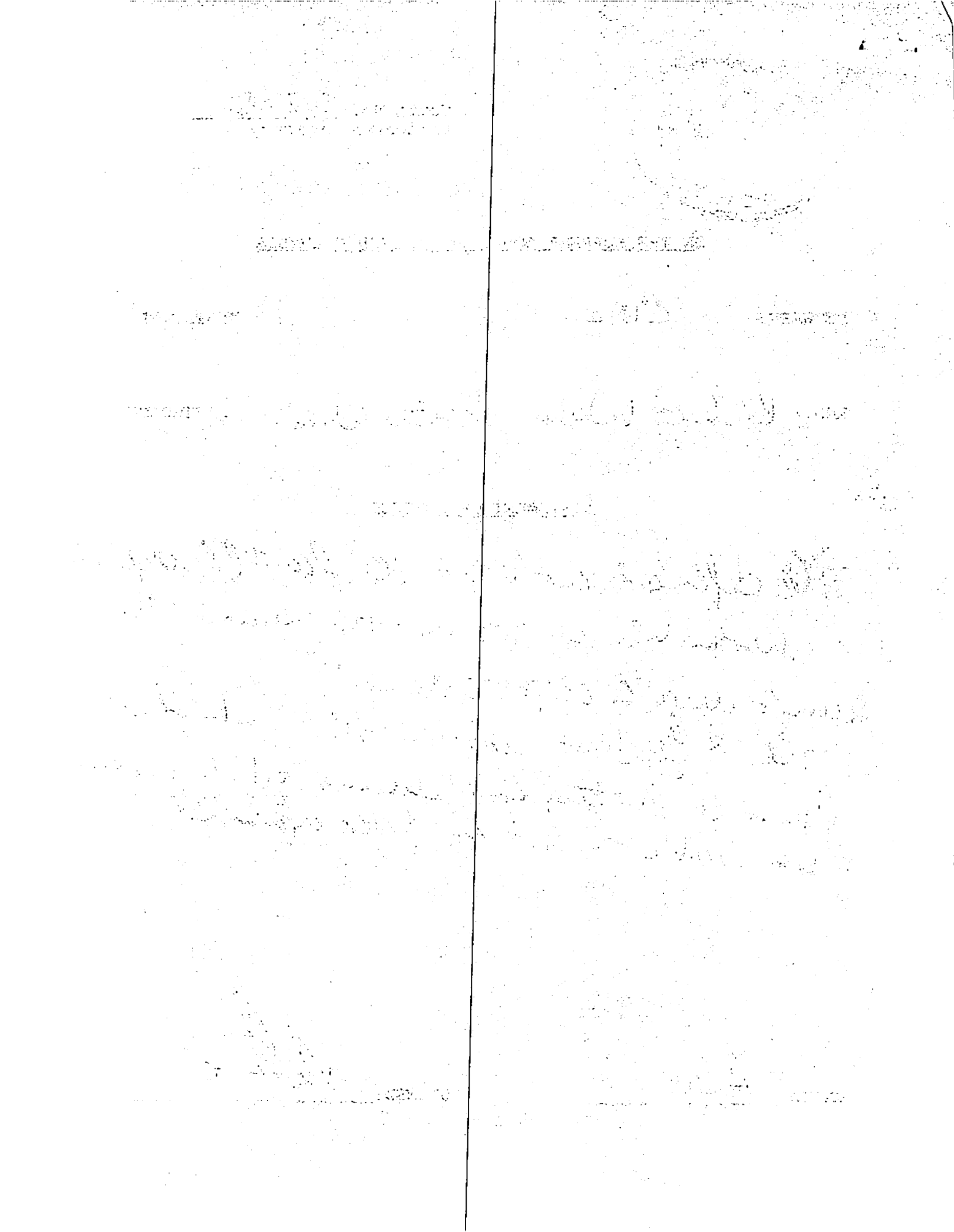
The defendant contacted the Plaintiff regarding some questionable charges on the account. The account was a corporate account.
The defendant contacted the solicitor of the Plaintiff to try and discuss situation however was unable to get any further information.

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DATED: August

SIGNED: [Signature]

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Court No. 5024040
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN: CIBC PLAINTIFF

AND: Richard Wake, Carlette Wake DEFENDANT

APPEARANCE

Enter an appearance on behalf of

Richard Wake, Carlette Wake (Defendant's name)

5340 Seaside Place W. Van V7W3E2 (Address)

as above (Address for delivery)

Fax number for delivery(if any): _____

Dated August 9/02

[Signature]
Defendant [or defendant's solicitor]

NOTICE TO DEFENDANT ENTERING THE APPEARANCE

Rule 21 (5) provides that where a defendant has entered an appearance he or she shall file and deliver his or her statement of defence within 14 days from the time limited for appearance or from the delivery of the statement of claim, whichever is the later.

The statement of claim may be endorsed on the writ of summons or it may be a document separate from the writ of summons.

IF YOU FAIL to file and deliver the statement of defence within the time allowed, JUDGMENT MAY BE TAKEN AGAINST YOU without further notice

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