Requisition for Writ of Seizure and Sale

Rules of Civil Procedure, *Courts of Justice Act*

Court file no. CV-06-0639-SR

ONTARIO

07/18/2006 4:01PM 000001#8493 000
Execution $55.0

SUPERIOR COURT OF JUSTICE

BETWEEN: 2025107 ONTARIO INC. plaintiff

and DOMENIC CARCHIDI defendant

TO THE LOCAL REGISTRAR at Brampton

I REQUIRE a writ of seizure and sale directed to the Sheriff, City of Toronto, against the real and personal property of:

Surname of individual or name of corporation/firm, etc.
CARCHIDI

First given name	Second given name	Third given name
DOMENIC		

to realize the sum of $23,846.58 and the further sum of $637.19 for costs, together with interest at the rate of 15.0% per year commencing on June 12, 2006, to be paid to 2025107 Ontario Inc.

Judgment/order dated June 12, 2006.

There have been no payments received since the date of the judgment/order.

Date: July 14, 2006

John R. E. Bacon
Barrister and Solicitor
1523 Hurontario Street
Mississauga, Ontario
L5G 3H7

Telephone: (905) 271-3939
Facsimile: (905) 271-3009

Solicitor for the plaintiff

FILED IN THE
SUPERIOR COURT OF JUSTICE
JUL 18 2006
AT BRAMPTON
BY:

Court file no. CV-06-0639-SR

ONTARIO
SUPERIOR COURT OF JUSTICE

BETWEEN:

2025107 ONTARIO INC.

plaintiff

and

DOMENIC CARCHIDI

defendant

JUDGMENT

ON READING the statement of claim in this action and the proof of service of the statement of claim on the defendant, filed, and the defendant having been noted in default,

1. IT IS ORDERED AND ADJUDGED that the defendant pay to the plaintiff the sum of $23,846.58.

2. IT IS ORDERED AND ADJUDGED that the defendant pay to the plaintiff the sum of $637.19 for the costs of this action.

This judgment bears interest at the rate of 15.0 per cent per year from its date.

Date: June 12, 2006

Signed by: J. Brown
Registrar

ENTERED AT BRAMPTON
JUN 12 2006
Book No. 03-73
Initials JB

Address of Court Office:
7755 Hurontario Street
Mississauga, Ontario
L6W 4T6

ONTARIO
SUPERIOR COURT OF JUSTICE

PROCEEDING COMMENCED AT BRAMPTON

JUDGMENT

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Law Society registration no. 21936I

Solicitor for the plaintiff

ONTARIO
SUPERIOR COURT OF JUSTICE

PROCEEDING COMMENCED AT BRAMPTON

BILL OF COSTS
(DEFAULT JUDGMENT)

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Solicitor for the plaintiff

Court file no. CV-06-0639-SR

ONTARIO
SUPERIOR COURT OF JUSTICE

BETWEEN:

2025107 ONTARIO INC.

plaintiff

and

DOMENIC CARCHIDI

defendant

AFFIDAVIT OF SERVICE

I, Anthony Franchi, of the City of Toronto, in the Province of Ontario, MAKE OATH AND SAY:

1. On March 19, 2006, at 12:00 p.m., I served Domenic Carchidi with the statement of claim by leaving a copy with him at 475 Rustic Road, Toronto, Ontario, M6L 1X3.

2. I was able to identify the person by means of his acknowledgement to me that he was the defendant Domenic Carchidi.

Sworn before me at)
the City of Mississauga,)
in the Regional Municipality of Peel,)
on April 19, 2006.)

A COMMISSIONER, ETC.)

Anthony Franchi

FILED IN THE
SUPERIOR COURT OF JUSTICE
JUN 12 2006
AT BRAMPTON
BY:

Court file no. CV - 06-0639-SR

ONTARIO
SUPERIOR COURT OF JUSTICE

02/21/2006 9:45AM 000001#6386 001
St Claim R76 $181.0

BETWEEN:

2025107 ONTARIO INC.

plaintiff

and

DOMENIC CARCHIDI

defendant

STATEMENT OF CLAIM

TO THE DEFENDANT

A LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the plaintiff. The claim made against you is set out in the following pages.

IF YOU WISH TO DEFEND THIS PROCEEDING, you or an Ontario lawyer acting for you must prepare a statement of defence in form 18A prescribed by the Rules of Civil Procedure, serve it on the plaintiff's lawyer or, where the plaintiff does not have a lawyer, serve it on the plaintiff, and file it, with proof of service, in this court office, WITHIN TWENTY DAYS after the statement of claim is served on you, if you are served in Ontario.

If you are served in another province or territory of Canada or in the United States of America, the period for serving and filing your statement of defence is forty days. If you are served outside Canada and the United States of America, the period is sixty days.

Instead of serving and filing a statement of defence, you may serve and file a notice of intent to defend in form 18B prescribed by the Rules of Civil Procedure. This will entitle you to ten more days within which to serve and file your statement of defence.

IF YOU FAIL TO DEFEND THIS PROCEEDING, JUDGMENT MAY BE GIVEN AGAINST YOU IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU.

If you wish to defend this proceeding but are unable to pay legal fees, legal aid may be available to you by contacting a local Legal Aid office.

IF YOU PAY THE PLAINTIFF'S CLAIM, and $1,605.00 for costs, within the time for serving and filing your statement of defence, you may move to have this proceeding dismissed by the court. If you believe the amount claimed for costs is excessive, you may pay the plaintiff's claim and $100.00 for costs and have the costs assessed by the court.

Date: February 21, 2006

Issued by: G. Rennie
Registrar

Address of court office:
7755 Hurontario Street
Brampton, Ontario
L6W 4T6

TO: Domenic Carchidi
475 Rustic Road
Toronto, Ontario
M6L 1X3

THIS ACTION IS BROUGHT AGAINST YOU UNDER THE SIMPLIFIED PROCEDURE PROVIDED IN RULE 76 OF THE RULES OF CIVIL PROCEDURE.

CLAIM

1. The plaintiff claims:

   (a) The sum of $20,000.00;

   (b) Prejudgment interest at 15.0% per annum from March 1, 2005, pursuant to the plaintiff's credit terms;

   (c) In the alternative, prejudgment interest pursuant to the provisions of ***The Courts of Justice Act***;

   (d) Postjudgment interest at 15.0% per annum pursuant to the plaintiff's credit terms;

   (e) In the alternative, postjudgment interest pursuant to the provisions of ***The Courts of Justice Act***;

   (f) Costs on a solicitor and client basis;

   (g) Such further and other relief as This Honourable Court deems just.

2. The plaintiff is a corporation incorporated under the laws of the Province of Ontario and having its head office in the City of Toronto, in the Province of Ontario.

3. The defendant is an individual residing in the City of Toronto, in the Province of Ontario.

4. The plaintiff's claim is pursuant to a promissory note dated February 11, 2005, wherein the defendant promised to pay to the plaintiff the sum of $17,500.00, together with interest at 15.0%, calculated from January 25, 2005, payable on or before February 25, 2005.

5. The promissory note further provided that if payment was not made on February 25, 2005, or the note renewed for a further period upon certain conditions, then the sum of $20,000.00, together with interest at 15.0%, would become immediately due and payable.

6. The said promissory note was not renewed and the sum of $20,000.00, together with interest at 15.0%, became due and payable on February 25, 2005.

7. The defendant has failed or neglected to make any payment whatsoever on the said promissory note despite demand by the plaintiff.

8. Pursuant to the said promissory note, the defendant has waived demand, presentment, notice of dishonour, diligence in collecting, grace and notice of protest.

The plaintiff proposes that this action be tried at Brampton, Ontario.

Date: February 21, 2006

John R. E. Bacon
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Mississauga, Ontario
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Law Society registration no. 21936I

Solicitor for the plaintiff