

Affidavit of Robert Gerald Hawke

CANADA

PROVINCE OF SASKATCHEWAN

To Wit:

I, Robert Gerald Hawke, of Saskatoon, in the Province Saskatchewan, a small business owner and student, make oath and say:

1. Because of James Garry Hunter's debilitating medical difficulties I have his power of attorney and am charged with looking after his day-to-day responsibilities. Letters from Doctors D. Kohll and M. Ravindran support this and are attached.
2. I know that James is on the following prescribed medications: Morphine (30mg timed release, 3 times a day), Morphine (15mg for break away pain), Levodopa (25 mg 4 times daily), Dimenhdrinate (50 mg 1 + ½ pills 3 times daily), Lorazepam (.50 mg 1 to 2 pills 3 times daily), and Senokot S. (daily dosage varies). James has undergone Botox injections in his neck to try to relieve the symptoms of his dystonia.
3. James was the victim of a car accident in 1986.
4. I have been a personal friend of Mr. Hunter for over 25 years. I am acquainted with his past and present difficulties and triumphs.
5. I know that Mr. Hunter is disabled and unable to work and that, because of the stress associated with the threat of losing his home, he is having a difficult time looking after himself and his elderly mother. His mother has had multiple strokes and is unable to care for herself. A doctor's letter attesting to the fact that it is necessary for James to look after his mother is attached. His mother, Edna Hunter, lives in and has a \$20,000.00 legally registered financial interest in the disputed home.
6. I am fully aware of the toll this divorce is taking on James' health. I have seen the horrible progress of his illness as he worries more and more about this divorce. During my last meeting with Dr. Ravindran at his clinic I commented on the toll this was taking on James. Dr. Ravindran said directly "he [James] will not survive this."
7. During a telephone call about 3 months ago, I mentioned to Bev Gytenburg that I thought James was dying. Bev laughed, she thought it was funny. During the same conversation she also said "I'll go to jail before I pay any support to that old coot."

8. I know that James' health problems have not been caused by the divorce. I have helped him get to many doctor's appointments and have heard the diagnosis. James most serious health issue is he has a rare movement disorder disease that, in retrospect, he has had all his life but never properly diagnosed until recently. As James gets older the disease progresses through his body and becomes more difficult to live with. Stress has a grave effect on his symptoms and he has been very stressed
9. James lives in the basement suite of the home and Mrs. Hunter lives upstairs.
10. I have known Bev Gutenberg for as long as Mr. Hunter has known her and I am confident I have a good understanding as to the nature of James and Bev's relationship.
11. I know that James has owned his home, bought and paid for, at least 3 years before his short marriage to Bev.
12. I know that James has no other source of income other than a small early Canada Pension, since July of 2004 (340.00 per month). His mother contributes a small amount to the running of the household. Her income is also meagre, a Canada Pension (919.00 per month). Together, the combined income of James and his mother is 1,259.00 per month. This amount pays for the entire cost of the day-to-day operations of the home plus the once-a-week private health care services necessary for Mrs Hunter. Edna Hunter has enough savings to cover her funeral expenses. She has no other savings or investments. James has no insurance, savings, investments, benefits, nothing. He is broke except for the 340.00 per month.
13. I know that Bev's daughter, Stacey, with her two children, rented the basement suite in James' home for a considerable period of time while James and Bev were married. All the rental proceeds went to Bev.
14. I know that Bev Gutenberg has a good job and is paid well. She boasts a pension plan, health care benefits, dental plan, work-related travel expenses, and employee seniority rights.
15. I know that during the marriage between Bev and James that Bev made many purchases. Among many other things, Bev bought a new Acura car, stove, fridge, a solid oak dining room suite, living room furniture, she maximized her RRSP contributions and paid down her debts. Bev also began to accumulate savings in her name only.
16. During her marriage to James, Bev provided her daughter, Stacey, with a substantial down payment on a home. There is reason to believe that Bev also continued to contribute to the monthly payments because the payments were scheduled out of Bev's internet banking access.

17. The purchases Bev made during the marriage were with the partnership of James. As a couple, they both researched the marketplace and the options available to make a joint decision on the best choice available. Bev consulted with James and they decided on the purchase as a team. They made choices as would any other couple. They went to the store, asked questions, compared prices and options and then made the decision as would any other married couple. In most instances, however, Bev was the one with the money so she bought the car etc.

18. I know that James and Bev made a joint decision to buy a camper trailer. They took out a substantial loan, in both their names, to purchase the trailer. Even though the trailer and the loan is in both James' and Bev's name, James has struggled to maintain the payments without pressing Bev's legal obligation to maintain her commitment. The reason he has been faithful with the trailer payments is that if he loses the house, he feels, at least he will have a place to live. The logical response to a debt for a person with little money is to quit making payments and lose the trailer. However, James is fearful that if he does lose the trailer, he will have no place to live if Bev is successful in her bid to liquidate his home.

19. James and Bev had a joint bank account at the Royal Bank into which any money James made was deposited. The trailer payment and some of the house bills came out of this account. James never had access to any of Bev's other bank accounts.

20. I know that when Bev left the marriage she took all the items they bought as a couple (many of the items were bought with Bev's money but some were bought with James' money). The items she took include:
- stove
 - fridge
 - living room furniture
 - oak dining room suite
 - the two beds
 - all the kitchen utensils
 - all the food
 - computer
 - dishwasher
 - toaster
 - scanner
 - printer
 - curtains
 - blinds
 - desk
 - side tables
 - book cases
 - telephone
 - garden tools
 - filing cabinet
 - Christmas gifts that were given to James by Bev's grandchildren
 - bedding
 - small items from the camper trailer including the lamps etc.
 - microwave oven
 - personal papers belonging to James
 - and other items
21. I know that as a result of Bev taking the entire contents of the house James was left with nothing. He did not have a bed to sleep on. James took the mattress from the camper trailer and used it on the floor of the bedroom until he could make a bedframe from rough lumber and fasten a bed on top of it. He still uses this homemade bed.
22. After the house was emptied of its contents by Bev James tried to make do with what little was left. Friends gave him furniture which still uses.

23. James was tricked by Bev's lawyer, Audrey Brent, into not showing up for the last court appearance. Only days before the court date James received a letter from Audrey Brent that in essence said, you do not need to show up for court on this day. The date has been "adjourned." If I understand it correctly, only a judge can decide on an adjournment. Believing the letter, James did not go to court. Audrey Brent did. James needed to attend the court that day and plead for a court-appointed lawyer so he could have some representation. Instead, Audrey Brent represented Bev before the court and was granted an order that James must appear on the next court date or the matter will proceed without him. The chance for James to plead for a lawyer was lost.

24. James has borrowed thousands of dollars from friends to pay for legal help. The money has been used up and he still owes one law firm a substantial amount. Part of the expense incurred by James in legal services was repeated attempts to get documents, including RRSP withdrawal records. Audrey Brent and Bev repeatedly ignored legal requests to provide the documents.

25. I know that James has been advised by his doctor not to attend the court proceedings but send a representative. If James feels he can attend all parties need to know his health is in jeopardy and act accordingly.

Sworn before me at the City of Saskatoon,
 in the Province of Saskatchewan

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this 7 day of September, 2004

(The signature of Robert Gerald Hawke.)

Rose Marie Murphy

Rose Marie Murphy
 Notary Public in and for Saskatchewan
 My appointment Expires
 August 31, 2006

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August 31 / 2006

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