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July 24, 2006

Attorney of British of British Columbia  
Room 234, Parliament Buildings,  
Victoria, B.C. V8V 1X4

Attention: Attorney General Wally Oppal:

Dear Sir:

**Re: Preparation of Affidavits and documents for the land title registry**

You will recall I appeared before you on 3 April 2003, when you were still a Supreme Court judge and we spoke on the matter of following the law.

I wrote to you on 22 May 2006, regarding an affidavit of Martin Wirick, and the importance of justice system participants following the law on the filing of affidavits.

What I got back was letter of obfuscation from your assistant, Mr. Wayne Willows, dated 14 June 2006. Mr. Willows is not a member of the law society and it is apparent from his response that he is not a lawyer, yet he is giving what is essentially a legal opinion that is clearly incompetent with relation to an affidavit.

I downloaded a 20 page document called a guide to preparing affidavits that was prepared by David Mossop, Q.C. Community Legal Assistance Society

Suite 300 - 1140 West Pender Street Vancouver, BC V6E 4G1 Tel: 604-685-3425 Fax: 604-685-7611

Toll Free: 1-888-685-6222 Web: <http://www.clasbc.net/>

Web: <http://www2.povnet.org/clas>

See attached pages from the document concerning the particulars I was referring to.

Mr. Martin Wirick purports to be a bankrupt after having defrauded citizens of more than \$70 million through various forms of mortgage fraud. I brought to your attention that his affidavit was seriously deficient, that it lacked a date, and the address of the deponent. Mr. Willows says in effect that is okay. Even clerks and registrars, who take affidavits know of the requirements, would know that comment is ridiculous.

I was shocked to find that you were employing persons, like Mr. Willows, who are not knowledgeable in the law, not qualified to practice law and are giving legal opinions on matters of law that were plain and simple obfuscation — thinly veiled protection for Martin Wirick.

I would appreciate a response that corrects the misinformation provided earlier, that recognizes the law on the swearing of documents and the filing of documents. Also it is time, Mr. Wirick was charged and the obfuscation with relation to matters that go to his malfeasance was stopped.

It is suspicious when a lawyer, albeit a disbarred lawyer, with Mr. Wirick, s experience (Mr. Wirick was called to the Bar in 1979) swears an affidavit that did not conform to the rules especially in view of the fact that he had already sworn affidavits iin the same proceedings which did conform to the rules. More particularly, it is devious. See enclosed copy of affidavit sworn the 11<sup>th</sup> day of April, 2003 and filed April 14, 2003. I also enclose a copy of the reasons for judgment of Mr. Justice Sigurdson dated February 2, 2005 dismissing Mr. Wirick's application for a discharge from his bankruptcy. If you read the judgment you will see the kind of person you are trying to protect.

I should not have to remind you that, notwithstanding the fact that Mr. Wirick was petitioned into bankruptcy, he is nevertheless still liable for the trust funds that passed through his trust account because of the finding by Mr. Justice Sigurdson that Mr. Wirick was guilty of fraudulent breach of trust under S 173 (1) (k) of the Bankruptcy and Insolvency Act and also on the basis of Mr. Wirick's own admission on his statutory declaration attached to his Statement of Affairs filed in his bankruptcy. This should be a matter for your immediate attention and for the attention of the Law Society of British Columbia to pursue on behalf of all the members of the Law Society although the benchers of the Law Society seem to be reluctant to become actively involved in bringing Mr. Wirick to justice.

The attorney general of a province is also responsible for trust law as apparent from the *Attorney General Act*.

*"2 The Attorney General*

*(a) is the official legal adviser of the Lieutenant Governor and the legal member of the Executive Council,*

*(b) must see that the administration of public affairs is in accordance with law,*

*(c) must superintend all matters connected with the administration of justice in British Columbia that are not within the jurisdiction of the government of Canada,*

*(d) must advise on the legislative acts and proceedings of the Legislature and generally advise the government on all matters of law referred to the Attorney General by the government,*

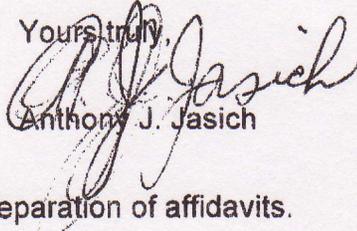
*(e) is entrusted with the powers and charged with the duties which belong to the office of the Attorney General and Solicitor General of England by law or usage, so far as those powers and duties are applicable to British Columbia, and also with the powers and duties which, by the laws of Canada and of British Columbia to be administered and carried into effect by the government of British Columbia, belong to the office of the Attorney General and Solicitor General,*

(f) must advise the heads of the ministries of the government on all matters of law connected with the ministries,

(g) is charged with the settlement of all instruments issued under the Great Seal of British Columbia,"

From time to time the need to follow the law has to be made clear. Mr. Plant did an excellent job of making trust law clear by putting the *Charitable Purposes Preservation Act* into law so that those who donate to these trusts can feel confident that their donations are not attracting predators to the trust property. It is your duty as attorney general of British Columbia to emphasize to judges in the Court of Appeal that they must also follow the law of trusts.

Yours truly,



Anthony J. Jasich

Attached extract from the guidelines for the preparation of affidavits.