

Marlene Legare

From: Winston Smith <wsmith@hookandsmith.com>
Sent: September-02-11 3:55 PM
To: 'Marlene Legare'
Subject: RE: Lionel Boucgard v Andre Bouchard - Accounting and payment for land sale Action - QB Suit #CI 08-01-57415 - Hook & Smith File # 11275 W

Marlene and Lionel,

I have just been served with a Notice of a Motion by Mr. Kelly Land on behalf of Andre. The Motion is to be heard on September 13, 2011 at 9:30 AM before the presiding Master of the Court of Queen's Bench. The Motion is for an order dismissing the accounting action Lionel brought against Andre arising out of the sale of land. You will recall that our claim is for an accounting of all revenue received by Andre for rental of Lionel's property and for judgment in the amount of \$30,241.49 or such other amount as the court may determine as owing an unpaid for the land sale.

You might recall that the statement of claim was filed and served and the defendants filed a defense. The next step was to file an affidavit of documents disclosing all relevant documents. Such relevant documents would be those that relate to whatever records Lionel has regarding the payments he received plus any other documents relevant to the issues of the case. You or Lionel have provided me with documents that I would need to review to determine what documents are relevant to our claim.

However, as you are aware, my accounts in both the accounting claim and the other file – the claim for possession of Lionel's house – total \$16,445.12 and, in addition, there is a further \$5619.60 unbilled fees and taxes. In other words there is a total of \$22,065.03 owing to Hook and Smith at present. Accordingly, unless my accounts are paid in full immediately I am not in a position to provide any further services for Lionel. As you are aware, substantial legal services have been provided for Lionel and, for his safety and health, I was instrumental in arranging for his safe transportation out of the province and into BC. Without payment of my outstanding accounts, I am unable to continue to act, and will withdraw as Lionel's counsel.

Kindly advise whether my accounts will be paid in full by Wednesday, September 7, 2011. If I have not received payment by then, I will withdraw as counsel in both the accounting and possession matters. Such withdrawal requires my application to the court and the filing of an appropriate affidavit advising the court why I am withdrawing.

I look forward to hearing from you as soon as possible.

Regards,

Winston

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