

COURT OF APPEAL FOR BRITISH COLUMBIA

FORM 1

NOTICE OF APPEAL (RULE 6(1))

VANCOUVER

JUN 28 2023

[STAMP]

**COURT OF APPEAL
REGISTRY**

Court of Appeal File No.
(For Registry Use Only)

CA 49175

Supreme Court File No.

S-122417

Supreme Court Registry Location

*The file number can be found on the upper
right corner of the Supreme Court documents*

To the respondent(s)

A court proceeding has been commenced against you in the Court of Appeal. See the final page of this form for details on how to respond.

1. PARTIES TO THE APPEAL

Appellant(s)

List the party(ies) appealing the
Supreme Court or tribunal order.
Identify their roles in the proceeding
below in brackets. E.g., Jane Doe
(plaintiff, petitioner, etc.)

**Joseph Wayne Palmer Sather
(Defendant)**

Respondent(s)

List the other party(ies) in the
Supreme Court or tribunal order
you are appealing who are affected
by the appeal. Identify their roles in
the proceeding below in brackets.
E.g., Jane Doe (defendant).

**Sather Ranch Ltd.
(Plaintiff)
C. Cheveldave & Associates Ltd.
(Court Appointed Receiver)**

**28JUN23 2311104 RIA
21422 CA49175**

200.00

2. THE ORDER YOU ARE APPEALING

Is leave to appeal required?
Court of Appeal Rule 12 explains
when you need leave to appeal.
If you are unsure, check "Yes."

☒ Yes ☐ No

Who made the order?
Name the justice or other
decision maker who pronounced
the order you are appealing

The Honourable Justice Elwood

What court and/or tribunal
pronounced the order(s)?

☒ Supreme Court ☐ Tribunal

Supreme Court of British
Columbia

Name of tribunal

Date the order was pronounced
Include the day, month and year
that the order being appealed
was pronounced (not the date
the order was entered).

01/06/2023

DD/MM/YYYY

City where the order was
pronounced

Kelowna, B.C.

Length of lower court hearing
Indicate in days or hours the length
of the hearing that led to the order
you are appealing from. For
example, if you are appealing a
judgment from a trial that took
two hours, enter "two hours."

Five Days (September 21, 22, 23 and November 24, 25, 2022)

What type of proceeding are
you appealing from?
Check only one.

☐ Trial Judgment
☒ Summary Trial Judgment

☐ Order of a Tribunal
☐ Chambers Judgment

3. RELIEF SOUGHT

If leave to appeal is not required, fill out Part A. If you are seeking leave to appeal, fill out Part B.

PART A: LEAVE NOT REQUIRED

Part of the order being appealed
If you only want to appeal one part of an order, enter the part that is being appealed.

Order(s) you are seeking on appeal
Briefly list the order(s) you will ask this Court to make on appeal. For example: "Set aside the trial judgment and order a new trial." Include any order as to costs.

Set aside the trial judgment and order a new trial.

PART B: SEEKING LEAVE TO APPEAL

Part of the order being appealed
If you are only seeking leave to appeal one part of an order, enter the part that you are seeking leave to appeal.

Grounds for leave to appeal
Be as specific as possible. For example, if you believe the trial judge used an incorrect legal test or otherwise misapplied the law, indicate that here.

4. ADDITIONAL INFORMATION

Sealing order
Is there an order sealing any part of the trial court or tribunal file? If yes, add date(s).

☐ Yes

☒ No

Date

DD/MM/YYYY

Anonymity order/publication ban
Are there orders that protect the identity of a party or parties? If yes, add date(s).

☐ Yes

☒ No

Date

DD/MM/YYYY

Areas of law raised in the appeal
You may check more than one box if appropriate. For example, you should check "motor vehicle accidents" and "torts" for a personal injury claim involving a motor vehicle accident.

- | | | |
|--|---|---|
| <input type="checkbox"/> Constitutional/Administrative | <input checked="" type="checkbox"/> Civil Procedure | <input checked="" type="checkbox"/> Commercial |
| <input type="checkbox"/> Motor Vehicle Accidents | <input checked="" type="checkbox"/> Municipal Law | <input checked="" type="checkbox"/> Real Property |
| <input type="checkbox"/> Torts | <input checked="" type="checkbox"/> Equity | <input checked="" type="checkbox"/> Wills and Estates |
| <input type="checkbox"/> Divorce Act (Canada) | <input checked="" type="checkbox"/> Family Law Act | <input type="checkbox"/> Other |

Appeals involving children
Does this appeal involve the rights or interests of a child?
E.g., parenting order.

☐ Yes

☒ No

5. SERVICE

Are you representing yourself?

☒ Yes

☐ No

Name(s) and address(es) within BC for service of appellant(s). If you have a lawyer, include the law firm's address; otherwise provide your own residential address.

Joseph W.P. Sather
c/o #37-197 Dauphin Avenue,
Penticton, B.C. V2A 3S3

Phone number(s) of appellant(s)

403-836-8887

Email address(es) for service of the appellant(s)
If you provide an email address, you consent to have documents served on you by email.

joesather_realtor@yahoo.ca

Date form completed

26/06/2023

DD/MM/YYYY

Name of lawyer or party authorizing filing of this form

Joseph W.P. Sather