

COURT OF APPEAL

Citation: *Versluce Estate v. Knol*,
2007 YKCA 10

Date: 20070809
C.A. No. 06-YU577
Registry: Whitehorse

BETWEEN:

**GENEVIEVE PIPER, EXECUTRIX
THE ESTATE OF HARRY VERSLUCE, DECEASED**

RESPONDENT

AND

LUCAS KNOL

APPELLANT

Before: Mr. Justice R.S. Veale

Appearances:

Gary W. Whittle
Lucas Knol

Counsel for the Respondent
On his own behalf

REASONS FOR JUDGMENT

INTRODUCTION

[1] Since the filing of my Reasons for Judgment, 2007 YKCA 08, Mr. Knol has filed a Notice of Motion and financial information on July 27, 2007, seeking 6 remedies. I have ruled that items 2 – 6 are not properly before me as they relate to matters already decided in my Reasons for Judgment, 2007 YKCA 08. Mr. Knol proceeded with item 1, an application for indigent status, as I had previously adjourned it in order to permit

Mr. Knol to file the proper financial information. I have also read the written material that Mr. Knol filed on the issue of the merits of his appeal.

[2] The facts set out in the affidavit of Lucas Knol, filed July 27, 2007, do not change the claim that he lives on an income of \$6,000.00 a year.

[3] What he has failed to explain is how this is possible. We know that he lives in Holland, Vancouver and the Yukon depending on the season. Thus, it is fair to assume that he travels from Holland to Vancouver to Whitehorse and Dawson City where his mining claims are located. The cost of this travel is not included in his affidavit material because, he disclosed in court, he gets financial support from his family. This financial support remains undisclosed and without this information regarding his true financial situation, I am unable to find that the payment of court filing fees would deprive him of the necessities of life.

[4] In addition, I find that the appeal lacks merit on the basis that there is a substantial finding of credibility against Mr. Knol at trial. Mr. Knol's written submission on this issue does not change the tentative view I expressed in my Reasons for Judgment, 2007 YKCA 08. I conclude that his appeal lacks merit and on that further ground he should be denied indigent status.

VEALE J.