Court	File	No.	

## FEDERAL COURT

## BETWEEN:

ROBERT T. STRICKLAND, GEORGE CONNON, ROLAND AUER, IWONA AUER-GRZESIAK, MARK AUER, AND VLADIMIR AUER BY HIS LITIGATION REPRESENTATIVE ROLAND AUER

**Applicants** 

- and

## ATTORNEY GENERAL OF CANADA

Respondent

## **AFFIDAVIT**

- I, Mark Auer, of the Town of Bragg Creek, in the Province of Alberta, SWEAR THAT:
- 1. I am an Applicant in this Notice of Application proceeding, and as such, I have personal knowledge of the matters deposed to in this Affidavit unless stated to be based on information and belief.
- 2. I am the son of Roland Auer and Iwona Auer-Grzesiak.
- 3. My parents were divorced in 2003 when I was fourteen years old. Once my parents lived in separate residences, my two brothers and I split our time equally between my mother's and father's homes.
- 4. I did not notice any issues with respect to the costs associated with my brothers and I, and having those costs covered by our parents, for the first two or three years following my parents' divorce.

- 5. Sometime in 2006 or 2007, in a family dinner discussion, my father disclosed he was experiencing financial difficulties on account of a support order he was under with respect to his second wife. He told me that he was paying \$4,000 per month to her. I knew roughly what my father made and I quickly realized that he was having to devote a large portion of his after tax income to these support payments. This disclosure came at a time when I was just about to begin post-secondary studies, and my older brother was already studying engineering at the University of Western Ontario. Following my father's obligations to make support payments to his second wife, I estimate that he contributed no more than \$200-\$300 per month towards my expenses and necessities.
- 6. Knowing of my father's strained financial circumstances, I subsequently brought any expenditure needs or costs issues to my mother exclusively. For example, I had transportation needs and wanted to purchase a used car. I obtained half of the cost from my mother, but did not seek any assistance from my father for the other half, which I paid myself. In addition, I moved into residence my first year of University and I got my mother to co-sign the loan necessary to enter residence and I subsequently paid that loan off myself.
- 7. Although my father has always been very generous, and he traditionally arranged activities to do as a family, those activities were either curtailed or restricted following the obligations requiring him to pay the large amount of support to his second ex-wife.

  Those included activities such as sharing holidays and trips to squash tournaments.
- 8. I make this Affidavit in support of an anticipated application for a declaration that the Federal Child Support Guidelines are ultra vires the federal Divorce Act.

SWORN BEFORE ME at the City of Calgary, in the Province of Alberta, this day of \_\_\_\_\_\_\_, 2012.

Notary Public in and for the Province of

Alberta

MARK AUER

Ronald J. Robinson Barrister & Solicitor

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- and

## ATTORNEY GENERAL OF CANADA

Respondent

# **AFFIDAVIT**

## **JSS Barristers**

800, 304 – 8<sup>th</sup> Avenue SW Calgary, Alberta T2P 1C2

Attention: Bryan C. Duguid

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