

SAMPLE

Sample of the joint affidavit by one
director typed on plain white paper

**IN THE MATTER OF
[insert full cooperative association name]
AND THE COOPERATIVE ASSOCIATION ACT, SECTION 197**

AFFIDAVIT

I, **[insert name of director]** of **[insert full residential address]** in the Province of British Columbia make oath and say as follows:

1. I, **[insert name of director]**, declare that I have been a director of **[insert full cooperative association name]** (the "Cooperative Association") and have personal knowledge of the matters hereinafter set forth.
2. That the Cooperative Association has complied with section 197(1) of the *Cooperative Association Act* by
 - (a) passing a special resolution,
 - (b) has no assets, and
 - (c) **[insert statement on liabilities of the Cooperative Association]**

e.g. "has no liabilities" or "has made provision for the payment of each of the Cooperative Association's unpaid liabilities and has obtained the written consent to that provision for payment, from each creditor whose identity is known to the Cooperative Association, and who has an unpaid claim against the Cooperative Association that exceeds the prescribed amount"

SWORN BEFORE ME at the
City of **[city]**, in the Province of
British Columbia, on **[insert date]**.

[signature of Director]

[name of director]

Director

[signature of Commissioner]

A Commissioner for taking Affidavits for
British Columbia

Cooperative Association Act (RSBC 1999) Chapter 28

Part 14 – Dissolution, Winding Up, Restoration

Division 3 – Dissolutions and Cancellations

Section 196 – Dissolution and winding up

Section 197 – Application for voluntary dissolution

Dissolution and winding up

- 196** (1) An association without issued investment shares may provide in its memorandum that, on the dissolution or winding up of the association, its property, after satisfaction of its liabilities, costs, charges and expenses properly incurred in the dissolution or winding up, must be transferred to or distributed among one or more other organizations that are
- (a) associations having a similar purpose to the association being dissolved or wound up, or
 - (b) charitable organizations registered under the Income Tax Act (Canada).
- (2) An association may provide in its memorandum that a provision described in subsection (1) is unalterable and, if it so provides, the association must not alter its memorandum to amend or repeal that provision or the provision described in subsection (1).
- (3) Neither this section nor a provision in the association's memorandum permitted by subsection (1) or (2) prohibits the association
- (a) from doing anything permitted under section 9 or 66,
 - (b) subject to its rules, from repaying to a member amounts paid by the member for the member's membership shares, or
 - (c) from paying money it owes to a member.
- (4) An association that has included in its memorandum a provision described in subsection (2) must not issue any investment shares.

Application for voluntary dissolution

- 197** (1) An association may apply to the registrar, in a form established by the registrar, to be dissolved if the association
- (a) is authorized to do so by a special resolution,
 - (b) has no assets, and
 - (c) has no liabilities or has made provision for the payment of each of the association's unpaid liabilities and has obtained the written consent to that provision for payment, from each creditor
 - (i) whose identity is known to the association, and
 - (ii) who has an unpaid claim against the association that exceeds the prescribed amount.
- (2) An association's application under subsection (1) must be accompanied by the association's certificate of incorporation and by an affidavit of one of the directors of the association evidencing to the satisfaction of the registrar that the association has complied with subsection (1).
- (3) If the registrar grants an association's application under this section for dissolution, the association is dissolved on the date set by the registrar.

This is an unofficial excerpt from the *Cooperative Association Act* and is enclosed for ease of reference only. For complete information, refer to the *Cooperative Association Act*. Acts and Regulations are available for purchase through Crown Publications, or website www.crownpub.bc.ca.