

DEC - 6 2012

Divisional Court File No. 31-12

In Book No.
au registre no. 73.83

ONTARIO
DIVISIONAL COURT, SUPERIOR COURT OF JUSTICE

THE HONOURABLE



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June 26 2012

BETWEEN:

CAPITAL ONE BANK (CANADA BRANCH)

Plaintiff
(Appellant)

-and-

LARRY RICHARD HUSSEY and NANCY LOUISE HUSSEY

Defendants
(Respondents)

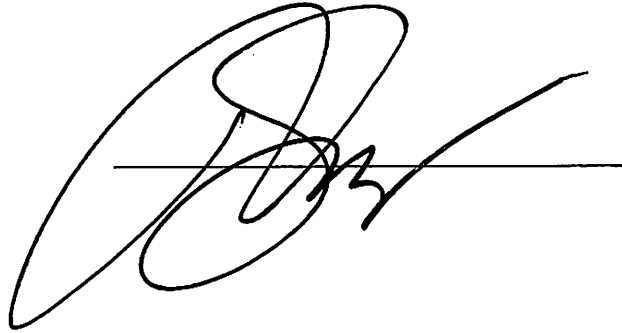
ORDER

THIS APPEAL by the plaintiff Capital One Bank (Canada Branch) for an order varying the judgment of Selbie, D.J. dated February 14, 2012 by changing the post-judgment interest awarded from the Courts of Justice Act rate to the contractual rate of 21.7 percent per annum was heard this day at Lindsay.

ON READING the Appellant's Factum, Appeal Book and Compendium, and Book of Authorities, and on hearing the submissions of counsel for the appellant, no one appearing for the respondents,

1. THIS COURT ORDERS that the appeal is allowed. The judgment of Selbie, D.J. in favour of the plaintiff for \$6,664.75, costs of \$335.00 and post-judgment interest at the *Courts of Justice Act* rate from February 14, 2012 is set aside. Judgment shall issue for \$6,664.75, costs of \$335.00 and post-judgment interest at the contractual rate of 21.7 percent per annum from February 14, 2012.

2. At the request of the appellant there is no order as to the costs of this appeal.

A handwritten signature in black ink, consisting of several large, overlapping loops and a long, sweeping tail that extends to the right. The signature is written over a horizontal line.

CAPITAL ONE BANK (CANADA BRANCH) v. LARRY RICHARD HUSSEY and NANCY LOUISE HUSSEY

**ONTARIO
SUPERIOR COURT OF JUSTICE**

Proceedings commenced at HALIBURTON

ORDER

Christensen Law Firm
20-260 Holiday Inn Drive
PO Box 29064
Cambridge, ON, N3C 0E6

Todd R. Christensen
LSUC No.: 340780
Tel: 519 654 7350
Fax: 519 658 2499

Lawyer for the Plaintiff (Appellant)