

Dated
Sept 14
2005

**ONTARIO
SUPERIOR COURT OF JUSTICE
PROCEEDING COMMENCED IN KENORA**

BETWEEN:

ATTORNEY GENERAL OF ONTARIO

Applicant

and

**2269 Highway # 105, Rugby Township, (IN REM) AND MONTY'S GUNSMITHING
INC., WILLIAM BRUCE MONTAGUE, AND DONNA JEANNE MONTAGUE**

Respondents

**MOTION FOR A PRESERVATION ORDER UNDER THE *REMEDIES FOR
ORGANIZED CRIME AND OTHER UNLAWFUL ACTIVITIES ACT, 2001.***

MOTION RECORD

ATTORNEY GENERAL OF ONTARIO

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NOTICE OF MOTION

THE Moving Party/Attorney General of Ontario will make a motion to the judge on September 14, 2005 at 10:00, or soon after that time as the motion can be heard, at the Court House, 214 Water Street, Kenora, Ontario.

PROPOSED METHOD OF HEARING: The motion is to be heard

- in writing under subrule 37.12.1 (1) because it is made without notice;
 in writing as an opposed motion under subrule 37.12.1 (4);
 orally.

THE MOTION IS FOR A Preservation Order under the *Remedies for Organized Crime and Other Unlawful Activities Act, 2001*. The Applicant also seeks that this motion be heard without notice to the other parties. That the Court Documents be sealed until the Respondents are served. That the motion be heard in a closed court.

THE GROUNDS FOR THE MOTION ARE THAT:

PRESERVATION OF PROPERTY

1. The property was found in circumstances that reasonably infer that they are the instruments of unlawful activity within the meaning of the *Remedies Against Organized Crime and Other Unlawful Activities Act, 2001* ("**Civil Remedies Act**").

2. Given the nature of the origin of the property and the circumstances of this case, there is a concern that the property may be dissipated if it is not preserved under the **Civil Remedies Act**.

THE FOLLOWING DOCUMENTARY EVIDENCE will be used at the hearing of the motion:

- a. Affidavit of Dwain Hill
- b. Affidavit of Douglas Carlson
- c. Affidavit of Denise Bamford

14 September 2005

James McKeachie
Senior Counsel
Civil Remedies for Illicit Activities
Ministry of the Attorney General
Counsel for the Attorney General of Ontario

TO:

William Bruce Montague
2269 Highway #105
Rugby Township, Ontario

AND TO:

Donna Jeanne Montague
William Bruce Montague
2269 Highway #105
Rugby Township, Ontario

AND TO:

Monty's Gunsmithing
Inc. William Bruce Montague
2269 Highway #105
Rugby Township, Ontario