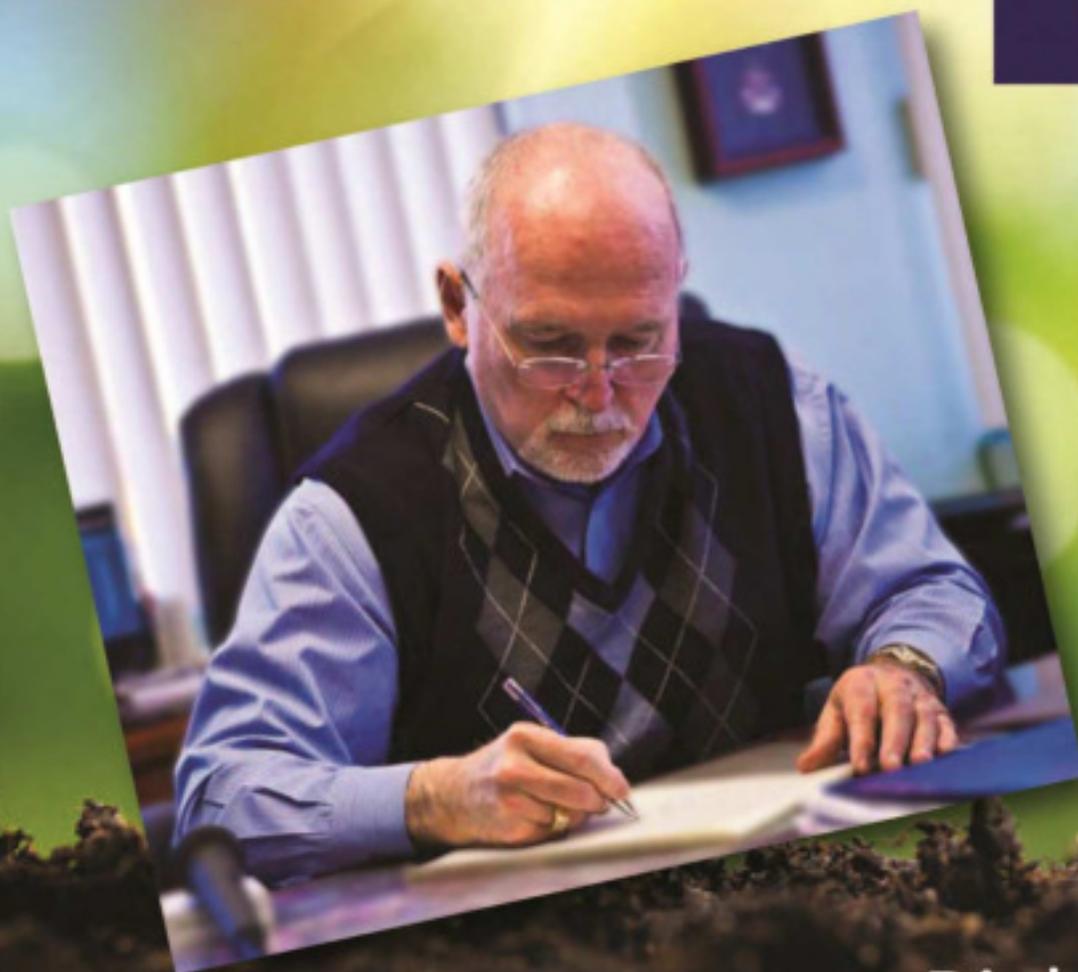


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Before You Call A **Licensed Insolvency Trustee**

READ THIS!



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Table of Contents

Introduction	1
1 - Credit Counsellors & Licensed Insolvency Trustees - How Are They Different.....	3
2 - Licensed Insolvency Trustees Ensure Fairness For Both You and Your Creditors.....	5
3 - A Licensed Insolvency Trustee Will Always Go Through Your Full List of Options	7
4 - You Should Never Have to Pay to Be Referred to a Licensed Insolvency Trustee	9
5 - What You Tell the Trustee Is Confidential	11
6 - Licensed Insolvency Trustees Are Actually Concerned About Your Financial Welfare	13
7 - How Do I Know If I Am Getting Good Advice from a Trustee?	15
Conclusion	17
Call us for a FREE Consultation	18

Introduction

Almost everyone experiences serious money problems at some point in life. Few are immune. When struggles in real life happen --- you've lost your job and have very little or no savings to keep up with repayments and manage debts, a family member gets sick and you're suddenly facing rising medical bills, your marriage fails and end in separation or divorce, your home is losing value and you suddenly owe more on your mortgages than your house is worth --- major debt can build up quickly and before you know it your financial situation goes from bad to worse.

Many people's first instinct is to try to deal with the perceived problem themselves. They might try an online budgeting program, or something similar to see if they can orchestrate the management of their debt payments without resorting to cash advances or other borrowing. They might try to contact their creditors, but without a proper plan or guidance, so they end up making things worse by raising flags with those creditors. This may close doors instead of opening them to a solution.



However noble and valid the self-help method, many end up making their debt situation even worse than it was before. They find out that it is too difficult to cut down on their spending and push themselves out of their troublesome and sticky situation. On top of that, they do not have all the right information to properly analyze their situation and make a realistic assessment of how to work out a solution that is more manageable for them.

If the self-help route is not working out for you, then get professional help before it is too late. If through your own efforts and resources nothing concrete is happening with your debt situation, your money troubles are not getting any better and you have figured out that you just can't make any progress, pick up the phone, call a Licensed Insolvency Trustee and get started on your journey to really settle your debt problems.

Why call a Licensed Insolvency Trustee straight away? Can you not get assistance from credit counselling agencies and take advantage of working with a credit counsellor?

Good question. Let's face it, most people are not very comfortable contacting a Licensed Insolvency Trustee (a "LIT") - formerly known as a Bankruptcy Trustee. To most Canadians struggling with debt problems, calling a LIT seems like it would be the last thing they should do. Perhaps it is a reluctance to believe that the word insolvent might apply to them? Maybe it is the general sense of fear of the unknown that we all have? After all there are hundreds of stories out there about the terrible things that happen to people who go bankrupt and a LIT is the guy who puts you into bankruptcy, right? Well, wrong!

Only by sitting down with a LIT can you dispel those ungrounded fears, because only a LIT knows what will happen if you should need the services they provide, which is usually a far cry from the stories and myths you hear from those who don't know the facts.



When people hear the words “licensed insolvency trustee,” or “bankruptcy trustee” what comes to mind automatically is an individual who only handles bankruptcies. While it is true that trustees are the only ones who can handle bankruptcies, it is not the only thing that we can help you with. We can provide a full range of services to help anyone struggling with debt problems.

As Officers of the Court and federally licensed practitioners, we have a responsibility to make sure that you get the right information about who you need to see, and where you can go to get the right help so you can make a well-informed decision to solve your financial problem. For this reason, we have compiled some information to try and give you a better idea why Licensed Insolvency Trustees should be your first call to talk about your financial trouble.

1 - Credit Counsellors & Licensed Insolvency Trustees - How Are They Different

An accredited debt or credit counsellor and a Licensed Insolvency Trustee (LIT) are both professional debt experts. Both can meet with individuals to perform a debt assessment, and discuss various options to resolve their debt problems. However, credit counsellors, or debt counsellors as they are otherwise known, are limited in their capacity to provide solutions.



There are two important distinctions that you should fully understand when it comes to the services that Licensed Insolvency Trustees and credit counsellors can provide:

1. A Licensed Insolvency Trustee is the only debt professional legally licensed by the Superintendent of Bankruptcy (the Federal Government) to administer proposals and bankruptcies. Both consumer proposals and bankruptcies are legal proceedings and, therefore, are the only debt relief options that can “legally” protect you from your creditors. No other debt professional or financial expert in Canada can provide legal debt relief options that can freeze interest, stop garnishments and end creditor phone calls.

A credit counsellor can help you find a debt problem solution. Reputable ones are certified and trained in consumer credit, money and debt management, and budgeting and can help analyze your entire financial situation with you, provide counselling classes

on budgeting and may also help you negotiate with your creditors to set up a Debt Management Plan (DMP) if you decide to proceed with one. They cannot, however, provide consumer proposal and bankruptcy services. If you have debts that a credit counselling program or a debt management plan cannot handle, all that your credit counsellor can do is refer you to a licensed insolvency trustee to find out if you need to consider some other debt solutions, such as a consumer proposal or bankruptcy.

In addition, although a DMP may be able to settle one or more of your debts, there are risks associated with it that you must carefully consider before enrolling. DMP's do not have the power of the law behind them, unlike consumer proposals and bankruptcies which are government-regulated proceedings under the Bankruptcy and Insolvency Act. This means that a DMP cannot offer you legal protection so that creditors who do not wish to participate can continue to call you and seek repayment.

In other words, a consumer proposal forces all your unsecured creditors to come to the table and negotiate. They have no real choice.

2. Licensed Insolvency Trustees can also serve as credit counsellors and in fact must give counselling sessions to help debtors identify what went wrong and how to avoid future problems. They are required by the law to provide individuals with two counselling sessions whether in a bankruptcy filing or a consumer proposal. Trustees can be considered the most highly qualified debt problem consultants in Canada. Their education and qualifications are assessed by the OSB. In order to obtain licensing from the OSB, they need to complete a rigorous three-year course and undergo investigation by the RCMP and the OSB. They are also required to keep up to date with changes in the law and all developments in credit and debt matters.

On the other hand, consumer credit counselling services in Canada are not as regulated and there are very few set standards for training and education. While there are many very good and qualified credit counsellors in the profession, they may or may not have the training and knowledge to properly advise you about all the options available to help you get out of debt.

One thing for sure, only a Licensed Insolvency Trustee has the knowledge to tell you what will happen to you and your debts if you choose to use the legal options of bankruptcy or a consumer proposal.

If you decide to get expert help, what you can do to protect yourself is do your research before you book a meeting with a credit counsellor or an insolvency trustee. Go to their website, make inquiries, review their qualifications and understand their services.

2 - Licensed Insolvency Trustees Ensure Fairness For Both You and Your Creditors

One of the most common misconceptions debtors have about Licensed Insolvency Trustees is that they work for the creditors. The fact is that insolvency trustees work for everyone involved: you and your creditors, ensuring the proper protection of everyone's legal rights.



Trustees are Officers of the Court and as such they have a legal responsibility to act for all the many different stakeholders in an insolvency proceeding. These stakeholders include:

- The debtor (the person or business who owes money),
- The creditors of the debtor
- The Office of the Superintendent of Bankruptcy (the regulatory body that oversees insolvencies in Canada),
- The court, when it is involved, usually only in highly contentious matters or when there is a failure to comply with all of the requirements of the law, and
- Other interested parties as applicable, including Canada Revenue Agency (CRA).

The Code of Ethics for Trustees from Sections 34 to 53 of the Bankruptcy and Insolvency General Rules lay out the standards for professional engagement which every trustee is required to maintain. As required by the Act, all Licensed Insolvency Trustees shall perform their

duties in an honest and impartial manner and demonstrate respect for key moral principles that include honesty, fairness, equality, dignity, diversity and individual rights.

It is a very challenging role for a trustee to play “referee” between two different teams in a highly volatile insolvency “game” using one set of rules set by the federal Bankruptcy and Insolvency Act to ensure fairness for all parties. Nonetheless, they are bound by both the spirit and the letter of the law to make sure that the rules are followed in a consistent and reliable fashion by both creditors and debtors.

So, while a trustee does represent your interests as a debtor, they are representing your creditors’ interests as well. Their role is to ensure a fair and just process for all involved. At the most basic level their duties to both debtors and creditors include:

- Ensuring that you (the debtor) are aware of all the formal and informal options that are available to you to deal with your debts.
- Provide information about consumer proposals, the bankruptcy filing processes, and other debt relief options and to properly explain the probable consequences of each so you can make a well-informed decision.
- Make sure to conduct a thorough assessment of your entire financial situation and address any unique aspect that can affect your situation.
- Make sure that all rules and other requirements of the Bankruptcy & Insolvency Act (BIA) are complied with.
- Thoroughly examine the validity and accuracy of your creditor’s claims.
- Provide an objective and qualified evaluation of your assets for the protection of everyone’s interests.
- In the case of a proposal, help you try to negotiate a fair settlement with your creditors.
- Analyze your proposal with a view to ensuring that it is also of benefit to your creditors, as well as yourself. This is often what counts the most in getting your settlement offer accepted by your creditors.

In the event that any stakeholder feels aggrieved by the actions or decisions of a LIT there are resources available either through the Courts or the OSB.

3 - A Licensed Insolvency Trustee Will Always Go Through Your Full List of Options

Licensed Insolvency Trustees do not simply look at a debtor's financial situation in a one-dimensional perspective and then dismissively assume they will file for bankruptcy. They will not and cannot force anyone to file for bankruptcy because they are ethically and legally required to fully assess your situation and explain all available debt relief options, so you can find the best solution available to you. In the end, the choice is always yours.

The Superintendent of Bankruptcy's Directive 6R3 of the Bankruptcy and Insolvency Act (Assessment of an Individual Debtor) states specifically what is to be discussed with a debtor who is considering their options. Under this directive, all Licensed Insolvency Trustees must discuss both the formal and informal options for getting out of debt. These will include:

- Formal options - bankruptcy and consumer proposal
- Informal options - consolidation loans, debt relief services, like credit counselling or debt settlement from a reputable organization, Repayment Assistance Plan (RAP) for student loan debts and the appeal remedies available under the various tax laws.

When you meet with a Licensed Insolvency Trustee for the first time he will carry out a professional financial review of your debt situation. He will go over your income, assets and expenses, as well as your current debt load to help you understand your situation. Once you have an accurate understanding of your overall financial picture, you should be able to figure out the best options to get out of debt based on your current financial resources, your budget and your long term goals.

When you determine that informal options are not applicable to your situation and that you are indeed insolvent, the Licensed Insolvency Trustee is required to make certain if a consumer proposal is a viable option for you, as an alternative to bankruptcy. According to the most current statistics on personal bankruptcy and consumer proposal filings published by the OSB, consumer proposal filings make up over 40% of filings, thus clearly showing how Licensed Insolvency Trustees can help insolvent debtors to avoid bankruptcy, which the vast majority of people would prefer.

Obviously, most people don't need to file for a bankruptcy, but they do need a truly informative source to explain all their options. What we see happening often in the industry, however, are non-licensed debt consultants leading people into solutions that incur additional, and unnecessary, fees instead of helping to find the real solution. This is what you need to be very careful of, especially when you find yourself becoming increasingly desperate to find a way out.

This is why seeing a Licensed Insolvency Trustee is so important. If there are other options applicable to your situation, rest assured that the LIT will let you know what those options are, but the decision will remain in your hands.

The truth is that bankruptcy is not a solution for everyone, in the same way that filing a consumer proposal or enrolling in a debt management plan is not for everyone. All the debt relief options, both formal and informal, can be good options for some people in certain situations. There is certainly no one-size-fits-all solution.

That is why you need to talk to a Licensed Insolvency Trustee to help you understand Canada's debt regulations and explain all of your options. Only when you understand all of your options can you truly make a fully informed decision.



4 - You Should Never Have to Pay to Be Referred to a Licensed Insolvency Trustee

If your debts have become a real problem, for instance if collection agencies are calling you at home or at work, or your wages are being garnished, or maybe you are starting to experience stress-related physical or relationship problems, you need to contact a Licensed Insolvency Trustee. You need to know what you can do to stop this downward slide.

Most Licensed Insolvency Trustees will give you a FREE CONSULTATION and you will not be obliged to use their services. There is no risk for you to take, it won't cost you a penny (that's what free means), it is confidential and it can be done at your convenience.

In too many cases, vulnerable debtors have been deceived by advertisements that lead them to pay unnecessary fees to some consultants for services that can only be accomplished by an insolvency trustee. These non-trustee's claim that they can help an individual file a consumer proposal and ask payment for preparing forms, only to refer the unsuspecting victim to a licensed trustee who will actually do all of the work.

You should never have to pay simply to be referred to a Licensed Insolvency Trustee!

Be very careful! Remember credit consultation generally is an unregulated industry. While there are many debt counsellors who are very ethical, there are also a number that are only out to get your money. If you meet with a credit consultant and you have doubts and concerns about the advice he or she has given you, then do not hesitate to get a second opinion before committing yourself to anything.

Keep in mind that a Licensed Insolvency Trustee is the only debt professional who can provide a complete range of financial solutions. Only licensed Trustees are given authority by the Federal Government to administer a bankruptcy or a consumer proposal. No other debt consultant can.

If you feel you need to go bankrupt or file a consumer proposal, then you have to use the services of an LIT. Don't waste your money, go directly to a reputable Licensed Insolvency Trustee in your area or city to get objective advice and look at all available options.

Be aware too that the services of a Trustee is not limited to just filing a consumer proposal or bankruptcy. They are also qualified professional debt consultants and can provide other debt relief services, such as:

- Debt counselling
- Make a proposal to your creditors to avoid bankruptcy
- Talk with your creditors on your behalf and arrange to get the best deal
- Negotiate debt settlement agreements



The Trustee will be able to advise you of the best solution to your particular situation and even help you avoid bankruptcy if possible. And that's what you want.

All activities of Licensed Insolvency Trustees are closely monitored by the Federal Government under the Bankruptcy and Insolvency Act (BIA) and they follow federal standards of practice. For instance, they all adhere to the same Code of Ethics for Trustees which outlines how they administer their services to individual debtors to ensure that they will all give the same quality of service no matter the social or professional standing of the debtor. Their fees and costs are mostly regulated by the government which means that they all charge the same amount that a debtor has to pay them no matter where they are located in Canada. In addition, the OSB regularly reviews the Trustee's accounts and operations in order to validate compliance with insolvency policies and regulations.

The first consultation with a Licensed Insolvency Trustee usually costs you nothing so you have nothing to lose by contacting an LIT and asking questions.

Everyone looking at resolving debt problems, especially if a proposal or bankruptcy seems likely, is entitled to obtain the advice of a lawyer before starting the process. A Licensed Insolvency Trustee, as an officer of the court, will remind you of this right and will support your doing so every time.

Having said that, however, we find that most people decline or are reluctant to see a lawyer. Perhaps it is simply a question of cost, or perhaps they look at their problems as financial and don't see the need to get legal advice. But whatever the case, the Licensed Insolvency Trustee will ensure that your rights are made known to you and are available.

5 - What You Tell the Trustee Is Confidential

It is always difficult to discuss sensitive financial information with anyone, but it is an unavoidable part of consulting with a debt professional. However, you can be assured that any information you divulge to a Licensed Insolvency Trustee will be kept private and confidential as they are bound by laws and rules that limit access or places restrictions on certain types of information concerning client insolvency.

The Code of Ethics for Trustees provides guidance and information to assist the Trustee on how to seek information and make enquiries into the affairs of the insolvent and how to deal with information that may be of a confidential nature. Under Rule 40 of The Code of Ethics, a Licensed Insolvency Trustee is prohibited from disclosing confidential information to the public concerning any professional engagement, except for certain conditions. They can only disclose private information if and only if:

- 1) The law requires it, or
- 2) It is authorized by the person to whom the confidential information relates.

In addition to the federal government, the Canadian Association of Insolvency and Restructuring Professionals (CAIRP), the national professional organization of Licensed Insolvency Trustees throughout Canada, also imposes its Rules of Professional Conduct on its members in order to advocate a fair, transparent, and effective system of insolvency/restructuring administration. Under Rule 5 of the CAIRP Rules of Professional Conduct, members have a duty of confidence to a client and shall not disclose or exploit any information obtained in the course of an engagement.

Added to these standards of practices, there are also federal and provincial laws governing the collection, use, disclosure and management of personal information in Canada that Trustees in your area are fully aware of.

So, while certain information must be collected from you and shared with certain parties in the course of consultation or in a bankruptcy or proposal proceeding, particularly with the Office of the Superintendent of Bankruptcy and your creditors, there are also policies and laws that will automatically protect you from anyone who may be in possession of your information.

The Licensed Insolvency Trustee will let you know what information he needs you to disclose, what information will be shared to other parties, and with whom the information will be shared.

Here's an idea of the information you will have to provide to your LIT to help them properly assess your situation for you.

1. Your assets

To fully analyze your financial situation, you must disclose all of your assets. This will include real estate, rental properties, motor vehicles, investments of all kinds (RRSP, RESP, etc.), and

valuable household goods and furnishings. The Trustee will ask for supporting documentation, such as your most recent RRSP statement, or a recent house appraisal if they are available.

2. Your total debts

During your first meeting, the Trustee will ask you to identify each of your debts.

- Credit card balances
- Medical debts
- Personal loans
- Unpaid income tax
- Mortgages
- Cell phone bills
- Utility bills
- Alimony/child support arrears
- Student loan debts
- Payday loans
- Auto loans
- Bank overdraft charges
- Other types of debts

The LIT will appreciate seeing your most recent invoices or statements.

3. Necessary personal information

Your basic personal information will be required, such as:

- Full Name
- Address
- Date of birth
- Occupation
- Name of employer
- Salary/Sources of Income
- Marital status
- Health status, particularly as it might affect income status
- SIN

As is standard procedure, the LIT will require you to provide additional information and/or documentation to support some details:

- Recent pay stub to confirm your salary or proof of other income
- Recent or upcoming change in your marital status
- Some details of any presently or previously owned company

4. Budget and monthly expenses

The LIT will want to get an accurate picture of your income and expenses. One of the obvious options you have to solve your debt problems is a Proposal, but the feasibility of doing one depends largely on your "cash flow": i.e your monthly income and expenses. It really helps if you have prepared a good monthly I&E analysis for the trustee's review.

5. Other relevant information that will affect your financial situation

- Any current or future additional income, including an inheritance, a performance bonus, a salary increase, a tax refund, or the future sale of a property.
- Any extraordinary payments made to one or more creditors during the last 12 months preceding the insolvency procedure.

- Any gifts of \$500 or more made to your family or to others in the past 5 years.
- Transfers or sale of assets that occurred in the past 5 years, especially in the past year.
- Any legal proceedings against you or any lawsuits you have filed.

It will be beneficial for both you and your creditors if you demonstrate transparency and freely declare any transaction that can help clarify your situation and give everyone a complete picture of your financial circumstances.

Most importantly, the only way a Licensed Insolvency Trustee can properly assess your situation and give you the correct and complete information you are looking for is if you answer all the questions as thoroughly as you can. Remember, your discussion is confidential within the meaning of the laws that cover all this.

6 - Licensed Insolvency Trustees Are Actually Concerned About Your Financial Welfare

In the three and a half decades I've been doing this work I don't remember ever meeting someone who actually wanted to go bankrupt. We at Richard Killen and Associates take pride in helping people solve their debt problems, especially if they also can do it without going through bankruptcy.

People don't create debt problems willingly. They just happen. True, ultimately the responsibility is always our own, and that probably accounts for the general feeling of guilt an honest person feels about being unable to pay their debts. However, there is a big difference between making mistakes and doing things on purpose. I have not met many people who created their debt problems on purpose. We at Richard Killen & Associates understand this.

We also know that you're not the first person who has found themselves in this kind of a financial bind. In fact, over the years we have helped thousands of people in exactly your kind of situation, so we know the solutions provided by the BIA work very effectively. The key, of course is to pick the right one for you. The information we give you should empower you to do exactly that.

You'll get factual information from your initial consultation with us. You'll find out what solutions are available to you at your first free appointment. The solutions we will review with you include:

- Self-help techniques if you can work it out on your own
- A debt consolidation loan or refinancing
- Completing a debt settlement program
- Enrolling in a debt management plan through a not for profit credit counsellor
- Filing a consumer proposal
- Filing for personal bankruptcy



This information will be very empowering. You'll get a new perspective of your situation and a certain peace of mind that might quickly lighten your emotional load.

You may discover that there are other better options than filing for bankruptcy – for instance, if you can access equity in your home, or get a debt consolidation loan.

You'll realize that it's not necessary to feel guilty or embarrassed to need some assistance. Like many of our customers, you may wish you had come to see us sooner.

Licensed Insolvency Trustees will never force you to file for bankruptcy or take any particular course of action. In fact, we never actually recommend a bankruptcy or proposal, that's up to you. You won't be pressured to choose an option. You are not obliged to return. You won't be asked to pay for anything until you actually go ahead with your choice of options and you will know exactly what that will cost before you do.

At the very least, you'll feel much better sharing your concerns with someone who can actually give you some real help and direction. Remember, knowledge is power, and your first consultation should be a very empowering experience. The vast majority of our customers say exactly that.

7 - How Do I Know If I Am Getting Good Advice from a Trustee?

Before you make that call and meet with a LIT, it's best to write down some questions you want to ask to make sure that you get all the answers you need.

Use this as a guide to ensure that you get the most out of the first meeting.

Do I have other options?

Many people who go to a Trustee have already assumed that bankruptcy is the only solution for them. Even if you go to a Trustee with this assumption, you will find out that there may be other ways to solve your debt problem. There are options other than bankruptcy and the Trustee is required by law and by ethics to make sure that you know them all. We always ask people to just keep an open mind.

In order to properly advise you of your options, expect the Trustee to ask you a series of questions: How much do you owe? Who do you owe them to? What assets do you own? How much money do you have coming in each month? How much do you spend each month? And so forth.

Make sure the Trustee has all the information he needs to make an accurate assessment of your situation and determine the best solution for you. Lay your cards on the table.

How much will all this cost me?

Remember that with Richard Killen & Associates, as with most trustees, your initial meeting is free. You will not be charged any fees until you actually file for any of our services. Any charges will be based on your situation and what option you choose.

At your initial consultation you will find out what each option will cost you in terms of:

- How much are the charges and fees involved?
- What assets will you lose, if any?
- How will each option affect you and other members of your family?
- How will each option affect your work or your business?
- What will you be required to do?

It's more a question of finding out what the tangible and intangible consequences for each option will be. Each option will have its own set of advantages and disadvantages. Make sure you fully understand what the trustee is telling you about it all.

What option should I take?

Ethics and the law do not permit Trustees to make a decision for you. We can tell you what we see as the likely consequences of each of your options, including a comparison of the effects based on your financial condition. Whether you proceed to use any of our services is up to you to decide. You may even choose to use the services of another Trustee, that's your call. You are on the driver's seat. You decide what direction you want your life to go.

When you call and meet with a Licensed Insolvency Trustee, all they can do is try to give you good, unbiased, professional advice to help you find the right solution for you and your family.

After asking all your questions and getting all your answers, think carefully about what the Trustee has said. Does it all make sense to you? Did you get clear answers to your questions? Did you feel he genuinely cared about your situation?

At Richard Killen and Associates, we not only explain things to you verbally, but we also give it to you in writing.

Trusting your gut feeling is often the best strategy. Comfort and trust level are important factors to consider, but remember this is your problem to solve. So do your homework. The decision is always yours.



Conclusion

If you can't pay your bills and can no longer manage your debts, don't feel you are alone and unable to do anything. We see many Canadians grappling with serious debt trouble every day. With personal debt levels continuing to hit record highs in this country, many more will reach this point at some time in their lives.

Avoiding the reality of it won't make your money problem go away. It will only increase your financial woes – and shoot up your anxiety levels. It's important to face the situation and deal with the problem. The longer you ignore your debts, the more you make the situation worse.

However, making a decision to manage your debt and gain control of your finances is not easy and is not one to be taken lightly. You want to make sure that you are well-informed before making any final decision.

Every person and every situation is different. There may be many options for you to consider, but not all of them will be the best one for you. That's why it is important to get good professional advice as soon as you can.

Licensed Insolvency Trustees are uniquely qualified professionals who can help you find the right solution. They will sit down with you to review your entire financial situation and explain all the debt solutions that are available, and will help to put together an acceptable, legally correct plan to get you out of debt. Solutions that work!

What's more a Licensed Insolvency Trustee:

- Has a solid base of knowledge and experience in the insolvency industry.
- Must comply with applicable legislation, policies and directives, which protect the public.
- Are subject to ongoing oversight by the federal government through regular reviews, audits and inspections to ensure that they follow standards of practice set forth in the Bankruptcy and Insolvency Act and the general rules included in the Code of Ethics for Trustees.
- Are subject to investigation and appropriate discipline from regulatory bodies.
- Can truly empower you to solve your debt problems in a dignified and responsible way.

75% of our customers have told us that the most difficult thing was just coming through our doors the first time. They also said that the best and most satisfying moment was the empowerment they felt the first time they left our office. That's what a free consultation can mean for you, too.



A call to Richard Killen and Associates may be the most stress relieving call you'll ever make!

Call us for a FREE Consultation

1-888-545-5365

Or Visit www.rkillen.ca