

**ONTARIO  
SUPERIOR COURT OF JUSTICE  
IN BANKRUPTCY AND INSOLVENCY**

IN THE MATTER OF THE BANKRUPTCY OF  
**ARLAN FRANCIS GALBRAITH**  
of the City of Waterloo, Province of Ontario.

**NOTICE OF MOTION**

James Wiersma, the Applicant Creditor herein will make a Motion to the Deputy Registrar in Bankruptcy on Wednesday, the 12<sup>th</sup> day of November, 2008 at 10:00 a.m., or as soon after that time as the Motion can be heard, at the London Courthouse, 8<sup>th</sup> Floor, 80 Dundas Street, London, Ontario.

**PROPOSED METHOD OF HEARING:** The motion is to be heard

- in writing under subrule 37.12.1(1) because it is (*insert one of*) on consent, unopposed *or* without notice;
- in writing as an opposed motion under subrule 37.12.1(4);
- orally;

**THE MOTION IS FOR:**

1. An order, if necessary, abridging or waiving the time for service, dispensing with service or validating the method of service, nunc pro tunc of this notice of motion, motion record;

2. An Order appointing an Interim Receiver of the property assets, undertaking, estate and effects, of the Debtor wheresoever located, pursuant to Section 46 of the Bankruptcy & Insolvency Act RSC 1985, c.B-3 as amended.
3. An Order staying all proceedings taken or that might be taken in respect of the property referred to herein;
4. An Order granting certain other ancillary relief;
5. Such further and other relief as to this Honourable Court may seem just.

**THE GROUNDS FOR THE MOTION ARE:**

1. The provisions of the Bankruptcy and Insolvency Act and in particular Sections 46 and Rule 77 of the General Rules, made under Canada Regulation 368, as amended
2. A Bankruptcy Application has been issued against the Debtor named herein.
3. The appointment of an Interim Receiver is necessary for the preservation of the Estate of the Debtor.
4. Such further and other relief as to this Honourable Court may seem fit and just.

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

1. The Affidavit of James Wiersma sworn November , 2008.
2. Such further and other material as may be necessary.

**DATED:** November 10, 2008

**COHEN HIGHLEY LLP**  
Lawyers  
One London Place  
255 Queens Avenue, 11th Floor  
London, Ontario N6A 5R8

Telephone: (519) 672-9330  
Facsimile: (519) 672-5960

**Frank A. Highley (LSUC No. 15200T)**  
Lawyers for the Applicant Creditor