

COURT FILE NUMBER 2003-00896

COURT COURT OF QUEEN'S BENCH OF ALBERTA

JUDICIAL CENTRE EDMONTON

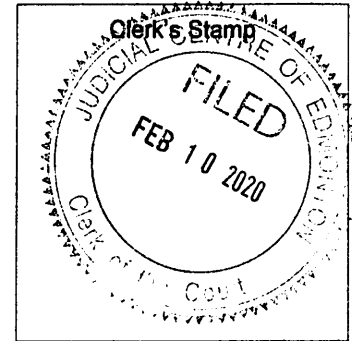
IN THE MATTER OF THE RECEIVERSHIP OF 1985301 ALBERTA LTD.

PLAINTIFF BANK OF MONTREAL

DEFENDANTS 1985301 ALBERTA LTD. and STUART REID

DOCUMENT APPLICATION (DISCHARGE OF RECEIVER)

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT BOSECKE LAW LLP
Attn: Sal Tinajero
102, 9333 - 47 ST NW
Edmonton, AB T6B 2R7
Tel: 780-469-0494
Fax: 780-469-4181
File no.: 214116



NOTICE TO RESPONDENTS:

See Service List attached hereto as Schedule "A"

This application is made against you. You are a respondent. You have the right to state your side of this matter before the master/judge.

To do so, you must be in Court when the application is heard as shown below:

Date: **February 20, 2020**
Time: **10:00am**
Where: **1A Sir Winston Churchill Square, Edmonton AB, T5J 0R2**
Before Whom: **The Honourable Justice J.S. Little**

Go to the end of this document to see what else you can do and when you must do it.

Remedy claimed or sought:

1. The Application, 1985031 Alberta Ltd. ("198") seeks an Order:

- a. abridging the time for service and filing this Application and supporting materials is good and sufficient;
- b. substantially in the form attached hereto as Schedule "A" discharging BDO Canada Limited as Court-appointed receiver (the "Receiver") of 1985301 Alberta Ltd.
- c. Such further and other relief as this Honourable Court may deem just and necessary.

Grounds for making this application:

1. The only substantial asset of 198 is a four-storey apartment complex currently under construction and located at 9662 – 82nd Avenue NW, Edmonton Alberta, and its legal description being:

LOTS 1 TO 3
BLOCK 16
PLAN 4575S
EXCEPTING THEREOUT ALL MINES AND MINERALS

(the "Lands")

2. On January 24, 2020, on application by the Bank of Montreal ("BMO") and pursuant to a Receivership Order granted by Associate Chief Justice K.G. Nielsen (the "Receivership Order"), BDO was appointed as Receiver, without security, of all of 198's current and future assets, undertakings and properties of every nature and kind whatsoever, and wherever situated, including all proceeds thereof.
3. At the time the Receivership Order was granted, BMO was owed \$2,028,795.04 plus interest charged at prime plus 1.25% per annum (the "BMO Debt"). To secure the BMO Debt, BMO held a first priority mortgage against the Lands and a security interest over all present and after acquired personal property of 198.
4. On January 30, 2020, 198 repaid the entire amount of the BMO Debt.
5. The only remaining charges against the Lands are four builders' liens totaling \$842,382, all of which 198 disputes.
6. The appraised value of the Lands, as if completed and stabilized, will be \$6,800,000.00.
7. The Canadian Mortgage Housing Corporation has agreed to insure a mortgage loan secured against Lands in the amount of \$5,217,037.50.
8. The costs-to-complete the development on the Lands are estimated to be approximately \$400,000.00.
9. BDO has satisfied its role as Receiver and there are no more assets to be distributed.
10. All interested parties are well protected.
11. Such further and other grounds and counsel for 198 may advise.

Material or evidence to be relied on:

12. The pleadings and proceedings had and taken in this action.
13. The Affidavit of Stuart William Reid, sworn on February 8, 2020.
14. The Affidavit of Value of Pawel Martyniak.
15. The Affidavit of Chris Holden.
16. Such further and other materials as Counsel may advise and this Honourable Court may permit.

Applicable rules:

17. *Alberta Rules of Court*;
18. *Bankruptcy and Insolvency General Rules*.
19. Such further and other rules as counsel may advise and this Honourable Court may permit.

Applicable Acts and regulations:

20. *Bankruptcy and Insolvency Act*, RSC, c B-3.
21. *Business Corporations Act*, RSA 2000, c B-9.
22. *Judicature Act*, RSA 2000, c J-2.
23. *Personal Property Security Act*, RSA 2000, c P-7.
24. Such further and other acts and regulations as Counsel may advise and this Honourable Court may permit.

Any irregularity complained of or objection relied on:

25. None

How the application is proposed to be heard or considered:

26. In person, before the Honourable Justice J.S. Little.

WARNING

If you do not come to Court either in person or by your lawyer, the Court may give the applicant(s) what they want in your absence. You will be bound by any order that the Court makes. If you want to take part in this application, you or your lawyer must attend in Court on the date and at the time shown at the beginning of the form. If you intend to give evidence in response to the application, you must reply by filing an affidavit or other evidence with the Court and serving a copy of that affidavit or other evidence on the applicant(s) a reasonable time before the application is to be heard or considered.

SCHEDULE "A"

COURT FILE NUMBER 2003-00896

COURT COURT OF QUEEN'S BENCH OF ALBERTA

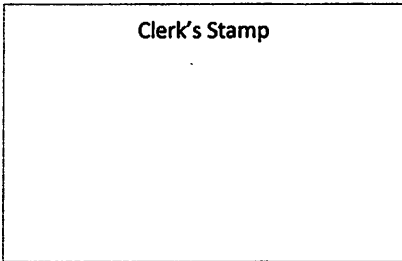
JUDICIAL CENTRE EDMONTON

PLAINTIFF BANK OF MONTREAL

DEFENDANTS 1985301 ALBERTA LTD. and STUART REID

DOCUMENT **ORDER DISCHARGING RECEIVER**

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT BOSECKE LAW LLP
Attn: Sal Tinajero
102, 9333 - 47 ST NW
Edmonton, AB T6B 2R7
Tel: 780-469-0494
Fax: 780-469-4181
File no.: 214116



DATE OF THIS ORDER: FEBRUARY 20, 2020

LOCATION WHERE ORDER WAS PRONOUNCED: EDMONTON

NAME OF JUDGE WHO MADE THIS ORDER: J.S. LITTLE

UPON THE APPLICATION of 1985301 Alberta Ltd. for an Order discharging BDO Canada Limited as the Court-appointed receiver (the "Receiver") of the undertaking, property and assets of 1985301 Alberta Ltd. for a discharge of the Receiver AND UPON having read the Affidavit of Stuart William Reid, Sworn February 10, 2020, the Affidavit of Value of Pawel Martyniak, and the Affidavit of Chris Holden; AND UPON hearing counsel for the 1985301 Alberta Ltd. and counsel for the Receiver, counsel for various creditors; AND UPON being satisfied that it is appropriate to do so, IT IS ORDERED THAT:

1. Service of notice of this application and supporting materials is hereby declared to be good and sufficient, and no other person is required to have been served with notice of this application, and time for service of this application is abridged to that actually given;
2. The Receiver's accounts for fees and disbursements, are hereby approved in the amount of \$ _____.
3. The Receiver's legal counsel, Brownlee LLP, shall have its reasonable legal fees, in an amount to be reviewed by a Taxation Offer.

4. On the evidence before the Court, the Receiver has satisfied its obligations under and pursuant to the terms of the Orders granted in the within proceedings up to and including the date hereof, and the Receiver shall not be liable for any act or omission on its part including, without limitation, any act or omission pertaining to the discharge of its duties in the within proceedings, save and except for any liability arising out of any in fraud, gross negligence or willful misconduct on the part of the Receiver, or with leave of the Court. Subject to the foregoing any claims against the Receiver in connection with the performance of its duties are hereby stayed, extinguished and forever barred.
5. No action or other proceedings shall be commenced against the Receiver in any way arising from or related to its capacity or conduct as Receiver, except with prior leave of this Court on Notice to the Receiver, and upon such terms as this Court may direct.
6. Upon the Receiver filing with the Clerk of the Court a sworn Affidavit of a licensed Trustee employed by the Receiver confirming that:
 - (a) All matters set out in this Order have been completed,then the Receiver shall be discharged as Receiver of the Debtor, provided however, that notwithstanding its discharge herein (a) the Receiver shall remain Receiver for the performance of such incidental duties as may be required to complete the administration of the receivership herein, and (b) the Receiver shall continue to have the benefit of the provisions of all Orders made in this proceeding, including all approvals, protections and stays of proceedings in favour of the Receiver in its capacity as Receiver.
7. This Order must be served only upon those interested parties attending or represented at the within application and service may be effected by Facsimile, electronic mail, personal delivery or courier. Service is deemed to be effected the next business day following the transmission or delivery of such documents.
8. Service of this Order on any party not attending this application is hereby dispensed with.

Justice of the Court of Queen's Bench of
Alberta

SCHEDULE "B"

SERVICE LIST

**Bank of Montreal v. 1985301 Alberta Ltd.
and Stuart Reid**

QB Action No. 2003 00986

Name	Address
Canada Revenue Agency	Canada Revenue Agency 10, 9700 Jasper Avenue Edmonton, AB T5J 4C8
Bank of Montreal	C/O Dentons Canada LLP 2500 Stantec Tower 10220 – 103 Avenue NW Edmonton, AB T5J 0K4 Attention: Dean Hitesman Email: dean.hitesman@dentons.com
Eko Wall Systems Ltd. Builders Lien No. 192 248 215	Eko Wall Systems Ltd. c/o Stillman LLP 100, 1740 Stony Plain Road Edmonton, AB T5S 1K6 Attention: Erin Vanderveen Email: evanderveen@stillmanllp.com
Western Roof Renew Ltd. Builders Lien No. 192 258 194	Western Roof Renew Ltd. c/o Insight Law LLP 100, 17420 Stony Plain Road Edmonton, AB T5J 1V9 Attention: Brian K. Horak Email: brian@insightlaw.ca
1722353 Alberta Ltd. Builders Lien No. 192 259 353	1722353 Alberta Ltd. c/o Oviatt Law 401, 10408 124 Street Edmonton, AB T5N 1R5 Attention: Jonathan Williams Slader Oviatt Email: slader@oviattlaw.com
Fast Fence Rentals Ltd. Builders Lien No. 192 263 477	Fast Fence Rentals Ltd. c/o Witten LLP 2500, 10303 Jasper Avenue Edmonton, AB T5J 3N6 Attention: Riley R Snider Email: rsnider@wittenlaw.com File 107046-19RRS

<p>BDO Canada Limited Receiver</p>	<p>BDO Canada Limited 9897 34 Avenue NW Edmonton, AB T6E 5X9</p> <p>Attention: David Lewis Email: dlewis@bdo.ca</p>
<p>Brownlee LLP – Legal Counsel for BDO Canada Limited</p>	<p>Brownlee LLP 2200 Commerce Place 10155 -102 Street Edmonton, AB T5J 4G8</p> <p>Attention: Michael Coombs Email: mcoombs@brownleelaw.com</p> <p>Attention: Dan Peskett Email: dpeskett@brownleelaw.com</p>