

**SUPREME COURT OF NOVA SCOTIA
IN BANKRUPTCY AND INSOLVENCY**

In the Matter of the Receivership of 4499127 Nova Scotia Limited

BETWEEN:

Express Mortgage Corporation Limited

Applicant

- and -

4499127 Nova Scotia Limited

Respondent

NOTICE OF APPLICATION IN CHAMBERS

To: Service List attached at Schedule "A"

The Applicant requests an Order against you

The Applicant, Express Mortgage Corporation Limited ("**EMC**"), is applying to the Supreme Court of Nova Scotia for the following relief:

1. an Order appointing BDO Canada Limited ("**BDO**") as Receiver and Manager, pursuant to s. 243 of the *Bankruptcy and Insolvency Act*, RSC 1985, c. B-3, as amended ("the **BIA**"), and s. 43(9) of the *Judicature Act*, R.S.N.S. 1989, c. 240 (the "**Judicature Act**"), over the assets, undertakings, and properties of 4499127 Nova Scotia Limited (the "**Company**") acquired for, or used in relation to business carried on by the Company, including all proceeds thereof.

If the above-noted Order appointing BDO as Receiver and Manager of the Company is granted, the Applicant then immediately seeks Order(s) for the following relief:

2. approving the sale of certain real property of the Company, to be completed by BDO in its capacity as Receiver (the "**Proposed Sales**"), contemplated by agreements of purchase of sale respecting the real property of the Company located at 5 Summer Hill Place Lot 33-A and 10 Summer Hill Place, Lot 30-B (the "**Subject Properties**"), and authorizing and directing the BDO to complete the Proposed Sales in accordance with the terms of the respective agreements of purchase of sale;
3. approving the vesting and transfer of each of the Subject Properties in and to the proposed purchasers, free and clear of any encumbrances and claims; and

4. approving the actions and activities of BDO as set out in the Pre-Filing Report dated October 14, 2025 (the “**BDO Report**”).

The Applicant started this application by filing this notice on the date certified by the Prothonotary.

Grounds for order

The Applicant is applying for the order on the following grounds:

Credit Facilities and Security

1. EMC is a Nova Scotia limited company with a registered address located at 6134 Pepperell Street in Halifax, Nova Scotia. EMC carries on a business as a private lender and provides commercial and residential mortgage-based financing.
2. The Company is a Nova Scotia limited company with a registered office located at 12 Summer Hill Place in Upper Onslow, Nova Scotia. The Company is in the business of residential real estate development and is developing a residential community known as “The Willows”, located in Upper Onslow, Colchester County, Nova Scotia. The Company is currently the registered owner of eighteen (18) properties in connection with this development (collectively, the “**Properties**”).
3. EMC provided credit facilities to the Company through various loans and agreements in 2023 and 2024. The Company’s current indebtedness to EMC is subject to an amended and restated loan agreement dated July 31, 2024 (the “**2024 A&R Loan Agreement**”). Pursuant to the 2024 A&R Loan Agreement, the Company was indebted to EMC in respect of loans and advances, interest and other charges, less certain repayments made by the Company, for a total loan balance owing of \$2,986,500 (the “**Loan**”).
4. The Loan is secured by the following:
 - (a) a general security agreement made by the Company in favour of EMC dated October 20, 2023;
 - (b) a general security agreement made by Helen J. Craig, William W. Craig and David J. Pomeroy (collectively, the “**Personal Guarantors**”) in favour of EMC dated October 20, 2023;
 - (c) a collateral mortgage dated November 9, 2023 (the “**Mortgage**”), as amended, in the principal amount of \$3,197,000 made by the Company, as mortgagor, and the Personal Guarantors, as guarantors, in favour of EMC, charging the eighteen Properties;
 - (d) an assignment of rents dated November 9, 2023 made by the Company in favour of EMC, charging the eighteen Properties;
 - (e) an assignment of material documents dated November 9, 2023 made by the Company in favour of EMC;
 - (f) an assignment of insurance dated November 9, 2023 made by the Company in favour of EMC;

- (g) a cost overrun and completion guarantee agreement dated November 9, 2023 made by the Company and Personal Guarantors in favour of EMC;
- (h) a guarantee and indemnity dated November 9, 2023 made by Helen J. Craig in favour of EMC;
- (i) a guarantee and indemnity dated November 9, 2023 made by William W. Craig in favour of EMC;
- (j) a guarantee and indemnity dated November 9, 2023 made by David J. Pomeroy in favour of EMC;
- (k) a postponement agreement November 9, 2023 made by the Personal Guarantors in favour of EMC; and
- (l) a security acknowledgment agreement made by the Company and Personal Guarantors in favour of EMC dated November 28, 2023,

(collectively, the “**Security**”).

Defaults

- 2. The Company is in default under the Loan as, among other things:
 - (a) the Company failed to make the required interest payments under the 2024 A&R Loan Agreement;
 - (b) a second mortgage in assignment of rents and lease in favour of Graysbrook Capital Ltd. has been registered against the Properties without the consent of EMC, contrary to the terms of the 2024 A&R Loan Agreement; and
 - (c) several claims for builder’s liens have been registered against the Properties.
- 3. EMC issued a demand for repayment on March 11, 2025, seeking repayment from the Company of the total amount outstanding from the Company to EMC, together with a notice of intention to enforce a security pursuant to section 244 of the BIA. EMC also issued a demand for repayment and notice of intention to enforce a security to each of the Personal Guarantors on March 11, 2025.
- 4. To date, the Company has failed to pay the amounts outstanding and has no prospect of doing so. The Company has not cured its other defaults under the 2024 A&R Loan Agreement.
- 5. As of October 1, 2025, the total indebtedness owing by the Company to EMC is \$2,540,781.80 plus EMC’s costs of enforcement, with daily interest and costs continuing to accrue.

Appointment of a Receiver

- 6. If appointed, BDO has agreed to act as receiver and manager over the assets, undertakings, and properties of the Company acquired for, or used in relation to a

business carried on by the Company, including all proceeds thereof, pursuant to s. 243 of the BIA and s. 43(9) of the *Judicature Act*.

7. The Applicant brings this application for the appointment of BDO as receiver and manager over all of the assets, undertakings and properties of the Company, pursuant to s. 243 of the BIA and s. 43(9) of the *Judicature Act*.

Sale Approval

8. BDO has entered into agreements of purchase and sale for the Proposed Sales.
9. If appointed as court-appointed Receiver and Manager over the assets, undertakings, and properties of the Company, EMC immediately seeks orders approving the Proposed Sales for the reasons set out in the BDO Report.
10. EMC has reviewed the sales price and agreements of purchase and sale for the Proposed Sales and supports the Proposed Sales.
11. An order approving the vesting and transfer of each of the Subject Properties in and to the proposed purchasers, free and clear of any claim, is required in order for BDO to complete the Proposed Sales.

Other

12. BDO's activities as privately appointed receiver of the Company are set out in the BDO Report.
13. The Applicant relies on the following legislation, Rules or points of law:
 - (a) the BIA;
 - (b) the timelines as set out in the *Bankruptcy and Insolvency General Rules*, Can. Reg. 368 (the "**BIA Rules**"), and the four (4) days of notice as required under BIA Rule 6;
 - (c) the *Judicature Act*;
 - (d) the *Civil Procedure Rules* of Nova Scotia; and
 - (e) such further and other grounds as counsel may advise and this Court may permit.

Evidence supporting application

The Applicant offers the following affidavits in support of the application:

- Affidavit of Jo-Anne Nozick to be sworn and filed;
- Solicitor's Affidavit of David Wedlake sworn on October 10, 2025 and filed with this notice; and
- Pre-Filing Report of BDO Canada Limited dated October 14, 2025.

A copy of each affidavit is to be delivered to you with this notice, and further affidavits may be delivered before the deadlines provided in the BIA and the *Civil Procedure Rules*.

You may participate

You may file with the Court a Notice of Contest, and any affidavits upon which you rely, pursuant to the BIA Rules. Filing the Notice of Contest entitles you to notice of further steps in the application, including notice of further affidavits.

Time, date, and place

The application is to be heard by a judge in chambers at 9:30 a.m. on Tuesday, October 21, 2025 at the Law Courts, 1815 Upper Water Street, Halifax, Nova Scotia. You have the right to be present and to be represented by counsel or to act on your own. If you are not present, the judge may proceed without you.

Possible order against you

The judge may grant a final order on the application without further notice to you if you fail to deliver your Notice of Contest on time, or if you or your counsel fail to appear in chambers at the above time, date and place.

Filing and delivering documents

Any documents you file with the Court must be filed at the office of the Prothonotary, 1815 Upper Water Street, Halifax, Nova Scotia (telephone #902-424-6900).

When you file a document you must immediately deliver a copy of it to each other party entitled to notice, unless the document is part of an *ex parte* motion, the parties agree delivery is not required, or a judge orders it is not required.

Contact information

The Applicant designates the following address:

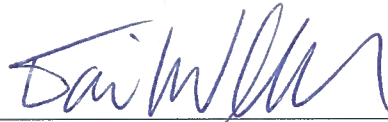
David Wedlake
Stewart McKelvey
600-1741 Lower Water Street
Halifax, NS B3J 0J2

Documents delivered to this address are considered received by the Applicant.

Further contact information is available from the Prothonotary.

Signature

Signed October 14, 2025.



David Wedlake
Stewart McKelvey
600-1741 Lower Water Street
Halifax, NS B3J 0J2
Telephone: 902.444.1705
Facsimile: 902.420.1417
Counsel for the Applicant,
Express Mortgage Corporation Limited

Prothonotary's certificate

I certify that this Notice of Application was filed with the Court on _____, 2025.

Prothonotary

Schedule “A” – Service List

Party	Contact
<p>4499127 Nova Scotia Limited 12 Summer Hill Place Upper Onslow, NS, B6I 0G8,</p> <p>Helen J. Craig William W. Craig David J. Pomeroy</p>	<p>Helen J. Craig William W. Craig Email: helenjcraig@hotmail.com</p> <p>David J. Pomeroy Email: djpomeroy@gmail.com</p>
<p>Express Mortgage Corporation Limited 6134 Pepperell Street Halifax, NS B3H 2N9</p>	<p>Roy Argand Email: roy.argand@gmail.com</p> <p>Stewart McKelvey 600-1741 Lower Water Street Halifax, NS B3J 0J2</p> <p>David Wedlake Email: dwedlake@stewartmckelvey.com</p>
<p>BDO Canada Limited, as proposed Receiver 6940 Mumford Road, Suite 510 Halifax, NS B3L 0B7</p>	<p>Neil Jones Email: nejones@bdo.ca</p> <p>BoyneClarke LLP 99 Wyse Road, Unit 600 Dartmouth, NS B3A 4S5</p> <p>Josh Santimaw Email: JSantimaw@boyneclarke.ca</p>
<p>Graysbrook Capital Limited 350-7105 Chebucto Road Halifax, NS B3L 4W8</p>	<p>Burchill Wickwire Bryson LLP 1801 Hollis Street, Suite 1900 Halifax, NS B3J 3N4</p> <p>Andrew Rankin Email: arankin@bwblp.ca</p>
<p>Canada Revenue Agency Insolvency Intake Centre Shawinigan – Sud National Verification and Collections Centre 4695 Shawinigan-Sud Boulevard Shawinigan, QC G9P 5H9</p>	<p>Fax: 1-833-697-2390</p>

Party	Contact
Superintendent of Bankruptcy Office of the Superintendent of Bankruptcy 1505 Barrington Street, Suite 1605 Halifax, NS B3J 3K5	Email: osbservice-bsfservice@ised-isde.gc.ca
BDJ Concrete Services Incorporated 72 Pleasant Brook Road Pleasant Valley, NS B0N 1C0	Jennifer D. Hill, Recognized Agent Email: bdjconcrete@outlook.com Pineo Litigation Services PO Box 103 Middle Musquodoboit, NS B0N 1X0 Robert Pineo Email: rob@pineolitigation.ca
Don Groves & Son Construction Limited 334 Onslow Road Upper Onslow, NS B6L 5K9	Burchell MacDougall LLP 710 Prince Street Truro NS B2N 5H1 Greg Mullen Email: gmullen@burchellmacdougall.com
High Tide Building Centres Limited 451 Pictou Road Bible Hill, NS B2N 2T9	Jennifer J. Hamilton Upham, Recognized Agent Email: jupham@pattersonlaw.ca Patterson Law 10 Church Street Truro, NS B2N 3Z6 Paul Wadden Email: pwadden@pattersonlaw.ca
Hub Well Drilling Limited 1023 Salmon River Road Salmon River, NS B6L 4C5	Brian Johnson, Recognized Agent Email: contact@hubwelldrilling.ca Archibald & Lederman 43 Walker Street Truro, NS B2N 4A8 Peter Lederman Email: PLederman@ArchibaldLederman.ca

Party	Contact
S. Sorensen Electric Company Limited 1 Masons Point Road Head of St. Margarets Bay, NS B3X 1Y9	Pink Larkin 1463 South Park Street, Suite 201 Halifax, NS B3J 3S9 Nathan Sutherland Email: nsutherland@pinklarkin.com
Truro Heating & Ventilation Limited 71 Brunswick Street Truro, NS B2N 2G8	Ronald McNutt, Recognized Agent Email: ronmcnutt38@hotmail.com Archibald & Lederman 43 Walker Street Truro, NS B2N 4A8 Peter Lederman Email: PLederman@ArchibaldLederman.ca
Quality Concrete Inc. 20 Macdonald Avenue Dartmouth, NS B3B 1C5	Stewart McKelvey 600-1741 Lower Water Street Halifax, NS B3J 0J2 Calvin DeWolfe Email: cdewolfe@stewartmckelvey.com

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