

COURT FILE NUMBER KGB-SA-01031- 2024

Clerk's  
Stamp

COURT OF KING'S BENCH FOR SASKATCHEWAN

JUDICIAL CENTRE SASKATOON

APPLICANT **CANADIAN IMPERIAL BANK OF  
COMMERCE**

RESPONDENTS **CUSTOM AGRICULTURAL INTELLIGENCE  
INCORPORATED, GREEN CHEM  
CONSULTANTS INC., BERMMAN  
MICRONUTRIENT INCORPORATED and  
BERMMAN HAVEN INCORPORATED**

**IN THE MATTER OF THE RECEIVERSHIP OF CUSTOM AGRICULTURAL  
INTELLIGENCE INCORPORATED, GREEN CHEM CONSULTANTS INC.,  
BERMMAN MICRONUTRIENT INCORPORATED and BERMMAN HAVEN  
INCORPORATED**

**NOTICE OF APPLICATION**

**NOTICE TO RECIPIENTS LISTED IN THE SERVICE LIST**

This Application is made against you. You are a Respondent. You have the right to state your side of this matter before the Court.

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

Where **Court of King's Bench  
520 Spadina Crescent, Saskatoon, Saskatchewan, Canada**

Date **Thursday, March 6, 2025**

Time **10:00 a.m.**

**Remedy claimed or sought:**

1. The Applicant, Canadian Imperial Bank of Commerce (“**CIBC**”), requests the following relief:

(a) A Second Amended and Restated Receivership Order:

(i) Appointing the Receiver, BDO Canada Limited, over the following additional real property legally described as:

Surface Parcel #203017643, Reference Land Description: Blk/Par A Plan No 102162765 Extension 0;

Surface Parcel #111656055, Reference Land Description: Blk/Par C Plan No 101350370 Extension 10; and

Surface Parcel #111656066, Reference Land Description: Blk/Par D Plan No 101350370 Extension 11;

(the “**Lands**”).

**Grounds for making this application:**

2. By Originating Application dated August 16, 2024 and heard on September 5, 2024, the Court of King’s Bench granted an Interim Receivership Order over all of the real and personal property of Custom Agricultural Intelligence Incorporated, Green Chem Consultants Inc., Bermman Micronutrient Incorporated and Bermman Haven Incorporated (the “**Custom Ag Group**”) other than lands legally described as Surface Parcel #203017643, Reference Land Description: Blk/Par A Plan No 102162765 Extension 0 (“**Parcel A**”), except for the limited purposes of reviewing inventory contained on the lands.

3. By Originating Application dated August 16, 2024 and heard on October 4, 2024, the Court of King’s Bench granted an Amended and Restated Receivership Order Pursuant to section 243(1) of the *Bankruptcy and Insolvency Act*, RSC 1985, c B-3 (“**BIA**”), section 64(8) of *The Personal Property Security Act*, 1993, SS 1993, c P-6.2 (the “**PPSA**”), and section 10-15(1) of *The King’s Bench Act*, SS 2023, c 28, appointing BDO Canada Limited (“**BDO**”) as Receiver over all of the real and personal property of the Custom Ag Group other than Parcel

A, except for the limited purposes of reviewing inventory contained on the lands (the “**Amended and Restated Receivership Order**”).

4. Concurrently with applying for the Amended and Restated Receivership Order, CIBC commenced a foreclosure action against Custom Agriculture Intelligence Incorporated (“**CAII**”) in KBG-SA-01572-2024 in the Judicial Centre of Saskatoon, for the purpose of enforcing its security against the Lands owned by CAII. As the Lands were considered farmland for the purposes of *The Saskatchewan Farm Security Act*, SS 1998-99, cS-17.1 (the “*SFSA*”), the Lands could not originally be included as property that the Receiver had power and control over pursuant to the Amended and Restated Receivership Order, as leave to commence the foreclosure action had to first be obtained by CIBC pursuant to section 11 of the *SFSA*.

5. CAII and CIBC proceeded through the *SFSA* mediation process resulting in the Farm Land Security Board authoring a court report. Thereafter, on December 5, 2024, an application for leave to commence and dispense with the requirements of the *SFSA* was brought by CIBC with respect to the Lands.

6. On December 6, 2024, counsel for CAII consented to the form of Order granting leave to commence foreclosure on the Lands. The Order was granted by Justice K.L. Zerr on December 18, 2024, noting the consent of the parties.

7. As the Lands are no longer subject to the provisions of the *SFSA*, CIBC submits that the most expedient and cost effective manner to proceed is to request this Honourable to grant a Second Amended and Restated Receivership Order, allowing the Receiver to control the Lands for the purpose of selling the same through the court appointed receivership proceedings to recover the secured debt owing to CIBC.

**Material or evidence to be relied on:**

8. The Applicant relies on the following documentation:

- (a) This Notice of Application;
- (b) Affidavit of Akriti Bhatnagar sworn February 20, 2025

- (c) Draft Second Amended and Restated Receivership Order
- (d) Brief of Law (to be filed); and,
- (e) Such further and other material as counsel may request and this Honourable Court may allow.

**Applicable rules:**

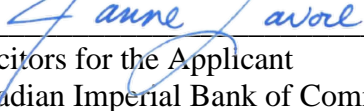
- 9. Rule 1-3 of *The King's Bench Rules*

**Applicable Acts and Regulations:**

- 10. *The Bankruptcy and Insolvency Act*, R.S.C. 1985, c. B-3, s. 243;
- 11. *The King's Bench Act*, SS 2023, c 28, S. 10-15; and,
- 12. *The Personal Property Security Act, 1993*, c P-6.2, s. 68.

DATED at Saskatoon, Saskatchewan, this 20<sup>th</sup> day of February, 2025.

**McKERCHER LLP**

Per:   
Solicitors for the Applicant  
Canadian Imperial Bank of Commerce

**NOTICE**

**If you do not come to Court either in person or by your lawyer, the Court may give the applicants 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 rely on an Affidavit or other evidence when the application is heard or considered, you must reply by giving reasonable notice of the material to the applicant.**

**CONTACT INFORMATION AND ADDRESS FOR SERVICE**

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