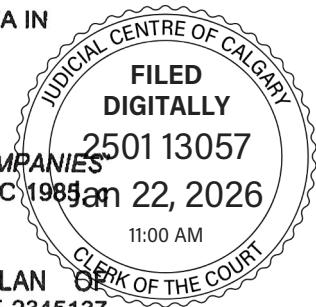


COURT FILE NUMBER 2501-13057  
COURT COURT OF KING'S BENCH OF ALBERTA IN  
BANKRUPTCY AND INSOLVENCY  
JUDICIAL CENTRE CALGARY



IN THE MATTER OF THE COMPANIES  
CREDITORS ARRANGEMENT ACT, RSC 1985  
C-36, as amended

AND IN THE MATTER OF A PLAN OF  
COMPROMISE OR ARRANGEMENT OF 2345137  
ALBERTA LTD., 2351497 ALBERTA LTD., 2497902  
ALBERTA LTD., SUMMIT S AUTO LTD., SUMMIT  
V AUTO LTD., MK AUTO K-M LTD., 2437342  
ALBERTA LTD., 1972207 ALBERTA LTD., 1175104  
B.C. LTD., 1262113 B.C. LTD., AND 1272986 B.C.  
LTD.

APPLICANT BANK OF MONTREAL

DOCUMENT AFFIDAVIT

ADDRESS FOR SERVICE AND  
CONTACT INFORMATION OF  
PARTY FILING THIS DOCUMENT

**DLA PIPER (CANADA) LLP**  
Barristers and Solicitors  
Suite 2700, Stantec Tower  
10220 103 Avenue NW  
Edmonton, AB T5J 0K4  
**Attention: Jerritt Pawlyk / Isaac Belland**  
Phone: 780-429-6835  
Fax: 780-670-4329  
Email: [jerritt.pawlyk@ca.dlapiper.com](mailto:jerritt.pawlyk@ca.dlapiper.com) /  
[isaac.belland@ca.dlapiper.com](mailto:isaac.belland@ca.dlapiper.com)  
File No.: 119569.00001

**AFFIDAVIT OF MIKE KOCH**

**Sworn on January 22, 2026**

I, Mike Koch, of the City of Cranbrook, in the Province of British Columbia, **SWEAR AND SAY THAT:**

1. I was, at all material times until December 19, 2025, the director and principal of 2412170 Alberta Ltd. and 2416326 Alberta Ltd. (together, "Westcastle"), which operated a Chevrolet, Buick, and GMC dealership in Pincher Creek, Alberta. As such, I have personal knowledge of the matters set out in this affidavit, except where stated to be on information and belief, in which case I state the source of my information and believe it to be true.
2. I make this affidavit in response to the Fifth Report of the Monitor, BDO Canada Limited (the "Monitor"), dated January 14, 2026, and in opposition to certain relief sought in the Monitor's Application returnable on January 22, 2026.

## WESTCASTLE SALE

3. In 2025, I negotiated an asset sale of the Westcastle dealership to a third-party purchaser, 2672671 Alberta Ltd. (the "**Purchaser**"). The transaction was governed by an Asset Purchase Agreement and related real estate contracts (collectively, the "**Sale Agreement**").
4. The Purchaser was approved by General Motors ("**Chevrolet**"). Although the Purchaser had missed two prior closing deadlines, the closing of the transaction was firmly scheduled to occur before noon on Friday, December 19, 2025 (the "**Closing Date**").
5. At all times leading up to the Closing Date, Westcastle was not subject to CCAA proceedings or any forbearance agreement with its primary lender, The Toronto-Dominion Bank ("**TD Bank**"). In respect of the sale, I was represented by legal counsel, Mr. Ahmed Jomha.

## PAYOUT STATEMENT

6. On Wednesday, December 17, 2025, I consulted with my legal counsel, who confirmed that we were in a position to proceed with closing the sale on the Closing Date.
7. We requested a payout statement from TD Bank. The initial statement we received from TD Bank was approximately \$1.4 million higher than anticipated. This was due to the inclusion of floor plan financing for approximately 29 used vehicles that were not part of the sale to the Purchaser and were to be retained by Westcastle.
8. On Thursday, December 18, 2025, at approximately 6:00 a.m., I spoke with Wassim Heematally at TD Bank to obtain an accurate payout statement required for closing. During that call, Mr. Heematally confirmed he would provide the payout statement.
9. I advised Mr. Heematally that my legal counsel had confirmed the sale could and should proceed. I subsequently prepared and forwarded to Mr. Heematally an Excel spreadsheet detailing the transaction, including the payout of all financed vehicles being sold to the Purchaser and the amounts required to pay out the floor plan for the used vehicles that Westcastle would retain. A copy of the Excel spreadsheet is attached hereto as **Exhibit "A"**.
10. Following my provision of the spreadsheet, TD Bank provided a revised and accurate payout statement (the "**TD Payout Statement**"), stating a total amount owing of \$7,497,145.67. A copy of the email correspondence between Mr. Jomha and counsel for TD Bank culminating in the TD Payout Statement is attached hereto as **Exhibit "B"**.

## CLOSING

11. The closing of the sale was required to occur before 12:00 p.m. on Friday, December 19, 2025.
12. In the morning, I was advised that BDO had communicated with the Purchaser's funder, RBC, expressing uncertainty about the transaction, which created an obstacle to closing. I was further advised by Mr. Jomha that he resolved this by negotiating a trust agreement with RBC to allow the closing to proceed.
13. As part of facilitating the closing, I am aware that Mr. Jomha also negotiated with another creditor, The Loan Store, to have it accept the sum of \$500,000 to be held in trust, plus the remaining used vehicles, in settlement of its disputed claim.
14. At 9:15 a.m. on the Closing Date, Mr. Jomha emailed Robert Kennedy, counsel for TD Bank, stating: "...unless I hear otherwise, we will proceed with the closing based upon your client's payout statement." A true copy of this email exchange is attached hereto as **Exhibit "C"**.



15. At approximately 11:30 a.m. on the Closing Date, Mr. Jomha confirmed to me that we were clear to close the transaction.
16. At approximately 11:45 a.m., I emailed Chevrolet to advise that the sale had closed.
17. Mr. Jomha received approximately \$5.5 million in trust from RBC. These funds were sufficient to pay out all creditors in full in accordance with the TD Payout Statement and other agreed-upon amounts, leaving a surplus of approximately \$687,000.
18. In the afternoon, on the instruction of my counsel, Mr. Jomha, and to finalize the trust conditions required for the payout of funds, I directed my controller, Jill Foster, to prepare bills of sale for the remaining used vehicles to The Loan Store. These transfers were a necessary part of the overall settlement that had been negotiated by legal counsel to facilitate the closing, and were priced at cost to ensure the payout waterfall would function as calculated and that all creditors would be made whole from the sale proceeds.
19. At approximately 2:30 p.m. on the Closing Date, having completed all tasks required of me to close the transaction, I left the dealership.
20. At 3:11 p.m., Robert Kennedy, counsel for TD Bank, sent an email to Mr. Jomha unilaterally increasing TD Bank's payout demand by \$1,059,833 from the original amount of \$7,497,145.67 to approximately \$8,556,979. The revised demand included \$248,477 in additional legal fees to Dentons, a \$700,000 cash reserve for potential CCAA clawback claims, a \$55,640 increase on my Visa, and a \$55,706 increase on my vehicle loan. Upon receipt, Mr. Jomha replied on my instructions, advising that the new figures were incorrect and would be investigated. A true copy of this email exchange, including Mr. Jomha's reply, is attached hereto as **Exhibit "D"**.
21. At approximately 4:00 p.m., Mr. Jomha called me and informed me that BDO, through its counsel James Reid, had exercised shareholder rights to remove me as director of Westcastle, that the deal had been stalled, and that he had been retained to act for the Monitor.

#### **INCLUSION IN CCAA PROCEEDINGS**

22. Following the events of December 19, 2025, a legal impasse was created. The Purchaser had advanced funds and taken operational control of the dealership, but TD Bank refused to provide discharges of its security.
23. I am advised by counsel and believe that as a direct result of this impasse, and to provide a mechanism to grant clear title to the Purchaser, Westcastle was formally brought into the Summit Auto Group CCAA proceedings by Court Order on January 7, 2026. The sale was then finalized by way of a Vesting Order.

#### **RESPONSE TO THE MONITOR'S REPORT & APPLICATION**

24. I have reviewed the Monitor's Fifth Report, which alleges that certain vehicles were transferred to The Loan Store for "little or no consideration". This is incorrect. As stated above, these transfers were part of a lawyer-negotiated settlement of a disputed claim, undertaken on legal advice, to facilitate the closing of the entire transaction which would have seen all creditors of Westcastle paid in full from the sale proceeds.
25. The Monitor's application seeks a freezing order over these vehicles. I oppose this relief, as the transaction was a legitimate commercial resolution negotiated between counsel for the respective parties to enable the sale to close and all creditors to be paid.



26. The sale of Westcastle was properly concluded on December 19, 2025, based on a payout figure confirmed by TD Bank. It was only after TD Bank unilaterally changed its financial demands post-closing and the Monitor removed me as director that the implementation of the closed sale was obstructed.
27. I oppose the addition of any priority charges or other amounts to the TD Bank payout figure, as any potential shortfall was created by the post-closing conduct of TD Bank and the Monitor, not by my actions during the sale. Had the transaction been permitted to complete as agreed, all creditors would have been paid in full and a surplus would have remained.

SWORN BEFORE ME via two-way video )  
 conference, the Affiant being located in )  
 Cranbrook, British Columbia and the )  
 Commissioner being located in Edmonton, )  
 Alberta, this 22<sup>nd</sup> day of January, 2026. )



\_\_\_\_\_  
 A Commissioner for Oaths in and for the  
 Province of Alberta



\_\_\_\_\_  
 MIKE KOCH

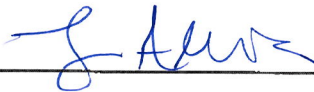
**Juma Amist**  
**Student-at-Law**



This is **Exhibit "A"** referred to in the

**Affidavit of MIKE KOCH**

Sworn before me via two-way video conference, the  
Affiant being located in Cranbrook, British Columbia  
and I being located in Edmonton, Alberta, this 22<sup>nd</sup>  
day of January, 2026



Commissioner for Oaths  
in and for the Province of Alberta

**Juma Amist**  
**Student-at-Law**



**2416326 ALBERTA LTD**  
**PROJECTED PROCEEDS FROM SALE OF WESTCASTLE PROPI**

Sale Proceeds		
1100 Waterton Avenue		3,750,000
1038 Macleod Street		50,000
Estimated Tax		-
Estimated closing costs	-	25,000
Less TD mortgages	- 1,812,500	
	- 107,381	
	- 261,905	- 2,181,786
Holdback to TD for SIV's	-	1,400,000
Commission on Sale	-	150,000
Net Proceeds		<u>43,214</u>



**2412170 ALBERTA LTD**  
**PROJECTED PROCEEDS FROM SALE OF WESTCASTLE**

Sale Proceeds	
Goodwill	1,215,000
Fixed Assets	385,000
Parts Inventory	100,000
Estimated Tax	-
Estimated Closing Costs	- 25,000
Great North Auto loan repayment	- 563,000
TD Overdraft	- 500,000
Commission on Sale	-
Net Proceeds	<u>612,000</u>



This is **Exhibit "B"** referred to in the

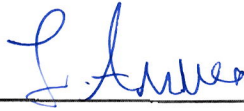
**Affidavit of MIKE KOCH**

Sworn before me via two-way video conference, the

Affiant being located in Cranbrook, British Columbia

and I being located in Edmonton, Alberta, this 22<sup>nd</sup>

day of January, 2026



---

Commissioner for Oaths  
in and for the Province of Alberta

**Juma Amisi**  
**Student-at-Law**



**Subject:** FW: FW: [EXTERNAL] RE: Westcastle Transaction - Payout Statement

**From:** Kennedy, Robert <[robert.kennedy@dentons.com](mailto:robert.kennedy@dentons.com)>  
**Sent:** Thursday, December 18, 2025 8:55 AM  
**To:** Ahmed Jomha <[ahmed.jomha@jomhalaw.com](mailto:ahmed.jomha@jomhalaw.com)>  
**Cc:** Maiya Tarrabain <[reception@jomhalaw.com](mailto:reception@jomhalaw.com)>; Cross, Valerie <[valerie.cross@dentons.com](mailto:valerie.cross@dentons.com)>; Pawlyk, Jerritt <[jerritt.pawlyk@ca.dlapiper.com](mailto:jerritt.pawlyk@ca.dlapiper.com)>  
**Subject:** [EXTERNAL] RE: Westcastle Transaction - Payout Statement  
**Importance:** High

DLA Piper (Canada) LLP ALERT: This is an external email. Do not click links or open attachments unless you recognize the sender's email address and know the content is safe.

Good morning:

Here are the balances as at December 16, 2025, plus accruing interest, fees and expenses:

Facility #	Borrower	Description	Principal	Interest	Total
1	2412170 Alberta Ltd.	Operating Line	\$352,037.85	\$652.63	\$352,690.48
2	2412170 Alberta Ltd.	Floorplan	\$4,930,344.71	\$6,955.35	\$4,937,300.06
3	2412170 Alberta Ltd.	VISA	\$21,329.86	-	\$21,329.86
4	2412170 Alberta Ltd.	TDCM	\$1,812,500.00	\$3,267.47	\$1,815,767.47
5	2412170 Alberta Ltd.	Term Loan	\$107,381.12	\$224.47	\$107,605.59
6	2412170 Alberta Ltd.	Term Loan	\$261,904.72	\$547.49	\$262,452.21
<b>Total Owed to TD</b>			<b>\$7,485,498.26</b>	<b>\$11,647.41</b>	<b>\$7,497,145.67</b>

Our client keeps getting pushed from your client suggesting that the Bank is holding up the closing. That is not acceptable and we need to have a discussion on this closing asap (as I was suggesting yesterday).

Jerritt, I left you another voicemail this morning. Please provide some availability for a discussion – I would suggest Ahmed join as well.

Regards,



Robert J. Kennedy  
Partner  
National Practice Group Co-Leader, Restructuring, Insolvency and Bankruptcy

+1 416 367 6756

Dentons Canada LLP | Toronto

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**From:** Kennedy, Robert <[robert.kennedy@dentons.com](mailto:robert.kennedy@dentons.com)>  
**Sent:** Wednesday, December 17, 2025 12:41 PM  
**To:** Ahmed Jomha <[ahmed.jomha@jomhalaw.com](mailto:ahmed.jomha@jomhalaw.com)>  
**Cc:** Maiya Tarrabain <[reception@jomhalaw.com](mailto:reception@jomhalaw.com)>; Cross, Valerie <[valerie.cross@dentons.com](mailto:valerie.cross@dentons.com)>; Jerritt Pawlyk <[jerritt.pawlyk@ca.diapiper.com](mailto:jerritt.pawlyk@ca.diapiper.com)>  
**Subject:** Re: Westcastle Transaction - Payout Statement

We've now learned of a subordinate secured loan in the amount of 2.7 million that will need to be addressed. I've copied Jared to provide you those details.

We will need to circle up as a group later this afternoon to discuss this closing.

Robert J. Kennedy  
Partner  
National Practice Group Co-Leader, Restructuring, Insolvency and Bankruptcy

+1 416 367 6756

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---

**From:** Ahmed Jomha <[ahmed.jomha@jomhalaw.com](mailto:ahmed.jomha@jomhalaw.com)>  
**Sent:** Wednesday, December 17, 2025 12:27:19 PM  
**To:** Kennedy, Robert <[robert.kennedy@dentons.com](mailto:robert.kennedy@dentons.com)>  
**Cc:** Maiya Tarrabain <[reception@jomhalaw.com](mailto:reception@jomhalaw.com)>; Cross, Valerie <[valerie.cross@dentons.com](mailto:valerie.cross@dentons.com)>  
**Subject:** Re: Westcastle Transaction - Payout Statement

**[WARNING: EXTERNAL SENDER]**

---

Good morning Robert,

To facilitate payment on Friday we enclose the searches that we have received with respect to TD's registrations. Kindly advise if you require anything further and when we can expect the payout statements. Thank you,

AJ



**Ahmed (AJ) Jomha**

**Partner**

**Phone:** 780-424-0688

**Fax :** 780-424-0695

**Email:** [ahmed.jomha@jomhalaw.com](mailto:ahmed.jomha@jomhalaw.com)

**[www.jomhalaw.com](http://www.jomhalaw.com)**

---

**From:** Kennedy, Robert <[robert.kennedy@dentons.com](mailto:robert.kennedy@dentons.com)>  
**Sent:** Tuesday, December 16, 2025 3:32 PM  
**To:** Ahmed Jomha <[ahmed.jomha@jomhalaw.com](mailto:ahmed.jomha@jomhalaw.com)>  
**Cc:** Maiya Tarrabain <[reception@jomhalaw.com](mailto:reception@jomhalaw.com)>; Cross, Valerie <[valerie.cross@dentons.com](mailto:valerie.cross@dentons.com)>  
**Subject:** RE: Westcastle Transaction - Payout Statement

Ahmed:

Thank you for the attached.

Please note that the Bank continues to reserve its rights and remedies.

Regards,

Robert J. Kennedy  
Partner  
National Practice Group Co-Leader, Restructuring, Insolvency and Bankruptcy

☎ +1 416 367 6756



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**From:** Ahmed Jomha <[ahmed.jomha@jomhalaw.com](mailto:ahmed.jomha@jomhalaw.com)>  
**Sent:** Monday, December 15, 2025 12:14 PM  
**To:** Kennedy, Robert <[robert.kennedy@dentons.com](mailto:robert.kennedy@dentons.com)>  
**Cc:** Maiya Tarrabain <[reception@jomhalaw.com](mailto:reception@jomhalaw.com)>; Cross, Valerie <[valerie.cross@dentons.com](mailto:valerie.cross@dentons.com)>  
**Subject:** RE: Westcastle Transaction - Payout Statement

[WARNING: EXTERNAL SENDER]

Good morning Robert,

Please find enclosed a copy of the executed extension agreement. Can you advise when we can expect the pay out statement?

Thank you,

AJ



**Ahmed (AJ) Jomha**

**Partner**

**Phone:** 780-424-0688

**Fax :** 780-424-0695

**Email:** [ahmed.jomha@jomhalaw.com](mailto:ahmed.jomha@jomhalaw.com)



[www.jomhalaw.com](http://www.jomhalaw.com)

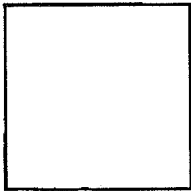
**From:** Kennedy, Robert <[robert.kennedy@dentons.com](mailto:robert.kennedy@dentons.com)>  
**Sent:** Sunday, December 14, 2025 6:49 AM  
**To:** Ahmed Jomha <[ahmed.jomha@jomhalaw.com](mailto:ahmed.jomha@jomhalaw.com)>  
**Cc:** Maiya Tarrabain <[reception@jomhalaw.com](mailto:reception@jomhalaw.com)>; Cross, Valerie <[valerie.cross@dentons.com](mailto:valerie.cross@dentons.com)>  
**Subject:** RE: Westcastle Transaction - Payout Statement

Good morning:

Can you please send us the amendment addressing the extension of the closing date.

Regards,

Robert J. Kennedy  
Partner  
National Practice Group Co-Leader, Restructuring, Insolvency and Bankruptcy



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**From:** Ahmed Jomha <[ahmed.jomha@jomhalaw.com](mailto:ahmed.jomha@jomhalaw.com)>  
**Sent:** Friday, December 12, 2025 4:33 PM  
**To:** Kennedy, Robert <[robert.kennedy@dentons.com](mailto:robert.kennedy@dentons.com)>  
**Cc:** Maiya Tarrabain <[reception@jomhalaw.com](mailto:reception@jomhalaw.com)>  
**Subject:** Re: Westcastle Transaction - Payout Statement

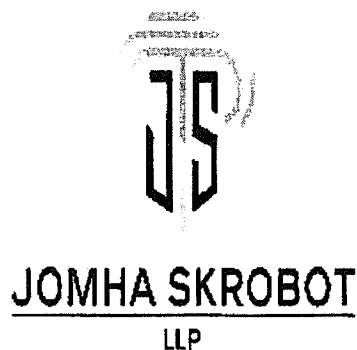
[WARNING: EXTERNAL SENDER]

Good day Robert,

I understand that you are at least somewhat up to date with respect to the closing of the captioned transaction.

The closing has been amended to close on December 19, 2025. Kindly provide us with the TD payout statement and we will address it upon receipt of the funds. Thank you.

AJ



**Ahmed (AJ) Jomha**

**Partner**

**Phone:** 780-424-0688

**Fax :** 780-424-0695

**Email:** [ahmed.jomha@jomhalaw.com](mailto:ahmed.jomha@jomhalaw.com)

**[www.jomhalaw.com](http://www.jomhalaw.com)**



**From:** Ahmed Jomha

**Sent:** Saturday, November 15, 2025 8:30 PM

**To:** Cross, Valerie <[valerie.cross@dentons.com](mailto:valerie.cross@dentons.com)>

**Cc:** Wilson, Erinn <[erinn.wilson@dentons.com](mailto:erinn.wilson@dentons.com)>; Maiya Tarrabain <[reception@jomhalaw.com](mailto:reception@jomhalaw.com)>; Kennedy, Robert <[robert.kennedy@dentons.com](mailto:robert.kennedy@dentons.com)>

**Subject:** RE: Westcastle Transaction

Hi Valerie,

Thank you for your note. I hope to speak to our client's litigation lawyer tomorrow to determine what is needed to get the required consent.

AJ

Ahmed Jomha

Jomha Skrobot LLP.

Barristers and Solicitors

10621-124 St., Edmonton Alberta

T5N 1S5

Ph. 780 424-0706 Ext. 223

Fax 780 424-0695

**From:** Cross, Valerie <[valerie.cross@dentons.com](mailto:valerie.cross@dentons.com)>

**Sent:** November 14, 2025 4:44 PM

**To:** Ahmed Jomha <[ahmed.jomha@jomhalaw.com](mailto:ahmed.jomha@jomhalaw.com)>



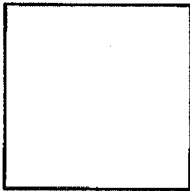
Cc: Wilson, Erinn <[erinn.wilson@dentons.com](mailto:erinn.wilson@dentons.com)>; Maiya Tarrabain <[reception@jomhalaw.com](mailto:reception@jomhalaw.com)>; Kennedy, Robert <[robert.kennedy@dentons.com](mailto:robert.kennedy@dentons.com)>  
Subject: RE: Westcastle Transaction

Thanks Ahmed, we'll review. We suspect the monitor will need to confirm the shareholdings before it can sign any resolution on behalf of MK Auto.

Val

Valerie Cross  
Partner

My pronouns are: She/Her/Hers



+1 604 648 6541

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**From:** Ahmed Jomha <[ahmed.jomha@jomhalaw.com](mailto:ahmed.jomha@jomhalaw.com)>  
**Sent:** Friday, November 14, 2025 1:47 PM  
**To:** Cross, Valerie <[valerie.cross@dentons.com](mailto:valerie.cross@dentons.com)>  
**Cc:** Wilson, Erinn <[erinn.wilson@dentons.com](mailto:erinn.wilson@dentons.com)>; Maiya Tarrabain <[reception@jomhalaw.com](mailto:reception@jomhalaw.com)>; Kennedy, Robert <[robert.kennedy@dentons.com](mailto:robert.kennedy@dentons.com)>  
**Subject:** Re: Westcastle Transaction

[WARNING: EXTERNAL SENDER]



Good morning Valerie,

In response to your email, we can advise the following:

- Attached is a copy of the extension agreement.
- With respect to the approval process of GMCC I relied upon the broker who provided me with the email below. Further I had not received confirmation from the purchaser's lawyer that the condition had been lifted.
- As to the matter of consent by the monitor, I had provided our request to counsel for the monitor however had not received a response. Our firm is not retained on behalf of our client with respect to the CCAA. What I was told was that the monitor did not object to the sale. I believe what is complicating the issue is that the email sent to Miller Thompson (copy attached) may not have been received as Microsoft recently sent us a notice that the email was not delivered. This only came to my attention this morning. My assistant is following up with Mr. Reid to determine if it was received or not. Further I have reached out to counsel, acting for our client with respect to the CCAA to obtain an update as to what happened at the application.

I trust that the above addresses your immediate concerns. Once I hear from our client's lawyer or the monitor's lawyer, I will follow up with you.

AJ

AJ,

I just use general extension letter but if you have a quick template you use, it's probably better for you to draft that. The addendum/extension to close would be to November 30th, 2025.

If Required. Conditions contributing to the extension.

1. Bank financing is still being finalized
2. Awaiting satisfactory environmental reports (condition as well to point 1).
3. Receiving a Reliance letter from the appraisal company. Again a conditional related to point 1.

The culmination of these 3 points are also factors required to be satisfied to obtain OEM approval.

Gordie Gerbrandt

VP North America

Tim Lamb Group

780.953.5000



**JOMHA SKROBOT**

LLP

**Ahmed (AJ) Jomha**

**Partner**

**Phone:** 780-424-0688

**Fax :** 780-424-0695

**Email:** [ahmed.jomha@jomhalaw.com](mailto:ahmed.jomha@jomhalaw.com)

**[www.jomhalaw.com](http://www.jomhalaw.com)**

**From:** Cross, Valerie <[valerie.cross@dentons.com](mailto:valerie.cross@dentons.com)>

**Sent:** Friday, November 14, 2025 9:36 AM

**To:** Ahmed Jomha <[ahmed.jomha@jomhalaw.com](mailto:ahmed.jomha@jomhalaw.com)>; Kennedy, Robert <[robert.kennedy@dentons.com](mailto:robert.kennedy@dentons.com)>

**Cc:** Wilson, Erinn <[erinn.wilson@dentons.com](mailto:erinn.wilson@dentons.com)>; Maiya Tarrabain <[reception@jomhalaw.com](mailto:reception@jomhalaw.com)>

**Subject:** RE: Westcastle Transaction

Hi Ahmed, could you please send on a copy of the amendment to the sale agreements reflecting the new date.

Also, we had understood GMCC had already provided its consent. Can you please clarify.

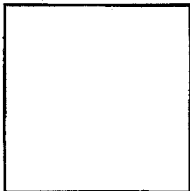
Lastly, Dentons attended court in the Summit CCAA on behalf of the bank yesterday and as far as we are aware the monitor did not state anything on the record about agreeing that the Westcastle transaction may proceed. Could you please pass on any confirmation you have from the monitor?

Kind regards,

Valerie

Valerie Cross  
Partner

My pronouns are: She/Her/Hers



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This is **Exhibit "C"** referred to in the

**Affidavit of MIKE KOCH**

Sworn before me via two-way video conference, the  
Affiant being located in Cranbrook, British Columbia  
and I being located in Edmonton, Alberta, this 22<sup>nd</sup>

day of January, 2026



---

Commissioner for Oaths  
in and for the Province of Alberta

**Juma Amisi**  
**Student-at-Law**



---

**From:** Ahmed Jomha <ahmed.jomha@jomhalaw.com>  
**Sent:** Friday, December 19, 2025 9:15 AM  
**To:** Kennedy, Robert  
**Cc:** Maiya Tarrabain; Pawlyk, Jerritt  
**Subject:** [EXTERNAL] Closing of Transaction

DLA Piper (Canada) LLP ALERT: This is an external email. Do not click links or open attachments unless you recognize the sender's email address and know the content is safe.

Good morning Robert,

We have been advised from several sources that TD is not prepared to close today. I have had no communication from you or your client to that effect and therefore unless I hear otherwise, we will proceed with the closing based upon your client's payout statement.

AJ

Ahmed Jomha  
Jomha Skrobot LLP.  
Barristers and Solicitors  
10621-124 St., Edmonton Alberta  
T5N 1S5  
Ph. 780 424-0706 Ext. 223  
Fax 780 424-0695

This is **Exhibit "D"** referred to in the

**Affidavit of MIKE KOCH**

Sworn before me via two-way video conference, the  
Affiant being located in Cranbrook, British Columbia  
and I being located in Edmonton, Alberta, this 22<sup>nd</sup>  
day of January, 2026



---

Commissioner for Oaths  
in and for the Province of Alberta

**Juma Amisi**  
**Student-at-Law**



---

**Subject:**

**FW: [EXTERNAL] RE: Closing of Transaction**

**From:** Kennedy, Robert <[robert.kennedy@dentons.com](mailto:robert.kennedy@dentons.com)>

**Sent:** Saturday, December 20, 2025 6:39 AM

**To:** Ahmed Jomha <[ahmed.jomha@jomhalaw.com](mailto:ahmed.jomha@jomhalaw.com)>; Ouyang, Teddy <[teddy.ouyang@dentons.com](mailto:teddy.ouyang@dentons.com)>

**Cc:** Maiya Tarrabain <[reception@jomhalaw.com](mailto:reception@jomhalaw.com)>; Pawlyk, Jerritt <[jerritt.pawlyk@ca.dlapiper.com](mailto:jerritt.pawlyk@ca.dlapiper.com)>; Cross, Valerie <[valerie.cross@dentons.com](mailto:valerie.cross@dentons.com)>

**Subject:** [EXTERNAL] RE: Closing of Transaction

DLA Piper (Canada) LLP ALERT: This is an external email. Do not click links or open attachments unless you recognize the sender's email address and know the content is safe.

We will be preparing a proper payout letter today to address this closing. Note that discharges will not be delivered by the Bank unless the Bank is fully paid (including the cash reserve).

Robert J. Kennedy

Partner

National Practice Group Co-Leader, Restructuring, Insolvency and Bankruptcy

+1 416 367 6756

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**From:** Ahmed Jomha <[ahmed.jomha@jomhalaw.com](mailto:ahmed.jomha@jomhalaw.com)>

**Sent:** Friday, December 19, 2025 4:16 PM

**To:** Ouyang, Teddy <[teddy.ouyang@dentons.com](mailto:teddy.ouyang@dentons.com)>; Kennedy, Robert <[robert.kennedy@dentons.com](mailto:robert.kennedy@dentons.com)>

**Cc:** Maiya Tarrabain <[reception@jomhalaw.com](mailto:reception@jomhalaw.com)>; Pawlyk, Jerritt <[jerritt.pawlyk@ca.dlapiper.com](mailto:jerritt.pawlyk@ca.dlapiper.com)>; Cross, Valerie <[valerie.cross@dentons.com](mailto:valerie.cross@dentons.com)>

**Subject:** RE: Closing of Transaction

[WARNING: EXTERNAL SENDER]

Good afternoon,

We have forwarded your calculations to our client for review and consideration. They have advised that some of the calculations are incorrect and therefore will be taking the weekend to investigate your numbers.

AJ

Ahmed Jomha

Jomha Skrobot LLP.

Barristers and Solicitors

10621-124 St., Edmonton Alberta

T5N 1S5

Ph. 780 424-0706 Ext. 223  
Fax 780 424-0695

**From:** Ouyang, Teddy <[teddy.ouyang@dentons.com](mailto:teddy.ouyang@dentons.com)>  
**Sent:** December 19, 2025 1:16 PM  
**To:** Kennedy, Robert <[robert.kennedy@dentons.com](mailto:robert.kennedy@dentons.com)>; Ahmed Jomha <[ahmed.iomha@jomhalaw.com](mailto:ahmed.iomha@jomhalaw.com)>  
**Cc:** Maiya Tarrabain <[reception@jomhalaw.com](mailto:reception@jomhalaw.com)>; Pawlyk, Jerritt <[jerritt.pawlyk@ca.dlapiper.com](mailto:jerritt.pawlyk@ca.dlapiper.com)>; Cross, Valerie <[valerie.cross@dentons.com](mailto:valerie.cross@dentons.com)>  
**Subject:** RE: Closing of Transaction

Good afternoon, .

Please find attached our Trust account information.

Thank you,

Teddy Ouyang  
Legal Assistant to Kenneth Kraft and Sarah Lam

My pronouns are: She/Her/Hers

+1 416 367 6797

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**From:** Kennedy, Robert <[robert.kennedy@dentons.com](mailto:robert.kennedy@dentons.com)>  
**Sent:** Friday, December 19, 2025 3:11 PM  
**To:** Ahmed Jomha <[ahmed.iomha@jomhalaw.com](mailto:ahmed.iomha@jomhalaw.com)>  
**Cc:** Maiya Tarrabain <[reception@jomhalaw.com](mailto:reception@jomhalaw.com)>; Pawlyk, Jerritt <[jerritt.pawlyk@ca.dlapiper.com](mailto:jerritt.pawlyk@ca.dlapiper.com)>; Ouyang, Teddy <[teddy.ouyang@dentons.com](mailto:teddy.ouyang@dentons.com)>; Cross, Valerie <[valerie.cross@dentons.com](mailto:valerie.cross@dentons.com)>  
**Subject:** RE: Closing of Transaction

Following our previous conversation, here is a table of the amounts outstanding:

Facility #	Borrower	Description	Principal	Interest	Total
1	2412170 Alberta Ltd.	Operating Line	\$ 292,567.82	\$ 784.98	\$ 293,352.80
2	2412170 Alberta Ltd.	Floorplan	\$ 5,090,090.34	\$ 8,488.26	\$ 5,098,578.60
3	2412170 Alberta Ltd.	VISA *	\$ 77,000.00	\$ -	\$ 77,000.00
4	2416326 Alberta Ltd.	TDCM	\$ 1,812,500.00	\$ 3,967.64	\$ 1,816,467.64
5	2416326 Alberta Ltd.	Term Loan	\$ 107,381.12	\$ 272.57	\$ 107,653.69
6	2416326 Alberta Ltd.	Term Loan	\$ 261,904.72	\$ 664.81	\$ 262,569.53
<b>Total Owed to TD</b>			<b>\$ 7,641,444.00</b>	<b>\$ 14,178.26</b>	<b>\$ 7,655,622.26</b>
	Legal Fees up to Nov 30, 2025		\$ 203,477.19	\$ -	\$ 203,477.19
	FTI Consulting WIP up to December 14, 2025		\$ 3,015.00		\$ 3,015.00
<b>Total</b>			<b>\$ 7,847,936.19</b>	<b>\$ 14,178.26</b>	<b>\$ 7,862,114.45</b>

As of December 19, 2025

We estimate the WIP for Dentons, LLP to be 40K (inclusive), which we can adjust post-closing. On top of that, given the threat of demand/claim from the Monitor in the CCAA for pre-filing cash injections into Westcastle, the Bank will require a 700K cash reserve for any clawbacks the Monitor or any other stakeholder in the CCAA may claim unto The Toronto-Dominion Bank.

Upon receipt of the funds, we will provide the necessary discharges.

Teddy, can you please forward the Dentons trust account information.

Thanks.

Robert J. Kennedy

Partner

National Practice Group Co-Leader, Restructuring, Insolvency and Bankruptcy

+1 416 367 6756

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**Subject:** FW: FW: [EXTERNAL] RE: Westcastle Transaction - Payout Statement

**From:** Kennedy, Robert <[robert.kennedy@dentons.com](mailto:robert.kennedy@dentons.com)>  
**Sent:** Thursday, December 18, 2025 8:55 AM  
**To:** Ahmed Jomha <[ahmed.jomha@jomhalaw.com](mailto:ahmed.jomha@jomhalaw.com)>  
**Cc:** Maiya Tarrabain <[reception@jomhalaw.com](mailto:reception@jomhalaw.com)>; Cross, Valerie <[valerie.cross@dentons.com](mailto:valerie.cross@dentons.com)>; Pawlyk, Jerritt <[jerritt.pawlyk@ca.dlapiper.com](mailto:jerritt.pawlyk@ca.dlapiper.com)>  
**Subject:** [EXTERNAL] RE: Westcastle Transaction - Payout Statement  
**Importance:** High

DLA Piper (Canada) LLP ALERT: This is an external email. Do not click links or open attachments unless you recognize the sender's email address and know the content is safe.

Good morning:

Here are the balances as at December 16, 2025, plus accruing interest, fees and expenses:

Facility #	Borrower	Description	Principal	Interest	Total
1	2412170 Alberta Ltd.	Operating Line	\$352,037.85	\$652.63	\$352,690.48
2	2412170 Alberta Ltd.	Floorplan	\$4,930,344.71	\$6,955.35	\$4,937,300.06
3	2412170 Alberta Ltd.	VISA	\$21,329.86	-	\$21,329.86
4	2412170 Alberta Ltd.	TDCM	\$1,812,500.00	\$3,267.47	\$1,815,767.47
5	2412170 Alberta Ltd.	Term Loan	\$107,381.12	\$224.47	\$107,605.59
6	2412170 Alberta Ltd.	Term Loan	\$261,904.72	\$547.49	\$262,452.21
<b>Total Owed to TD</b>			<b>\$7,485,498.26</b>	<b>\$11,647.41</b>	<b>\$7,497,145.67</b>

Our client keeps getting pushed from your client suggesting that the Bank is holding up the closing. That is not acceptable and we need to have a discussion on this closing asap (as I was suggesting yesterday).

Jerritt, I left you another voicemail this morning. Please provide some availability for a discussion – I would suggest Ahmed join as well.

Regards,

Robert J. Kennedy  
Partner  
National Practice Group Co-Leader, Restructuring, Insolvency and Bankruptcy

☎ +1 416 367 6756

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**From:** Kennedy, Robert <[robert.kennedy@dentons.com](mailto:robert.kennedy@dentons.com)>  
**Sent:** Wednesday, December 17, 2025 12:41 PM  
**To:** Ahmed Jomha <[ahmed.jomha@jomhalaw.com](mailto:ahmed.jomha@jomhalaw.com)>  
**Cc:** Maiya Tarrabain <[reception@jomhalaw.com](mailto:reception@jomhalaw.com)>; Cross, Valerie <[valerie.cross@dentons.com](mailto:valerie.cross@dentons.com)>; Jerritt Pawlyk <[jerritt.pawlyk@ca.dlapiper.com](mailto:jerritt.pawlyk@ca.dlapiper.com)>  
**Subject:** Re: Westcastle Transaction - Payout Statement

We've now learned of a subordinate secured loan in the amount of 2.7 million that will need to be addressed. I've copied Jared to provide you those details.

We will need to circle up as a group later this afternoon to discuss this closing.

Robert J. Kennedy  
Partner  
National Practice Group Co-Leader, Restructuring, Insolvency and Bankruptcy

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**From:** Ahmed Jomha <[ahmed.jomha@jomhalaw.com](mailto:ahmed.jomha@jomhalaw.com)>  
**Sent:** Wednesday, December 17, 2025 12:27:19 PM  
**To:** Kennedy, Robert <[robert.kennedy@dentons.com](mailto:robert.kennedy@dentons.com)>  
**Cc:** Maiya Tarrabain <[reception@jomhalaw.com](mailto:reception@jomhalaw.com)>; Cross, Valerie <[valerie.cross@dentons.com](mailto:valerie.cross@dentons.com)>  
**Subject:** Re: Westcastle Transaction - Payout Statement

**[WARNING: EXTERNAL SENDER]**

Good morning Robert,

To facilitate payment on Friday we enclose the searches that we have received with respect to TD's registrations. Kindly advise if you require anything further and when we can expect the payout statements. Thank you,

AJ



**Ahmed (AJ) Jomha**

**Partner**

**Phone:** 780-424-0688

**Fax :** 780-424-0695

**Email:** [ahmed.jomha@jomhalaw.com](mailto:ahmed.jomha@jomhalaw.com)

**[www.jomhalaw.com](http://www.jomhalaw.com)**

---

**From:** Kennedy, Robert <[robert.kennedy@dentons.com](mailto:robert.kennedy@dentons.com)>  
**Sent:** Tuesday, December 16, 2025 3:32 PM  
**To:** Ahmed Jomha <[ahmed.jomha@jomhalaw.com](mailto:ahmed.jomha@jomhalaw.com)>  
**Cc:** Maiya Tarrabain <[reception@jomhalaw.com](mailto:reception@jomhalaw.com)>; Cross, Valerie <[valerie.cross@dentons.com](mailto:valerie.cross@dentons.com)>  
**Subject:** RE: Westcastle Transaction - Payout Statement

Ahmed:

Thank you for the attached.

Please note that the Bank continues to reserve its rights and remedies.

Regards,

Robert J. Kennedy  
Partner  
National Practice Group Co-Leader, Restructuring, Insolvency and Bankruptcy

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4



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**From:** Ahmed Jomha <[ahmed.jomha@jomhalaw.com](mailto:ahmed.jomha@jomhalaw.com)>  
**Sent:** Monday, December 15, 2025 12:14 PM  
**To:** Kennedy, Robert <[robert.kennedy@dentons.com](mailto:robert.kennedy@dentons.com)>  
**Cc:** Maiya Tarrabain <[reception@jomhalaw.com](mailto:reception@jomhalaw.com)>; Cross, Valerie <[valerie.cross@dentons.com](mailto:valerie.cross@dentons.com)>  
**Subject:** RE: Westcastle Transaction - Payout Statement

[WARNING: EXTERNAL SENDER]

Good morning Robert,

Please find enclosed a copy of the executed extension agreement. Can you advise when we can expect the payout statement?

Thank you,

AJ



**Ahmed (AJ) Jomha**

**Partner**

**Phone:** 780-424-0688

**Fax :** 780-424-0695

**Email:** [ahmed.jomha@jomhalaw.com](mailto:ahmed.jomha@jomhalaw.com)



[www.iomhalaw.com](http://www.iomhalaw.com)

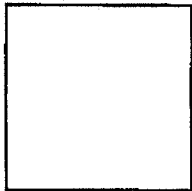
**From:** Kennedy, Robert <[robert.kennedy@dentons.com](mailto:robert.kennedy@dentons.com)>  
**Sent:** Sunday, December 14, 2025 6:49 AM  
**To:** Ahmed Jomha <[ahmed.jomha@iomhalaw.com](mailto:ahmed.jomha@iomhalaw.com)>  
**Cc:** Maiya Tarrabain <[reception@iomhalaw.com](mailto:reception@iomhalaw.com)>; Cross, Valerie <[valerie.cross@dentons.com](mailto:valerie.cross@dentons.com)>  
**Subject:** RE: Westcastle Transaction - Payout Statement

Good morning:

Can you please send us the amendment addressing the extension of the closing date.

Regards,

Robert J. Kennedy  
Partner  
National Practice Group Co-Leader, Restructuring, Insolvency and Bankruptcy



+1 416 367 6756

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**From:** Ahmed Jomha <[ahmed.jomha@jomhalaw.com](mailto:ahmed.jomha@jomhalaw.com)>  
**Sent:** Friday, December 12, 2025 4:33 PM  
**To:** Kennedy, Robert <[robert.kennedy@dentons.com](mailto:robert.kennedy@dentons.com)>  
**Cc:** Maiya Tarrabain <[reception@jomhalaw.com](mailto:reception@jomhalaw.com)>  
**Subject:** Re: Westcastle Transaction - Payout Statement

[WARNING: EXTERNAL SENDER]

Good day Robert,

I understand that you are at least somewhat up to date with respect to the closing of the captioned transaction.

The closing has been amended to close on December 19, 2025. Kindly provide us with the TD payout statement and we will address it upon receipt of the funds. Thank you.

AJ



**Ahmed (AJ) Jomha**

**Partner**

**Phone:** 780-424-0688

**Fax :** 780-424-0695

**Email:** [ahmed.jomha@jomhalaw.com](mailto:ahmed.jomha@jomhalaw.com)

**[www.jomhalaw.com](http://www.jomhalaw.com)**



**From:** Ahmed Jomha

**Sent:** Saturday, November 15, 2025 8:30 PM

**To:** Cross, Valerie <[valerie.cross@dentons.com](mailto:valerie.cross@dentons.com)>

**Cc:** Wilson, Erinn <[erinn.wilson@dentons.com](mailto:erinn.wilson@dentons.com)>; Maiya Tarrabain <[reception@jomhalaw.com](mailto:reception@jomhalaw.com)>; Kennedy, Robert <[robert.kennedy@dentons.com](mailto:robert.kennedy@dentons.com)>

**Subject:** RE: Westcastle Transaction

Hi Valerie,

Thank you for your note. I hope to speak to our client's litigation lawyer tomorrow to determine what is needed to get the required consent.

AJ

Ahmed Jomha

Jomha Skrobot LLP.

Barristers and Solicitors

10621-124 St., Edmonton Alberta

T5N 1S5

Ph. 780 424-0706 Ext. 223

Fax 780 424-0695

**From:** Cross, Valerie <[valerie.cross@dentons.com](mailto:valerie.cross@dentons.com)>

**Sent:** November 14, 2025 4:44 PM

**To:** Ahmed Jomha <[ahmed.jomha@jomhalaw.com](mailto:ahmed.jomha@jomhalaw.com)>



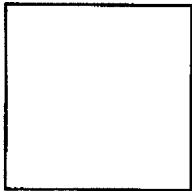
**Cc:** Wilson, Erinn <[erinn.wilson@dentons.com](mailto:erinn.wilson@dentons.com)>; Maiya Tarrabain <[reception@jomhalaw.com](mailto:reception@jomhalaw.com)>; Kennedy, Robert <[robert.kennedy@dentons.com](mailto:robert.kennedy@dentons.com)>  
**Subject:** RE: Westcastle Transaction

Thanks Ahmed, we'll review. We suspect the monitor will need to confirm the shareholdings before it can sign any resolution on behalf of MK Auto.

Val

Valerie Cross  
Partner

My pronouns are: She/Her/Hers



+1 604 648 6541

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**From:** Ahmed Jomha <[ahmed.jomha@jomhalaw.com](mailto:ahmed.jomha@jomhalaw.com)>  
**Sent:** Friday, November 14, 2025 1:47 PM  
**To:** Cross, Valerie <[valerie.cross@dentons.com](mailto:valerie.cross@dentons.com)>  
**Cc:** Wilson, Erinn <[erinn.wilson@dentons.com](mailto:erinn.wilson@dentons.com)>; Maiya Tarrabain <[reception@jomhalaw.com](mailto:reception@jomhalaw.com)>; Kennedy, Robert <[robert.kennedy@dentons.com](mailto:robert.kennedy@dentons.com)>  
**Subject:** Re: Westcastle Transaction

[WARNING: EXTERNAL SENDER]



Good morning Valerie,

In response to your email, we can advise the following:

- Attached is a copy of the extension agreement.
- With respect to the approval process of GMCC I relied upon the broker who provided me with the email below. Further I had not received confirmation from the purchaser's lawyer that the condition had been lifted.
- As to the matter of consent by the monitor, I had provided our request to counsel for the monitor however had not received a response. Our firm is not retained on behalf of our client with respect to the CCAA. What I was told was that the monitor did not object to the sale. I believe what is complicating the issue is that the email sent to Miller Thompson (copy attached) may not have been received as Microsoft recently sent us a notice that the email was not delivered. This only came to my attention this morning. My assistant is following up with Mr. Reid to determine if it was received or not. Further I have reached out to counsel, acting for our client with respect to the CCAA to obtain an update as to what happened at the application.

I trust that the above addresses your immediate concerns. Once I hear from our client's lawyer or the monitor's lawyer, I will follow up with you.

AJ

AJ,

I just use general extension letter but if you have a quick template you use, it's probably better for you to draft that. The addendum/extension to close would be to November 30th, 2025.

If Required. Conditions contributing to the extension.

1. Bank financing is still being finalized
2. Awaiting satisfactory environmental reports (condition as well to point 1).
3. Receiving a Reliance letter from the appraisal company. Again a conditional related to point 1.

The culmination of these 3 points are also factors required to be satisfied to obtain OEM approval.

Gordie Gerbrandt

VP North America

Tim Lamb Group

780.953.5000



**JOMHA SKROBOT**  
LLP

**Ahmed (AJ) Jomha**

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**From:** Cross, Valerie <[valerie.cross@dentons.com](mailto:valerie.cross@dentons.com)>

**Sent:** Friday, November 14, 2025 9:36 AM

**To:** Ahmed Jomha <[ahmed.jomha@jomhalaw.com](mailto:ahmed.jomha@jomhalaw.com)>; Kennedy, Robert <[robert.kennedy@dentons.com](mailto:robert.kennedy@dentons.com)>

**Cc:** Wilson, Erinn <[erinn.wilson@dentons.com](mailto:erinn.wilson@dentons.com)>; Maiya Tarrabain <[reception@jomhalaw.com](mailto:reception@jomhalaw.com)>

**Subject:** RE: Westcastle Transaction

Hi Ahmed, could you please send on a copy of the amendment to the sale agreements reflecting the new date.

Also, we had understood GMCC had already provided its consent. Can you please clarify.

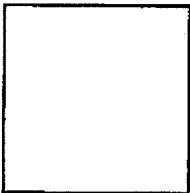
Lastly, Dentons attended court in the Summit CCAA on behalf of the bank yesterday and as far as we are aware the monitor did not state anything on the record about agreeing that the Westcastle transaction may proceed. Could you please pass on any confirmation you have from the monitor?

Kind regards,

Valerie

Valerie Cross  
Partner

My pronouns are: She/Her/Hers



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COURT FILE NUMBER 2501-13057

COURT COURT OF KING'S BENCH OF ALBERTA IN  
BANKRUPTCY AND INSOLVENCY

JUDICIAL CENTRE CALGARY

IN THE MATTER OF THE *COMPANIES' CREDITORS  
ARRANGEMENT ACT*, RSC 1985, c C-36, as amended

AND IN THE MATTER OF A PLAN OF COMPROMISE  
OR ARRANGEMENT OF 2345137 ALBERTA LTD.,  
2351497 ALBERTA LTD., 2497902 ALBERTA LTD.,  
SUMMIT S AUTO LTD., SUMMIT V AUTO LTD., MK  
AUTO K-M LTD., 2437342 ALBERTA LTD., 1972207  
ALBERTA LTD., 1175104 B.C. LTD., 1262113 B.C.  
LTD., AND 1272986 B.C. LTD.

APPLICANT BANK OF MONTREAL

DOCUMENT **CERTIFICATE FOR REMOTE COMMISSIONING OF  
AFFIDAVIT OF AFFIDAVIT OF MIKE KOCH**

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT

**DLA PIPER (CANADA) LLP**  
Barristers and Solicitors  
Suite 2700, Stantec Tower  
10220 103 Avenue NW  
Edmonton, AB T5J 0K4  
**Attention: Jerritt Pawlyk / Isaac Belland**  
Phone: 780-429-6835  
Fax: 780-670-4329  
Email: [jerritt.pawlyk@ca.dlapiper.com](mailto:jerritt.pawlyk@ca.dlapiper.com) /  
[isaac.belland@ca.dlapiper.com](mailto:isaac.belland@ca.dlapiper.com)  
File No.: 119569.00001

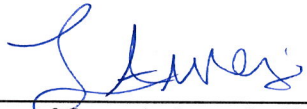
**CERTIFICATE FOR REMOTE COMMISSIONING OF  
AFFIDAVIT OF MIKE KOCH**

I, Juma Amisi, a Commissioner for Oaths in and for the Province of Alberta, certify that the requirements outlined in the Court of King's Bench of Alberta, Notice to the Profession and Public "Remote Commissioning of Affidavits for Use in Civil and Family Proceedings During the COVID-19 Pandemic" dated March 25, 2020 (the "Notice"), have been complied with as follows:

1. I met with Mike Koch on January 22, 2026, using video technology.
2. While connected to video technology, I undertook the following steps in accordance with the Notice:
  - (a) Verified and retained "screenshot" copies of the front and back of Mike Koch's valid government issued photo identification;

- (b) verified that both parties had a paper copy of the Affidavit before them during the video conference;
  - (c) reviewed every page of the Affidavit with Mike Koch, with both parties initialing the lower right corner of each page to verify the pages are identical; and
  - (d) administered the oath at the end of the review and observed Mike Koch sign his name to the Affidavit.
3. I received the signed Affidavit from Mike Koch electronically, and upon receipt, verified that this copy was identical to the one I initialed during the video conference, and signed the jurat. Both copies are attached to this Certificate.
4. I believe that remote commissioning is necessary because it is impossible to physically meet with Mike Koch to commission the Affidavit.

SIGNED at the City of Edmonton, Alberta, this 22<sup>nd</sup> day of January, 2026.



\_\_\_\_\_  
Signature of Commissioner for Oaths in and for Alberta

Name: Juma Amisi

Title: Student-at-law, Articled Student with DLA Piper (Canada) LLP

**Juma Amisi**  
**Student-at-Law**