

COURT FILE NUMBER      KGB-SA-01031-2024

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**

**AFFIDAVIT OF AKRITI BHATNAGAR**

I, **AKRITI BHATNAGAR**, of the City of Toronto, in the Province of Ontario, **MAKE  
OATH AND SAY AS FOLLOWS THAT:**

1.            I am employed as Senior Manager of Special Loans, by Canadian Imperial Bank of Commerce (“**CIBC**”), and I am in charge of administering the accounts of CIBC (the “**CIBC Bank Accounts**”) pertaining to the indebtedness owing to CIBC by the Respondents, Custom Agricultural Intelligence Incorporated, Green Chem Consultants Inc., Bermman Micronutrient Incorporated and Bermman Haven Incorporated (collectively, the “**Custom Ag Group**” or the “**Debtors**”). I have conducted a review of the books, records, files and correspondence maintained by CIBC (the “**CIBC File**”) pertaining to indebtedness owed to CIBC by the Custom Ag Group, such that I have personal knowledge of the facts and matters hereinafter deposed to, except where stated to be based on information and belief, and where so stated I verily believe the same to be true.

2. The purpose of this Affidavit is to provide an update for the Court and is supplemental to the affidavits sworn August 8, 2024 (the “**August 8<sup>th</sup> Affidavit**”) and August 29, 2024 (the “**August 29<sup>th</sup> Affidavit**”) by Manan Parikh. Further, unless defined herein, capitalized terms in this Affidavit shall have the respective meanings ascribed to the August 8<sup>th</sup> Affidavit.

3. On December 5, 2024, CIBC made an application under KBG-SA-01572-2024 seeking an order pursuant to section 11 of *The Saskatchewan Farm Security Act*, SS 1998-99, c S-17.1 (the “**SFSA**”) that the *SFSA* not apply to the mortgage granted in favour of CIBC dated September 3, 2019 and registered September 6, 2019 with Information Service Corporation as Interest Register #123632377. This mortgage was registered against farmlands owned by Custom Agricultural Intelligence Incorporated, being:

- (a) Surface Parcel #203017643, Reference Land Description: Blk/Par A Plan No 102162765 Extension 0;
- (b) Surface Parcel #111656055, Reference Land Description: Blk/Par C Plan No 101350370 Extension 10; and
- (c) Surface Parcel #111656066, Reference Land Description: Blk/Par D Plan No 101350370 Extension 11.

(the “**Lands**”)

Attached hereto and marked **Exhibit “A”** to this Affidavit are true copies of the titles for the Lands which were pulled by CIBC counsel, McKercher LLP.


4. The Honorable Justice Zerr granted the Order pursuant to section 11 of the *SFSA* indicating section 9(1)(d) of the *SFSA* did not apply and granted leave to CIBC to foreclose on the Lands. Attached hereto and marked **Exhibit “B”** to this Affidavit is a true copy of this Order.

5. Given the Court has granted Leave to Commence Foreclosure of the Lands, CIBC seeks a Second Amended and Restated Receivership Order to include the Lands as real estate controlled by the Receiver for Custom Agricultural Intelligence Incorporated and Custom Ag Group as a whole. The Order of Justice Zerr is a recognition that:

- (a) Custom Agricultural Intelligence Incorporated has defaulted in repayment of the Mortgage;
  - (b) Custom Agricultural Intelligence Incorporated has no reasonable possibility of meeting its obligations under the Mortgage; and
  - (c) Custom Agricultural Intelligence Incorporated is not making a sincere and reasonable effort to meet its obligations under the Mortgage.
6. Given the above, CIBC has determined that the most expedient and cost effective manner to proceed is to request the Court 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.

7. I make this Affidavit in support of an application by CIBC for an Order appointing BDO Canada Limited as full receiver of the real property of Custom Ag Group, specifically including the Lands as noted above, and for the Second Amended and Restated Receivership Order continuing in the amended form allowing BDO Canada Limited to continue as Receiver over the assets and undertakings of the Custom Ag Group, all as more particularly described in the Originating Application filed on behalf of CIBC in support of this application and in supplement to the Affidavit of Manan Parikh sworn August 8, 2024 and August 29, 2024.

**SWORN BEFORE ME**, by *electronic means*, )  
at the City of Saskatoon, in the Province of )  
Saskatchewan, this 20<sup>th</sup> day of )  
February, 2025. )


  
\_\_\_\_\_  
(A Commissioner for Oaths for Saskatchewan  
Being a Solicitor

  
\_\_\_\_\_  
**Akriti Bhatnagar**

**CONTACT INFORMATION AND ADDRESS FOR SERVICE**

Name of firm: McKERCHER LLP  
Name of lawyers in charge of file: Janine L. Lavoie / Taylor L. Wilcox  
Address of legal firm: 500-211 19<sup>th</sup> Street East  
Saskatoon, SK S7K 5R6  
Telephone number: (306) 664-1265  
Fax number: (306) 653-2669  
E-mail address: j.lavoie@mckercher.ca/ t.wilcox@mckercher.ca  
File number: 128886.1

This and the following 9 pages is Exhibit "A" referred to in the Affidavit of Akriti Bhatnagar sworn before me at Saskatoon, Saskatchewan, *via electronic means*, this 20<sup>th</sup> day of February, 2025.

A handwritten signature in blue ink, appearing to read "Dariusz", written over a horizontal line.

A Commissioner for Oaths for Saskatchewan  
Being a Solicitor



**Interest #:**  
**186001602**

CNV Easement

**Value:** N/A  
**Reg'd:** 09 Feb 1990 02:30:08  
**Interest Register Amendment Date:** N/A  
**Interest Assignment Date:** N/A  
**Interest Scheduled Expiry Date:** N/A  
**Expiry Date:** N/A

NE & NW

**Holder:**  
TRANSGAS LIMITED  
700 - 1777 Victoria Ave  
Regina, Saskatchewan, Canada S4P 4K5  
**Client #:** 105200985

**Int. Register #:** 100704844  
**Converted Instrument #:** 90R07902  
**Feature #:** 100042681

**Interest #:**  
**186001668**

Mortgage

**Value:** \$20,000,000.00 CAD  
**Reg'd:** 06 Sep 2019 13:59:49  
**Interest Register Amendment Date:** 17 Mar 2022 12:08:03  
**Interest Assignment Date:** N/A  
**Interest Scheduled Expiry Date:** N/A  
**Expiry Date:** N/A

**Holder:**  
Canadian Imperial Bank of Commerce  
1800 Hamilton Street  
Regina, SK, Canada S4P 4K7  
**Client #:** 135493319

**Int. Register #:** 123632377

**Interest #:**  
**193385829**

Assignment of Rents

**Value:** N/A  
**Reg'd:** 17 Mar 2022 12:08:03  
**Interest Register Amendment Date:** N/A  
**Interest Assignment Date:** N/A  
**Interest Scheduled Expiry Date:** N/A  
**Expiry Date:** N/A

**Holder:**  
Canadian Imperial Bank of Commerce  
1800 Hamilton Street  
Regina, SK, Canada S4P 4K7  
**Client #:** 135493319

**Int. Register #:** 125000244

**Interest #:**  
**200591423**

Tax Lien

**Value:** N/A  
**Reg'd:** 27 Nov 2024 14:16:27  
**Interest Register Amendment Date:** N/A  
**Interest Assignment Date:** N/A  
**Interest Scheduled Expiry Date:** N/A  
**Expiry Date:** N/A

**Holder:**

Rural Municipality of Francis No. 127  
Box 36  
Francis, Saskatchewan, Canada S0G 1V0  
**Client #:** 100948439

**Int. Register #:** 126394375

**Interest #:**  
**200848215**

Builders' Lien

**Value:** \$37,572.59 CAD  
**Reg'd:** 07 Jan 2025 12:56:30  
**Interest Register Amendment Date:** N/A  
**Interest Assignment Date:** N/A  
**Interest Scheduled Expiry Date:** N/A  
**Expiry Date:** N/A

**Holder:**  
Croft Electric Ltd.  
1125 E WEAVER STREET  
REGINA, Saskatchewan, Canada S4N 5Y2  
**Client #:** 140853663

**Int. Register #:** 126446610

**Addresses for Service:**

**Name**

**Address**

**Owner:**

CUSTOM AGRICULTURAL INTELLIGENCE 2190 INDUSTRIAL DR RM OF SHERWOOD, Saskatchewan,  
INCORPORATED Canada S4K 0A6  
**Client #:** 131200333

**Notes:**

Parcel Class Code: Parcel (Generic)



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**Interest #:  
186519055**

Power Corporation Act  
Easement (s.23)

**Value:** N/A  
**Reg'd:** 07 Nov 2019 10:54:01  
**Interest Register Amendment Date:** N/A  
**Interest Assignment Date:** N/A  
**Interest Scheduled Expiry Date:** N/A  
**Expiry Date:** N/A

**Holder:**  
SASKATCHEWAN POWER CORPORATION  
2025 VICTORIA AVE  
REGINA, SK, Canada S4P 0S1  
**Client #:** 100307618

**Int. Register #:** 123725156

**Interest #:  
193385807**

Assignment of Rents

**Value:** N/A  
**Reg'd:** 17 Mar 2022 12:08:03  
**Interest Register Amendment Date:** N/A  
**Interest Assignment Date:** N/A  
**Interest Scheduled Expiry Date:** N/A  
**Expiry Date:** N/A

**Holder:**  
Canadian Imperial Bank of Commerce  
1800 Hamilton Street  
Regina, SK, Canada S4P 4K7  
**Client #:** 135493319

**Int. Register #:** 125000244

**Interest #:  
200635961**

Tax Lien

**Value:** N/A  
**Reg'd:** 04 Dec 2024 09:12:59  
**Interest Register Amendment Date:** N/A  
**Interest Assignment Date:** N/A  
**Interest Scheduled Expiry Date:** N/A  
**Expiry Date:** N/A

**Holder:**  
RURAL MUNICIPALITY OF SHERWOOD NO. 159  
4400 CAMPBELL ST.  
REGINA, Saskatchewan, Canada S4W 0L3  
**Client #:** 100645253

**Int. Register #:** 126403534

**Addresses for Service:**

**Name**

**Address**

**Owner:**

CUSTOM AGRICULTURAL INTELLIGENCE INCORPORATED  
Client #: 131200333

2190 INDUSTRIAL DR RM OF SHERWOOD, Saskatchewan,  
Canada S4K 0A6

**Notes:**

Under The Planning and Development Act, 2007, the title for this parcel and parcels 111656066 may not be transferred or, in certain circumstances, mortgaged or leased separately without the approval of the appropriate planning authority.

Parcel Class Code: [Parcel \(Generic\)](#)



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**Interest #:**  
**186001657**

Mortgage

**Value:** \$20,000,000.00 CAD  
**Reg'd:** 06 Sep 2019 13:59:49  
**Interest Register Amendment Date:** 17 Mar 2022 12:08:03  
**Interest Assignment Date:** N/A  
**Interest Scheduled Expiry Date:** N/A  
**Expiry Date:** N/A

**Holder:**  
Canadian Imperial Bank of Commerce  
1800 Hamilton Street  
Regina, SK, Canada S4P 4K7  
**Client #:** 135493319

**Int. Register #:** 123632377

**Interest #:**  
**193385818**

Assignment of Rents

**Value:** N/A  
**Reg'd:** 17 Mar 2022 12:08:03  
**Interest Register Amendment Date:** N/A  
**Interest Assignment Date:** N/A  
**Interest Scheduled Expiry Date:** N/A  
**Expiry Date:** N/A

**Holder:**  
Canadian Imperial Bank of Commerce  
1800 Hamilton Street  
Regina, SK, Canada S4P 4K7  
**Client #:** 135493319

**Int. Register #:** 125000244

**Interest #:**  
**200636063**

Tax Lien

**Value:** N/A  
**Reg'd:** 04 Dec 2024 09:13:00  
**Interest Register Amendment Date:** N/A  
**Interest Assignment Date:** N/A  
**Interest Scheduled Expiry Date:** N/A  
**Expiry Date:** N/A

**Holder:**  
RURAL MUNICIPALITY OF SHERWOOD NO. 159  
4400 CAMPBELL ST.  
REGINA, Saskatchewan, Canada S4W 0L3  
**Client #:** 100645253

**Int. Register #:** 126403534

**Addresses for Service:**

<b>Name</b>	<b>Address</b>
<b>Owner:</b> CUSTOM AGRICULTURAL INTELLIGENCE INCORPORATED Client #: 131200333	2190 INDUSTRIAL DR RM OF SHERWOOD, Saskatchewan, Canada S4K 0A6

**Notes:**

Under The Planning and Development Act, 2007, the title for this parcel and parcels 111656055 may not be transferred or, in certain circumstances, mortgaged or leased separately without the approval of the


appropriate planning authority.

Parcel Class Code: Parcel (Generic)



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This and the following 2 pages is Exhibit "B" referred to in the Affidavit of Akriti Bhatnagar sworn before me at Saskatoon, Saskatchewan, *via electronic means*, this 20<sup>th</sup> day of February, 2025.

A handwritten signature in blue ink, appearing to read "D. J. Smith", written over a horizontal line.

A Commissioner for Oaths for Saskatchewan  
Being a Solicitor

**DUPLICATE ORIGINAL**

COURT FILE NUMBER      KBG-SA-01572-2024  
COURT OF KING'S BENCH FOR SASKATCHEWAN  
JUDICIAL CENTRE         SASKATOON  
APPLICANT                **CANADIAN IMPERIAL BANK OF COMMERCE**  
  
RESPONDENTS             **CUSTOM AGRICULTURAL INTELLIGENCE  
INCORPORATED**

**ORDER**

Before the Honourable Justice K.L. Zerr in Chambers the 18<sup>th</sup> day of December, 2024.

On the application of Janine L. Lavoie, lawyer on behalf of the Applicant, Canadian Imperial Bank of Commerce, and on reading the Notice of Application, with proof of service thereof; the Notice of Intent to Realize on Security (the *Farm Debt Mediation Act*, SC 1997, c 21), the Notice of Intention to Enforce Security (the *Bankruptcy and Insolvency Act*, RSC 1985, c B-3) and the Notice of Intention (*The Saskatchewan Farm Security Act*, SS 1988-89, c S-17.1), with proof of service thereof; Affidavit of Default; Report of the Farm Land Security Board; Titles; and Judgment Registry Search, all filed:

**The Court orders, that:**

1. Pursuant to section 11 of *The Saskatchewan Farm Security Act*, SS 1998-89, c S-17.1 (the "**Act**") that section 9(1)(d) of Act does not apply to the mortgage between the Applicant, Canadian Imperial Bank of Commerce and the Respondent, Custom Agricultural Intelligence Incorporated, dated September 3, 2019 and registered at Information Services Corporation on September 6, 2019, as Int. Register #123632377.

ISSUED at Saskatoon, Saskatchewan, this 19<sup>th</sup> day of December, 2024.

  
\_\_\_\_\_  
0/Local Registrar

**CONTACT INFORMATION AND ADDRESS FOR SERVICE**

Name of firm:	McKERCHER LLP
Name of lawyer in charge of file:	Janine L. Lavoie / Taylor L. Wilcox
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Telephone number:	(306) 653-2000
Fax number:	(306) 653-2669
E-mail address:	<a href="mailto:j.lavoie@mckercher.ca">j.lavoie@mckercher.ca</a> / <a href="mailto:t.wilcox@mckercher.ca">t.wilcox@mckercher.ca</a>
File number:	128886.1