

CLERK'S STAMP:

COURT FILE NUMBER: 1501-11817

COURT: COURT OF QUEEN'S BENCH OF ALBERTA

JUDICIAL CENTRE: **CALGARY**

PLAINTIFFS: **EASY LOAN CORPORATION and MIKE TERRIGNO**

DEFENDANTS **BASE MORTGAGE & INVESTMENTS LTD. AND
BASE FINANCE LTD., ARNOLD BREITKRUETZ,
SUSAN BREITKRUETZ, SUSAN WAY AND GP
ENERGY INC**

DOCUMENT: **APPLICATION**

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT

Billington Barristers
1910 Elveden House
717 - 7th Avenue SW
Calgary, AB T2P 0Z3
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Direct: (403) 930-4101
File: 15047-002

**NOTICE TO THE RESPONDENTS: BASE MORTGAGE & INVESTMENTS LTD. AND
BASE FINANCE LTD., ARNOLD BREITKRUETZ, SUSAN BREITKRUETZ, SUSAN
WAY AND GP ENERGY INC**

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:

Date: April 13, 2017
Time: 10:00 a.m.
Where: Calgary Courts Centre
Before: The presiding Master in Chambers

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

Remedy claimed or sought:

The Applicant requests an Order:

1. Abridging the time for service of this application and the Fourth Report of the Receiver;
2. Approving the reported actions of the Receiver to date in the administration of these receivership proceedings;
3. Authorizing the Receiver to immediately sell the following properties, in accordance with the Receiver's recommendations as set out in the Fourth Report of the Receiver, filed, and the Confidential Supplementary Report to the Fourth Report of the Receiver:

- a) 724-55 Avenue SW, Calgary, Alberta;

Legal Description:

Plan 1693AF

Block 24

The easterly 50 feet throughout of all that portion of Lot B
Which is shown on Plan 1559EO and thereon outlined in red
Excepting thereout all mines and minerals

- b) 735-55 Avenue SW, Calgary, Alberta;

Legal Description:

Plan 3701GA

Block 27

Lot 9

Reserving unto Her Majesty all coal

- c) 728-55 Avenue SW, Calgary, Alberta;

Legal Description:

Plan 1559EO

The west 50 feet of the south 120 feet of the parcel
Excepting thereout all coal

d) 63 Suncastle Bay SE, Calgary, Alberta.

Legal Description:

Plan 8410877

Block 26

Lot 20

Excepting thereout all mines and minerals

(the "Properties")

4. Permanently sealing the Confidential Supplementary Report to the Fourth Report of the Receiver;
5. An Order directing the Mortgagees of the Properties to provide mortgage discharge statements disclosing details as to the payment history of any mortgages registered on title to the Properties, and stating the amount required to fully discharge the mortgages;
6. An Order pursuant to s. 191(2) of the *Land Titles Act* directing the Registrar of Titles to cancel the certificates of title for the Properties, terminate the Defendants' interests in the Properties, and register the Order and the transfers in favour of the purchasers notwithstanding the requirements of s-s. 191(1) of the *Land Titles Act*;
7. Such further or other order as counsel may advise and this Honourable Court permit;

Grounds for making this application:

8. As established in the Fourth Report of the Receiver, filed, and in the Confidential Supplementary Report to the Fourth Report of the Receiver;
9. The immediate sale of the Properties is necessary in order to realize on the value of the receivership assets for the benefit of the creditors;

Material or evidence to be relied on:

10. The Fourth Report of the Receiver, filed April 10, 2017;
11. The Confidential Supplementary Report to the Fourth Report of the Receiver dated April 10, 2017, unfiled;
12. Such additional material as counsel may advise;

Applicable rules:

13. The *Alberta Rules of Court*; and
14. Such further and other Rules as counsel may advise;

Applicable Acts and regulations:

15. *Bankruptcy and Insolvency Act*, R.S.C. 1985, c B-3;
16. *Land Titles Act*, R.S.A. 2000 c.L-4;
17. *Judicature Act*, s.13, R.S.A. 2000 c.J-2;
18. *Business Corporations Act*, R.S.A. 2000, c.B-9; and
19. Such further and other Acts and Regulations as counsel may advise.

Any irregularity complained of or objection relied on:

20. Not Applicable.

How the application is proposed to be heard or considered:

21. Before the presiding Master in Chambers.

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 the application, you or your lawyer must attend in Court on the date and 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.