

Form 7  
[Rule 3.8]

Clerk's Stamp

COURT FILE NUMBER 1501-00955  
COURT COURT OF QUEEN'S BENCH OF ALBERTA  
IN BANKRUPTCY AND INSOLVENCY  
JUDICIAL CENTRE CALGARY

CLERK OF THE COURT  
FILED  
AUG 26 2015  
CALGARY, ALBERTA

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

APPLICANT THE LIFE LEASE EQUITY PROTECTION GROUP

RESPONDENTS LUTHERAN CHURCH - CANADA, THE ALBERTA - BRITISH COLUMBIA DISTRICT, ENCHARIS COMMUNITY HOUSING AND SERVICES, ENCHARIS MANAGEMENT AND SUPPORT SERVICES, AND LUTHERAN CHURCH - CANADA, THE ALBERTA - BRITISH COLUMBIA DISTRICT INVESTMENTS LTD.

DOCUMENT NOTICE OF APPLICATION

PARTY FILING THIS DOCUMENT THE LIFE LEASE EQUITY PROTECTION GROUP

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT  
McLeod Law LLP  
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Suite 2110, 250-5<sup>th</sup> Street SW  
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Attention: Mr. Jeff W. Moroz  
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File: 111855 JWM

**NOTICE TO THE RESPONDENTS:**

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: **Friday, August 28, 2015**

Time: **2:00 p.m.**

Where: Calgary Courts Centre, 601-5<sup>th</sup> St. S.W. Calgary, Alberta T2P 5P7

Before: The Honourable Madam Justice B.E.C. Romaine

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

**Remedy claimed or sought:**

1. Setting a date and time for the hearing of the substantive relief requested in this Notice of Application.
2. Granting a Vesting Order which transfers a fee simple title to each and every member of the Life Lease Equity Protection Group, listed on Schedule "A" attached hereto, at the individual expense of each member of the Group, free and clear of the existing Concentra Mortgages and any other mortgage or charge, save and except those which may presently exist between an individual Group member and his/her/their personal lender(s).

**Grounds for making this Application:**

3. Members of the Life Lease Equity Protection Group each own 100% of the equity in their properties, subject only to an existing five (5%) percent surrender fee which was designed to allow the fee simple Owner to recoup its costs of an AIC Appraisal, and its additional costs of the marketing, sale and transfer of the original Life Lease interest.
4. The "surrender" fee of five (5%) percent of the value of the property exists in exchange for the Owner's contractual obligations to obtain an AIC Appraisal, and to assume full responsibility for marketing, selling and transferring either the Life Lease interest or a fee simple interest to a third party.
5. The proposed Proposal of the Applicant contemplates the five (5%) percent surrender fee being paid without the Owner, or any other party, assuming the obligation to provide an AIC Appraisal, and to market, sell and transfer either the Life Lease interest or fee simple interest to a third party.

6. In effect, the Applicants pay this "surrender fee", but will not receive the promised performances of the Owner.
7. Under the proposed Proposal, the vast bulk of the proposed "surrender fee" would accrue to parties ("Concentra" and the "DIL Depositors") who have no legal or equitable interest of any kind in the Applicant's residences.
8. The members of the Life Lease Equity Protection Group are entirely independent of Concentra and the DIL Depositors and the imposition of a CCAA Plan to transfer wealth from them to Concentra and the DIL Depositors for no juristic reason is not a valid purpose and use of the CCAA.
9. Such further and other relief as this Honourable Court may deem appropriate in the circumstances.

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

10. All filed Reports of the Monitor;
11. All Affidavits filed by Kurtis Robinson;
12. The filed Affidavit of Donald A. Fraser, with all Exhibits; and
13. Such other material as counsel may submit and this Court may permit.

**Applicable Rules:**

14. Rules 6.3, 6.28(b) and 13.5 of the Alberta *Rules of Court*.

**Applicable Acts and Regulations**

15. *Companies' Creditors Arrangement Act*, RSC 1985 c C-36.

**Any Irregularity Complained of or Objection relied on:**

16. None.

**How the Application is proposed to be Heard or Considered:**

17. In person.

**WARNING**

If you do not come to Court either in person or by your lawyer, the Court may give the Applicant 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 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 a reasonable time before the Application is to be heard or considered.

## Schedule "A"

**Life Lease Equity Protection Group**

Name	Address
Peterson, Gary & Sandra	101 Covenant Bay
Burrows, Dave & Audrey	103 Covenant Bay
Thistlethwaite, Len & Judy	107 Covenant Bay
Luft, Ray	113 Covenant Bay
Shaben, Donald & Carolyn	115 Covenant Bay
Patzer, Gary & Joyce	119 Covenant Bay
Pieters, Ron & Corry	123 Covenant Bay
Hillmer, Ethelyn	127 Covenant Bay
Olson, Matilda	131 Covenant Bay
Hug, Donna	203 Dayspring Bay
Judson, John & Norma	207 Dayspring Bay
Baum, Alf & Rosemarie	213 Dayspring Bay
Schroeder, Helmuth & Julia	215 Dayspring Bay
Siemens, Tina	217 Dayspring Bay
Schulz, Willi & Sharon	227 Dayspring Bay
Kruse, Ann	231 Dayspring Bay
Bonsel, Carla	233 Dayspring Bay
Christensen, Ansgar & Evelyn	235 Dayspring Bay
Snyder, Jim & Judy	305 Triune Bay
Burton, Rick	309 Triune Bay
Plett, Elfrieda	311 Triune Bay
Geddert, Elsie	313 Triune Bay
Fraser, Don & Joan	317 Triune Bay
DeVries, Simon	321 Triune Bay
Nikkel, Linda	323 Triune Bay
Horvath, Bert & Mary Lyn	325 Triune Bay
Lyons, Helen	327 Triune Bay
Fraser, Don & Ruth	335 Triune Bay
Falk, Jack & Wilma	339 Triune Bay
Spurrell, Cyril & Roma	403 Hope Bay
Elder, Hilt & Lila	405 Hope Bay
Janz, Helmut & Hertha	407 Hope Bay
Reed, Don & Agnes	409 Hope Bay
Schock, Randy & Judi	415 Hope Bay
Kent, Dolores	423 Hope Bay
Sloan, Sterling & Judy	427 Hope Bay
Stanley, John	435 Hope Bay
Ruf, Lorna	503 Epiphany Bay
Wheaton, Curtis & Dona	519 Epiphany Bay
Knuttila, June	527 Epiphany Bay
Farthing, Bob & Joyce	529 Epiphany Bay
Kachmarski, Mary	537 Epiphany Bay
Good, Evelyn	539 Epiphany Bay
Young, Arlene	611 Advent Bay
Neufeld, Gladys	621 Advent Bay
Holoboff, Larry & Beth	637 Advent Bay

Name	Address
Thurn, Alfred & Hedy	701 Pentecost Bay
Rosine, Ron & Mary Jane	703 Pentecost Bay
Forth, Francis & Eva	705 Pentecost Bay
Hickman, Gordon & Diana	709 Pentecost Bay
McLeish, Bill /Bend, Elaine	711 Pentecost Bay
Teske, Dick & Phyllis	723 Pentecost Bay
Kay, Reginald	725 Pentecost Bay
Excell, Donna	731 Pentecost Bay
Steele, Ralph & Agnes	733 Pentecost Bay
Vestering, John & Marie	735 Pentecost Bay
Alberda, Ann	829 Ascension Bay
Elford, Wayne & Joyce	921 Nativity Bay