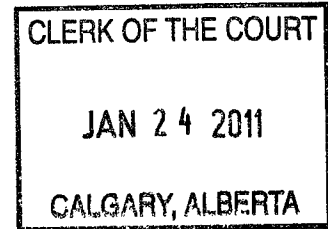


**Form 49**  
[Rule 13.20]

Clerk's stamp:



COURT FILE NUMBER: 1001-03215

COURT OF QUEEN'S BENCH OF  
ALBERTA

JUDICIAL CENTRE OF CALGARY

PLAINTIFF: FIRST CALGARY SAVINGS & CREDIT UNION  
LTD.

DEFENDANTS: PERERA SHAWNEE LTD., PERERA  
DEVELOPMENT CORPORATION, DON L.  
PERERA and SHIRANIE M. PERERA

PLAINTIFFS BY COUNTERCLAIM PERERA SHAWNEE LTD., DON L. PERERA and  
SHIRANIE M. PERERA

DEFENDANTS BY COUNTERCLAIM FIRST CALGARY SAVINGS & CREDIT UNION  
LTD. and DELOITTE & TOUCHE LLP

DOCUMENT: **AFFIDAVIT OF SERVICE**

**OSLER, HOSKIN & HARCOURT LLP**

Barristers & Solicitors  
Suite 2500, 450 – 1st Street SW  
Calgary, AB T2P 5H1  
Solicitor: Christa Nicholson  
Telephone: (403) 260-7025  
Facsimile: (403) 260-7024  
File Number: 1121689

**Affidavit of Kelly Des Rochers**

**Sworn on January 24, 2011**

I, Kelly Des Rochers, of Calgary, Alberta, Legal Assistant, MAKE OATH AND SAY THAT:

1. I am a legal assistant with the law firm of Osler, Hoskin & Harcourt LLP (“**Osler**”), and as such, I have personal knowledge of the matters hereinafter deposed to except where stated to be based on information and belief, in which case I believe such information to be true.

## **SERVICE – JANUARY 14, 2011**

### **EMAIL SERVICE**

2. Attached hereto and marked **Exhibit A** are copies of the following documents:
  - (a) Application filed January 14, 2011; and
  - (b) Eleventh Report of the Receiver filed January 14, 2011;(collectively, the “**First Service Documents**”).
3. On Friday, January 14, 2011 at 3:43 p.m. I sent an email, a copy of which is attached hereto and marked **Exhibit B**, to the addressees shown on the attached email, which attached PDF copies of the First Service Documents (the “**First Service Email**”).
4. I received a “bounce back” message from [nbronstein@mcleod-law.com](mailto:nbronstein@mcleod-law.com), a copy of which is attached hereto and marked **Exhibit C**, indicating that Natalie Bronstein was no longer with McLeod & Company LLP and to call 403-278-9411 if immediate assistance was required. I called the number and was provided with a forwarding email address of [nbronstein216@gmail.com](mailto:nbronstein216@gmail.com).
5. On Monday, January 17, 2011 at 9:09 a.m. I sent an email, a copy of which is attached hereto and marked **Exhibit D**, to [nbronstein216@gmail.com](mailto:nbronstein216@gmail.com) forwarding the First Service Email.
6. I received “out of office” messages (collectively, the “**First Out of Office Messages**”) in response to the First Service Email from the following email addresses:
  - (a) [Paul.Frank@calgary.ca](mailto:Paul.Frank@calgary.ca);
  - (b) [MBillingham@lehighcement.com](mailto:MBillingham@lehighcement.com); and

(c) [spanunto@plhlaw.ca](mailto:spanunto@plhlaw.ca).

Copies of the First Out of Office Messages are attached hereto and marked **Exhibit E**.

#### **FAX SERVICE**

7. On Friday, January 14, 2011 at 2:43 p.m. I sent the First Service Documents to Canadian Western Bank by fax to the fax number shown on the fax confirmation sheet attached hereto and marked as **Exhibit F** (which shows the time of service in Eastern Time).
8. On Friday, January 14, 2011 at 2:47 p.m. I sent the First Service Documents to Workers' Compensation Board by fax to the fax number shown on the fax confirmation sheet attached hereto and marked as **Exhibit G** (which shows the time of service in Eastern Time).
9. On Friday, January 14, 2011 at 2:49 p.m. I sent the First Service Documents to Precision Aluminum Manufacturing Ltd. by fax to the fax number shown on the fax confirmation sheet attached hereto and marked as **Exhibit H** (which shows the time of service in Eastern Time).
10. On Monday, January 17, 2011 at 8:06 a.m. I sent the First Service Documents to Servus Credit Union Ltd. by fax to the fax number shown on the fax confirmation sheet attached hereto and marked as **Exhibit I** (which shows the service in Eastern Time).

#### **MAIL SERVICE**

11. On Friday, January 14, 2011, I mailed the First Service Documents to all persons listed in **Exhibit J** attached hereto, in accordance with the Order granted by the Honourable Madam Justice Kent on Friday, October 20, 2010 in this Action.

#### **COURIER SERVICE**

12. On Friday, January 14, 2011, I sent the First Service Documents by courier (collectively, the "**First Courier Service Packages**") to all of the persons on the Service List who had not received (either directly or through service on their counsel) the First Service Documents either by email, fax or mail as described above.

13. Copies of the records showing the time of delivery of the First Courier Service Packages are attached hereto and marked **Exhibit K**. All of the First Courier Service Packages were delivered to the recipients of those packages on or before January 18, 2011.

**SERVICE – JANUARY 18, 2011**

14. Attached hereto and marked **Exhibit L** are copies of the following documents:
- (a) Application regarding Distribution of Funds dated January 18, 2011;
  - (b) Application regarding Approval of CondoSource Agreement and CBRE Agreement dated January 18, 2011; and
  - (c) Twelfth Report of the Receiver dated January 18, 2011 (the “**Twelfth Receiver’s Report**”);
- (collectively, the “**Second Service Documents**”).

**EMAIL SERVICE**

15. I am informed by James Bartley and verily believe that on Tuesday, January 18, 2011 at 11:02 p.m. he sent an email, a copy of which is attached hereto and marked **Exhibit M**, to the addressees shown on the attached email, which attached PDF copies of the unfiled Second Service Documents (the “**Second Service Email**”).
16. I am informed by James Bartley and verily believe that he received “out of office” messages (collectively, the “**Second Out of Office Messages**”) in response to the Second Service Email from the following email addresses:
- (a) [mbillingham@lehighcement.com](mailto:mbillingham@lehighcement.com);
  - (b) [jvallis@blg.com](mailto:jvallis@blg.com);
  - (c) [spanuto@plhlaw.ca](mailto:spanuto@plhlaw.ca); and
  - (d) [Corey.sandquist@fmc-law.com](mailto:Corey.sandquist@fmc-law.com).

Copies of the Second Out of Office Messages are attached hereto and marked **Exhibit N**.

17. I am informed by James Bartley and verily believe that he received an email indicating that the Second Service Email to [rjleechee@bryanco.com](mailto:rjleechee@bryanco.com) was not deliverable. A copy of this email is attached hereto and marked as **Exhibit O**.
18. On Thursday, January 20, 2011, I sent the filed Second Service Documents by courier to Mr. Ryan Lee Chee at Bryan & Company, 1200, 645-7 Avenue SW, a copy of the record showing the time of delivery of which is attached hereto and marked as **Exhibit P**.
19. On Wednesday, January 19, 2011 at 11:31 a.m., I sent an email, a copy of which is attached hereto and marked **Exhibit Q**, to the addresses shown on the attached email, which attached PDF copies of the filed front page of the Second Service Documents (the "**Third Email Service**").
20. I received "out of office" messages (collectively, the "**Third Out of Office Messages**") in response to the Third Service Email from the following email addresses:
  - (a) [JVallis@blg.com](mailto:JVallis@blg.com); and
  - (b) [Corey.Sandquist@fmc-law.com](mailto:Corey.Sandquist@fmc-law.com).

Copies of the Third Out of Office Messages are attached hereto and marked **Exhibit R**.

## **FAX SERVICE**

21. I am informed by James Bartley and verily believe that on Tuesday, January 18, 2011 at 11:42 p.m. (Calgary time) he sent the unfiled Second Service Documents (excluding the Schedules to the Twelfth Receiver's Report) to Canadian Western Bank by fax to the fax number shown on the fax confirmation sheet attached hereto and marked as **Exhibit S**.
22. I am informed by James Bartley and verily believe that on Tuesday, January 18, 2011 at 11:29 p.m. and 11:33 p.m. (Calgary time) he sent the unfiled Second Service Documents (excluding the Schedules to the Twelfth Receiver's Report) in two parts to Precision Aluminum Manufacturing Ltd. by fax to the fax number shown on the fax confirmation sheets attached hereto and marked as **Exhibit T**.
23. I am informed by James Bartley and verily believe that on Tuesday, January 18, 2011 at 11:50 p.m. (Calgary time) he sent the unfiled Second Service Documents (excluding the

Schedules to the Twelfth Receiver's Report) to Servus Credit Union Ltd. by fax to the fax number shown on the fax confirmation sheet attached hereto and marked as **Exhibit U**.

24. I am informed by James Bartley and verily believe that on Wednesday, January 19, 2011 at 12:22 a.m. he attempted to send the unfiled Second Service Documents (excluding the Schedules to the Twelfth Receiver's Report) to Workers' Compensation Board by fax to the fax number shown on the fax confirmation sheet attached hereto and marked as **Exhibit V**.
25. On Wednesday, January 18, 2011, I sent the filed Second Service Documents (including the Schedules to the Twelfth Receiver's Report) by courier to the Worker's Compensation Board, Canadian Western Bank, Precision Aluminum Manufacturing Ltd. and Servus Credit Union Ltd. Copies of the records showing the time of delivery of these packages are attached hereto and marked as **Exhibit W**.

#### **MAIL SERVICE**

26. On Wednesday, January 19, 2011, I mailed the filed Second Service Documents to all persons listed in **Exhibit X** attached hereto, in accordance with the Order granted by the Honourable Madam Justice Kent on Friday, October 20, 2010 in this Action.

#### **REGISTERED MAIL**

27. On Wednesday, January 19, 2011, I sent the filed Second Service Documents by registered mail to Rose Robertson and Donald Robertson. A copy of the document showing that the package is available for pick up is attached as **Exhibit Y** attached here.

#### **COURIER SERVICE**

28. On Wednesday, January 19, 2011, I sent the filed Second Service Documents by courier (collectively, the "**Second Courier Service Packages**") to all of the persons on the Service List who had not received (either directly or through service on their counsel) the Second Service Documents either by email, fax, mail or registered mail as described above.
29. Copies of the records showing the time of delivery of the Second Courier Service Packages are attached hereto and marked **Exhibit Z**. All of the Second Courier Service

Packages were delivered to the recipients of those packages on or before January 20, 2011.

**SERVICE – JANUARY 20, 2011**

30. Attached hereto and marked **Exhibit AA** are copies of the following documents:
- (a) Brief of Argument of the Applicant, Deloitte & Touche Inc. dated January 20, 2011 (the “**Receiver’s Argument**”); and
  - (b) The Book of Authorities filed January 21, 2011 (the “**Authorities**”).
- (collectively, the “**Third Service Documents**”).

**EMAIL SERVICE**

31. I am informed by Doug Schweitzer and verily believe that on Thursday, January 20, 2011 at 6:17 p.m. he sent an email, a copy of which is attached hereto and marked **Exhibit BB**, to the addressees shown on the attached email, which attached PDF copies of the unfiled Receiver’s Argument (the “**Fourth Service Email**”).
32. I am informed by Doug Schweitzer and verily believe that he received “out of office” messages (collectively, the “**Fourth Out of Office Messages**”) in response to the Fourth Service Email from the following email addresses:
- (a) [mbillingham@lehighcement.com](mailto:mbillingham@lehighcement.com); and
  - (b) [paul.frank@calgary.ca](mailto:paul.frank@calgary.ca).

Copies of the Fourth Out of Office Messages are attached hereto and marked **Exhibit CC**.

33. On Friday, January 21, 2011 at 11:41 a.m. I sent two emails, copies of which are attached hereto and marked as **Exhibit DD** to the addresses shown on the attached email, which attached PDF copies of the filed front page of the Receiver’s Argument and the Authorities (the “**Fifth Service Email**”). **Exhibit DD** only includes the filed front page of the Authorities, however, the Authorities in its entirety was attached to the Fifth Service Email.

34. I received an “out of office” message from [paul.frank@calgary.ca](mailto:paul.frank@calgary.ca), a copy of which is attached hereto and marked as **Exhibit EE**, in response to the Fifth Service Email.

#### **MAIL SERVICE**

35. On Friday, January 21, 2011, I mailed the Receiver’s Argument and a letter dated January 21, 2011 to all persons listed in **Exhibit FF** attached hereto, in accordance with the Order granted by the Honourable Madam Justice Kent on Friday, October 20, 2010 in this Action.

#### **REGISTERED MAIL**

36. On Friday, January 21, 2011, I sent the filed Third Service Documents by registered mail to Rose Robertson and Donald Robertson. A copy of the document showing that the package was sent is attached as **Exhibit GG** attached here.

#### **COURIER SERVICE**

37. On Friday, January 21, 2011, I sent the Receiver’s Argument by courier (collectively, the “**Third Courier Service Packages**”) to all of the persons on the Service List who had not received (either directly or through service on their counsel) the Third Service Documents either by email, mail or registered mail as described above.
38. Copies of the records showing the time of delivery of the Third Courier Service Packages are attached hereto and marked **Exhibit HH**. All of the Third Courier Service Packages were delivered to the recipients of those packages on or before January 24, 2011 where the address for service is Calgary. All of the Third Courier Service Packages were sent and are estimated to be delivered on January 24, 2011, where the address for service is outside of Calgary..

#### **SERVICE – JANUARY 24, 2011**

39. On Monday, January 24, 2011 at 8:52 a.m. I sent six emails, copies of which are attached hereto and marked as **Exhibit II** to [kradford@codehunterllp.com](mailto:kradford@codehunterllp.com), which attached PDF copies of the First Service Documents, Second Service Documents and Third Service Documents as well as the Application of CAIRP and AAIRP filed January 20, 2011, the



Affidavit of Bruce Alger, sworn January 20, 2011, the Brief of Law and Argument of CAIRP and AAIRP filed January 20, 2011 and the Authorities of CAIRP and AAIRP filed January 20, 2011.

- 40. I am advised by Morgan Fowler and do verily believe that the First Service Documents, Second Service Documents and Third Service Documents have been delivered, except for those Third Courier Service Packages noted in paragraph 38 which have been sent, either by email, fax, mail, registered mail or courier, as described above, to every person who had as of January 6, 2011 registered an encumbrance with respect to Condominium Plan No. 0915321 or who as of January 11, 2011 had a registration on the Personal Property Registry with respect to Perera Shawnee Ltd. or Perera Development Corporation.
- 41. I make this affidavit in support of the Applications filed by Deloitte & Touche Inc. in this Action returnable on January 24, 2011.

SWORN BEFORE ME at )  
 Calgary, Alberta, )  
 this 24<sup>th</sup> day of January 2011. )  
 \_\_\_\_\_ )  
 A Commissioner for Oaths in and for the )  
 Province of Alberta. )

\_\_\_\_\_ )  
 Kelly Des Rochers

DANA JEVREMOVIC  
 Student-at-Law  
 A Commissioner for Oaths  
 in and for the Province of Alberta.  
 My Commission expires at the pleasure  
 of the Lieutenant Governor.