

JUN 18 2021

Halifax, N.S.

2021

Hfx No. 503367

**Supreme Court of Nova Scotia**

**Between:**

**Canadian Imperial Bank of Commerce, a  
chartered bank**

Plaintiff

- and -

**3304051 Nova Scotia Limited, a body corporate**

Defendant


**Affidavit of Marc Dunning**

I, Marc Dunning, of Halifax, Nova Scotia, make oath and say as follows:

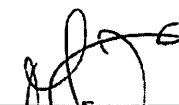
1. I am the solicitor for Deloitte Restructuring Inc. (the "Receiver"), in its capacity as Court-appointed receiver of all of the assets, undertakings and properties of the Defendant, 3304051 Nova Scotia Limited (the "Company"), and as such have personal knowledge of the matters herein deposed to except where stated to be based on information and belief.
2. Attached as Schedule "A" is the results of a search I performed on June 18, 2021 of the Judgment Roll in the Halifax Land Registry Office pursuant to the *Land Registration Act*, confirming that no judgments were recorded against the Company.
3. Attached as Exhibit "B" is a printout of all registrations against the Company under the *Personal Property Security Act* (Nova Scotia) as of June 18, 2021, confirming that no new registrations were made against the Company since my affidavit sworn on April 15, 2021 in this proceeding.
4. True copies of the invoices issued by Wickwire Holm in this receivership between January 22 and May 31, 2021 are set out in Appendix "C" to the Third Report of the Receiver with solicitor-client privileged information redacted where necessary.
5. The total fees charged by Wickwire Holm from January 22 to May 31, 2021 were \$30,934.00 plus HST of \$4,669.99 and disbursements of \$737.25 for a total of \$36,340.74.
6. The invoices are a fair and accurate description of the services provided and the amounts charged.

7. To the best of my knowledge, the rates charged by Wickwire Holm are comparable to those charged by other law firms in Halifax for similar services.

SWORN TO at Halifax, Province of )  
Nova Scotia, this 18<sup>th</sup> day of June, 2021, )  
before me: )

  
\_\_\_\_\_  
A Barrister of the Supreme Court of )  
Nova Scotia )

**MICHAEL BOURGEOIS**  
A Barrister of the Supreme  
Court of Nova Scotia

  
\_\_\_\_\_  
Marc Dunning

This is Exhibit "A" referred to in the  
Affidavit of Marc Dunning sworn  
before me on June 18, 2021



A Barrister of the Supreme Court  
of Nova Scotia

**MICHAEL BOURGEOIS**  
A Barrister of the Supreme  
Court of Nova Scotia

[Back to Results](#)

Document Query - Printer Friendly Version

**Names** Last Name:  
 First Name:  
 Middle Name:  
 Query exact? NO  
 Enterprise Name: 3304051 NOVA SCOTIA LIMITED  
 Query exact? NO  
 Search for: GRANTORS (AGAINST)  
 Registration System: REGISTRY OF DEEDS

**Select Search Category(s)**  
 Grantor/Grantee Index: YES  
 General Powers of Attorney: YES  
 Judgments: YES  
 Code:  
 Include Name Changes: YES

**Documents** Document #:  
 Prefix:  
 Suffix:  
 Book:  
 Page:

**Search Options** County: HALIFAX COUNTY  
 Date Range: 1749-01-01 to 2021-06-18  
 Mode: Replace

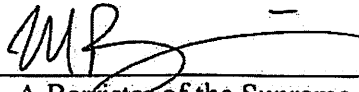
**Document Search Results (for HALIFAX COUNTY - Data current from 1749 to Doc. 118767079 registered on 2021/06/16 16:41)**  
 (for GRANTORS searched as of 2021/06/18 11:02)

0 Records, 0 Selected, Query Type - Replace

5el Grantor (Against)	Grantee (ATS)	Reg Date	Book/Page	Document #	Instr Type	Exp Date	Location
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The following sort rules are used for Parcel and GGI Name Searches: Person Names: - Spaces and Apostrophes in last names are ignored. - Searches for either Mc or Mac will return either variation. Company Names: - All spaces and other non-alpha or non-numeric characters (#, (, ), &, -etc.) are ignored.							
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This is Exhibit "B" referred to in the  
Affidavit of Marc Dunning sworn  
before me on June 18, 2021



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A Barrister of the Supreme Court  
of Nova Scotia

**MICHAEL BOURGEOIS**  
A Barrister of the Supreme  
Court of Nova Scotia

This report lists registrations in the Personal Property Registry that match the following search criteria:

<b>Province or Territory Searched:</b>	Nova Scotia
<b>Type of Search:</b>	Debtors (Enterprise)
<b>Search Criteria:</b>	3304051 Nova Scotia Limited
<b>Date and Time of Search (YYYY-MM-DD hh:mm):</b>	2021-06-18 11:15 (Atlantic)
<b>Transaction Number:</b>	21950779
<b>Searched By:</b>	M192411

The following table lists records that match the Debtors (Enterprise) you specified.

Exact	Included	Original Registration Number	Enterprise Name	Place
*	*	27388917	3304051 NOVA SCOTIA LIMITED	DARTMOUTH
*	*	27388917	3304051 NOVA SCOTIA LIMITED	MIDDLE SACKVILLE
*	*	27623495	3304051 NOVA SCOTIA LIMITED	MIDDLE SACKVILLE
*	*	33978271	3304051 Nova Scotia Limited	Halifax
*	*	34058537	3304051 Nova Scotia Limited	Halifax

An "\*" in the 'Exact' column indicates that the Debtor (Enterprise) exactly matches the search criteria.  
**Included Column Legend**

- An asterisk (\*) in the 'Included' column indicates that the registration's details are included within the Search Result Report.

#### Registration Counts

- 5 registration(s) contained information that exactly matched the search criteria you specified.
- 0 registration(s) contained information that closely matched the search criteria you specified.

When reviewing the registrations below, note that a registration which has expired or been discharged within the last 30 days can still be re-registered by the secured party.

All registration date/time values are stated in Atlantic Time.

For more information concerning the Personal Property Registry, go to [www.acol.ca](http://www.acol.ca)

### Registration Details for Registration Number: 27388917

**Province or Territory:** Nova Scotia  
**Registration Type:** PPSA Financing Statement

#### Registration History

Registration Activity	Registration Number	Date/Time (Atlantic) (YYYY-MM-DD hh:mm)	Expiry Date (YYYY-MM-DD)	File Number
Original	27388917	2017-03-29 14:14	2022-03-29	10000108.00671
Amendment	34041418	2021-02-16 09:34	2022-03-29	1079607
Amendment	34048850	2021-02-17 14:02	2022-03-29	1079607

As listed in the Registration History section above, this registration has been the subject of an Amendment or Global Change to add or delete information. The following registration details provide the registration number for the Amendment that added or deleted information. If no "added by" or "deleted by" registration number is

provided, the information was added by the original registration and has not been deleted.

### Debtors

Type: Enterprise  
3304051 NOVA SCOTIA LIMITED  
4 MACDONALD AVENUE  
DARTMOUTH NS B3B 1C5  
Canada

Type: Enterprise  
3304051 NOVA SCOTIA LIMITED  
230 LUCASVILLE ROAD  
MIDDLE SACKVILLE NS B4B 1S1  
Canada

### Secured Parties

Type: Enterprise  
CANADIAN IMPERIAL BANK OF COMMERCE  
595 BAY STREET, 5TH FLOOR  
TORONTO ON M5G 2C2  
Canada

### General Collateral

ALL PRESENT AND AFTER-ACQUIRED PERSONAL PROPERTY OF THE DEBTOR.

### Serial Numbered Collateral

Serial Number	Collateral Type	Description	Added By	Deleted By
154776	Motor Vehicle	2001 MANITOU FORKLIFT M 50-4	27388917	
405FG2519250	Motor Vehicle	1996 TOYOTA 425 FORKLIFT T25	27388917	
066487+	Motor Vehicle	1999 JCB 940 FORKLIFT 940	27388917	34041418
4028909832	Motor Vehicle	1999 SELICK FORKLIFT SD-80	27388917	
6212508S824	Motor Vehicle	2005 SELICK S80	27388917	
LD0110180	Motor Vehicle	2004 HYUNDAI LOADER 757-7	27388917	
793724	Motor Vehicle	1988 TIMBERJ. PORTER W/SERCO 125 GR. 230	27388917	
1C6RR7GT5ES141624	Motor Vehicle	2014 DODGE TRUCK RAM	27388917	
2GCEK19C681256856	Motor Vehicle	2008 CHEV SERV. TRUCK SILVERADO	27388917	
1HTZVADT2JH586337	Motor Vehicle	1988 INTERNATIONAL S-SERIES	27388917	
1HTTGAETOXJ002002	Motor Vehicle	1999 INTERNATIONAL 5000	27388917	
1FTWW33F8YED80242	Motor Vehicle	2000 FORD TRUCK W FISH. PLOW F350	27388917	
1M2AA18Y7XW094253	Motor Vehicle	199 MACK W/	27388917	
2TCD262B6HA477601	Motor Vehicle	1987 TRAILMOBILE DUMP TRAILER	27388917	
2P932S5G81T017058	Motor Vehicle	PUP TRAILER APLW24-3A-TAL	27388917	
0664871	Motor Vehicle	1999 JCB 940 FORKLIFT 940	34041418	
0664871	Motor Vehicle	1999 JCB 940 FORKLIFT 940	34048850	

**Registration Details for Registration Number: 27623495**

Province or Territory: Nova Scotia  
 Registration Type: PPSA Financing Statement

**Registration History**

Registration Activity	Registration Number	Date/Time (Atlantic) (YYYY-MM-DD hh:mm)	Expiry Date (YYYY-MM-DD)	File Number
Original	27623495	2017-05-15 15:56	2022-05-15	688649

This registration has not been the subject of an Amendment or Global Change. The following registration information was added by the original registration and has not been deleted.

**Debtors**

Type: Enterprise  
 3304051 NOVA SCOTIA LIMITED  
 230 LUCASVILLE ROAD  
 MIDDLE SACKVILLE NS B4B1S1  
 CANADA

**Secured Parties**

Type: Enterprise  
 VFS CANADA INC.  
 238 WELLINGTON ST. E. 3RD FLR.  
 AURORA ON L4G 1J5  
 CANADA

**General Collateral**

2016 VOLVO L90H S/N VCE0L90HK0S623304 C/W CRAIG 7YD HIGHTIP BUCKET SN T17040168 LOADRITE L2180 SYSTEM, ENGINE SN 11811450 //  
 THE GOODS DESCRIBED ABOVE TOGETHER WITH (1) ALL PRESENT AND AFTER-ACQUIRED PARTS, ACCESSIONS, ATTACHMENTS AND REPLACEMENTS THERETO; AND (2) ALL GOODS, SECURITIES, INSTRUMENTS, DOCUMENTS OF TITLE, CHATTEL PAPER, INTANGIBLES, OR MONEY NOW OR HEREAFTER FORMING PROCEEDS OF THE COLLATERAL DESCRIBED ABOVE.

**Serial Numbered Collateral**

Serial Number	Collateral Type	Description	Added By	Deleted By
VCE0L90HK0S623304	Motor Vehicle	2016 VOLVO L90H	27623495	

**Registration Details for Registration Number: 33978271**

Province or Territory: Nova Scotia  
 Registration Type: Notice of Appointment of Receiver



**Registration History**

Registration Activity	Registration Number	Date/Time (Atlantic) (YYYY-MM-DD hh:mm)	Expiry Date (YYYY-MM-DD)	File Number
Original	33978271	2021-01-29 15:08	2024-01-29	59321MD
Amendment	34058479	2021-02-19 12:13	2024-01-29	59321MD

As listed in the Registration History section above, this registration has been the subject of an Amendment or Global Change to add or delete information. The following registration details provide the registration number for the Amendment that added or deleted information. If no "added by" or "deleted by" registration number is provided, the information was added by the original registration and has not been deleted.

**Court Information**

Registration Number	Court File Number	Court

**Debtors**

The Debtor below was deleted by registration number 34058479

Type: Enterprise  
~~3304051 Nova Scotia Limited~~  
~~none available, none available~~  
~~None available~~  
~~1300 - 1969 Upper Water Street~~  
~~Halifax NS B3J 3R7~~  
~~Canada~~

The Debtor below was added by registration number 34058479

Type: Enterprise  
3304051 Nova Scotia Limited  
1300 - 1969 Upper Water Street  
Halifax NS B3J 3R7  
Canada

**Receivers**

Type: Enterprise  
Deloitte Restructuring Inc.  
Foran, James  
Senior Vice President  
Purdy's Wharf Tower II  
1500 - 1969 Upper Water Street  
Halifax NS B3J 3R7  
Canada  
Phone #: 902-721-5661  
Fax #: 902-423-5820

**General Collateral**

All of the debtor's present and after-acquired personal property.

Added by registration number 34058479

All of the debtor's present and after-acquired personal property other than a 2016 Volvo L90H held under security

by VFS Canada Inc.

**Additional Information**

The Receiver appointed pursuant to an Interlocutory Receivership Order issued by the Supreme Court of Nova Scotia in Hfx No. 503367.

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**Registration Details for Registration Number: 34058537**

Province or Territory: Nova Scotia  
Registration Type: Notice of Appointment of Receiver

**Registration History**

Registration Activity	Registration Number	Date/Time (Atlantic) (YYYY-MM-DD hh:mm)	Expiry Date (YYYY-MM-DD)	File Number
Original	34058537	2021-02-19 12:22	2024-02-19	67840 MD

This registration has not been the subject of an Amendment or Global Change. The following registration information was added by the original registration and has not been deleted.

**Court Information**

Registration Number	Court File Number	Court

**Debtors**

Type: Enterprise  
3304051 Nova Scotia Limited  
1300-1969 Upper Water Street  
Halifax NS B3J 3R7  
Canada

**Receivers**

Type: Enterprise  
Deloitte Restructuring Inc.  
Foran, James  
Senior Vice President  
Purdy's Wharf Tower II  
1969 Upper Water Street, Suite 1500  
Halifax NS B3J 3R7  
Canada  
Phone #: 902-721-5661  
Fax #: 902-423-5820

**General Collateral**

All of the debtor's present and after-acquired personal property.

**Additional Information**

The Receiver was appointed pursuant to a Receivership Order issued by the Supreme Court of Nova Scotia in Hfx No. 503367

***END OF REPORT***