

Clerk's stamp

CLERK OF THE COURT  
**FILED**  
OCT 27 2014  
JUDICIAL CENTRE  
OF CALGARY

COURT FILE NUMBER 1401-05914  
COURT OF QUEEN'S BENCH OF ALBERTA  
JUDICIAL CENTRE CALGARY  
APPLICANT CP ENERGY MARKETING LP  
RESPONDENT KYOTO FUELS CORPORATION

DOCUMENT AFFIDAVIT OF SERVICE

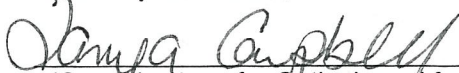
ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT  
**DENTONS CANADA LLP**  
Bankers Court  
15<sup>th</sup> Floor, 850 - 2<sup>nd</sup> Street S.W.  
Calgary, Alberta T2P 0R8  
**Attention: David W. Mann / Derek Pontin**  
Ph. (403) 268-7097/6301 Fx. (403) 268-3100  
File No.: 131079-90

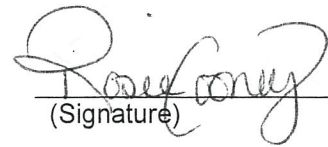
**AFFIDAVIT OF ROSIE COONEY**  
Sworn on October 27, 2014

I, **ROSIE COONEY**, of Calgary, Alberta, **SWEAR AND SAY THAT:**

1. I am a Legal Assistant with Dentons Canada LLP, Barristers and Solicitors, counsel to the Applicants, and as such have knowledge of the matters herein deposed to save where stated to be based upon information and belief and where so stated I do verily believe the same to be true.
2. I am advised by Derek Pontin, Associate at Dentons Canada LLP, and do verily believe that on Friday October 24, 2014, a copy of an Order dated October 24, 2014 (the "**Package**") was served by email upon the parties listed on the delivered email attached hereto and marked as Exhibit "**A**".
3. In addition, I am also advised by Derek Pontin that on Monday October 27, 2014, the Package was served by email upon the parties listed on the delivered email attached hereto and marked as Exhibit "**B**".
4. Attached hereto and marked as Exhibit "**C**" are copies of the delivery receipts confirming that the Package was delivered.
5. I make this Affidavit in connection with service effected in these proceedings.

**SWORN BEFORE ME** at Calgary, Alberta, this )  
27th day of October, 2014. )

  
\_\_\_\_\_  
(Commissioner for Oaths in and for the Province of Alberta)

  
\_\_\_\_\_  
(Signature)

**ROSIE COONEY**

PRINT NAME AND EXPIRY

TANYA CAMPBELL  
A Commissioner for Oaths  
In and for the Province of Alberta  
11415958\_1|NATDOCS My Commission Expires June 26, 2017



Please find attached the proof of filing of the Receiver's application for further funding and the First Report.

Thank you  
Derek



Derek Pontin  
Associate

D +1 403 268 6301  
derek.pontin@dentons.com  
Bio | Website

Dentons Canada LLP  
15th Floor, Bankers Court, 850 - 2nd Street SW Calgary, AB T2P 0R8 Canada

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---

**From:** Pontin, Derek

**Sent:** 16-Oct-14 5:38 PM

**To:** 'bob.taylor@ca.ey.com' ([bob.taylor@ca.ey.com](mailto:bob.taylor@ca.ey.com)); Neil A. Honess ([neil.honess@ca.ey.com](mailto:neil.honess@ca.ey.com)); Nick Purich; Mann, David; Brandy Szakacs ([Brandy.Szakacs@afsc.ca](mailto:Brandy.Szakacs@afsc.ca)); [dshell@davis.ca](mailto:dshell@davis.ca); Myles Hamilton; Tom Droog; Matt Lindsay ([matt.lindsay@RoseLLP.com](mailto:matt.lindsay@RoseLLP.com)); Barr, Kevin ([Kevin.Barr@nortonrose.com](mailto:Kevin.Barr@nortonrose.com)); 'crickards@jmmlawrd.ca'; [KELLY.BOURASSA@blakes.com](mailto:KELLY.BOURASSA@blakes.com); [nicholsonc@jssbarristers.ca](mailto:nicholsonc@jssbarristers.ca); Cumming, Tom ([Tom.Cumming@gowlings.com](mailto:Tom.Cumming@gowlings.com)); 'ellsteve@canopycanada.net'; 'courtlan@shockware.com'; Don Pearson ([DPearson@integratedindustrialsolutions.com](mailto:DPearson@integratedindustrialsolutions.com)); 'john@jktrucking.ca'; 'jim@kyotofuels.com'; 'arsenych@nucleus.com'; 'Kelsey@kyotofuels.com'; 'granvillemith2@gmail.com'; 'rob@summitmotorsltd.com'; 'Diane Jackson' ([jacksond@olympiatrust.com](mailto:jacksond@olympiatrust.com))

**Cc:** Cooney, Rosie

**Subject:** In the Matter of Kyoto Fuels Corporation

Please see the attached Application and First Report of the Receiver, for service upon you, in the matter of Kyoto Fuels Corporation. Proof of filing of the same will be circulated in due course.

Thank you

Derek



Derek Pontin  
Associate

D +1 403 268 6301  
derek.pontin@dentons.com  
Bio | Website

Dentons Canada LLP  
15th Floor, Bankers Court, 850 - 2nd Street SW Calgary, AB T2P 0R8 Canada

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**Cooney, Rosie**

---

**From:** Pontin, Derek  
**Sent:** 27-Oct-14 9:03 AM  
**To:** slewis@capitalpower.com; MRUDAKEWICH@capitalpower.com;  
ahall@capitalpower.com  
**Cc:** Cooney, Rosie  
**Subject:** In the Matter of Kyoto Fuels Corporation  
**Attachments:** Scanned from a Xerox Multifunction Device.pdf

Per Shereen's request, you have all been added to the service list in this matter. Attached is the Order granted on Friday.

Best regards  
Derek



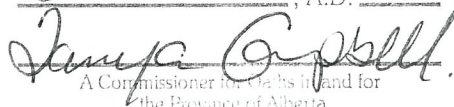
Derek Pontin  
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Bio | Website

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THIS IS EXHIBIT " B " referred to in the Affidavit of  
ROSIE COONEY  
Sworn before me this 27 day of  
October, A.D. 2014  
  
A Commissioner for Oaths in and for the Province of Alberta

**TANYA CAMPBELL**  
A Commissioner for Oaths  
In and for the Province of Alberta  
My Commission Expires June 26, 2017

**Pontin, Derek**

---

**From:** postmaster@fmc-law.com  
**To:** 'bob.taylor@ca.ey.com' (bob.taylor@ca.ey.com); Neil A. Honess (neil.honess@ca.ey.com); Nick Purich; Brandy Szakacs (Brandy.Szakacs@afsc.ca); dshell@davis.ca; Myles Hamilton; Tom Droog; Matt Lindsay (matt.lindsay@RoseLLP.com); Barr, Kevin (Kevin.Barr@nortonrose.com); crickards@jmmlawrd.ca; KELLY.BOURASSA@blakes.com; nicholsonc@jssbarristers.ca; Cumming, Tom (Tom.Cumming@gowlings.com); ellsteve@canopycanada.net; courtlan@shockware.com; Don Pearson (DPearson@integratedindustrialsolutions.com); john@jktrucking.ca; jim@kyotofuels.com; arsenych@nucleus.com; Kelsey@kyotofuels.com; granvillesmith2@gmail.com; rob@summitmotorsltd.com; 'Diane Jackson' (jacksond@olympiatrtrust.com)  
**Sent:** 24-Oct-14 4:54 PM  
**Subject:** Relayed: RE: In the Matter of Kyoto Fuels Corporation

**Delivery to these recipients or distribution lists is complete, but delivery notification was not sent by the destination:**

'bob.taylor@ca.ey.com' (bob.taylor@ca.ey.com)

Neil A. Honess (neil.honess@ca.ey.com)

Nick Purich

Brandy Szakacs (Brandy.Szakacs@afsc.ca)

dshell@davis.ca

Myles Hamilton

Tom Droog

Matt Lindsay (matt.lindsay@RoseLLP.com)

Barr, Kevin (Kevin.Barr@nortonrose.com)

crickards@jmmlawrd.ca

KELLY.BOURASSA@blakes.com

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Cumming, Tom (Tom.Cumming@gowlings.com)

ellsteve@canopycanada.net

courtlan@shockware.com

Don Pearson (DPearson@integratedindustrialsolutions.com)

john@jktrucking.ca

THIS IS EXHIBIT " C " referred to in the Affidavit of Rosie Cooney  
Sworn before me this 27 day of October, A.D. 2014  
Tanya Campbell  
A Commissioner for Oaths and for the Province of Alberta

**TANYA CAMPBELL**  
A Commissioner for Oaths  
In and for the Province of Alberta  
My Commission Expires June 26, 2017

[jim@kyotofuels.com](mailto:jim@kyotofuels.com)

[arsenych@nucleus.com](mailto:arsenych@nucleus.com)

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'Diane Jackson' ([jacksond@olympiatrtrust.com](mailto:jacksond@olympiatrtrust.com))

Subject: RE: In the Matter of Kyoto Fuels Corporation

**Pontin, Derek**

---

**From:** Microsoft Exchange  
**To:** Mann, David; Cooney, Rosie  
**Sent:** 24-Oct-14 4:54 PM  
**Subject:** Delivered: RE: In the Matter of Kyoto Fuels Corporation

**Your message has been delivered to the following recipients:**

Mann, David

Cooney, Rosie

**Subject:** RE: In the Matter of Kyoto Fuels Corporation

---

Sent by Microsoft Exchange Server 2007



**Pontin, Derek**

---

**From:** postmaster@fmc-law.com  
**To:** slewis@capitalpower.com; MRUDAKEWICH@capitalpower.com;  
ahall@capitalpower.com  
**Sent:** 27-Oct-14 9:03 AM  
**Subject:** Relayed: In the Matter of Kyoto Fuels Corporation

**Delivery to these recipients or distribution lists is complete, but delivery notification was not sent by the destination:**

[slewis@capitalpower.com](mailto:slewis@capitalpower.com)

[MRUDAKEWICH@capitalpower.com](mailto:MRUDAKEWICH@capitalpower.com)

[ahall@capitalpower.com](mailto:ahall@capitalpower.com)

Subject: In the Matter of Kyoto Fuels Corporation

**Pontin, Derek**

---

**From:** Microsoft Exchange  
**To:** Cooney, Rosie  
**Sent:** 27-Oct-14 9:03 AM  
**Subject:** Delivered: In the Matter of Kyoto Fuels Corporation

**Your message has been delivered to the following recipients:**

Cooney, Rosie

Subject: In the Matter of Kyoto Fuels Corporation

---

Sent by Microsoft Exchange Server 2007