

This is the 1st Affidavit
of Kibben Jackson in this case
and was made on December 27, 2023

No. H230802
Vancouver Registry



IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

BANK OF MONTREAL

PETITIONER

AND:

HARO-THURLOW STREET PROJECT LIMITED PARTNERSHIP,
HARO AND THURLOW GP LTD.,
HARLOW HOLDINGS LTD.,
1104227 B.C. LTD.,
CLOUDBREAK HOLDINGS LTD.,
CM (CANADA) ASSET MANAGEMENT CO. LTD.,
FORSEED HARO HOLDINGS LTD.,
1115830 B.C. LTD.,
TERRAPOINT DEVELOPMENTS LTD.,
KANG YU ZOU,
WEI DONG,
WEI ZOU,
XIA YU and
TREASURE BAY HK LIMITED

RESPONDENTS

AFFIDAVIT

I, Kibben Jackson, lawyer, of 2900 – 550 Burrard Street, Vancouver British Columbia,
AFFIRM, THAT:

1. I am a partner at Fasken Martineau DuMoulin LLP (“**Fasken**”), counsel for the Petitioner, Bank of Montreal, and as such have personal knowledge of the facts hereinafter deposed to except where stated to be on information and belief, in which case I verily believe them to be true.

2. Attached hereto and marked as Exhibit "A" is a copy of an email dated December 26, 2023 from Daniel Shouldice, counsel for the Respondent Treasure Bay HK Limited, to Scott Turner, copying me, Mishaal Gill and Ding Han.

AFFIRMED, BEFORE ME at Vancouver,)
British Columbia, on December 27, 2023.)



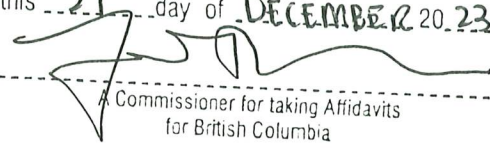
_____)
A Commissioner for taking Affidavits for)
British Columbia)



_____)
KIBBEN JACKSON

FERGUS J. L. MCDONNELL
Barrister & Solicitor
Fasken Martineau DuMoulin LLP
2900 - 550 Burrard Street
Vancouver, BC V6C 0A3
604 631 3131

This is Exhibit "A" referred to in the affidavit of KIBBEN JACKSON sworn before me at VANCOUVER this 27 day of DECEMBER 2023.


Commissioner for taking Affidavits
for British Columbia

From: Daniel Shouldice <Daniel.Shouldice@mcmillan.ca>
Sent: Tuesday, December 26, 2023 7:24 AM
To: sturner@turnerco.ca
Cc: Kibben Jackson <kjackson@fasken.com>; Mishaal Gill <mgill@fasken.com>; Ding Han <dhan@turnerco.ca>
Subject: [EXT] BMO v. Haro-Thurlow Street Project Limited Partnership et al., SCBC Action No. H-230802, Vancouver Registry

{CAUTION: This email originated from outside of Fasken. Exercise care before clicking links or opening attachments.}

Scott,

As you may know, our client Treasure Bay is the minority shareholder of CM Grouse. The board of Treasure Bay consists of Mr. Zou and Treasure Bay's nominee, Cheryl Li.

At the hearing on December 23rd, you informed the court that Mr. Zou undertook to pledge the funds in the CM Grouse bank account to be applied to the outstanding interest due under the BMO mortgage.

Ms. Li, as the other director of Treasure Bay, has not consented to the funds in the CM Grouse bank account being pledged as security for the debt due to BMO or to those funds being applied to the outstanding interest due under the BMO loan and mortgage. We are not aware of any request having been made for Treasure Bay or its director nominee to consent to such use of the funds in the CM Grouse bank account.

Treasure Bay's position is that any disposition or other use of the funds in the CM Grouse bank account requires the approval of both directors of CM Grouse.

I understand Ms. Li has informed Mr. Zou of Treasure Bay's position directly. I've copied BMO's counsel so they are aware of our position as well.

Please contact me if you have any questions or wish to discuss .

Regards,



Daniel Shouldice

Partner

d 604.691.6858 | f 604.685.7084

Daniel.Shouldice@mcmillan.ca

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