

COURT FILE NUMBER: 25-094636

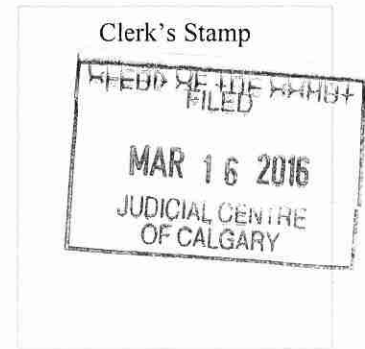
COURT: COURT OF QUEEN'S BENCH OF
ALBERTA (IN BANKRUPTCY AND
INSOLVENCY)

JUDICIAL CENTRE: CALGARY

APPLICANT: TCF COMMERCIAL FINANCE
CANADA, INC.

RESPONDENT: SUNRIDGE RV INC.

DOCUMENT: **APPLICATION TO
DISCHARGE INTERIM
RECEIVER**



ADDRESS FOR SERVICE AND CONTACT
INFORMATION OF PARTY FILING THIS
DOCUMENT: PARLEE McLAWS LLP
Barristers & Solicitors
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File Number: 68532-2/JHH

NOTICE TO RESPONDENTS:

This application is made against you. You are a respondent.

You have the right to state your side of this matter before the Justice.

To do so, you must be in Court when the application is heard as shown below:

Date: Wednesday, March 23, 2016
Time: 2:00 P.M.
Where: Law Courts Centre, Calgary, Alberta
Before Whom: The Honourable Mr. Justice C.M. Jones

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

Remedy claimed or sought:

1. An Order abridging the time for service of notice of this application, and validating service thereof, if necessary, pursuant to Rules 3 and 6 of the General Rules under the *Bankruptcy and Insolvency Act* (the “**BIA**”);
2. An Order discharging Deloitte Restructuring Inc. (“**Deloitte**”) as the Interim Receiver against the Property, as that term is defined in the Order granted in the within Action on March 4, 2016 (the “**TCF Interim Receivership Order**”), of Sunridge RV Inc. (“**Sunridge**”);
3. An Order pursuant to Rule 6.11 of the *Alberta Rules of Court* permitting evidence taken in the Earlier Proceedings, as defined below, to be heard and considered in the Court’s decision regarding the within application, and disposing of the requirement that the applicant provide the parties to the Earlier Proceedings with notice of its intention to propose that the same be heard and considered;
4. Costs of this application on a solicitor and own client basis; and
5. Such further and other relief as may seem just to this Honourable Court.

Grounds for making this application:

6. TCF Commercial Finance Canada, Inc. (“**TCF**”) provided financing to Sunridge for the acquisition of inventory (the “**TCF Inventory**”).
7. On February 10, 2016, Northpoint Commercial Finance Canada Inc. (“**Northpoint**”), another of Sunridge’s inventory financiers, obtained an Interim Receivership Order (the “**Northpoint Interim Receivership Order**”) with respect to the inventory financed to Sunridge by it, in the Court of Queen’s Bench of Alberta, Judicial Centre of Calgary [Court File No. 1601 01667] (the “**Northpoint Interim Receivership Proceedings**”);
8. On February 22, 2016, Sunridge file a Notice of Intention to Make a Proposal under the provisions of the *BIA* [Court No./Estate No. 25-094627] (the “**Sunridge NOI**”), with Alvarez & Marsal Canada Inc. as its licensed insolvency trustee (the “**Sunridge Proposal Proceedings**”, hereinafter and heretofore collectively referred to with the Northpoint Interim Receivership Proceedings as the “**Earlier Proceedings**”);

9. On March 4, 2016, TCF obtained the TCF Interim Receivership Order pursuant to s. 47(1) of the *BIA* in the within proceeding;
10. On March 9, 2016, on application by Northpoint brought in the Earlier Proceedings, the Honourable Mr. Justice D.B. Nixon granted an Order, *inter alia*, (i) terminating the stay of proceedings which arose upon the filing of the Sunridge NOI, (ii) permitting Sunridge's secured creditors to immediately proceed to enforce their security, and (iii) extending the Northpoint Interim Receivership Order for an additional 30 days;
11. At the application on March 9, 2016, Justice D.B. Nixon also granted an Order to extend the TCF Interim Receivership Order for an additional 30 days;
12. TCF now is applying concurrently for an Order naming Deloitte as the Court appointed Receiver and Manager of all of Sunridge's property, assets, and undertaking, which Order, if granted, necessitates the conclusion of Deloitte's duties under the TCF Interim Receivership Order; and
13. Such further and other grounds as Counsel may advise.

Material or evidence to be relied on:

14. The material filed in the within proceeding and the Earlier Proceedings; and
15. Such further and other material as Counsel may advise.

Applicable rules:

16. Rules 1.5(5), 6.3, 11.27, and 13.5 of the *Alberta Rules of Court*;
17. Rules 3, 6, and 79-82 of the General Rules of the *BIA*; and
18. Such further and other rules as Counsel may advise.

Applicable Acts and regulations:

19. Sections 47(1.1) and 47.2 of the *BIA*; and
20. Such further and other Acts and Regulations as Counsel may advise.

Any irregularity complained of or objection relied on:

21. None.

How the application is proposed to be heard or considered:

22. In person before the Justice in Chambers.

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 rely on an affidavit or other evidence when the application is heard or considered, you must reply by giving reasonable notice of the material to the applicant.