Form 49 [Rule 13.19]

**COURT FILE NUMBER** 

24-2806908

Clerk's Stamp

COURT

COURT OF QUEEN'S BENCH OF ALBERTA

IN BANKRUPTCY AND INSOLVENCY

JUDICIAL CENTRE

**EDMONTON** 

IN THE MATTER OF THE BANKRUPTCY AND INSOLVENCY ACT, RSC 1985, C B-3, AS

**AMENDED** 

AND IN THE MATTER OF THE NOTICE OF INTENTION TO MAKE A PROPOSAL OF 915245 ALBERTA LTD. o/a PRAIRIE TECH

**OILFIELD SERVICES** 

**APPLICANT** 

915245 ALBERTA LTD. o/a PRAIRIE TECH

**OILFIELD SERVICES** 

**RESPONDENTS** 

1635623 ALBERTA INC. o/a ADRENALINE

**DIESEL and BONNIE'S EQUIPMENT** 

SERVICES LTD.

DOCUMENT

AFFIDAVIT

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT

JOHN MCCRAE, McAllister LLP

2500 Commerce Place, 10155 - 102 Street

Edmonton, AB T5J 4G8 T: 780-425-2500

F: 780-425-1222 File No. 89733-4

AFFIDAVIT OF MARTY PEDERSON

Sworn on the 4th day of April, 2022.

## I, Marty Pederson of Edmonton, Alberta, SWEAR AND SAY THAT:

- I am the President of the Respondent, 1635623 Alberta Inc. o/a Adrenaline Diesel ("Adrenaline Diesel"), and as such have personal knowledge of the matters here deposed to, except where stated on to be based on information and belief, in which circumstances. I do verily believe it to be true.
- 2. I have reviewed the Second Affidavit of Dwayne Vogel and reference certain Exhibits contained therein.
- 3. Adrenaline Diesel operates a heavy-duty, commercial truck and trailer repair shop in Edmonton.
- In July of 2021, the Applicant, 915245 Alberta Ltd. o/a Prairie Tech Oilfield Services (the "Company"), instructed and authorized Adrenaline Diesel to perform repairs (the "Repairs") on a 2016 Peterbilt model 389, with the VIN: 1PXD49X9GD305583 (the "Peterbilt").
- Adrenaline Diesel tendered invoice #3466 to the Company for the Repairs, which is dated September 30, 2021 ("Invoice 3466"). Invoice 3466 is included in Exhibit "B" of the Second Affidavit of Dwayne Vogel.
- The total amount owed pursuant to Invoice 3466 is \$27,096.54. To date, the Company has not made any payments towards Invoice 3466.
- 7. Invoice 3466 indicates that storage fees will begin to accrue at the rate of \$50/day on units left for more than 48 hours at Adrenaline Diesel's property. Adrenaline Diesel tendered invoice #3951 on February 2, 2022, for storage fees with respect to the Peterbilt in the amount of \$6,195.00 (the "Storage Invoice"). The Storage Invoice is included as part of Exhibit "B" of the Second Affidavit of Dwayne Vogel.



- 8. On September 30, 2021, Adrenaline Diesel filed a Garage Keeper's Lien at the Personal Property Registry against the Peterbilt (the "Lien"). The Lien is included as part of Exhibit "C" to the Second Affidavit of Dwayne Vogel, which is a PPR search done on the VIN of the Peterbilt.
- I note that the Lien incorrectly states that the Peterbilt was released on September 30, 2021. The Peterbilt
  has stayed in the possession of Adrenaline Diesel since the time the Repairs were performed and continues
  to be in the possession of Adrenaline Diesel.
- 10. I note that the Lien incorrectly states that the Peterbilt is owned by the Company. I am informed by the Second Affidavit of Dwayne Vogel that the Company leases the Peterbilt from 1369274 Alberta Ltd. and that Dwayne Vogel is a Shareholder of 1369274 Alberta Ltd.
- 11. As the President of Adrenaline Diesel, I have refused to permit the Peterbilt to be released to the Company until payment in full for Invoice 3466 has been received. Adrenaline Diesel maintained possession of the Peterbilt for the purpose of ensuring that Invoice 3466 would be paid.
- 12. Adrenaline Diesel instructed for the Peterbilt to be seized on March 21, 2022. Copies of the documentation related to the seizure are attached as Exhibit D and Exhibit E to the Second Affidavit of Dwayne Vogel.

The Deponent and Commissioner were not physically present together, but were linked using video technology and followed the process described in the Notice to the Profession and Public: Remote Commissioning of Affidavit for use in Civil and Family Proceedings During the Covid-19 Pandemic dated March 25, 2020.

SWORN (OR AFFIRMED) BEFORE ME at Edmonton, Alberta, this 4th day of April, 2022.

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

BRENNAN A. 51. ARNAUD BARRISTER & SOLICITOR

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2500 Commerce Place, 10155 - 102 Street

Edmonton, AB T5J 4G8

T: 780-425-2500 F: 780-425-1222 File No. 89733-4

## **AFFIDAVIT OF MARTY PEDERSON**

Sworn on the 4th day of April, 2022.

## I. Marty Pederson of Edmonton, Alberta, SWEAR AND SAY THAT:

- 1. I am the President of the Respondent, 1635623 Alberta Inc. o/a Adrenaline Diesel ("Adrenaline Diesel"), and as such have personal knowledge of the matters here deposed to, except where stated on to be based on information and belief, in which circumstances, I do verily believe it to be true.
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SWORN (OR AFFIRMED) BEFORE ME at	)	
Edmonton, Alberta, this 4th day of April, 2022.	j ,	
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(Commissioner for Oaths in and for the Province	) Marty Pederson	
of Alberta)		

BRENNAN A. ST. ARNAUD
BARRISTER & SOLICITOR

## Certificate

I, Brennan St. Arnaud, Barrister and Solicitor, am satisfied that the process for the virtual swearing of the Affidavit of Marty Pederson, sworn/affirmed on April 4<sup>th</sup>, 2022, was necessary because it was unsafe, for medical reasons, for the deponent and commissioner to physically be present together.

Date at Edmonton, Alberta, this 4th day of April, 2022.

Brennan St. Arnaud

BRENNAN A. ST. ARNAUD BARRISTER & SOLICITOR BARRISTER & SOLICITOR