

COURT FILE NO. 1701-03824
COURT COURT OF QUEEN'S BENCH OF ALBERTA
JUDICIAL CENTRE CALGARY
PLAINTIFF ROYAL BANK OF CANADA
DEFENDANTS GABRIEL CONSTRUCTION LTD., GABRIEL
CONSTRUCTION (ALBERTA) LTD. and SASKALTA
ENVIRONMENTAL SOLUTIONS INC.



102384
mk

IN THE MATTER OF THE RECEIVERSHIP OF
GABRIEL CONSTRUCTION LTD., GABRIEL
CONSTRUCTION (ALBERTA) LTD. and SASKALTA
ENVIRONMENTAL SOLUTIONS INC.

APPLICANT DELOITTE RESTRUCTURING INC. in its capacity as
Court-appointed receiver and manager of the assets,
undertakings and properties of GABRIEL
CONSTRUCTION LTD., GABRIEL
CONSTRUCTION (ALBERTA) LTD. and SASKALTA
ENVIRONMENTAL SOLUTIONS INC.

DOCUMENT **AFFIDAVIT**
(Confirming Discharge of Receiver)

ADDRESS FOR SERVICE AND CONTACT
INFORMATION OF PARTY FILING THIS
DOCUMENT

Torys LLP
4600 Eighth Avenue Place East
525 - Eighth Ave SW
Calgary, AB T2P 1G1

Attention: Kyle Kashuba
Telephone: +1 403.776.3744
Fax: +1 403.776.3800
Email: kkashuba@torys.com
File No. 39279-2001

AFFIDAVIT OF JEFF KEEBLE
Sworn on November 23, 2020

I, Jeff Keeble, of the City of Calgary, in the Province of Alberta, SWEAR AND SAY THAT:

1. I am a Licenced Insolvency Trustee, and a Senior Vice President with Deloitte Restructuring Inc., which is the Court-appointed receiver and manager (the “**Receiver**”) of the assets, undertakings and properties of Gabriel Construction Ltd., Gabriel Construction (Alberta) Ltd. and SaskAlta Environmental Solutions Inc. (collectively, the “**Debtors**”).
2. Pursuant to the Order granted by the Honourable Mr. Justice C.M. Jones of the Court of Queen’s Bench of Alberta (the “**Court**”) dated March 21, 2017, Deloitte Restructuring Inc. was appointed as the Receiver over the Debtors.
3. Pursuant to an Order (Final Distribution, the Approval of the Receiver’s Activities, Fees and Disbursements, and the Receiver’s Discharge) granted by Mr. Justice C.M. Jones dated October 22, 2020 (the “**Discharge Order**”), the Court approved the discharge of the Receiver, subject to the filing an Affidavit in the within form confirming that the Receiver had completed certain other administrative activities required to complete its administration of the Debtors’ receivership proceedings.
4. This will confirm that the Receiver has completed all other activities required to complete its administration of the Debtors’ receivership proceedings, particularly as set out in paragraphs 2 and 3 of the Discharge Order.
5. I make this Affidavit further to the requirements of the Discharge Order, and understand that upon the filing of this Affidavit, Deloitte Restructuring Inc. will be fully and finally discharged from its capacity as the Receiver of the Debtors.
6. Due to the circumstances of the COVID-19 pandemic, I am unable to be physically present to swear in this affidavit. I, however, was linked by way of video technology to the Commissioner for Oaths (“**Commissioner**”) notarizing this document. The following steps have been or will be taken by the Commissioner or me:

COURT FILE NO. 1701-03824
COURT COURT OF QUEEN'S BENCH OF ALBERTA
JUDICIAL CENTRE CALGARY
PLAINTIFF ROYAL BANK OF CANADA
DEFENDANTS GABRIEL CONSTRUCTION LTD., GABRIEL CONSTRUCTION (ALBERTA) LTD. and SASKALTA ENVIRONMENTAL SOLUTIONS INC.

Clerk's Stamp



102384
mk

IN THE MATTER OF THE RECEIVERSHIP OF GABRIEL CONSTRUCTION LTD., GABRIEL CONSTRUCTION (ALBERTA) LTD. and SASKALTA ENVIRONMENTAL SOLUTIONS INC.
APPLICANT

DELOITTE RESTRUCTURING INC. in its capacity as Court-appointed receiver and manager of the assets, undertakings and properties of GABRIEL CONSTRUCTION LTD., GABRIEL CONSTRUCTION (ALBERTA) LTD. and SASKALTA ENVIRONMENTAL SOLUTIONS INC.

DOCUMENT **AFFIDAVIT**
(Confirming Discharge of Receiver)

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT

Torys LLP
4600 Eighth Avenue Place East
525 - Eighth Ave SW
Calgary, AB T2P 1G1

Attention: Kyle Kashuba
Telephone: +1 403.776.3744
Fax: +1 403.776.3800
Email: kkashuba@torys.com
File No. 39279-2001

AFFIDAVIT OF JEFF KEEBLE
Sworn on November 23, 2020

I, Jeff Keeble, of the City of Calgary, in the Province of Alberta, SWEAR AND SAY THAT:

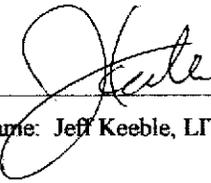
1. I am a Licenced Insolvency Trustee, and a Senior Vice President with Deloitte Restructuring Inc., which is the Court-appointed receiver and manager (the "Receiver") of the assets, undertakings and properties of Gabriel Construction Ltd., Gabriel Construction (Alberta) Ltd. and SaskAlta Environmental Solutions Inc. (collectively, the "Debtors").
2. Pursuant to the Order granted by the Honourable Mr. Justice C.M. Jones of the Court of Queen's Bench of Alberta (the "Court") dated March 21, 2017, Deloitte Restructuring Inc. was appointed as the Receiver over the Debtors.
3. Pursuant to an Order (Final Distribution, the Approval of the Receiver's Activities, Fees and

Disbursements, and the Receiver's Discharge) granted by Mr. Justice C.M. Jones dated October 22, 2020 (the "Discharge Order"), the Court approved the discharge of the Receiver, subject to the filing an Affidavit in the within form confirming that the Receiver had completed certain other administrative activities required to complete its administration of the Debtors' receivership proceedings.

4. This will confirm that the Receiver has completed all other activities required to complete its administration of the Debtors' receivership proceedings, particularly as set out in paragraphs 2 and 3 of the Discharge Order.
5. I make this Affidavit further to the requirements of the Discharge Order, and understand that upon the filing of this Affidavit, Deloitte Restructuring Inc. will be fully and finally discharged from its capacity as the Receiver of the Debtors.
6. Due to the circumstances of the COVID-19 pandemic, I am unable to be physically present to swear in this affidavit. I, however, was linked by way of video technology to the Commissioner for Oaths ("Commissioner") notarizing this document. The following steps have been or will be taken by the Commissioner or me:
 - a. I have shown the Commissioner the front and back of my current government-issued photo identification ("ID") and the Commissioner has compared my video image to the information on the ID.
 - b. The Commissioner has taken a screenshot of the front and back of my ID and will retain it.
 - c. The Commissioner and I have a paper copy of the affidavit before us, including exhibits.
 - d. The Commissioner and I have reviewed each page of this affidavit and exhibits to verify the pages are identical and have initialed each page in the lower right corner.
 - e. At the conclusion of our review of the affidavit and exhibits, the Commissioner administered the oath to me, and the Commissioner watched me sign my name to this affidavit.
 - f. I will send the signed affidavit including exhibits electronically to the Commissioner.
7. I make this Affidavit for no other or improper purpose.

SWORN before me at the City of)
Calgary, in the Province of Alberta,)
this ___ day of _____, 2020)
)
)
)
)
)

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


Name: Jeff Keeble, LIT



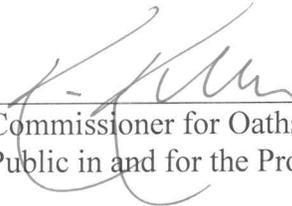
APPENDIX
to the Affidavit of Jeff Keeble
sworn on November 23, 2020

Certificate of Commissioning by Videoconference

I, Kyle Kashuba, Commissioner of Oaths in and for the Province of Alberta, took the Affidavit of Jeff Keeble via videoconference on November 23, 2020 (the "Affidavit").

The affiant and I followed the process outlined by the Alberta Court of Queen's Bench in Notice to the Profession and Public #2020-02 dated March 25, 2020. In addition to the steps described in the Affidavit, I compared each page of the copy I received from the affiant with the initialed copy that was before me while I was linked by videoconference with the affiant. Upon being satisfied that the two copies were identical, I affixed my name to the jurat.

On March 17, 2020, the Government of Alberta declared a state of public health emergency pursuant to the Alberta *Public Health Act* in response to the COVID-19 pandemic. The Government of Alberta also strongly recommends that all individuals stay home and avoid contact with others whenever possible. Therefore, I am satisfied that this process was necessary because it was unsafe for the deponent and I to be physically present together.



Commissioner for Oaths and Notary
Public in and for the Province of Alberta

Kyle D. Kashuba, Barrister & Solicitor