



NO. FOS-S-S-24867
FORT ST. JOHN REGISTRY

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

THE BANK OF NOVA SCOTIA

PETITIONER

AND:

GRABHERS LAST STAND BISON RANCH LTD., DWAYNE
GRABHER AND CHELSEA GRABHER ALSO KNOWN AS
CHELSEA FOILLARD

RESPONDENTS

NOTICE OF APPLICATION

Name of Applicant: Deloitte Restructuring Inc. (the “**Receiver**”), in its capacity as the Court-appointed receiver and manager, without security, of all of the assets, undertakings, and property of Grabhers Last Stand Bison Ranch Ltd. (“**GLS**”), and certain assets of Dwayne Grabher (“**Mr. Grabher**”) and Chelsea Grabher, also known as Chelsea Fouillard (“**Ms. Fouillard**”)

To: The Petitioner

And To: The Service List

TAKE NOTICE that an application will be made by the Applicant to the presiding associate judge at the Courthouse at J.O. Wilson Square, 250 George Street, in the City of Prince George, in the Province of British Columbia on Monday, the 18th day of November, 2024 at 9:45a.m. for the orders set out in Part 1 below.

The Applicant estimates that the application will take 15 minutes.

This matter is within the jurisdiction of an Associate Judge.

This matter is not within the jurisdiction of an Associate Judge.

Part 1: ORDERS SOUGHT

1. An Order substantially in the draft form attached hereto as **Schedule “A”**:
 - (a) approving the Receiver’s activities, as set out in the Receiver’s Third Report to the Court dated October 9, 2024 and filed herewith (the “**Report**”);

- (b) approving the Receiver's fees and disbursements and the Receiver's counsel's fees and disbursements as set out in the Report, including estimates to conclude the receivership;
- (c) authorizing the distribution of funds in such proportions and to such persons as set out in paragraph 68 of the Report; and
- (d) discharging the Receiver as Receiver of all of the assets, undertakings and property of GLS, and certain assets of Mr. Grabher and Ms. Fouillard, provided that notwithstanding its discharge herein:
 - (i) the Receiver shall remain Receiver for the performance of such incidental duties as may be required to complete the administration of the receivership herein; and
 - (ii) the Receiver shall continue to have the benefit of the provisions of all Orders made in this proceeding, including all approvals, protections and stays of proceedings in favour of the Deloitte Restructuring Inc. in its capacity as Receiver.

[A blackline of the draft Order to the Model Discharge Order is attached as **Schedule "B"**]

Part 2: FACTUAL BASIS

Background

1. GLS was the owner and operator of a bison ranch located in Taylor, BC (the "**Ranch Property**"). GLS bought, bred and sold bison. Mr. Grabher was the sole director of GLS and was the manager of the ranch. GLS employed approximately eight people until approximately November 30, 2019, after which date Mr. Grabher was solely responsible for the operations of the ranch.
2. In early 2019, GLS began to experience financial difficulties due to, amongst other things, a decline in bison prices. In June 2019, GLS failed to remit payment on its credit facilities and was in default of its loan agreements with its principal secured creditor, The Bank of Nova Scotia ("**BNS**").
3. In September 2019, Mr. Grabher attempted, unsuccessfully, to refinance GLS' credit facilities with BNS. Throughout October and November 2019, Mr. Grabher failed to provide information to BNS related to the inventory of bison, assets held by GLS and other related financial matters. As further described below and in the Report, BNS and the Receiver further believe that, during this time, GLS and Mr. Grabher entered into

various potentially fraudulent transactions related to bison and other assets owned by GLS.

4. On November 26, 2019, BNS demanded payment of the obligations under its loan agreements with GLS. On December 31, 2019, Mr. Grabher, on behalf of GLS, applied for protection pursuant to subsection 5(1)(b) of the *Farm Debt Mediation Act* (“**FDMA**”). An automatic stay of proceedings resulted, but that stay was terminated on or about January 22, 2020 at the request of BNS, to the administrator of the GLS FDMA application.
5. Shortly thereafter, on February 3, 2020 (the “**Date of Receivership**”), BNS obtained an Order (the “**Receivership Order**”) appointing Deloitte Restructuring Inc. as receiver and manager, without security, of all assets, undertakings and property of GLS, and certain assets (as more particularly described in the Receivership Order) of Mr. Grabher and Ms. Fouillard, acquired for, or used in relation to a business carried on by GLS, including all proceeds thereof (collectively, the “**Property**”).
6. At the Date of Receivership, GLS owed BNS approximately \$6,559,719 (the “**BNS Debt**”), pursuant to various credit facilities. BNS holds various registered and first-ranking security over the Property, including a general security agreement dated July 27, 2017, a collateral mortgage registered August 1, 2017, and personal guarantees from Mr. Grabher and Ms. Fouillard (collectively, the “**BNS Security**”).
7. At the Date of Receivership, the available books and records of GLS also reported unsecured creditors with claims of approximately \$1,684,404 (the “**Unsecured Debt**”). The BNS Debt, as secured by the BNS Security, ranks in priority to the Unsecured Debt.
8. On May 13, 2020, John S. Beverley & Associates Inc. (“**Personal Trustee**”) was appointed as Trustee in the personal bankruptcy estate of Mr. Grabher.

Receiver’s Activities

9. Pursuant to paragraph 2.1 of the Receivership Order, the Receiver has the power to, among other things:
 - a. take and maintain possession and control of the Property;
 - b. manage, operate and carry on the business of GLS;
 - c. market and sell the Property (subject to Court approval if any one transaction exceeds \$1,200,000 or if the aggregate of transactions exceeds \$2,500,000); and
 - d. commence and prosecute legal proceedings.
10. By Order pronounced November 23, 2020 (the “**First Approval and Distribution Order**”), this Court approved:
 - a. activities of the Receiver as described in its First and Second Reports to Court dated July 28, 2020 and November 2, 2020 (the “**Previous Reports**”), including:

- i. the Receiver's investigations as to the existence and location of GLS' equipment and bison, and review of certain transactions that occurred prior to the Date of Receivership;
 - ii. sale of the Ranch Property;
 - iii. commencement of legal proceedings (the "**GWG Action**") against Mr. Grabher's mother, Judy Grabher, and GWG Trucking (a partnership incorporated by Judy Grabher), seeking to recover bison, a boat, and a trailer transferred by GLS to Judy Grabher and/or GWG Trucking, on the basis that those transfers constitute fraudulent conveyances; and
 - iv. payment of realtor commission fees and settlement funds;
 - b. fees of the Receiver and its legal counsel to October 23 and October 29, 2020 respectively, as described in its Previous Reports; and
 - c. distributions of funds as follows:
 - i. \$1,376 to WorkSafeBC, in connection with a lien claim for that amount; and
 - ii. \$2,687,000 to BNS.
11. Since the First Approval Order, the Receiver has, amongst other things:
- a. distributed funds pursuant to the First Approval and Distribution Order;
 - b. continued investigations as to the existence and location of GLS' assets and bison, and taken further steps to realize on these assets, including by:
 - i. recovering, with the cooperation of the Personal Trustee, 50% of the net proceeds from the sale of the Boat and Trailer, for the benefit of the receivership estate;
 - ii. seizing and selling a 2014 Bobcat T770 Compact Track Loader for the benefit of the receivership estate; and
 - iii. collecting GST and bank interest;
 - c. complied with demands for information from the Superintendent of Bankruptcy and pursuant to the *Criminal Code*;
 - d. completed ongoing estate accounting, prepared statements of receipts and disbursements and completed monthly trust account reconciliations;
 - e. corresponded with its legal counsel on various legal matters relating to the Receivership Proceedings; and
 - f. prepared and filed goods and services tax ("**GST**") returns.

12. While it is possible that Mr. Grabher and Judy Grabher continue to conceal missing assets of GLS, the costs of continuing to pursue investigations make it prohibitive. Based on discussions between the Receiver, its legal counsel and BNS, further recovery actions and investigations are not considered to be economically viable. The Receiver has therefore determined that the GWG Action should be discontinued.
13. The Receiver has now realized upon all of the recoverable assets of GLS and does not expect any further realizations in the Receivership Proceedings, aside from small amounts of bank interest received on the Receiver's trust account balances.

Receiver's Fees

14. The accounts of the Receiver and its counsel, Lawson Lundell LLP ("**Lawson**"), since the First Approval Order are summarized as follows:

Receiver's Invoices for the period of October 2020 through June 2024

Invoice	Date	Fees	Disbursements	Tax	Total
800160130	2/9/2021	\$6,379.50	\$0.00	\$318.98	\$6,698.48
8001677426	3/16/2021	\$3,132.00	\$0.00	\$156.60	\$3,288.60
8001828961	5/20/2021	\$3,989.50	\$0.00	\$199.48	\$4,188.98
8002537407	4/13/2022	\$6,350.50	\$0.00	\$317.53	\$6,668.03
8002977268	10/18/2022	\$3,900.00	\$6.87	\$195.34	\$4,102.21
8003331877	2/22/2023	\$2,104.00	\$0.00	\$105.20	\$2,209.20
8003770517	7/12/2023	\$4,908.00	\$0.00	\$245.40	\$5,153.40
8004276979	12/18/2023	\$2,255.00	\$0.00	\$112.75	\$2,367.75
8005002682	07/22/2024	\$3,480.00	\$0.00	\$174.00	\$3,654.00

Lawson Lundell LLP's Invoices for the period of October 23, 2020 through September 7, 2022

Invoice	Date	Fees	Disbursements	Tax	Total
702479	12/18/2020	\$5,210.61	\$636.30	\$653.09	\$6,500.00
706510	2/10/2021	\$766.00	\$98.20	\$96.83	\$961.03
708855	3/10/2021	\$1,925.00	\$4.80	\$231.24	\$2,161.04

714236	5/6/2021	\$920.00	\$0.00	\$110.40	\$1,030.40
722866	8/5/2021	\$1,186.00	\$1.80	\$142.41	\$1,330.21
723864	9/7/2021	\$2,275.00	\$0.00	\$273.00	\$2,548.00
728458	11/3/2021	\$560.00	\$0.00	\$67.20	\$627.20
731872	12/9/2021	\$1,225.00	\$0.00	\$147.00	\$1,372.00
750165	7/5/2022	\$1,722.00	\$0.00	\$206.64	\$1,928.64
752544	8/4/2022	\$328.00	\$0.00	\$39.36	\$367.36
755826	9/7/2022	\$492.00	\$0.00	\$59.04	\$551.04

15. As outlined in note 1 to the Receiver's R&D, attached as Appendix "A" to the Report, a portion of the Receiver's invoiced costs have been paid directly by BNS, rather than being drawn from the estate proceeds.
16. The Receiver and Lawson estimate further fees and disbursements of up to a total of \$14,000 (the "**Completion Costs**") to the completion of this matter, assuming the Receiver's application for discharge is not opposed.

Proposed Distribution

17. As of August 22, 2024, the Receiver's gross receipts amounted to \$3,132,532, and the Receiver has made disbursements totalling \$2,960,320. The net balance held by the Receiver amounts to \$172,212.
18. Subject to the Court granting the relief sought by the Receiver, the Receiver proposes to pay the remaining funds it holds in its trust account as follows:
 - a. Payment of the Completion Costs and any other remaining costs incidental to the Receiver concluding its administration of these Receivership Proceedings; and
 - b. Payment to BNS of the residual funds held by the Receiver after completing its administration of the estate (the "**Final BNS Distribution**").
19. The Final BNS Distribution is estimated to be between \$160,000 to \$165,000, resulting in a shortfall on the BNS Debt of more than \$3.9 million.
20. Because BNS is expected to suffer a large shortfall, the Receiver has not reviewed the claims comprising the Unsecured Debt, which ranks in priority behind the BNS Debt. The Receiver has, however, provided ad-hoc updates on the status of the Receivership Proceedings to certain unsecured creditors as and when it has been contacted.

Proposed Discharge

21. Subject to the Court granting the relief sought by the Receiver and the Receiver paying the Completion Costs and the Final BNS Distribution, the Receiver will have completed its duties and obligations under the Receivership Order, save and except for other administrative matters incidental to these receivership proceedings, including the filing of the Receiver's report pursuant section 246(3) of the Bankruptcy and Insolvency Act.
22. The remaining matters are administrative in nature and the Receiver is of the view that it is appropriate to seek an order of the Court discharging the Receiver with the discharge to be effective upon the filing of the Discharge Certificate.

Part 3 LEGAL BASIS

23. Subject to the remaining issues outlined in the Report, the Receiver has completed its duties as set out in the Receivership Order, such that the Receiver ought to now be discharged.
24. The professional fees and disbursements of the Receiver and Lawson as detailed in the Report are fair and reasonable, and accurately reflect the work completed in connection with the receivership to date.
25. Paragraph 21 of the Receivership Order provides that the Receiver and its legal counsel shall pass their accounts from time to time and for this purpose the accounts of the Receiver and its legal counsel are referred to a judge of the Supreme Court of British Columbia, which passing may be heard on a summary basis.
26. Rule 10-2(3) provides that the Court must fix any remuneration to be paid to the Receiver.

Part 4: MATERIAL TO BE RELIED ON

1. Receivership Order pronounced February 3, 2020;
2. The Receiver's First Report to the Court dated July 28, 2020;
3. The Receiver's Second Report to the Court dated November 2, 2020;
4. The Receiver's Third Report to the Court dated October 9, 2024;
5. Affidavit #2 of Melinda McKie, sworn October 15, 2024; and
6. Affidavit #1 of William Roberts, sworn October 10, 2024.

TO THE PERSONS RECEIVING THIS NOTICE OF APPLICATION: If you wish to respond to this Notice of Application, you must, within 5 business days after service of this Notice of Application or, if this application is brought under Rule 9-7, within 8 business days after service of this Notice of Application.

- (a) file an Application Response in Form 33,
- (b) file the original of every affidavit, and every other document, that
 - (i) you intend to refer to at the hearing of this application, and
 - (ii) has not already been filed in the proceeding, and
- (c) serve on the applicant 2 copies of the following, and on every other party of record one copy of the following:
 - (i) a copy of the filed Application Response;
 - (ii) a copy of each of the filed affidavits and other documents that you intend to refer to at the hearing of this application and that has not already been served on that person;
 - (iii) if this application is brought under Rule 9-7, any notice that you are required to give under Rule 9-7(9).

Dated at the City of Vancouver, in the Province of British Columbia, this 29th day of October, 2024.


Lawson Lundell LLP
Solicitors for the Applicant

This Notice of Application is filed by William L. Roberts, of the law firm of Lawson Lundell LLP, whose place of business and address for delivery is 1600 – 925 West Georgia Street, Vancouver, British Columbia, V6C 3L2, Email: wroberts@lawsonlundell.com

To be completed by the court only:

Order made

in the terms requested in paragraphs _____
of Part 1 of this Notice of Application

with the following variations and additional terms:

Date:

Signature of Judge Associate Judge

APPENDIX

The following information is provided for data collection purposes only and is of no legal effect.

THIS APPLICATION INVOLVES THE FOLLOWING:

- discovery: comply with demand for documents
- discovery: production of additional documents
- other matters concerning document discovery
- extend oral discovery
- other matter concerning oral discovery
- amend pleadings
- add/change parties
- summary judgment
- summary trial
- service
- mediation
- adjournments
- proceedings at trial
- case plan orders: amend
- case plan orders: other
- experts
- none of the above

SCHEDULE "A"

NO. FOS-S-S-24867
FORT ST. JOHN REGISTRY

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

THE BANK OF NOVA SCOTIA

PETITIONER

AND:

GRABHERS LAST STAND BISON RANCH LTD., DWAYNE
GRABHER AND CHELSEA GRABHER ALSO KNOWN AS
CHELSEA FOILLARD

RESPONDENTS

ORDER MADE AFTER APPLICATION

DISCHARGE ORDER

BEFORE THE HONOURABLE

)
)
)

18/NOV/2024

THE APPLICATION of Deloitte Restructuring Inc. (the “**Receiver**”), in its capacity as Court-appointed Receiver and Manager, without security, of all the assets and undertakings of Grabhers Last Stand Bison Ranch Ltd. and certain assets of Dwayne Grabher and Chelsea Grabher, also known as Chelsea Fouillard, coming on for hearing at Prince George, British Columbia, on the 18th day of November, 2024; AND ON HEARING Baylee Hunt, counsel for the Receiver, and those other counsel listed on Schedule “A” hereto; AND UPON READING the material filed, including the Receiver’s Third Report to Court dated October 9, 2024 (the “**Report**”);

THIS COURT ORDERS AND DECLARES THAT:

1. The activities of the Receiver, as set out in the Report, are hereby approved.

2. The receipts and disbursements of the Receiver, as set out in the Receiver's Statement of Receipts and Disbursements, attached as Appendix "A" to the Report, are hereby approved.
3. The fees and disbursements of the Receiver and its counsel, as set out in the Report and the Affidavit #1 of William Roberts made on October 10, 2024, including estimated fees and disbursements to complete their duties in connection with the receivership, are hereby approved.
4. After payment of the fees and disbursements of the Receiver and its counsel as herein approved, the Receiver shall pay all funds remaining in its hands to The Bank of Nova Scotia, as set out in paragraph 68 of the Report; and
5. Upon payment of the amounts set out in paragraph 4 hereof, and upon the Receiver filing a certificate in substantially the form attached hereto as Schedule "A", the Receiver shall be discharged as Receiver of the assets, undertaking and property of Grabbers Last Stand Bison Ranch Ltd., Dwayne Grabher, and Chelsea Grabher, also known as Chelsea Fouillard, provided that notwithstanding its discharge herein: (a) the Receiver shall remain Receiver for the performance of such incidental duties as may be required to complete the administration of the receivership herein; and (b) the Receiver shall continue to have the benefit of the provisions of all Orders made in this proceeding, including all approvals, protections and stays of proceedings in favour of Deloitte Restructuring Inc. in its capacity as Receiver.
6. Deloitte Restructuring Inc. is hereby released and discharged from any and all liability that Deloitte Restructuring Inc. now has or may hereafter have by reason of, or in any way arising out of, the acts or omissions of Deloitte Restructuring Inc. while acting in its capacity as Receiver herein. Without limiting the generality of the foregoing, Deloitte Restructuring Inc. is hereby forever released and discharged from any and all liability relating to matters that were raised, or which could have been raised, in the within receivership proceedings, save and except for any gross negligence or willful misconduct on its part.

7. Notwithstanding any provision herein, this Order shall not affect any person to whom notice of these proceedings was not delivered as required by the *Bankruptcy and Insolvency Act* and regulations thereto, any other applicable enactment or any other Order of this Court.

THE FOLLOWING PARTIES APPROVE THE FORM OF THIS ORDER AND CONSENT TO EACH OF THE ORDERS, IF ANY, THAT ARE INDICATED ABOVE AS BEING BY CONSENT:

Signature of Baylee Hunt
 Party Lawyer for Deloitte Restructuring
Inc., in its capacity as Court Appointed Receiver

BY THE COURT

REGISTRAR

Schedule "A"

NO. FOS-S-S-24867
FORT ST. JOHN REGISTRY

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

THE BANK OF NOVA SCOTIA

PETITIONER

AND:

GRABHERS LAST STAND BISON RANCH LTD., DWAYNE
GRABHER AND CHELSEA GRABHER ALSO KNOWN AS
CHELSEA FOILLARD

RESPONDENTS

RECEIVER'S CERTIFICATE OF COMPLETION

Pursuant to the Order made November 18, 2024 in these proceedings (the "Discharge Order"), Deloitte Restructuring Inc. files this Certificate with this Honourable Court as confirmation that it has completed all outstanding and required activities as set out in the Receiver's Third Report to Court dated October 9, 2024, and the Affidavit #1 William Roberts made on October 10, 2024, such that subject to paragraph 5 of the Discharge Order it is hereby discharged, and attaches its Final Statement of Receipts and Disbursements in that respect.

Dated: _____, 2024

**Deloitte Restructuring Inc. in its capacity as
Court Appointed Receiver**

Per: _____

SCHEDULE "B"

MODEL DISCHARGE ORDER

[Current to August 1, 2015]

NO. FOS-S-S-24867
FORT ST. JOHN REGISTRY

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

THE BANK OF NOVA SCOTIA

PETITIONER

AND:

GRABHERS LAST STAND BISON RANCH LTD., DWAYNE
GRABHER AND CHELSEA GRABHER ALSO KNOWN AS
CHELSEA FOILLARD

RESPONDENTS

ORDER MADE AFTER APPLICATION

DISCHARGE ORDER

BEFORE THE HONOURABLE

)
)
)

dd/mm/yyyy 18/NOV/2024

THE APPLICATION of ~~[RECEIVER'S NAME]~~ Deloitte Restructuring Inc. (the "Receiver"), in its capacity as Court-appointed ~~[Receiver or Receiver and Manager]~~ (the "Receiver"), without security, of all the assets, and undertakings ~~and properties of [Name of Debtor]~~ of Grabhers Last Stand Bison Ranch Ltd. and certain assets of Dwayne Grabher and Chelsea Grabher, also known as Chelsea Fouillard, coming on for hearing at ~~Vancouver~~ Prince George, British Columbia, on the 18th day of November, 2024; AND ON HEARING Baylee Hunt, counsel for the Receiver, and those other counsel listed on Schedule "A" hereto; AND UPON READING the material filed, including the Report of the Receiver's Third Report to Court dated October 9, 2024 (the "Report") ~~[1]~~;

THIS COURT ORDERS AND DECLARES THAT:

1. The activities of the Receiver, as set out in the Report, are hereby approved.
2. The receipts and disbursements of the Receiver, as set out in the Receiver's Statement of Receipts and Disbursements, attached as Appendix "A" to the Report, are hereby approved.
3. ~~2-~~ The fees and disbursements of the Receiver and its counsel, as set out in the Report and the ~~Fee~~-Affidavit #1 of William Roberts made on October 10, 2024, including estimated fees and disbursements to complete their duties in connection with the receivership, are hereby approved. ~~[2]~~
4. ~~3-~~ After payment of the fees and disbursements of the Receiver and its counsel as herein approved, the Receiver shall pay all funds remaining in its hands to ~~[NAME OF PARTY].~~ [3] The Bank of Nova Scotia, as set out in paragraph 68 of the Report; and
5. ~~4-~~ Upon payment of the amounts set out in paragraph ~~34~~ hereof, ~~and upon the Receiver filing a certificate certifying that it has completed the remaining outstanding activities described in substantially the Report.~~ [4] form attached hereto as Schedule "A", the Receiver shall be discharged as Receiver of the assets, undertaking and property of ~~the Debtor~~ Grabbers Last Stand Bison Ranch Ltd., Dwayne Grabher, and Chelsea Grabher, also known as Chelsea Fouillard, provided that notwithstanding its discharge herein: (a) the Receiver shall remain Receiver for the performance of such incidental duties as may be required to complete the administration of the receivership herein; and (b) the Receiver shall continue to have the benefit of the provisions of all Orders made in this proceeding, including all approvals, protections and stays of proceedings in favour of ~~[RECEIVER'S NAME]~~ Deloitte Restructuring Inc. in its capacity as Receiver.
5. ~~— [Release of Receiver.] [5]~~

6. Deloitte Restructuring Inc. is hereby released and discharged from any and all liability that Deloitte Restructuring Inc. now has or may hereafter have by reason of, or in any way arising out of, the acts or omissions of Deloitte Restructuring Inc. while acting in its capacity as Receiver herein. Without limiting the generality of the foregoing, Deloitte Restructuring Inc. is hereby forever released and discharged from any and all liability relating to matters that were raised, or which could have been raised, in the within receivership proceedings, save and except for any gross negligence or willful misconduct on its part.
7. ~~6.~~ Notwithstanding any provision herein, this Order shall not affect any person to whom notice of these proceedings was not delivered as required by the *Bankruptcy and Insolvency Act* and regulations thereto, any other applicable enactment or any other Order of this Court. ~~6~~

THE FOLLOWING PARTIES APPROVE THE FORM OF THIS ORDER AND CONSENT TO EACH OF THE ORDERS, IF ANY, THAT ARE INDICATED ABOVE AS BEING BY CONSENT:

Signature of Baylee Hunt
 Party Lawyer for ~~the Petitioners~~ Deloitte Restructuring Inc., in its capacity as Court Appointed Receiver

<Print Name>

Signature of
 Party Lawyer for <name of party(ies)>

<Print Name>

BY THE COURT

REGISTRAR

BRITISH COLUMBIA MODEL DISCHARGE ORDER—
EXPLANATORY NOTES

B.C. Model Insolvency Order Committee,
Vancouver, British Columbia

These Notes are to be read together with the model Discharge Order developed by the B.C. Model Insolvency Order Committee (as described below).

[1] — This model order assumes that the time for service does not need to be abridged.

[2] — This model order assumes the approval of the Receiver's fees and disbursements is done on a summary basis. If the Court determines that the assessment of the Receiver's fees and disbursements should be assessed by a Registrar, then this paragraph should be changed to read: "The Receiver shall pass its accounts before a Registrar of the Supreme Court who shall prepare a report and recommendation to the Court." The balance of the relief provided for in this model order should in such case be deleted and can be sought on the subsequent application for approval of the Registrar's report.

[3] — This model order assumes that the material filed supports a distribution to a specific secured creditor or other party.

[4] — Counsel should consider including this provision only if the Receiver's Report identifies any outstanding matters that should be completed before the Receiver's discharge.

[5] — The BCMIOC was divided as to whether a general release might be appropriate. On the one hand, the Receiver has presumably reported its activities to the Court, and presumably the reported activities have been approved in prior Orders. Moreover, the Order that appointed the Receiver likely has protections in favour of the Receiver. These factors tend to indicate that a general release of the Receiver is not necessary. On the other hand, the Receiver has acted only in a representative capacity and as the Court's officer, so the Court may be of the view that it is appropriate to insulate the Receiver from liability by way of a general release. Some members of the BCMIOC felt that, absent a general release, Receivers might hold back funds and/or wish to conduct a claims bar process, which would unnecessarily add time and cost to the receivership.

— Without intending to express an opinion as to whether a general release is appropriate, the BCMIOC has decided not to include the general release language in the body of the model order. Whether such language is appropriate is a matter to be considered by the presiding Judge based on the specific circumstances of the case. If this relief is being sought, stakeholders should be specifically advised and given ample notice.

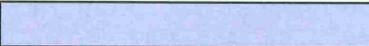
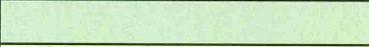
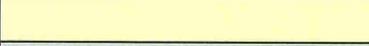
~~—— If a general release is ordered, the language approved by the BCMIOC is as follows:~~

~~5. —— [RECEIVER'S NAME] is hereby released and discharged from any and all liability that [RECEIVER'S NAME] now has or may hereafter have by reason of, or in any way arising out of, the acts or omissions of [RECEIVER'S NAME] while acting in its capacity as Receiver herein. Without limiting the generality of the foregoing, [RECEIVER'S NAME] is hereby forever released and discharged from any and all liability relating to matters that were raised, or which could have been raised, in the within receivership proceedings.~~

~~[6] —— If not included in a previous report, the Receiver should include in the Report filed in support of the application evidence that the Receiver satisfied its notice obligations, including under the *Bankruptcy and Insolvency Act*.~~

Document comparison by Workshare Compare on Wednesday, October 30, 2024 12:25:29 PM

Input:	
Document 1 ID	iManage://dms/Lawson/26403079/1
Description	#26403079v1<Lawson> - MODEL DISCHARGE ORDER - For Blacklining
Document 2 ID	iManage://dms/Lawson/26403327/1
Description	#26403327v1<Lawson> - 2024-11-18 Draft Discharge Order
Rendering set	Standard no moves

Legend:	
Insertion	
Deletion	
Moved from	
Moved to	
Style change	
Format change	
Moved deletion	
Inserted cell	
Deleted cell	
Moved cell	
Split/Merged cell	
Padding cell	

Statistics:	
	Count
Insertions	33
Deletions	57
Moved from	0
Moved to	0
Style changes	0
Format changes	0
Total changes	90

NO. FOS-S-S-24867
FORT ST. JOHN REGISTRY

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

THE BANK OF NOVA SCOTIA

PETITIONER

AND:

GRABHERS LAST STAND BISON RANCH LTD.,
DWAYNE GRABHER AND CHELSEA GRABHER ALSO
KNOWN AS CHELSEA FOILLARD, JODY GRABHER,
DAVID CRAMER, 1050311 BC LTD , NORTHERN TRUSS
LTD., PEACE RIVER COUNTRY ELECTRIC LTD. and
PEACE RIVER BUILDING PRODUCTS LTD.

RESPONDENTS

NOTICE OF APPLICATION



Barristers & Solicitors
1600 Cathedral Place
925 West Georgia Street
Vancouver, British Columbia
V6C 3L2

Phone: (604) 685-3456
Attention: William L. Roberts

File No. 30944-149945