

COURT FILE NUMBER	Q.B. 634/ 2016	Clerk's Stamp
COURT OF QUEEN'S BENCH FOR SASKATCHEWAN IN BANKRUPTCY AND INSOLVENCY		
JUDICIAL CENTRE	SASKATOON	
APPLICANTS	101133330 SASKATCHEWAN LTD. and 101149825 SASKATCHEWAN LTD.	

IN THE MATTER OF THE *COMPANIES' CREDITORS ARRANGEMENT ACT*,
RSC 1985, c. C-36, AS AMENDED

AND IN THE MATTER OF THE OF A PLAN OF COMPROMISE OR ARRANGEMENT OF
101133330 SASKATCHEWAN LTD. and 101149825 SASKATCHEWAN LTD.

**NOTICE OF APPLICATION
BY FIRM CAPITAL MORTGAGE FUND INC. AND FRANK PA**

NOTICE TO ALL RESPONDENTS: All parties listed on the attached Service List

This application is made against you. You are a respondent. You have the right to state your side of this matter before the Court. To do so, you must be in Court when the application is heard as shown below:

Where	Court House 520 Spadina Crescent East Saskatoon, Saskatchewan
Date	<u>Wednesday, August 17, 2016</u>
Time	<u>1:30 p.m.</u>

(Read the Notice at the end of this document to see what else you can do and when you must do it.)

1. Remedy claimed or sought

- (a) Firm Capital Mortgagee Fund Inc. ("FCMF") and Frank Pa seek an order lifting the stay of proceedings as against FCMF and Frank Pa with respect to 101149825 Saskatchewan Ltd. ("825").
- (b) Such further and other relief as counsel may advise and this Honourable Court may permit.

2. Grounds for making this application:

- (a) On August 2, 2016, this Court ordered that the Applicants' notice of application, a draft order, the affidavit(s) of John Orr and a notice of application, affidavit and draft order on behalf of FCMF and Frank Pa and any other materials in connection with any applications scheduled for August 17, 2016 in relation to the

proceeding shall be served on or before August 12, 2016 on the service list established in these proceedings and provided that service is effected in accordance with the order, the time for service of the same is abridged pursuant to Rule 13-7(2).

- (b) An interim stay of proceedings was granted by an order dated May 20, 2016 in favour of 101133330 Saskatchewan Ltd. ("330") and 825 (the "Initial Order").
- (c) The Initial Order including the stay of proceeding in favour of 330 and 825 was extended by an order dated June 13, 2016, which expires on August 31, 2016 at 11:59 p.m. Saskatchewan time (the "Extended Order").
- (d) Forbearance Agreement was made effective as of June 13, 2016 among FCMF, Frank Pa, John Orr, 825, and 330.
- (e) Pursuant to paragraph 5 of the Forbearance Agreement, 330 and 825 agreed to join FCMF and Frank Pa in an application to Court to lift the stay of proceedings against FCMF and Frank Pa with respect to 825.

3. Material or evidence to be relied on:

- (a) Order of the Honourable Mr. Justice G.N. Allbright dated August 2, 2016 abridging the time for service of application materials;
- (b) this Notice of Application with proof of service thereof, filed;
- (c) Affidavit of Jonathan Mair sworn on August 10, 2016, filed;
- (d) Draft Order, filed;
- (e) the pleadings and proceedings herein; and
- (f) such further and other material as counsel may advise and this Honourable Court may allow.

4. Applicable rules:

None

5. **Applicable Acts and regulations:**

(a) Companies' Creditors Arrangement Act, R.S.C. 1985 c. C-36, as amended.

DATED at Saskatoon, Saskatchewan this 10 day of August, 2016.

MILLER THOMSON LLP

for
Per: 
David Gerecke, Solicitor for the
Respondents, Firm Capital
Mortgage Fund Inc. and Frank Pa

TO: All parties named on the Service List in the within matter as of July 26, 2016;

AND TO: Local Registrar, Court of Queen's Bench, J.C. of Saskatoon

If prepared by a lawyer for the party:

Name of firm:	Miller Thomson LLP
Name of lawyer in charge of file:	David G. Gerecke
Address of legal firm:	#300 15 23 rd Street East Saskatoon, SK S7K 0H6
Telephone number:	306.665.7844
Fax number (if any):	306.652.1586
Email address (if any):	dgerecke@millerthomson.com
File No.:	198754.0004

SCHEDULE "A" TO NOTICE OF APPLICATION
SERVICE LIST AS OF JULY 26, 2016

(Will be a separate attachment to the email serving the within Application)