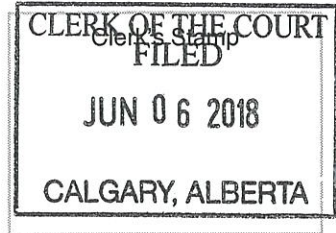


COURT FILE NUMBER 1501-00955
COURT COURT OF QUEEN'S BENCH OF ALBERTA
JUDICIAL CENTRE CALGARY



IN THE MATTER OF THE
COMPANIES' CREDITORS
ARRANGEMENT ACT, R.S.C. 1985,
c. C-36, as amended

APPLICANTS LUTHERAN CHURCH – CANADA, THE ALBERTA – BRITISH COLUMBIA DISTRICT, ENCHARIS COMMUNITY HOUSING AND SERVICES, ENCHARIS MANAGEMENT AND SUPPORT SERVICES, AND LUTHERAN CHURCH – CANADA, THE ALBERTA – BRITISH COLUMBIA DISTRICT INVESTMENTS LTD.

DOCUMENT *Cross.* APPLICATION

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT **Fasken Martineau DuMoulin LLP**
First Canadian Centre
3400, 350 – 7th Avenue S.W.
Calgary, AB T2P 3N9

Attention: Travis Lysak / Hannah Roskey
Phone: (403) 261-5350
Facsimile: (403) 261-5351
File No.: 307842.00003

NOTICE TO RESPONDENT(S)

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

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

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

Date: June 19, 2018
Time: 2:00 p.m.

Where: Calgary Courts Centre, 601 – 5th Street S.W., Calgary, Alberta
Before Whom: The Honourable Justice B.E.C. Romaine in Chambers

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. The Applicants, the Lutheran Church – Canada, the Alberta – British Columbia District (the “**District**”), Encharis Community Housing and Services (“**ECHS**”), Encharis Management and Support Services (“**EMSS**”), and the Lutheran Church – Canada, the Alberta – British Columbia District Investments Ltd. (“**DIL**”) (together, the “**Applicants**”), seek the following relief:

- (a) an Order, substantially in the form attached as Schedule “A”:
 - (i) declaring service of this Application and the supporting materials to be good and sufficient, and shortening the time for service, if necessary; and
 - (ii) declaring the lot located in the Prince of Peace Village with a municipal address of 285011 Luther Rose Boulevard, Rocky View County (the “**Parsonage Lot**”) is not “Common Property” for any purpose, notwithstanding the terms of the bylaws of Condominium Corporation No. 981 2469 registered at the Alberta Land Titles Office as instrument 121 244 627 (the “**Prince of Peace Bylaws**”);
- (b) such further and other relief as this Honourable Court may allow.

Grounds for making this Application:

- 2. The Parsonage Lot is a vacant lot in the Prince of Peace Village of which ECHS is the registered owner.
- 3. The Parsonage Lot was marketed by RE/MAX Len T. Wong & Associates Real Estate since February 2016. On February 6, 2018, Limetwig Homes Inc. (the “**Purchaser**”) offered to purchase the Parsonage Lot for \$50,000 (the “**Purchase Price**”). As of

February 12, 2018, the Purchaser provided notice that its conditions of the purchase of the Parsonage Lot were unilaterally waived or had been satisfied.

4. On March 8, 2018, the Applicants obtained an Order to sell the Parsonage Lot to the Purchaser for the Purchase Price (the “**Transaction**”).
5. On March 26, 2018, prior to the scheduled closing date of the Transaction on March 30, 2018, counsel for the Applicants was advised by counsel for the Purchaser that the Parsonage Lot is included in the definition of “Common Property” in the Prince of Peace Bylaws.
6. The Purchaser is unwilling to proceed with the Transaction without confirmation that the Parsonage Lot is not “Common Property”, notwithstanding the provisions of the Prince of Peace Bylaws.

Material or evidence to be relied on:

7. The Affidavit of Cameron Sherban, sworn June 6, 2018;
8. The pleadings and other materials filed herein; and
9. Such further and other material as counsel may advise and this Honourable Court may permit.

Applicable Rules:

10. Part 6, Division 1, Rule 13.5.

Applicable Acts and regulations:

11. *Companies’ Creditors Arrangement Act*, R.S.C. 1985, c. C-36, as amended.
12. *Condominium Property Act*, R.S.A. 2000, c. C-22, as amended.

Any irregularity complained of or objection relied on:

13. None.

How the Application is proposed to be heard or considered:

14. Before the Honourable Madam Justice B.E.C. Romaine in Chambers.

WARNING

If you do not come to Court either in person or by your lawyer, the Court may give the applicant(s) 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 give evidence in response to the application, you must reply by filing an affidavit or other evidence with the Court and serving a copy of that affidavit or other evidence on the applicant(s) a reasonable time before the application is to be heard or considered.

Schedule "A"

COURT FILE NUMBER 1501-00955
COURT COURT OF QUEEN'S BENCH OF ALBERTA
JUDICIAL CENTRE CALGARY

Clerk's Stamp

IN THE MATTER OF THE
COMPANIES' CREDITORS
ARRANGEMENT ACT, R.S.C. 1985,
c. C-36, as amended

APPLICANTS LUTHERAN CHURCH –
CANADA, THE ALBERTA –
BRITISH COLUMBIA DISTRICT,
ENCHARIS COMMUNITY
HOUSING AND SERVICES,
ENCHARIS MANAGEMENT
AND SUPPORT SERVICES, AND
LUTHERAN CHURCH –
CANADA, THE ALBERTA –
BRITISH COLUMBIA DISTRICT
INVESTMENTS LTD.

DOCUMENT **ORDER** (Parsonage Lot)

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT **Fasken Martineau DuMoulin LLP**
First Canadian Centre
3400, 350 – 7th Avenue S.W.
Calgary, AB T2P 3N9

Attention: Travis Lysak / Hannah Roskey
Phone: (403) 261-5350
Facsimile: (403) 261-5351
File No.: 307842.00003

Date on which Order was pronounced: June 19, 2018
Location where Order was pronounced: Calgary, Alberta
Name of Justice who made this Order: Madam Justice B.E.C. Romaine

Schedule "A"

UPON HEARING the Application of the Lutheran Church - Canada, the Alberta - British Columbia District (the "**District**"), Encharis Community Housing and Services ("**ECHS**"), Encharis Management and Support Services ("**EMSS**"), and the Lutheran Church – Canada, the Alberta – British Columbia District Investments Ltd. ("**DIL**") (together, the "**Applicants**"); **AND UPON REVIEWING** the Affidavit sworn by Cameron Sherban in support of the Application; **AND UPON HEARING** submissions from counsel for the Applicants;

IT IS HEREBY ORDERED AND DECLARED THAT:

1. Service of notice of the Application for this Order, and all supporting materials respecting the Application, filed June 6, 2018, is hereby declared to be good and sufficient, and no other person is required to have been served with notice of the Application for this Order, and the time for service of the Application for this Order is abridged to the time actually given.
2. All capitalized terms not otherwise defined in this Order shall have the meaning ascribed to them in the Affidavit of Cameron Sherban, sworn June 6, 2018.
3. Notwithstanding the definition of the term "Common Property" in section 1(i) of the Prince of Peace Bylaws, the Parsonage Lot is not "Common Property" for the purposes of the Prince of Peace Bylaws, the *Condominium Property Act*, R.S.A. 2000, c. C-22, as amended, or for any other purpose at law or in equity, and the Applicants are authorized to complete the Transaction.

The Honourable Madam Justice B.E.C. Romaine