

**SUPREME COURT OF NOVA SCOTIA
IN BANKRUPTCY AND INSOLVENCY**

In the Matter of the Receivership of 11016946 Canada Inc. (the "Company")

Between:

Business Development Bank of Canada

Applicant

and

11016946 Canada Inc.

Respondent

AFFIDAVIT

I, Sara L. Scott, of Halifax, Nova Scotia, make oath and give evidence as follows:

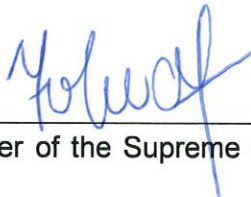
1. I am a lawyer at Stewart McKelvey, counsel for Business Development Bank of Canada ("**BDC**"), a holder of security over certain assets of the Respondent, 11016946 Canada Inc. (the "**Company**"), and the Applicant in the within proceeding.
2. I have personal knowledge of the evidence sworn in this affidavit except where otherwise stated to be based on information or belief.
3. I state, in this affidavit, the source of any information that is not based on my own personal knowledge, and I state my belief of the source.
4. On January 13, 2023, I caused to have filed a motion on behalf of BDC seeking an Order: (i) for the appointment of Deloitte Restructuring Inc. ("**Deloitte**") as Receiver and Manager over the real property located at 123-125 Prince William Street in Saint John, New Brunswick (the "**Property**"); and (ii) for approval of the proposed sales process.
5. The affidavit of Linda Savoie, sworn on January 4, 2023, stated at paragraph 8 that as of the date of swearing the affidavit, no response had been received from the Respondent. The purpose of this affidavit is to set out the subsequent email communication between the parties.

6. Attached at **Exhibit "A"** is a copy of email correspondence from me dated January 10, 2023 at 4:49 p.m.
7. Attached at **Exhibit "B"** is a copy of email correspondence from Mark Charles dated January 11, 2023 at 9:10 a.m.
8. Attached at **Exhibit "C"** is a copy of email correspondence from Ian Cousins dated January 11, 2023 at 11:55 a.m.
9. Attached at **Exhibit "D"** is a copy of email correspondence from me dated January 12, 2023 at 9:57 a.m.
10. Attached at **Exhibit "E"** is a copy of email correspondence from Jim Kennedy dated January 12, 2023 at 10:55 a.m.
11. Attached at **Exhibit "F"** is a copy of email correspondence from me dated January 12, 2023 at 10:57 a.m. and the reply from Jim Kennedy dated January 12, 2023 at 10:59 a.m.
12. Attached at **Exhibit "G"** is a copy of email correspondence from Mark Charles dated January 12, 2023 at 11:10 a.m.
13. Attached at **Exhibit "H"** is a copy of email correspondence from Jim Kennedy dated January 12, 2023 at 2:44 p.m.
14. Attached at **Exhibit "I"** is a copy of email correspondence from Ian Cousins dated January 12, 2023 at 4:01 p.m.
15. Attached at **Exhibit "J"** is a copy of email correspondence from Jim Kennedy dated January 12, 2023 at 3:27 p.m.
16. Attached at **Exhibit "K"** is a copy of email correspondence from me dated January 12, 2023 at 4:13 p.m. and the reply from Jim Kennedy dated January 12, 2023 at 4:25 p.m.
17. Attached at **Exhibit "L"** is a copy of email correspondence from me dated January 13, 2023 at 1:25 p.m.
18. Attached at **Exhibit "M"** is a copy of email correspondence from Ian Cousins dated January 13, 2023 at 3:38 p.m.

19. Attached at **Exhibit "N"** is a copy of email correspondence from Ian Cousins dated January 13, 2023 at 6:01 p.m.
20. Attached at **Exhibit "O"** is a copy of email correspondence from me dated January 13, 2023 at 6:24 p.m.
21. Attached at **Exhibit "P"** is a copy of email correspondence from Ian Cousins dated January 13, 2023 at 7:48 p.m.
22. Attached at **Exhibit "Q"** is a copy of email correspondence from Ian Cousins dated January 16, 2023 at 7:24 p.m.
23. Attached at **Exhibit "R"** is a copy of email correspondence from Ian Cousins dated January 17, 2023 at 1:02 p.m.
24. Attached at **Exhibit "S"** is a copy of email correspondence from me dated January 17, 2023 at 2:05 p.m.
25. Attached at **Exhibit "T"** is a copy of email correspondence from Ian Cousins dated January 17, 2023 at 4:45 p.m.
26. Attached at **Exhibit "U"** is a copy of email correspondence from me dated January 18, 2023 at 11:07 a.m.
27. Attached at **Exhibit "V"** is a copy of email correspondence from Ian Cousins dated January 18, 2023 at 11:18 a.m.
28. Attached at **Exhibit "W"** is a copy of email correspondence from Jim Kennedy dated January 18, 2023 at 11:20 a.m.
29. Attached at **Exhibit "X"** is a copy of email correspondence from me dated January 18, 2023 at 4:09 p.m.
30. Attached at **Exhibit "Y"** is a copy of email correspondence from Ian Cousins dated January 18, 2023 at 4:23 p.m.
31. Attached at **Exhibit "Z"** is a copy of email correspondence from me dated January 19, 2023 at 2:02 p.m.

- 32. Attached at **Exhibit "AA"** is a copy of email correspondence from Ian Cousins dated January 19, 2023 at 2:08 p.m.
- 33. Attached at **Exhibit "BB"** is a copy of email correspondence from Jim Kennedy dated January 19, 2023 at 3:09 p.m.
- 34. Attached at **Exhibit "CC"** is a copy of email correspondence from Ian Cousins dated January 20, 2023 at 2:18 p.m.
- 35. Attached at **Exhibit "DD"** is a copy of email correspondence from me dated January 20, 2023 at 2:28 p.m.
- 36. Attached at **Exhibit "EE"** is a copy of email correspondence from Ian Cousins dated January 20, 2023 at 2:31 p.m.
- 37. Attached at **Exhibit "FF"** is a copy of email correspondence from Ian Cousins dated January 23, 2023 at 12:07 p.m.

SWORN before me at Halifax, Nova Scotia,)
 this 24 day of January, 2023.)



 A Barrister of the Supreme Court of Nova Scotia)



 Sara L. Scott)

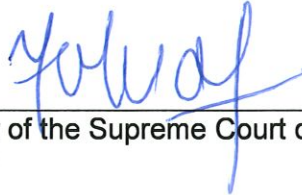
FIYINFOLU A. ADESANYA
 A Barrister of the Supreme
 Court of Nova Scotia

TAB A

2020

Hfx No. 501252

This is Exhibit "A" to the affidavit of Sara L. Scott, sworn to before me at Halifax, Province of Nova Scotia, on January 24, 2023



A Barrister of the Supreme Court of Nova Scotia

FIYINFOLU A. ADESANYA
A Barrister of the Supreme
Court of Nova Scotia

From: Sara L. Scott
Sent: Tuesday, January 10, 2023 4:49 PM
To: Ian Cousins; Mark Charles
Cc: Laura M. Smith
Subject: RE: 125 Prince William

Mark,

We have had no response to the email below of December 14, 2022. No plan has been advanced by the Company that would address how it intends to deal with the property taxes, the judgments and the BDC shortfall. The reality is that the Company has had two years to sell or refinance and pay out the remaining BDC loan and has been unable to do so.

The amount of the loan has grown over these two years, in addition to judgments being registered against the Saint John property. There is no path for the Company to sell the property without having to address the judgments and the outstanding property taxes.

As a result, BDC has instructed me to file a motion to appoint Deloitte Restructuring Inc. as receiver over the Prince William Street property.

The materials will be filed this week, and a date will be sought with Justice Jamieson.

Sara

Sara L. Scott*

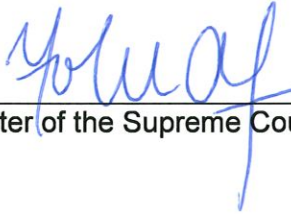
Partner
She/Her
Stewart McKelvey
D: 902.420.3363
C: 902.448.6366
*Law Corporation

TAB B

2020

Hfx No. 501252

This is Exhibit "B" to the affidavit of Sara L. Scott, sworn to before me at Halifax, Province of Nova Scotia, on January 24, 2023



A Barrister of the Supreme Court of Nova Scotia

FIIYINFOLU A. ADESANYA
A Barrister of the Supreme
Court of Nova Scotia

From: Mark Charles <mark@heritagelaw.ca>
Sent: Wednesday, January 11, 2023 9:10 AM
To: Sara L. Scott; Ian Cousins
Cc: Laura M. Smith
Subject: RE: 125 Prince William

This is an external email.

Sara,

Thank you or your follow-up. I apologize for any misunderstanding, I had thought you and BDC were updated by our clients.

Either way I have stressed to my clients the importance of providing BDC the plan as requested.

It's my understanding they will update BDC and yourself this morning with an updated plan.

We ask that you do not proceed with filing until at least after you review their plan today.

Thanks,

Mark J. Charles LL.B

Heritage House Law Office
92 Ochterloney Street
Dartmouth, NS B2Y 1C5

Telephone: (902) 465 - 6669
Cell Phone: (902) 448 - 3259
Fax: (902) 466 - 4412
mark@heritagelaw.ca

This e-mail message contains confidential information intended only for the use of the individual or entity named above. Any unauthorized use or disclosure is strictly prohibited. If you have received this communication in error please immediately delete the e-mail and either notify the sender at the above e-mail address or by telephone at 902-465-6669.

TAB C

2020

Hfx No. 501252

This is Exhibit "C" to the affidavit of Sara L. Scott, sworn to before me at Halifax, Province of Nova Scotia, on January 24, 2023



A Barrister of the Supreme Court of Nova Scotia

FIYINFOLU A. ADESANYA
A Barrister of the Supreme
Court of Nova Scotia

From: Ian Cousins <ian.cousins@blackhawkconsulting.ca>
Sent: Wednesday, January 11, 2023 11:55 AM
To: Sara L. Scott
Cc: Mark Charles; Jim Kennedy
Subject: proposal

This is an external email.

Dear Ms Scott

First I would like to apologize for the recent lack of contact. We have been trying to negotiate with a potential buyer and the province about property taxes and it has been slow over the holiday period. The purchase price offered will leave a shortfall nearing \$500,000 which improves, but does not solve our problem. It has taken sometime as well to hear back from the province over the holiday season.

Over the past months my business has fortunately experienced an increase in revenue which I would like utilize to resolve this issue. I appreciate BDC's concerns with the loan balance increasing as time passes. For this reason I would like to propose the following as a solution rather than continuing with Deloitte.

I can pay \$25,000 towards the property taxes owed. I have payment arrangements for \$16,185.84 per month for the balance of 2023. This will pay the arrears, 2023 taxes and any penalties. I am expecting an email from the province of New Brunswick which I will forward to you. Presently that arrangement is verbal

I will also pre-pay 3 months of interest to BDC and will continue to do so until this is resolved. I believe this amount would be roughly \$13,500 per quarter, which we can confirm together. This will ensure the debt does not grow, BDC will always have advanced payments, the property tax will be in good standing and will afford me more time to find a permanent solution for the building. The solution all parties want.

If this is acceptable for BDC we can have this arranged within the next two weeks.

Please advise asap.

Thank you.

Yours truly,

Ian Cousins

President

Mortgage Agent M09002800

ian.cousins@blackhawkconsulting.ca

T: 613-745-2828
TF: 1-877-545-2828
F: 1-866-749-1939
A: 200-5310 Canotek Road
Ottawa, ON K1J 9N5
W: www.blackhawkconsulting.ca



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Le message ci-dessus, ainsi que les documents l'accompagnant, sont destinés uniquement aux personnes identifiées et peuvent contenir des informations privilégiées, confidentielles ou ne pouvant être divulguées. Si vous avez reçu ce message par erreur, veuillez le détruire.

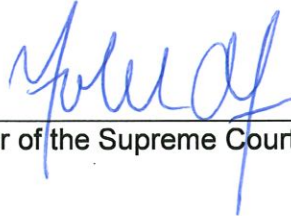
Allergy Alert: When visiting our offices, please be scent aware.

TAB D

2020

Hfx No. 501252

This is Exhibit "D" to the affidavit of Sara L. Scott, sworn to before me at Halifax, Province of Nova Scotia, on January 24, 2023



A Barrister of the Supreme Court of Nova Scotia

FIYINFOLU A. ADESANYA
A Barrister of the Supreme
Court of Nova Scotia

From: Sara L. Scott
Sent: Thursday, January 12, 2023 9:57 AM
To: Ian Cousins
Cc: Mark Charles; Jim Kennedy
Subject: RE: proposal

Thank you for the email. Unfortunately, the proposal fails to address what was asked of 1101 by BDC. BDC requested a concrete plan as to how 1101 intended to address the property taxes, the judgments and the expected BDC shortfall, if it wished to sell the property outside of an insolvency process. This has not been done.

BDC does not see a path forward for 1101 to sell the property and to deal with these encumbrances, while ensuring BDC does not face a shortfall.

Failing any plan being advanced by 1101 that addresses these issues, that are satisfactory to BDC, BDC will be filing the motion documents to have Deloitte appointed as receiver tomorrow. We do remind 1101 that the consent to receivership order signed by 1101 will be filed as part of the motion material.

Deloitte can make themselves available to talk to representatives of 1101 today if the Company wishes to put forward a different proposal; however, BDC wishes to make it clear that the proposal set out below is not acceptable and BDC will be moving ahead with the court motion.

Sara

Sara L. Scott*

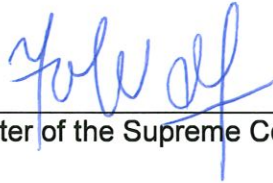
Partner
She/Her
Stewart McKelvey
D: 902.420.3363
C: 902.448.6366
*Law Corporation

TAB E

2020

Hfx No. 501252

This is Exhibit "E" to the affidavit of Sara L. Scott, sworn to before me at Halifax, Province of Nova Scotia, on January 24, 2023



A Barrister of the Supreme Court of Nova Scotia

FIYINFOLU A. ADESANYA
A Barrister of the **Supreme**
Court of Nova **Scotia**

From: Jim Kennedy <jim.kennedy@valourinvestments.com>
Sent: Thursday, January 12, 2023 10:55 AM
To: Sara L. Scott
Cc: Ian Cousins; Mark Charles
Subject: Re: proposal

This is an external email.

Hello Ms. Scott,

I have spoken with Ian and he is comfortable with me speaking to Deloitte on his behalf. If you can please connect me with the most appropriate person I'd like to arrange a time for today.

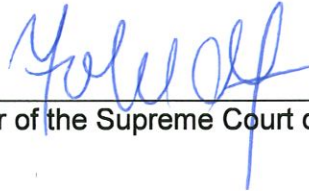
Thank you

TAB F

2020

Hfx No. 501252

This is Exhibit "F" to the affidavit of Sara L. Scott, sworn to before me at Halifax, Province of Nova Scotia, on January 24, 2023



A Barrister of the Supreme Court of Nova Scotia

FIYINFOLU A. ADESANYA
A Barrister of the **Supreme**
Court of **Nova Scotia**

From: Jim Kennedy <jim.kennedy@valourinvestments.com>
Sent: Thursday, January 12, 2023 10:59 AM
To: Sara L. Scott
Cc: Foran, James; Ian Cousins; Mark Charles
Subject: Re: proposal

This is an external email.

Ok great, thank you

On Thu, 12 Jan 2023 at 10:57, Sara L. Scott <sscott@stewartmckelvey.com> wrote:

Thank you. I have copied James Foran on this email. I believe you and Mr. Foran had spoken back in 2020/21.

Sara

Sara L. Scott*

Partner

She/Her

Stewart McKelvey

D: 902.420.3363

C: 902.448.6366


*Law Corporation

TAB G

2020

Hfx No. 501252

This is Exhibit "G" to the affidavit of Sara L. Scott, sworn to before me at Halifax, Province of Nova Scotia, on January 24, 2023



A Barrister of the Supreme Court of Nova Scotia

FIYINFOLU A. ADESANYA
A Barrister of the Supreme
Court of Nova Scotia

From: Mark Charles <mark@heritagelaw.ca>
Sent: Thursday, January 12, 2023 11:10 AM
To: Sara L. Scott; Jim Kennedy; Foran, James
Cc: Ian Cousins
Subject: RE: proposal

This is an external email.

Sara,

We thank you and your clients for the time and attention to this matter.

From our review our clients are proposing a payment plan for BDC and the NB Property Taxes. We understand BDC has other concern and our clients are willing to address these concern as well.

Our clients appreciate the opportunity to review with Deloitte directly and will address their respective questions and concerns today.

I'm confident our respective clients can come to agreement on terms acceptable to BDC.

Yours Truly,

Mark J. Charles LL.B

Heritage House Law Office
92 Ochterloney Street
Dartmouth, NS B2Y 1C5

Telephone: (902) 465 - 6669
Cell Phone: (902) 448 - 3259
Fax: (902) 466 - 4412
mark@heritagelaw.ca

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TAB H

2020

Hfx No. 501252

This is Exhibit "H" to the affidavit of Sara L. Scott, sworn to before me at Halifax, Province of Nova Scotia, on January 24, 2023

A handwritten signature in blue ink, appearing to read 'Salvaf', written over a horizontal line.

A Barrister of the Supreme Court of Nova Scotia

FIYINFOLU A. ADESANYA
A Barrister of the Supreme
Court of Nova Scotia

From: Jim Kennedy <jim.kennedy@valourinvestments.com>
Sent: Thursday, January 12, 2023 2:44 PM
To: jforan@deloitte.ca; Ian Cousins; Sara L. Scott; Mark Charles
Subject: 125 Prince William

This is an external email.

Hi James,

Thanks for taking the time to speak with me today about the property. I acknowledge BDC's concern about how to address the shortfall and that this has been carrying on for quite some time now.

Our previous plan to resolve this issue was to sell the property and pay out all debts. Amidst this plan, interest rates climbed >3% which limits the ability to sell at a price suitable to resolve the debts. As the market has changed so significantly, so must the plan.

Our plan is to complete an "as complete" appraisal based on the value of the building after we complete the construction of the second floor residential units. Ian can borrow based on this report and pay out the BDC debt. Commercial values are calculated based on revenue with this building being worth \$2,750,000 upon completion providing adequate equity to facilitate the transaction. This plan allows equity to be created through the construction and is the only path to create the required value. This plan is not a hope or a roll of the dice. The values and process are concrete and can be shared with BDC as we progress. We had hoped a sale would be the solution but we must now shift.

In the meantime, Ian is prepared to pay \$25k towards the property tax bill and has made payment arrangements with the province of NB which they are satisfied with. Ian is also willing to pre-pay 3 months of payments to BDC to ensure their position only improves.

I believe the appraisal will take close to 30 days to deliver and in this time BDC's position will have significantly improved through Ian's payments.

Thank you



Jim Kennedy - Managing Partner

M [902.877.6595](tel:902.877.6595)

E Jim.Kennedy@ValourInvestments.com


W www.ValourInvestments.com

TAB I

2020

Hfx No. 501252

This is Exhibit "I" to the affidavit of Sara L. Scott, sworn to before me at Halifax, Province of Nova Scotia, on January 24, 2023



A Barrister of the Supreme Court of Nova Scotia

FIYINFOLU A. ADESANYA
A Barrister of the Supreme
Court of Nova Scotia

From: Ian Cousins <ian.cousins@blackhawkconsulting.ca>
Sent: Thursday, January 12, 2023 4:01 PM
To: Sara L. Scott; Jim Kennedy; Foran, James
Cc: Mark Charles
Subject: RE: proposal
Attachments: 04486923_L_PA 20230111.pdf

This is an external email.

Dear Ms Scott

On assumption that I was paying BDC interest monthly and bringing the property taxes current . I negotiated a payment plan with them that was accepted. The letter from the province of New Brunswick is attached. It also indicates the taxes for 2023 are \$47000 per year which are included in the payment plan we have arranged.

In closing I know I can manage these payment and BDC interest payments we just need time to allocate the plan. Every month this plan is implement BDC overall position improves as the property debt is reduced and BDC debt is not growing.

I trust this information is helpful when it is presented to your client.

Yours truly,

Ian Cousins
President
Mortgage Agent M09002800
ian.cousins@blackhawkconsulting.ca

T: 613-745-2828
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Allergy Alert: When visiting our offices, please be scent aware.



January 11, 2023

11016946 CANADA INC. C/O IAN COUSINS
1801 HOLLIS ST SUITE 300
HALIFAX NS, CANADA
B3J 3N4

Account Number / Numéro de compte: 04486923

Current Balance Due / Soide Actuel dû: \$162,813.25

As of / En date du: 2023/01/11

**PAYMENT ARRANGEMENT CONFIRMATION LETTER /
LETTRE DE CONFIRMATION DES MODALITÉS DE PAIEMENT**

The following are the details of your payment arrangement for your property tax account/ Voici les détails de vos modalités de paiement pour vos impôts fonciers:

Lump Sum Payment due on 2023/01/30 (if applicable) / Paiement forfaitaire dû le 2023/01/30 (le cas échéant)	Estimated Future Taxes over Term of PA (if applicable) * / Impôts futurs estimés sur la durée de la modalité de paiement (le cas échéant)*	First Payment Date / Date du premier paiement	Monthly Payment / Versements mensuels	Number of Payments / Nombre de paiements
\$25,000.00	\$47,195.87	2023/02/28	\$16,185.84	12

If the information above is incorrect or needs to be revised, please contact us immediately at 1-855-806-2472 or Collections@gnb.ca.

Si les renseignements ci-dessus sont inexacts ou s'ils doivent être mis à jour, veuillez communiquer avec nous immédiatement au 1-855-806-2472 ou à recouvrements@gnb.ca.

Methods of Payment through Service New Brunswick:

- Online at www.snb.ca;
- In person at any Service New Brunswick Service Centre. Payments can be made by cash, cheque, money order or debit;

Modes de paiement acceptés par Service Nouveau-Brunswick

- En ligne, au www.snb.ca;
- En personne, à n'importe quel centre de Service Nouveau-Brunswick. Le paiement peut être fait en argent comptant, par mandat, ou par carte de débit.



Other options include:

- **Cheque or Money Order** made payable to the "Minister of Finance and Treasury Board". Reference your account number on the memo line and submit to Department of Finance and Treasury, Revenue Administration Division, P.O. Box 100, Fredericton, NB E3B 1B0.
- **Online or Telephone Banking.**

Autres options :

- **Chèque ou mandat** établi à l'ordre du « Ministre des Finances et du Conseil du Trésor ». Inscrivez votre numéro de compte sur la ligne réservée aux notes et envoyez le paiement au Ministère des Finances et Conseil du Trésor, Division de l'administration du revenu, case postale 100, Fredericton (Nouveau-Brunswick) E3B 1B0.
- **Services bancaires en ligne ou téléphoniques**

** The 'Estimated Future Taxes' noted in the table above is based on your current year property tax amount. The amount of your future property taxes may change./ Les « impôts futurs estimés » notés ci-dessus sont basés sur le montant de votre impôt foncier pour l'année en cours. À l'avenir, le montant de votre impôt foncier pourrait changer.*

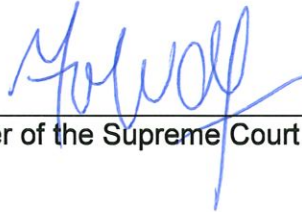
Central Collection Services / Services centraux de recouvrement

TAB J

2020

Hfx No. 501252

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A Barrister of the Supreme Court of Nova Scotia

FIYINFOLU A. ADESANYA
A Barrister of the Supreme
Court of Nova Scotia

From: Jim Kennedy <jim.kennedy@valourinvestments.com>
Sent: Thursday, January 12, 2023 3:27 PM
To: jforan@deloitte.ca; Ian Cousins; Sara L. Scott; Mark Charles
Subject: Figures

This is an external email.

Hi James,

After more thought I figured it would help to include the figures we are working with where I was unsure of the monthly property tax when we spoke.

Monthly property tax amount: \$5,200
Ian's immediate property tax payment: \$25,000
Payment plan for property tax: \$16,182/mth

Value of the building upon completion: \$2,750,000
75% LTV new mortgage: \$2,062,500
Construction cost: \$750,000
Amount available to pay current debt on building: \$1,312,500

My hope is that this more clearly demonstrates exactly how we will be proceeding. Keeping in mind that Ian will also be significantly be paying down debts during this process as promised. He has agreed to make property tax and BDC debt payment immediately.

Thank you



Jim Kennedy - Managing Partner

M [902.877.6595](tel:902.877.6595)

E Jim.Kennedy@ValourInvestments.com

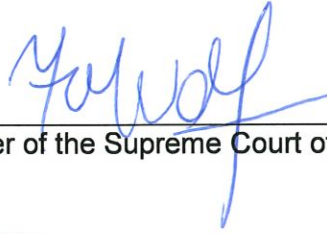
W www.ValourInvestments.com

TAB K

2020

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A Barrister of the Supreme Court of Nova Scotia

FIYINFOLU A. ADESANYA
A Barrister of the Supreme
Court of Nova Scotia

From: Jim Kennedy <jim.kennedy@valourinvestments.com>
Sent: Thursday, January 12, 2023 4:25 PM
To: Sara L. Scott
Cc: jforan@deloitte.ca; Ian Cousins; Mark Charles; Laura M. Smith
Subject: Re: Figures

This is an external email.

Hello,

On projects of this nature, lenders will issue a mortgage of 75% of the completed value (\$2,062,000) which includes the cost of construction. We are estimating the construction to take 6 months but BDC would receive payment of their debt on the first draw. You would be removed before construction begins.



Jim Kennedy - Managing Partner

M [902.877.6595](tel:902.877.6595)

E Jim.Kennedy@ValourInvestments.com

W www.ValourInvestments.com

On Jan 12, 2023, at 4:13 PM, Sara L. Scott <sscott@stewartmckelvey.com> wrote:

Good afternoon,

In relation to the numbers below, how would 1101 intend to finance the renovation costs of \$750,000?

And what would be the expected timeline for this work?

Sara

Sara L. Scott*

Partner

She/Her

Stewart McKelvey

D: 902.420.3363

C: 902.448.6366

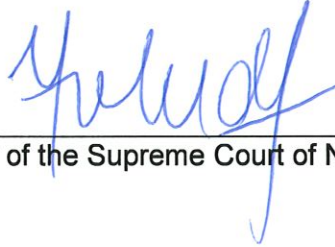
*Law Corporation

TAB L

2020

Hfx No. 501252

This is Exhibit "L" to the affidavit of Sara L. Scott, sworn to before me at Halifax, Province of Nova Scotia, on January 24, 2023



A Barrister of the Supreme Court of Nova Scotia

FIYINFOLU A. ADESANYA
A Barrister of the Supreme
Court of Nova Scotia

From: Sara L. Scott
Sent: Friday, January 13, 2023 1:25 PM
To: Jim Kennedy
Cc: jforan@deloitte.ca; Ian Cousins; Mark Charles; Laura M. Smith
Subject: RE: Figures

Good afternoon,

BDC has reviewed the various communications and does not see a viable plan being advanced by 1101. It will be proceeding with seeking the appointment of Deloitte as receiver for the Prince William property. The materials will be filed with the Court later today.

Sara

Sara L. Scott*

Partner

She/Her

Stewart McKelvey

D: 902.420.3363

C: 902.448.6366

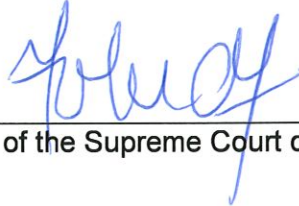
*Law Corporation

TAB M

2020

Hfx No. 501252

This is Exhibit "M" to the affidavit of Sara L. Scott, sworn to before me at Halifax, Province of Nova Scotia, on January 24, 2023



A Barrister of the Supreme Court of Nova Scotia

FIYINFOLU A. ADESANYA
A Barrister of the Supreme
Court of Nova Scotia

From: Ian Cousins <ian.cousins@blackhawkconsulting.ca>
Sent: Friday, January 13, 2023 3:38 PM
To: Sara L. Scott
Cc: Jim Kennedy; Mark Charles
Subject: Update

This is an external email.

Dear Ms Scott,

This is very disappointing. We have an arrangement for the property taxes and committed to prepay BDC interest for six months in advance. This only improves BDC position each payment with the BDC debt remaining constant. What I find frustrating about this is we make a proposal and there is no counter, just a flat no. Outside of being paid in full what does BDC want in order to allow our plan to happen ?

We genuinely want to work together bringing in the trustee seems to be working at odds. With that in mind, I propose to pay \$50,000 to BDC by next Wednesday and provide a cheque for six months of interest by the following Wednesday. I believe that number will be about \$28,000.

This will allow me to get the construction financing in place to liquate your mortgage. This was outlined in a previous email from Jim Kennedy. In the meantime the property tax obligation would be reduced by over \$120,000 as well. See payment plan arrangement previously presented.

Ms Scott I truly realize this is difficult time consuming issue for everyone.

I believe it is in everyone's best interest to allow me to do what is needed to finish the plan. If this is not acceptable to your client can they please provide a counter proposal.

Could you please provide me a detailed accounting of the status of what is owing so I can budget accordingly.

Thank you in advance for reconsidering.

We await your favourable response.

Yours truly,

Ian Cousins
President
Mortgage Agent M09002800
ian.cousins@blackhawkconsulting.ca

T: 613-745-2828
TF: 1-877-545-2828
F: 1-866-749-1939
A: 200-5310 Canotek Road
Ottawa, ON K1J 9N5
W: www.blackhawkconsulting.ca



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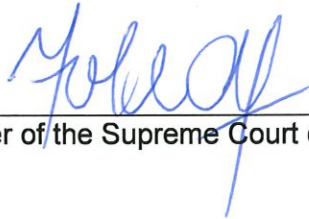
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TAB N

2020

Hfx No. 501252

This is Exhibit "N" to the affidavit of Sara L. Scott, sworn to before me at Halifax, Province of Nova Scotia, on January 24, 2023



A Barrister of the Supreme Court of Nova Scotia

FIYINFOLU A. ADESANYA
A Barrister of the Supreme
Court of Nova Scotia

From: Ian Cousins <ian.cousins@blackhawkconsulting.ca>
Sent: Friday, January 13, 2023 6:01 PM
To: Sara L. Scott
Cc: Mark Charles; Jim Kennedy
Subject: RE: Email 1 of 2 - In the Matter of the Receivership of 11016946 Canada Inc. – Hfx No. 501252

This is an external email.

Good Evening Ms Scott,

In reviewing my last submission it was declined without making a counter offer. But now I know you needs \$133,000 to bring BDC current. At which point we can continue with our plan. I will be able to have those Funds to BDC by January 27, 2023 if not before . I can pay \$50,000 by Wednesday January 18, 2023. I can also keep the interest current moving forward. Please submit this to Ms Savoie of BDC New Brunswick that signed an Affidavit Jan 4 and Mr Golding of the Halifax BDC office that signed an Affidavit Jan 11. Before we even had discussion this week to enable us to have a plan.

Thank you for reconsidering.

Regards,

Ian Cousins
President
Mortgage Agent M09002800
ian.cousins@blackhawkconsulting.ca

T: 613-745-2828
TF: 1-877-545-2828
F: 1-866-749-1939
A: 200-5310 Canotek Road
Ottawa, ON K1J 9N5
W: www.blackhawkconsulting.ca



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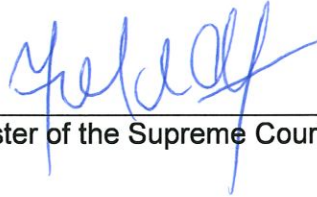
Allergy Alert: When visiting our offices, please be scent aware.

TAB O

2020

Hfx No. 501252

This is Exhibit "O" to the affidavit of Sara L. Scott, sworn to before me at Halifax, Province of Nova Scotia, on January 24, 2023



A Barrister of the Supreme Court of Nova Scotia

FIYINFOLU A. ADESANYA
A Barrister of the Supreme
Court of Nova Scotia

From: Sara L. Scott
Sent: Friday, January 13, 2023 6:24 PM
To: Ian Cousins
Cc: Mark Charles; Jim Kennedy
Subject: RE: Email 1 of 2 - In the Matter of the Receivership of 11016946 Canada Inc. – Hfx No. 501252

Mr Cousins,

I acknowledge receipt of your emails of this afternoon and have forwarded to my client.

Sara

Sara L. Scott*

Partner

She/Her

Stewart McKelvey

D: 902.420.3363

C: 902.448.6366

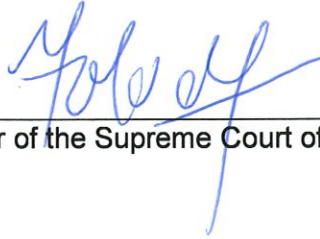
*Law Corporation

TAB P

2020

Hfx No. 501252

This is Exhibit "P" to the affidavit of Sara L. Scott, sworn to before me at Halifax, Province of Nova Scotia, on January 24, 2023



A Barrister of the Supreme Court of Nova Scotia

FIYINFOLU A. ADESANYA
A Barrister of the Supreme
Court of Nova Scotia

From: Ian Cousins <ian.cousins@blackhawkconsulting.ca>
Sent: Friday, January 13, 2023 7:48 PM
To: Sara L. Scott
Cc: Mark Charles; Jim Kennedy
Subject: Re: Email 1 of 2 - In the Matter of the Receivership of 11016946 Canada Inc. – Hfx No. 501252

This is an external email.

Thank you for the confirmation.

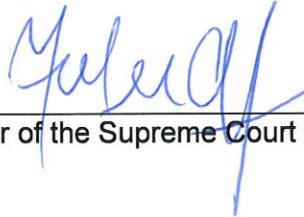
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TAB Q

2020

Hfx No. 501252

This is Exhibit "Q" to the affidavit of Sara L. Scott, sworn to before me at Halifax, Province of Nova Scotia, on January 24, 2023



A Barrister of the Supreme Court of Nova Scotia

FIYINFOLU A. ADESANYA
A Barrister of the Supreme
Court of Nova Scotia

From: Ian Cousins <ian.cousins@blackhawkconsulting.ca>
Sent: Monday, January 16, 2023 7:24 PM
To: Sara L. Scott
Cc: Mark Charles; Jim Kennedy
Subject: Re: Email 1 of 2 - In the Matter of the Receivership of 11016946 Canada Inc. – Hfx No. 501252

This is an external email.

Good evening Ms Scott,

In your previous email you mentioned my offers were sent to your client. I was expecting to hear back today so I couple plan accordingly.

Respectfully,

Ian cousins

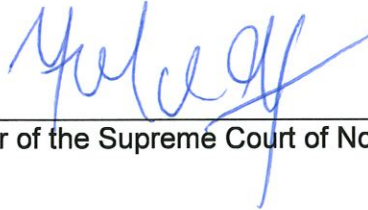
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TAB R

2020

Hfx No. 501252

This is Exhibit "R" to the affidavit of Sara L. Scott, sworn to before me at Halifax, Province of Nova Scotia, on January 24, 2023



A Barrister of the Supreme Court of Nova Scotia

FIYINFOLU A. ADESANYA
A Barrister of the Supreme
Court of Nova Scotia

From: Ian Cousins <ian.cousins@blackhawkconsulting.ca>
Sent: Tuesday, January 17, 2023 1:02 PM
To: Sara L. Scott
Cc: Mark Charles; Jim Kennedy
Subject: RE: Email 1 of 2 - In the Matter of the Receivership of 11016946 Canada Inc. – Hfx No. 501252

This is an external email.

Good afternoon Ms Scott,

Time being of the essence, when do you anticipate I will hear back from your client on our two proposals.

Ian Cousins
President
Mortgage Agent M09002800
ian.cousins@blackhawkconsulting.ca

T: 613-745-2828
TF: 1-877-545-2828
F: 1-866-749-1939
A: 200-5310 Canotek Road
Ottawa, ON K1J 9N5
W: www.blackhawkconsulting.ca



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Le message ci-dessus, ainsi que les documents l'accompagnant, sont destinés uniquement aux personnes identifiées et peuvent contenir des informations privilégiées, confidentielles ou ne pouvant être divulguées. Si vous avez reçu ce message par erreur, veuillez le détruire.

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TAB S

2020

Hfx No. 501252

This is Exhibit "S" to the affidavit of Sara L. Scott, sworn to before me at Halifax, Province of Nova Scotia, on January 24, 2023



A Barrister of the Supreme Court of Nova Scotia

FIYINFOLU A. ADESANYA
A Barrister of the Supreme
Court of Nova Scotia

From: Sara L. Scott
Sent: Tuesday, January 17, 2023 2:05 PM
To: Ian Cousins
Cc: Mark Charles; Jim Kennedy; Laura M. Smith
Subject: RE: Email 1 of 2 - In the Matter of the Receivership of 11016946 Canada Inc. – Hfx No. 501252

Thank you for the emails. The latest plan proposed by the Company is, at this point, a series of ideas. The Company is free to continuing to pursue whatever avenues it choses; however, BDC will not stop the receivership motion to provide more time to allow the Company to do so. The Company has had two years to come up with a concrete plan and has yet not been able to do so.

The ideas presented by the Company have many uncertainties and there is no supporting documentation that the ideas will succeed in addressing the issues facing the Company, being the BDC shortfall, the judgments and the property tax arrears. The plan suggests there will be a different outcome in 2023 than in the past two years and seemingly ignores the appraisal of April 2022, without any supporting documents as to why the current plan will achieve a different and successful result.

To date, no hearing dates have been set. As set out above, the Company is free to continue to pursue its plan both before the hearing and after the receiver is appointed. The Receiver and BDC will consider any concrete plans, including from the Company; however, BDC will not adjourn the receivership motion based on what the Company has presented to date.

Sara

Sara L. Scott*

Partner

She/Her

Stewart McKelvey

D: 902.420.3363

C: 902.448.6366

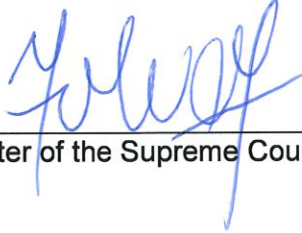
*Law Corporation

TAB T

2020

Hfx No. 501252

This is Exhibit "T" to the affidavit of Sara L. Scott, sworn to before me at Halifax, Province of Nova Scotia, on January 24, 2023



A Barrister of the Supreme Court of Nova Scotia

FIYINFOLU A. ADESANYA
A Barrister of the Supreme
Court of Nova Scotia

From: Ian Cousins <ian.cousins@blackhawkconsulting.ca>
Sent: Tuesday, January 17, 2023 4:45 PM
To: Sara L. Scott
Cc: Mark Charles; Jim Kennedy; Laura M. Smith
Subject: Re: Email 1 of 2 - In the Matter of the Receivership of 11016946 Canada Inc. – Hfx No. 501252

This is an external email.

Just to clarify I have offered to bring the mortgage current and keep it current moving forward and BDC are refusing my offer.

Please advise

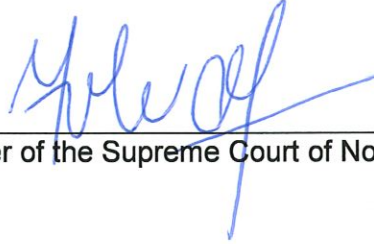
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TAB U

2020

Hfx No. 501252

This is Exhibit "U" to the affidavit of Sara L. Scott, sworn to before me at Halifax, Province of Nova Scotia, on January 24, 2023



A Barrister of the Supreme Court of Nova Scotia

FIYINFOLU A. ADESANYA
A Barrister of the Supreme
Court of Nova Scotia

From: Sara L. Scott
Sent: Wednesday, January 18, 2023 11:07 AM
To: Ian Cousins
Cc: Mark Charles; Jim Kennedy; Laura M. Smith
Subject: RE: Email 1 of 2 - In the Matter of the Receivership of 11016946 Canada Inc. – Hfx No. 501252

Mr. Cousins,

The loan has been demanded – it cannot be brought current without the full amount owing being paid. This is a fundamental point that does not seem to be understood by the Company.

As set out below, BDC will not stop the company from continuing to pursue avenues, including getting appraisals and seeking financing options; however, BDC will not agree to stop the receivership motion to give the company more time to do so.

Based on the emails you and Mr. Kennedy have sent on the potential value after work is done on the property, some questions tied to the company's calculations have arisen. Mr. Foran of Deloitte would like to speak to you and/or Mr. Kennedy to understand the calculations being advanced by the company. Please advise if this conversation can be facilitated.

Sara

Sara L. Scott*

Partner

She/Her

Stewart McKelvey

D: 902.420.3363

C: 902.448.6366

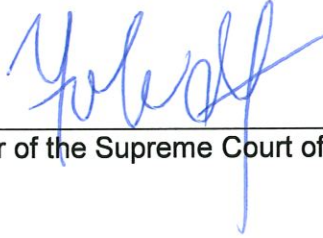
*Law Corporation

TAB V

2020

Hfx No. 501252

This is Exhibit "V" to the affidavit of Sara L. Scott, sworn to before me at Halifax, Province of Nova Scotia, on January 24, 2023



A Barrister of the Supreme Court of Nova Scotia

FIYINFOLU A. ADESANYA
A Barrister of the Supreme
Court of Nova Scotia

From: Ian Cousins <ian.cousins@blackhawkconsulting.ca>
Sent: Wednesday, January 18, 2023 11:18 AM
To: Sara L. Scott
Cc: Jim Kennedy
Subject: RE: Email 1 of 2 - In the Matter of the Receivership of 11016946 Canada Inc. – Hfx No. 501252

This is an external email.

Good Morning Ms Scott,

Can you please define “full amount” . with a dollar value as of Today or maybe next Friday.

Ian Cousins
President
Mortgage Agent M09002800
ian.cousins@blackhawkconsulting.ca

T: 613-745-2828
TF: 1-877-545-2828
F: 1-866-749-1939
A: 200-5310 Canotek Road
Ottawa, ON K1J 9N5
W: www.blackhawkconsulting.ca



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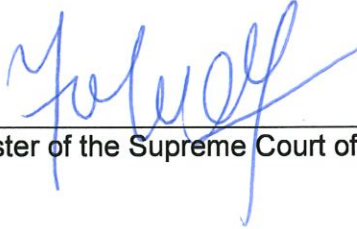
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TAB W

2020

Hfx No. 501252

This is Exhibit "W" to the affidavit of Sara L. Scott, sworn to before me at Halifax, Province of Nova Scotia, on January 24, 2023



A Barrister of the Supreme Court of Nova Scotia

FIYINFOLU A. ADESANYA
A Barrister of the Supreme
Court of Nova Scotia

From: Jim Kennedy <jim.kennedy@valourinvestments.com>
Sent: Wednesday, January 18, 2023 11:20 AM
To: Sara L. Scott
Cc: Ian Cousins; Mark Charles; Laura M. Smith
Subject: Re: Email 1 of 2 - In the Matter of the Receivership of 11016946 Canada Inc. – Hfx No. 501252

This is an external email.

Ms. Scott,

I'm happy to speak with James to detail how that figure was calculated. However, your email says that you are proceeding with your action against Ian which leaves me confused as to why more time would be spent analyzing an offer which has already been refused.

When dealing with 3600 Kempt and 73 Tacoma in the past, it was assured that Deloitte's involvement would cost roughly \$10k and ended up costing \$30k so I'm reluctant to add to Ian's debt particularly if his offers are not being considered anyway. This decision is Ian's as it is ultimately his debt and responsibility.

In our previous conversation, James' primary concern was the "shortfall". Ian's offer to pay all interest owed to BDC and clear up the property tax will account for any shortfall so it seems there are other concerns that haven't been addressed. I'm unclear what benefit an additional conversation would have other than increasing the debt.

As mentioned, I'm happy to speak to James but will wait for Ian's instruction. I can make myself available for most of the day.

Thanks



Jim Kennedy - Managing Partner

M [902.877.6595](tel:902.877.6595)

E Jim.Kennedy@ValourInvestments.com

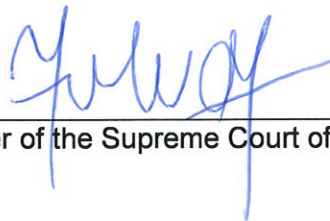
W www.ValourInvestments.com

TAB X

2020

Hfx No. 501252

This is Exhibit "X" to the affidavit of Sara L. Scott, sworn to before me at Halifax, Province of Nova Scotia, on January 24, 2023



A Barrister of the Supreme Court of Nova Scotia

FIYINFOLU A. ADESANYA
A Barrister of the Supreme
Court of Nova Scotia

From: Sara L. Scott
Sent: Wednesday, January 18, 2023 4:09 PM
To: Ian Cousins
Cc: Jim Kennedy; Laura M. Smith
Subject: RE: Email 1 of 2 - In the Matter of the Receivership of 11016946 Canada Inc. – Hfx No. 501252
Attachments: payout as of Jan.20.2023 (1101).pdf

Good afternoon,

This is the payout as of January 20th, with the exception of any fees and disbursements incurred since December 31, 2022.

Sara

Sara L. Scott*

Partner

She/Her

Stewart McKelvey

D: 902.420.3363

C: 902.448.6366

*Law Corporation



Client Number 156773

C/A Number ... 15677302

Description	Value
PRINCIPAL EXCLUDING ARREARS	0.00
PRINCIPAL ARREARS	901,037.94
INTEREST	87,648.15
ACCRUED TO	2023-01-19
ANNUAL ADMINISTRATION FEE	1,000.00
MISCELLANEOUS	1,000.00
PROTECTIVE DISBURSEMENT	52,215.37
INTEREST ON PROTECTIVE DISBURSEMENT	1,520.75
Total	1,044,422.21

Description	Value
TAX ACCOUNT	0.00
DEPOSIT ACCOUNT WITH INTERESTS	0.00
DEPOSIT ACCOUNT WITHOUT INTERESTS	0.00
Total Deposit	0.00
Total Net	1,044,422.21
DAILY INTEREST ACCRUAL	127.64
DAILY IOI ACCRUAL	11.84
INTEREST RATE PLAN	5-Year fixed
SPECIAL INTEREST RATE TYPE	STD
EFFECTIVE BASE RATE	5.600000 %
VARIANCE RATE	-0.500000 %
INTEREST ADJUSTMENT DATE	2024-08-21
PROT.DISB. - DAILY INTEREST ACCRUAL	7.39
PROT.DISB. - DAILY IOI ACCRUAL	0.18
OPTION EXPIRY DATE	2023-01-19

Disclaimers:

1. Payout figures do not include: Prepayment indemnity, interest differential, net present value of premiums and royalties and the amount of the option. For these calculations, refer to the Letter of Offer of Credit, Letters of Amendment, Circulars and the revised Calculus software.
2. Escrow account balances must be analyzed internally before confirming the total payout figures to the borrower.
3. Floating Plan: Daily interest accrual subject to operational rate change.

TAB Y

2020

Hfx No. 501252

This is Exhibit "Y" to the affidavit of Sara L. Scott, sworn to before me at Halifax, Province of Nova Scotia, on January 24, 2023



A Barrister of the Supreme Court of Nova Scotia

FIYINFOLU A. ADESANYA
A Barrister of the Supreme
Court of Nova Scotia

From: Ian Cousins <ian.cousins@blackhawkconsulting.ca>
Sent: Wednesday, January 18, 2023 4:23 PM
To: Sara L. Scott
Subject: RE: Email 1 of 2 - In the Matter of the Receivership of 11016946 Canada Inc. – Hfx No. 501252

This is an external email.

Good afternoon

The previous payout report had a affidavit attached. the Protective Disbursement has increase by approximately \$9000. Please provide accounting on this increase.

Ian Cousins
President
Mortgage Agent M09002800
ian.cousins@blackhawkconsulting.ca

T: 613-745-2828
TF: 1-877-545-2828
F: 1-866-749-1939
A: 200-5310 Canotek Road
Ottawa, ON K1J 9N5
W: www.blackhawkconsulting.ca



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Allergy Alert: When visiting our offices, please be scent aware.

TAB Z

2020

Hfx No. 501252

This is Exhibit "Z" to the affidavit of Sara L. Scott, sworn to before me at Halifax, Province of Nova Scotia, on January 24, 2023



A Barrister of the Supreme Court of Nova Scotia

FIYINFOLU A. ADESANYA
A Barrister of the Supreme
Court of Nova Scotia

From: Sara L. Scott
Sent: Thursday, January 19, 2023 2:02 PM
To: Ian Cousins
Cc: Laura M. Smith
Subject: RE: Email 1 of 2 - In the Matter of the Receivership of 11016946 Canada Inc. – Hfx No. 501252

Mr. Cousins,

The increase in the professional disbursements relate to professional fees.

Sara

Sara L. Scott*

Partner

She/Her

Stewart McKelvey

D: 902.420.3363

C: 902.448.6366

*Law Corporation

Tab AA

2020

Hfx No. 501252

This is Exhibit "AA" to the affidavit of Sara L. Scott, sworn to before me at Halifax, Province of Nova Scotia, on January 24, 2023



A Barrister of the Supreme Court of Nova Scotia

FIYINFOLU A. ADESANYA
A Barrister of the Supreme
Court of Nova Scotia

From: Ian Cousins <ian.cousins@blackhawkconsulting.ca>
Sent: Thursday, January 19, 2023 2:08 PM
To: Sara L. Scott
Cc: Laura M. Smith
Subject: Re: Email 1 of 2 - In the Matter of the Receivership of 11016946 Canada Inc. – Hfx No. 501252

This is an external email.

At what hourly rate. So i understand how much work has been in the last 2 weeks

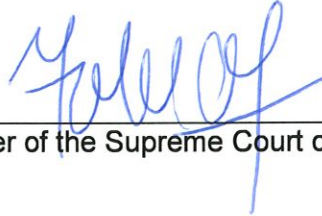
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Tab BB

2020

Hfx No. 501252

This is Exhibit "BB" to the affidavit of Sara L. Scott, sworn to before me at Halifax, Province of Nova Scotia, on January 24, 2023



A Barrister of the Supreme Court of Nova Scotia

FIYINFOLU A. ADESANYA
A Barrister of the Supreme
Court of Nova Scotia

From: Jim Kennedy <jim.kennedy@valourinvestments.com>
Sent: Thursday, January 19, 2023 3:09 PM
To: Ian Cousins; Sara L. Scott; Mark Charles; James Foran
Subject: Discussion

This is an external email.

Hello Ms. Scott,

James and I spoke as requested to discuss the "as complete" value of the property. I have several concerns about the process but, again, it's Ian's debt and relationship to manage. I just want to make sure these are communicated as I assume they will come up in the future.

I do not understand the rationale behind questioning our approach on an appraised value just to "unpack it". Or ask questions that "would have likely been asked last week" after the offer was already refused. I can only assume this means the offer wasn't investigated before refusing but hope more consideration was given to subsequent offers.

The narrative has also shifted from asking how Ian would account for the "shortfall" to now saying there is no plan in place. I assume this change came following Ian's offer to spend \$200k on arrears and taxes, a sum greater than the "shortfall" previous discussed. Being told we have no plan is simply inaccurate. Getting an updated report and refinancing is a very specific plan, not a "whiteboard solution". It has been made clear that payments and the ordering of an appraisal would be done immediately upon BDC's agreement with this plan.

It was recommended to me that I look at things from the bank's perspective. My opinion is that BDC would be in a far stronger position with \$200k of pay down and quarterly debt prepayment rather than taking the building, selling it and chasing Ian for the inevitable significant balance. I was told I was wrong and this was just "my opinion".

Finally, it has been mentioned to Ian that he should proceed with his plan and work on it as you proceed through court to take the building. I believe everyone involved can agree that requesting him to spend thousands of dollars while the building is actively being pushed through court is not a reasonable suggestion.

I was told these hours would not be billed to Ian which I hope is accurate because I don't believe any of these conversations have occurred with any intent of resolution.

Thanks



Jim Kennedy - Managing Partner

M [902.877.6595](tel:902.877.6595)

E Jim.Kennedy@ValourInvestments.com

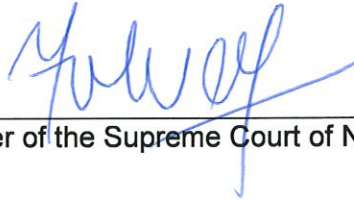
W www.ValourInvestments.com

Tab CC

2020

Hfx No. 501252

This is Exhibit "CC" to the affidavit of Sara L. Scott, sworn to before me at Halifax, Province of Nova Scotia, on January 24, 2023



A Barrister of the Supreme Court of Nova Scotia

FIYINFOLU A. ADESANYA
A Barrister of the Supreme
Court of Nova Scotia

From: Ian Cousins <ian.cousins@blackhawkconsulting.ca>
Sent: Friday, January 20, 2023 2:18 PM
To: Sara L. Scott
Subject: Concise explanation of my plan to bring resolution

This is an external email.

Dear Ms Scott,

When I review the various email exchanges over the last two weeks it became evident that I need to explain the overall situation point by point. I would ask that you and your colleagues at BDC review and assess it on its merits and facts not on conjecture.

I will outline the following points.

- 1) Valuation of Prince William property.
- 2) Property taxes
- 3) Judgement
- 4) Proposed payments.

- 1) Valuation – the property needs to be appraised as a construction project, once we have an appraisal showing the valuation using CAP RATE (the measurement for commercial lending) . We believe we can get the property refinanced and pay out BDC. The Cap of 5% was used for this example. I would ask you to ask your BDC counterparts if that CAP rate in Saint John is acceptable. CAP rate of 5% the appraisal will show using after construction the five apartments will add 1.5M in value to the property. Using \$1750 a month rent which is 2% vacancy city is reasonable. (rent x units x 12 (annual rent) cap rate

Residential space

$\$1750 \times 5 \times 12 \times 5 \text{ net } \$75000 = \$1,500,000$ increase in value

Commercial Space

Present rent collected

$\$5500 \times 12 \times 5\% = \$1,200,000$

overall value of 2.7M.

once we have the appraisal the new lender will insist on being in first place and liquidate your mortgage.

- 2) Property taxes

As for today the amount owing has been reduced by \$25,000. (copy of bill payment on line is available if need be) I have arrangements with the province of New Brunswick for an additional \$16,000 until the debt is paid . this includes 2023 taxes as well. when the mortgage is refinanced the taxes will be paid in full and your mortgage will be liquidated.

- 3) Judgement

The judgment against me is from the 2nd mortgage holder. For the amount owing he is paid his interest each month \$1353 per month. his lawyer did this as a strong arm tactic but it is redundant. Mr Charles can attest to that. Our contact with the lender tells me the lender is quite old and wanted this matter resolved to assist his estate before passing and they thought this would force the issue. The properties are presently listed for sale for \$190,000 each for a \$1,140,000 value the Bank of Montreal mortgage is approximately \$620,000 + 260,000 2nd mortgage = \$880,000 77% Loan to Value

- 4) Proposals

A) I proposed to bring the mortgage interest current and prepay 3 months into my lawyers trust account . that would allow me such time to work on the construction financing. This was declined . at the time I made a guesstimate of \$50,000 what was owing not anticipating over \$40,000 in fees.

b) I proposed to pay the amount outlined in the Affidavit to pay interest up to date and that also declined. \$133,000 .

BDC exposure has been greatly reduced. The interest in current, fees are paid and property taxes are reducing. With every day we get closer to a resolution where everyone including me is whole. In the situation that involves the Trustee no one will be whole you we have to sue me on my personal covenant and how long will that take. Ms Scott, clearly the last option is the worst case scenario for your client and for me. we are asking for 90/120 days to get this situation resolved and your client is kept current through that time. I respectfully request you submit this request to your client for due consideration.

Ms Scott, when we were in court before I was represented by Greg Auld Q.C. now retired. Upon his retirement I used Mr Charles to assist to getting a real estate deal completed. Mr Charles will not be representing me or my corporation any further. By actions BDC is taking it seems a resolution of being brought current is not an acceptable option. Therefore litigation seems to be inevitable. I therefore request time to source appropriate counsel.

We respectfully await your reply from your client.

Thank you

Ian Cousins
President
Mortgage Agent M09002800
ian.cousins@blackhawkconsulting.ca

T: 613-745-2828
TF: 1-877-545-2828
F: 1-866-749-1939
A: 200-5310 Canotek Road
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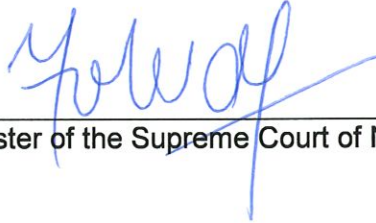
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Tab DD

2020

Hfx No. 501252

This is Exhibit "DD" to the affidavit of Sara L. Scott, sworn to before me at Halifax, Province of Nova Scotia, on January 24, 2023



A Barrister of the Supreme Court of Nova Scotia

FIYINFOLU A. ADESANYA
A Barrister of the Supreme
Court of Nova Scotia

From: Sara L. Scott
Sent: Friday, January 20, 2023 2:28 PM
To: Ian Cousins
Cc: Laura M. Smith
Subject: RE: Concise explanation of my plan to bring resolution

Mr. Cousins,

I have received and forwarded to my client.

Sara

Sara L. Scott*

Partner

She/Her

Stewart McKelvey

D: 902.420.3363

C: 902.448.6366

*Law Corporation

Tab EE

2020

Hfx No. 501252

This is Exhibit "EE" to the affidavit of Sara L. Scott, sworn to before me at Halifax, Province of Nova Scotia, on January 24, 2023



A Barrister of the Supreme Court of Nova Scotia

EMINFOLU A. ADESANYA
Barrister of the Supreme
Court of Nova Scotia

From: Ian Cousins <ian.cousins@blackhawkconsulting.ca>
Sent: Friday, January 20, 2023 2:31 PM
To: Sara L. Scott
Subject: RE: Concise explanation of my plan to bring resolution

This is an external email.

Dear Ms Scott

Thank you,

Yours truly,

Ian Cousins
President
Mortgage Agent M09002800
ian.cousins@blackhawkconsulting.ca

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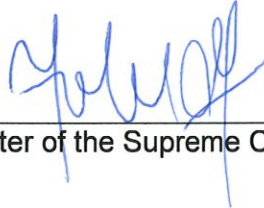
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Tab FF

2020

Hfx No. 501252

This is Exhibit "FF" to the affidavit of Sara L. Scott, sworn to before me at Halifax, Province of Nova Scotia, on January 24, 2023



A Barrister of the Supreme Court of Nova Scotia

FIYINFOLU A. ADESANYA
A Barrister of the Supreme
Court of Nova Scotia

From: Ian Cousins <ian.cousins@blackhawkconsulting.ca>
Sent: Monday, January 23, 2023 12:07 PM
To: Sara L. Scott

This is an external email.

Dear Ms scott,

With on line banking I had some payment restrictions , if have now paid \$24,500 towards the property taxes. The last \$500 will be paid tomorrow.

When I offered to pay BDC current I thoroughly understand their reluctance in believing me. I can deposit the funds \$133,000 into your trust account the next day if we have an agreement.

Ian Cousins
President
Mortgage Agent M09002800
ian.cousins@blackhawkconsulting.ca

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