

Superior Court
(Commercial Division)

Canada
Province of Québec
District of Montréal
No: 500-11-041305-117

In the matter of the plan of compromise or arrangement of:

1810040 Alberta Ltd. (formerly known as Homburg Invest Inc. and Homburg Shareco Inc.)

Debtor

- and -

Homco Realty Fund (61) Limited Partnership

Mise-en-cause

- and -

Deloitte Restructuring Inc. (formerly known as Samson Bélair/Deloitte & Touche Inc.)

Monitor/Applicant

**Application for the Issuance of an Order Approving the Notice of Final Deadline
(September 27, 2021) to Provide Information to Receive the Final Distribution Payment
and Granting Ancillary Relief¹
(Companies' Creditors Arrangement Act, ss 11, and 11.02)**

To the Honourable Louis J. Guoin of the Superior Court, sitting in the Commercial Division for the District of Montréal, the Monitor respectfully submits:

I. Introduction

1. By the present application (the "**Application**"), the Monitor is seeking this Court's approval of the *Notice of Final Deadline (September 27, 2021) to Provide Information to Receive the Final Distribution Payment* (the "**Notice of Final Deadline**") and an extension of the Stay Period (as defined hereinafter) up to and including October 29, 2021, pursuant to an order substantially in the form of the Order Approving the Final Notice to Provide Missing Information and Granting Ancillary Relief (the "**Proposed Order**"), communicated herewith as **Exhibit P-1**
2. On June 5, 2013, the Court issued an order *inter alia* ordering that the Monitor is authorized, entitled, empowered, to perform its functions and fulfill its obligations under the HII/Shareco Plan.

¹ All capitalized terms used herein and not otherwise defined have the meaning ascribed to them in the HII/Shareco Plan.

3. On or about May 13, 2021, in view of the upcoming Final Distribution (as defined below), the Monitor was informed of the resignation of the sole remaining director of 1810040 Alberta Ltd. (the “**Debtor**”), leaving the Debtor without a board of directors. In light of the foregoing, and given the expanded powers granted to the Monitor to fulfill its functions and obligations, the Monitor is hereby seeking this Court’s approval of the Final Notice and the extension of the Stay Period on behalf of the Debtor and the *Mise-en-cause* in order to, principally, allow it, with the support of Stichting Homburg Bonds, to deal with the payments of the Final Distribution that bounced and complete the said Final Distribution.

II. Procedural Background

4. On September 9, 2011, the Honourable Louis J. Gouin, J.S.C. issued an order (as amended and extended from time to time, the “**Initial Order**”) pursuant to the *Companies Creditors’ Arrangement Act*, R.S.C. 1985, c. C-36 in respect of Homburg Invest Inc. (“**HII**”), Homburg Shareco Inc. (“**Shareco**”), Churchill Estates Development Ltd., Inverness Estates Development Ltd. and CP Development Ltd. (collectively the “**Initial Debtors**”) as appears from the Court record.
5. Pursuant to the Initial Order, Deloitte Restructuring Inc. (formerly known as Samson Bélair/Deloitte & Touche Inc., the “**Monitor**”) was appointed as monitor and a stay of proceedings (the “**Stay of Proceedings**”) was issued from the date of the Initial Order until October 7, 2011.
6. On October 7, 2011, the Court issued an order (the “**First Extension Order**”) extending the Stay of Proceedings. Since then, the Court has further extended the Stay of Proceedings, most recently until September 30, 2021 (the “**Stay Period**”), as appears from the Court record.
7. As appears from the Initial Order and the First Extension Order, the Stay of Proceedings was initially extended in favour of the following limited partnerships: Homco Realty Fund (52) Limited Partnership, Homco Realty Fund (88) Limited Partnership, Homco Realty Fund (89) Limited Partnership, Homco Realty Fund (92) Limited Partnership, Homco Realty Fund (94) Limited Partnership, Homco Realty Fund (105) Limited Partnership, Homco Realty Fund (121) Limited Partnership, Homco Realty Fund (122) Limited Partnership, Homco Realty Fund (142) Limited Partnership and Homco Realty Fund (199) Limited Partnership.
8. By subsequent orders of this Court, the Initial Order was amended from time to time in order to add Petitioners and Applicant Partnerships being subject to the Initial Order, including, amongst others, by the Order of the Court made on February 6, 2013 pursuant to which the Initial Order was amended, namely, to add Homco Realty Fund (61) Limited Partnership (“**Homco 61**”) as an additional Applicant Partnership.
9. By subsequent orders of the Court, the Stay of Proceedings was discontinued for certain entities, many of which were subsequently assigned into bankruptcy, such that only 1810040 Alberta Ltd. (formerly HII and Shareco prior to their amalgamation) and Homco 61 (jointly referred to herein as the “**HII Group**”) remain subject to the Stay of Proceedings as of the date hereof.

10. Most recently, on July 14, 2021, the Court issued an order extending the Stay Period up to and including September 30, 2021, in order to *inter alia* allow the Monitor to complete the execution of the Plan of Compromise and Reorganization of HII and Shareco (as amended and restated from time to time, the “**HII/Shareco Plan**”) and the Restated Plan of Compromise of Homco 61 (the “**Homco 61 Plan**” and together with the HII/Shareco Plan, the “**Plans**”) principally in order to attempt to obtain updated banking information from the related Affected Creditors in order to resolve the bounced payments further to the final distribution under the Plans (the “**Final Distribution**”) and to apply to the Court to obtain its discharge.

III. The Treatment of the Bounced Payments and the Method Proposed by the Monitor to Deal with the Remaining Ones

11. On May 14, 2021, the Monitor proceeded to the Final Distribution to the Affected Creditors.
12. As further detailed in the Fifty-Seventh Report to the Court Submitted by the Monitor dated July 9, 2021 (the “**Monitor’s Report**”), 828 bounced payments (representing 8.6% of the 9,583 wire transfers and cheques issued as part of the Final Distribution), for a total of \$718,559 (before the deduction of applicable bank fees) (representing 7.9% of the total amount of \$9,085,943 distributed as part of the Final Distribution), occurred as part of the Final Distribution.
13. In connection with such bounced payments, the banks processing the wire transfers advised the Monitor that 828 payments could not be completed, and the amount of these payments was returned to the Monitor, net of the fees charged by the applicable banks.
14. The following table illustrates the progress resulting from the steps undertaken to date by the Monitor to resolve the bounced payments:

	Count	Amount wired on May 14, 2021 \$ CAD	Bank fees deducted by the Bondholders' Bank \$ CAD	Amount returned to the Monitor \$ CAD	Monitor's Bank fees \$ CAD	Bank fees to re-process the payment \$ CAD	Amount to be paid \$ CAD
Total - Refused payment	828	718,558.82	44,170.03	674,388.79	4,994.00	4,310.25	665,084.54
Total - Updated information received and Payment in process as of August 31, 2021	598	525,298.88	32,134.08	493,164.80	3,652.00	3,102.75	486,410.05
Email sent	140	105,632.59	7,535.97	98,096.62	825.00	735.00	96,536.62
Email undelivered	48	59,419.17	2,373.28	57,045.89	275.00	252.00	56,518.89
Email missing	42	28,208.18	2,126.70	26,081.48	242.00	220.50	25,618.98
Total - Still missing	230	193,259.94	12,035.95	181,223.99	1,342.00	1,207.50	178,674.49

15. As appears from the above table, following the communications and follow ups by the Monitor and by Stichting Homburg Bonds over the past months in order to obtain updated banking information from the bondholders (or their successors) entitled to the Final Distribution amounts for which the payments “bounced” and were returned to the Monitor, the Monitor has obtained updated banking information in order to resolve 598 bounced payments for a total of \$525,299 (before the deduction of applicable bank fees), and the payment of these amounts totalling \$486,410.05 (after deduction of applicable bank fees) is being processed as of the date of this Application.

16. 230 bounced payments (representing 27.8% of the 828 initial bounced payments and 2.4% of the 9,583 wire transfers and cheques issued as part of the Final Distribution), for a total of \$193,259 (before the deduction of applicable bank fees) (representing 26.9% of the total amount of \$718,559 of initial bounced payments, and 2.1% of the total amount of \$9,085,943 distributed as part of the Final Distribution) still need to be resolved as of the date of this Application.
17. Given the resources and costs associated with attempting to obtain updated banking information from the bondholders (or their successors) with Proven Claims or Homco 61 Proven Claims who have not yet received the Final Distribution payment(s) (the “**Bondholders with Missing or Incomplete Information**”) so that they can receive the payments to which they are entitled under the Final Distribution, the Monitor is seeking an order from this Court, *inter alia*:
 - (a) approving the Notice of Final Deadline;
 - (b) ordering the Monitor to publish on its website the Notice of Final Deadline and to send a copy of same to the Bondholders with Missing or Incomplete Information at their last known email address, if any; and
 - (c) declaring that in the event that Bondholders with Missing or Incomplete Information do not send to the Monitor a duly completed Change Request Form, or if the information provided in the Change Request Form is not complete or satisfactory, by September 27, 2021, the right of such Bondholders with Missing or Incomplete Information to the Final Distribution payments will be forever discharged and forever barred, without any compensation and the pending amounts, if any, will be treated pursuant to a final determination which will be sought from the Court in the month of October 2021.
18. The foregoing method proposed by the Monitor has been established in consultation with Stitching Homburg Bonds, as trustee to the bondholders, including the Bondholders with Missing or Incomplete Information, and the Monitor has informed the Liquidation Advisory Committee.
19. The orders sought in connection with the Notice of Final Deadline are appropriate in the circumstances as they:
 - (a) provide an ultimate opportunity for Affected Creditors for which a payment has bounced to provide updated banking information to the Monitor with a view to completing the Final Distribution;
 - (b) avoid the costs associated with publishing the Notice of Final Deadline in the newspapers designated in the HII/Shareco Plan, which costs totalled approximately \$60,000 for the Notice of Final Distribution and would significantly reduce the amount available for distribution; and
 - (c) will allow the Monitor to terminate the CCAA proceedings and seek its discharge.

20. Furthermore, the Monitor submits that that the fees charged by the applicable banks in connection with the bounced payments, which are caused by the fact that the banking information submitted to the Monitor is outdated, should be deducted from the Final Distribution payments to those bondholders for which a payment has bounced. As such, for greater certainty, the Monitor seeks a declaration from this Court that the Final Distribution payments to those bondholders for which a payment has bounced is to be made net of the fees charged by the applicable banks.

IV. The Stay Period Should be Extended

21. Since July 14, 2021, the Monitor has, *inter alia*:
- (a) continued to analyze HII Group's cash flows;
 - (b) posted on its website all public information and documentation related to HII Group's restructuring process;
 - (c) continued to respond to the queries of creditors in a timely manner;
 - (d) proceeded to the filing of the required documentation for the dissolution of Homco 61 LP and the winding up of its general partner HII (61) GP Inc.;
 - (e) dealt with the numerous bounced payments resulting from the Final Distribution; and
 - (f) dealt with administrative matters with a view to finalizing the CCAA proceedings.
22. The Monitor hereby seeks an extension of the Stay Period up to and including October 29, 2021, in order to complete the execution of the Plans, principally in order to implement the required steps in connection with the Notice of Final Deadline in an attempt to obtain updated banking information from the Bondholders with Missing or Incomplete Information to resolve the remaining bounced payments and to apply to the Court to obtain its discharge.
23. Should the Monitor be unable to resolve all of the bounced payments before such date, it will seek instructions from the Court at the time of its discharge regarding the remaining amounts which could not be distributed to Bondholders with Missing or Incomplete Information given the fact complete and satisfactory information was not received from them by the deadline of September 27, 2021.
24. It is respectfully submitted that the proposed extension should be granted.
25. Given the circumstances and status of the CCAA proceedings, and the fact that this Application is filed by the Monitor, and with a view to complete the CCAA proceedings in an efficient manner, the Monitor asks that it be relieved from any duty to file a report in connection with this Application, including with respect to the extension of the Stay of Proceedings which is sought by same.
26. In light of the foregoing, the Monitor respectfully submits that the relief sought pursuant to this Application should be granted.

27. Given the nature of the order sought herein and the need to complete the Final Distribution and the CCAA proceedings in an efficient manner and as quickly as possible, it is respectfully submitted that this Court order the provisional execution of the order sought pursuant hereto, notwithstanding any appeal.

FOR THESE REASONS, MAY IT PLEASE THE COURT TO:

GRANT the present *Application for the Issuance of an Order Approving the Notice of Final Deadline (September 27, 2021) to Provide Information to Receive the Final Distribution Payment and Granting Ancillary Relief*;

RENDER an order substantially in the form of the Proposed Order (Exhibit P-1);

THE WHOLE without legal costs, save in case of contestation.

Montreal, September 1st, 2021

McCarthy Tétrault LLP

McCarthy Tétrault LLP

Lawyers for the Monitor

M^{re} Jocelyn T. Perreault

M^{re} François Alexandre Toupin

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Superior Court
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-and-

Deloitte Restructuring Inc. (formerly known as Samson Bélair/Deloitte & Touche Inc.)

Monitor/Applicant

Sworn Declaration

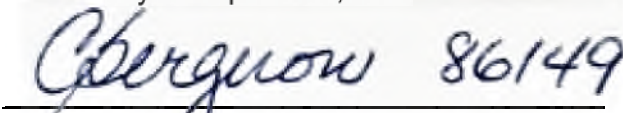
I, the undersigned, **BENOIT CLOUÂTRE**, Partner – Regional Market Leader, Québec Region of Deloitte Restructuring Inc., domiciled for the purposes hereof at 1190, Canadiens-de-Montréal Avenue, Suite 500, Montréal, Québec, H3B 0M7, solemnly affirm that all the facts alleged in the present *Application for the Issuance of an Order Approving the Notice of Final Deadline (September 27, 2021) to Provide Information to Receive the Final Distribution Payment and Granting Ancillary Relief* are true.

AND I HAVE SIGNED,



Benoit Clouâtre

SOLEMNLY AFFIRMED BEFORE ME BY
TECHNOLOGICAL MEANS, AT STE-MARTHE,
this 1st day of September, 2021



COMMISSIONER OF OATHS
FOR THE PROVINCE OF QUÉBEC

Superior Court
(Commercial Division)

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**Notice of Presentation
Commercial**

TO: The Service List

1. PRESENTATION OF THE PROCEEDING

TAKE NOTICE that the present *Application for the Issuance of an Order Approving the Notice of Final Deadline (September 27, 2021) to Provide Information to Receive the Final Distribution Payment and Granting Ancillary Relief* will be presented for adjudication before the Superior Court of Québec, sitting in the commercial division for the district of Montréal, at the Montreal Courthouse, located at 1 Notre Dame Street East, Montréal, QC, H2Y 1B6, on **September 3, 2021, at a time and in a room to be communicated subsequently to the service list, as the case may be.**

TAKE NOTICE that any party wishing to contest or make representations with respect to the *Application for the Issuance of an Order Approving the Notice of Final Deadline (September 27, 2021) to Provide Information to Receive the Final Distribution Payment and Granting Ancillary Relief* must so inform the undersigned attorneys no later than September 2, 2021, at 3PM Eastern time, and, by that date and time, provide the undersigned attorneys a written summary of the grounds of contestation or

representations. If no notice of contestation or representations is received by that date and time, the Court will proceed in writing only.

2. HOW TO JOIN THE VIRTUAL PRACTICE ROLL CALL (IF APPLICABLE)

The coordinates for joining the room 16.04 virtual roll call are the following:

- a) **With Teams Tool:** by clicking on the link available on the website www.tribunaux.qc.ca;

You need at that time to inscribe your name and click on “Joining now”. In order to facilitate the progress and the identification of the participants, we are inviting you to inscribe your name by this manner:

The lawyers: Mtre First name, Last Name (name of the represented party)

The syndics: First name, Last Name (syndic’s name)

The superintendent: First name, Last name (superintendent’s name)

The parties non-represented by lawyers: First name, Last name (precise: Plaintiff, Defendant, Petitioner, Respondent, Creditor, Opponent or other)

For people who are assisting to a public hearing: the mention may be limited to entering: (public)

- b) **By telephone:**

Canada, Québec (paid number): + 1 581-319-2194

Canada (toll-free number): (833) 450-1741

Conference ID: 516 211 860#

- c) **By videoconference:** teams@teams.justice.gouv.qc.ca

Conference VTC ID: 1149478699

- d) **In person:** If and only if you do not have access to one of these technological means above-identified. You can then go to room 16.04 of the Courthouse of Montreal, located at:

1 Notre-Dame Street East.

3. DEFAULT OF PARTICIPATING TO THE VIRTUAL ROLL CALL

TAKE NOTICE that if you wish to contest the proceeding you need to advise by written the instigator of the proceeding at the indicated coordinates in this Notice of Presentation at least 48 hours before the presentation date and participate to the virtual roll call. Failing that, a judgment could be rendered during the presentation of the proceeding, without any further notice or delay.

4. OBLIGATIONS

4.1 The Collaboration

TAKE NOTICE that you have the obligation to cooperate with the other party, in particular by informing each other, at all relevant times, of all facts and elements susceptible of promote a loyal debate and making sure you preserve the relevant evidence (*Civil Code of Procedure*, Art. 20).

4.2 Preventing and Resolving Disputes Method

TAKE NOTICE that you must, before going to the Tribunal, considerate the recourse of all preventing and resolving disputes methods which are, among others, negotiation, mediation or arbitration, for which the parties appeal a third-party assistance (*Civil Code of Procedure*, Art. 2).

DO GOVERN YOURSELVES ACCORDINGLY.

Montreal, September 1st, 2021

McCarthy Tétrault LLP

McCarthy Tétrault LLP
Lawyers for the Monitor

Superior Court
(Commercial Division)

Canada
Province of Québec
District of Montréal
No: 500-11-041305-117

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Monitor/Applicant

List of Exhibits

Exhibit P-1 Proposed Order

Montreal, September 1st, 2021

McCarthy Tétrault LLP

McCarthy Tétrault LLP
Lawyers for the Monitor

SUPERIOR COURT
(COMMERCIAL DIVISION)

CANADA
PROVINCE OF QUÉBEC
DISTRICT OF MONTRÉAL
N° : 500-11-041305-117

In the matter of the plan of compromise or arrangement of:

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- and –

**Homco Realty Fund (61) Limited Partnership
Mise-en-cause**

-and-

**Deloitte Restructuring Inc. (formerly known as Samson
Bélaïr/Deloitte & Touche Inc.)
Monitor/Applicant**

**Application for the Issuance of an Order Approving the
Notice of Final Deadline (September 27, 2021) to Provide
Information to Receive the Final Distribution Payment and
Granting Ancillary Relief**

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M^{re} François Alexandre Toupin – 514-397-4210

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Our reference: 783416-437027

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**SUPERIOR COURT
(COMMERCIAL DIVISION)**

Canada
Province of Québec
District of Montréal
No: 500-11-041305-117
Date: September 3, 2021

Presiding: The Honourable Louis J. Guoin, J.S.C.

In the matter of the plan of compromise or arrangement of:

1810040 Alberta Ltd. (formerly known as Homburg Invest Inc. and Homburg Shareco Inc.)

Debtor

and

Homco Realty Fund (61) Limited Partnership

Mise-en-cause

and

Deloitte Restructuring Inc. (formerly known as Samson Bélair/Deloitte & Touche Inc.)

Monitor/Applicant

Order Approving the Notice of Final Deadline and Granting Ancillary Relief

HAVING READ the *Application for the Issuance of an Order Approving the Notice of Final Deadline (September 27, 2021) to Provide Information to Receive the Final Distribution Payment and Granting Ancillary Relief* (the “**Application**”) of the Deloitte Restructuring Inc. (the “**Monitor**”), in its capacity as monitor of 1810040 Alberta Ltd. (formerly known as Homburg Invest Inc. (“**HII**”) and Homburg Shareco Inc. (“**Shareco**”) and Homco Realty Fund (61) Limited Partnership (“**Homco 61**”) pursuant to the *Companies’ Creditors Arrangement Act*, RSC 1985, c C-36 (the “**CCAA**”), the exhibits and the affidavit filed in support thereof;

GIVEN the Initial Order rendered on September 9, 2011 (as amended and extended from time to time, the “**Initial Order**”);

GIVEN the provisions of the CCAA;

THE COURT:

- [1] **GRANTS** the Application.
- [2] **DECLARES** that all capitalized terms used but not otherwise defined in the present Order (this “**Order**”) shall have the meanings ascribed to them in the HII/Shareco Plan (as defined below).

Service

- [3] **ORDERS** that any prior delay for the presentation of the Application is hereby abridged and validated so that the Application is properly returnable today and hereby dispenses with any further service thereof.
- [4] **PERMITS** service of this Order at any time and place and by any means whatsoever.

Definitions

- [5] **DECLARES** that the following terms in this Order shall, unless otherwise indicated, have the following meanings ascribed thereto:
- 5.1 “**Affected Creditors**” means, collectively, the “Affected Creditors” under the HII/Shareco Plan and the “Homco 61 Affected Creditors” under the Homco 61 Plan;
- 5.2 “**Bondholders with Missing or Incomplete Information**” means bondholders (or their successors) with Proven Claims who have not received the Final Distribution Payment(s) to which they are entitled, which payments could not be completed due to missing or incorrect information;
- 5.3 “**Change Request Form**” means the form attached to the Notice of Final Deadline to be completed by Bondholders with Missing or Incomplete Information.
- 5.4 “**Final Deadline**” means 5:00 p.m. (Montréal Time) on September 27, 2021;
- 5.5 “**Final Distribution**” means the final distribution under the Plans;
- 5.6 “**Final Distribution Payment**” means the payment to which Affected Creditors are entitled as part of the Final Distribution pursuant to the Plans;
- 5.7 “**HII/Shareco Plan**” means the Fifth Joint Amended and Restated Plan of Compromise and Reorganization of 1810040 Alberta Ltd. (formerly known as HI and Shareco) pursuant to the *Companies’ Creditors Arrangement Act*, R.S.C. 1985, c. C-36, as amended, and the *Business Corporations Act* (Alberta), R.S.A. 2000, c. B-9, as amended, dated June 30, 2014;
- 5.8 “**Notice of Final Deadline**” means the notice to be published on the Monitor’s website and sent to the Bondholders with Missing or Incomplete Information in accordance with paragraphs [8] and [9] of this Order which shall inform such

bondholders of the Final Deadline, being substantially in the form of **Schedule “A”** hereto;

5.9 **“Plans”** means, collectively, the HII/Shareco Plan and the Homco 61 Plan;

5.10 **“Proven Claim”** means a “Proven Claim” under the HII/Shareco Plan or “Homco 61 Proven Claim” under the Homco 61 Plan;

Extension of the Stay Period

[6] **EXTENDS** the Stay Period and the application of the Initial Order until October 29, 2021.

Notice of Final Deadline

[7] **APPROVES** the Notice of Final Deadline.

[8] **ORDERS** that the Monitor shall publish on its website at <http://www.deloitte.com/ca/homburg-invest>, on or before the day that is five days after the date of this Order, the Notice of Final Deadline.

[9] **ORDERS** that the Monitor shall send to each Bondholder with Missing or Incomplete Information, by email at their last known email address, if any, a copy of the Notice of Final Deadline.

[10] **DECLARES**, for greater certainty, that the Monitor shall not be required to publish the Notice of Final Deadline in any newspaper or any other forum.

[11] **ORDERS** that the right of Bondholders with Missing or Incomplete Information to receive a Final Distribution Payment who do not send to the Monitor a duly completed Change Request Form or who provide incomplete or unsatisfactory information in the Change Request Form by the Final Deadline shall be forever discharged and forever barred, without any compensation, notwithstanding any Applicable Laws to the contrary.

[12] **DECLARES** that any remaining amount after the Final Deadline, if any, will be treated pursuant to a final determination which will be sought from the Court at an ulterior date.

[13] **DECLARES**, for greater certainty, that the Final Distribution Payment to those bondholders for which a Final Distribution Payment has bounced and were returned to the Monitor net of bank fees charged by the applicable banks, shall be made net of such bank fees charged by the applicable banks, and **RATIFIES** any Final Distribution Payment made net of the fees charged by the applicable banks prior to the date of this Order.

General Provisions

[14] **RELIEVES** the Monitor from any duty to file a report in connection with the Application, including with respect to the extension of the Stay Period.

[15] **ORDERS** the provisional execution of this Order notwithstanding appeal, and without the requirement to provide any security or provision for costs whatsoever.

[16] **THE WHOLE** without costs.

The Honourable Louis J. Gouin, J.S.C.

Schedule A
Notice of Final Deadline (September 27, 2021) to Provide Information to Receive the
Final Distribution Payment

See attached.

NOTICE OF FINAL DEADLINE TO PROVIDE INFORMATION TO RECEIVE THE FINAL
DISTRIBUTION PAYMENT

CANADA
PROVINCE OF QUÉBEC
DISTRICT OF MONTRÉAL

SUPERIOR COURT
(Commercial Division)

(sitting as a Court designated pursuant to the *Companies'*
Creditors Arrangement Act, R.S.C. 1985, c. C-36, as
amended)

No.: 500-11-041305-117

**IN THE MATTER OF THE PLAN OF
COMPROMISE OR ARRANGEMENT OF:**

1810040 ALBERTA LTD. (formerly known as
HOMBURG INVEST INC. and **HOMBURG
SHARECO INC.**)

Debtor

-and-

Homco Realty Fund (61) Limited Partnership

Mise-en-cause

-and-

Deloitte Restructuring Inc. (formerly known as **Samson
Bélair/Deloitte & Touche Inc.**)

Monitor

**NOTICE OF FINAL DEADLINE (SEPTEMBER 27, 2021)
TO PROVIDE INFORMATION TO RECEIVE THE FINAL DISTRIBUTION PAYMENT**

All capitalized terms not otherwise defined in this Notice shall have the meanings ascribed thereto in the Fifth Joint Amended and Restated Plan of Compromise and Reorganization of 1810040 Alberta Ltd. (formerly known as Homburg Invest Inc. and Homburg Shareco Inc.) (“**HII**”) pursuant to the *Companies' Creditors Arrangement Act*, R.S.C. 1985, c. C-36, as amended, and the *Business Corporations Act* (Alberta), R.S.A. 2000, c. B-9, as amended, dated June 30, 2014 (the “**Plan**”), a copy of which is available at <http://www.deloitte.com/ca/homburg-invest>.

TAKE NOTICE THAT, on March 25, 2021, Deloitte Restructuring Inc., in its capacity as Monitor of HII published the Notice of Final Distribution in the several Dutch and Canadian newspapers designated in the Plan, informing the Affected Creditors (including the bondholders) that the Monitor will proceed with the final distribution under the Plan on or after April 27, 2021 (the “**Final Distribution**”). As per the Notice of Final Distribution, all Affected Creditors who had not yet received a distribution from the Monitor in respect of their Proven Claims, or who were holding one or more uncashed cheques from the Monitor in respect of distributions on account of such Proven Claims,

had to provide such information to the Monitor at the latest on April 26, 2021 (the “**Distribution Deadline**”) to participate to the Final Distribution. The Notice of Final Distribution, in accordance with the Plan and the HII/Shareco Sanction and Vesting Order, further provided that, after the Distribution Deadline, the Proven Claims of any Affected Creditor with respect of unclaimed or uncashed distributions shall be forever discharged and forever barred, without any compensation therefore, notwithstanding any Applicable Laws to the contrary, and the Cash amount held by the Monitor would return to the Cash Pool or the Asset Realization Cash Pool pursuant to and in accordance with the Plan.

TAKE NOTICE THAT, on May 14, 2021, the Final Distribution payments under the Plan and the Homco 61 Plan were processed by the Monitor to all Affected Creditors and Homco 61 Affected Creditors with Proven Claims, including to all the bondholders (or their successors) who had provided banking information before the Distribution Deadline.

TAKE NOTICE THAT, following the Final Distribution, the bank processing the wire transfers advised the Monitor that several Final Distribution payments could not be completed due to closed bank accounts or incorrect banking information, and these wires were returned to the Monitor (net of the fees charged by the applicable banks).

TAKE NOTICE THAT, following the Final Distribution, the Monitor, with the support of Stichting Homburg Bonds in its capacity as trustee to the bondholders, has performed extensive work and communicated or tried to communicate with all the possible bondholders, or their successors, for which the Final Distribution payments could not be completed, and has since received missing information from some of them and processed such information in order to proceed with their Final Distribution payment (net of the fees charged by the applicable banks). Despite the work that have been completed by the Monitor and the Trustee, there is a number of cases that could not be resolved as of the date of this Notice of Final Deadline to Provide Information to Receive the Final Distribution Payment.

TAKE NOTICE THAT the Monitor needs updated information from those bondholders (or their successors) with Proven Claims or Homco 61 Proven Claims who have not yet received the Final Distribution payment(s) to which they are entitled, which payments could not be completed to this date due to missing or incorrect information (the “Bondholders with Missing or Incomplete Information”).

TAKE NOTICE THAT the Bondholders with Missing or Incomplete Information are required to send to the Monitor the attached “Change Request Form” together with the appropriate supporting documents according to their situation:

- Copy valid ID such as a passport (mandatory in all situations);
- Testament and death certificate and / or any other document supporting the eligibility of the individual requesting the changes;
- Extract of the chamber of commerce for those who are acting on behalf of a company;
- Extract of a bank statement if considered relevant to demonstrate the account owner and the banking information to use; and/or
- Any other relevant document to other situations, see instructions on the Form

TAKE NOTICE THAT the Bondholders with Missing or Incomplete Information must send to the Monitor, by email at homburginvestccaa@deloitte.ca, their duly completed Change Request Form along with the required supporting documents as soon as possible, but **no later than Monday, September 27, 2021**. The Monitor, during the month of October 2021, expects to proceed with the last

Final Distribution payments (net of the fees charged by the applicable banks) to those Bondholders with Missing or Incomplete Information who will have submitted their complete and satisfactory by the deadline of September 27, 2021.

TAKE NOTICE THAT in the event that the complete and satisfactory information is not provided to the Monitor by September 27, 2021, the right to the Final Distribution payments of Bondholders with Missing or Incomplete Information shall be forever discharged and forever barred, without any compensation therefore, notwithstanding any Applicable Laws to the contrary, and the pending amounts, if any, will be treated pursuant to a final determination which will be sought from the CCAA Court in the month of October 2021.

DATED at the City of Montreal in the Province of Quebec, Canada, this [3rd] day of September, 2021.

N° 500-11-041305-117
SUPERIOR COURT (COMMERCIAL DIVISION)
PROVINCE OF QUÉBEC
DISTRICT OF MONTREAL

IN THE MATTER OF THE PLAN OF COMPROMISE OR
ARRANGEMENT OF:

**1810040 Alberta Ltd. (formerly known as Homburg
Invest Inc. and Homburg Shareco Inc.)**

Debtor

-and-

Homco Realty Fund (61) Limited Partnership,

Mise-en-cause

-and-

**Deloitte Restructuring Inc. (formerly known as
Samson Bélair/Deloitte & Touche Inc.)**

Monitor/Petitioners

Exhibit P-1

(in support of the Application for the Issuance of an Order
Approving the Notice of Final Deadline (September 27,
2021) to Provide Information to Receive the Final
Distribution Payment and Granting Ancillary Relief)

ORIGINAL

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Me François Alexandre Toupin (514-397-4210)
Our file : 783416-437027

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