

2016



Hfx. No. 4 5 4 7 4 4

Supreme Court of Nova Scotia

Application by Victory Farms Incorporated and Jonathan Mullen Mink Ranch Limited (the "Applicants") for relief under the *Companies' Creditors Arrangement Act*

Notice of Application in Chambers

To: Attached Service List at Schedule "A"

The applicant requests an order against you

The applicants are applying to a judge in chambers for an relief under the *Companies' Creditors Arrangement Act*, R.S.C. 1985, c. C-36, as amended (the "CCAA") for: (i) an initial stay; and (ii) Administrative and Directors Charge.

The applicants started this application by filing this notice on the date certified by the prothonotary.

Grounds for order

The applicant is applying for the order on the following grounds:

1. The applicants are companies to which the CCAA applies, having total claims against them in excess of \$5,000,000;
2. The applicants are affiliated companies in that both of them are controlled by the same person;
3. The applicants are insolvent and are seeking to reach a compromise or arrangement with their creditors;
4. A probable interim (debtor in possession) lender has been identified; and
5. A probable long term financing source has been identified, depending upon the applicants reaching a suitable compromise with their creditors.

Evidence supporting application

The applicant offers the following affidavits in support of the application:

1. Affidavit of Jonathan Mullen, sworn on August 23, 2016;
2. Affidavit of Tim Hill, Q.C., sworn on August 23, 2016; and
3. The report of Deloitte Restructuring Inc., to be filed.

A copy of each affidavit is to be delivered to you with this notice. The report of Deloitte Restructuring Inc. will follow.

You may participate

You may file with the court a notice of contest, and any affidavits upon which you rely. Filing the notice of contest entitles you to notice of further steps in the application, including notice of further affidavits.

Time, date, and place

The application is to be heard by the judge in chambers, on Wednesday, August 31, 2016 at 9.30 a.m., in The Law Courts, 1815 Upper Water Street, Halifax, Nova Scotia. You have the right to be present and to be represented by counsel or to act on your own. If you are not present, the judge may proceed without you.

Possible order against you

The judge may grant a final order on the application without further notice to you if you fail to deliver your notice of contest on time, or if you or your counsel fail to appear in chambers at the above time, date, and place.

Filing and delivering documents

Any documents you file with the court must be filed at the office of the Deputy Registrar in Bankruptcy, 1815 Upper Water Street, Halifax, Nova Scotia, B3J 1S7 (telephone #424-6908).

When you file a document you must immediately deliver a copy of it to the applicant and each other party entitled to notice, unless the document is part of an *ex parte* motion, the parties agree delivery is not required, or a judge orders it is not required.

Contact information

The applicant designates the following address:


Tim W. Hill, Q.C.
BOYNECLARKE LLP
Barristers and Solicitors
99 Wyse Road, Suite 600
Dartmouth, Nova Scotia B3A 4S5

Documents delivered to this address are considered received by the applicant.

Further contact information is available from the prothonotary.

Signature


Signed August 24, 2016.



Tim W. Hill, Q.C. as counsel for Victory Farms
Incorporated and Jonathan Mullen Mink
Ranch Limited

Prothonotary's Certificate

I certify that this notice of application was filed with the court on August 24, 2016.



Prothonotary

Theaston White
Deputy Prothonotary

Schedule "A"

SERVICE LIST

Workers' Compensation Board Of Nova Scotia
P.O. BOX 1150
5668 SOUTH ST
Halifax NS B3J 2Y2
Canada
Fax #: 902-491-8325

Attn: Organ, Marg
Senior Collections Officer

American Legend Cooperative
200 S.W. 34th Street
Renton WA 98055
USA

Attn: Paul Mauher
Email: pmauer@americanlegend.com

Nova Scotia Farm Loan Board
MacRae Library Building
FLOOR 1st SUITE 1
137 College Road
Truro NS B2N 5E3
Canada
Fax #: 902-895-7693

Attn: Colleen Flemming
Loan Assistant

Farm Credit Canada
1133 St. George BOUL
Moncton NB E1E4E1
Canada
Fax #: 506-851-6613

Attn: Lacenaire, Donna M
Loan Administration Officer

Bank of Nova Scotia - Atlantic CAU
1465 Brenton Street, 4th Floor
Halifax NS B3J3T4
Canada

CNH Industrial Capital Canada Ltd.
4475 North Service Road
Burlington ON L7L 4X7
Canada
Fax #: 773-289-5256

North American Fur Auctions Inc.
65 Skyway Avenue
Toronto ON M9W 6C7
Canada
Fax #: 416-213-2162

Attn: Douglas Lawson
Senior Vice President

McInnes Cooper
1969 Upper Water Street
Suite 1300
Purdy's Wharf Tower II Halifax, NS, B3J 2V1
Fax #: 902 425 6350

Attn: Ben R. Durnford
John Stringer, Q.C.

Email: ben.durnford@mcinnescooper.com
john.stringer@mcinnescooper.com

Deloitte Restructuring Inc
1969 Upper Water Street,
Suite 1500, Halifax, NS, Canada B3J 3R7
Fax #: 902 423 5820

Attn: James Foran
Neil Jones

Email: jforan@deloitte.ca
neiljones@deloitte.ca