

COURT FILE NUMBER Q.B.G. 1337 of 2020

**COURT OF QUEEN'S BENCH FOR SASKATCHEWAN
IN BANKRUPTCY AND INSOLVENCY**

JUDICIAL CENTRE SASKATOON

APPLICANT RICHARDSON PIONEER LIMITED

RESPONDENTS BANK OF MONTREAL
TYLER SMITH, PAMELA SMITH, SMITH NORTHERN
RANCHING AND 101197829 SASKATCHEWAN LTD.

NOTICE OF APPLICATION

This application is made against you. You are a respondent. You have the right to state your side of this matter before the Court.

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

Where: 520 Spadina Crescent East, Saskatoon, SK
Date: March 17, 2021
Time: 11:00 o'clock in the forenoon

Due to health risks posed by the COVID-19 pandemic, all Chambers applications will be heard by telephone unless the Presiding Judge has decided otherwise. To confirm the telephone number where you can be reached on the date of the application, **you must immediately** contact the office of the local registrar at (306) 933-5135 and provide your telephone number. You must remain available by telephone at that number on that date until your matter is heard.

REMEDY CLAIMED OR SOUGHT:

1. Pursuant to Section 8 of the Receivership Order granted by the Honourable Mr. Justice R.S. Smith on December 1, 2020:
 - (a) Leave to commence an action against the Respondents, Tyler Smith, Pamela Smith, 101197829 Saskatchewan Ltd., and Smith Northern Ranching, for recovery of the indebtedness due and owing to Richardson Pioneer Limited.
 - (b) i) a preservation Order pursuant to Section 5 *The Enforcement of Money*

Judgments Act, SS 2010, c E-9.22 preventing the Respondents, Tyler Smith and Pamela Smith, from disposing of the net proceeds received or to be received from sale of their lands and premises, pending a further Order of this Court, as follows:

SE 14-47-26 W2
NW 12-47-26 W2
SW 12-47-26 W2
NW 33-44-03 W3
NE 32-44-03 W3
SE 32-44-03 W3
NW 32-44-03 W3
SW 20-45-03 W3
SE 20-45-03 W3; or

- ii) leave to apply to the Court of Queen's Bench for a preservation Order pursuant to Section 5 of *The Enforcement of Money Judgments Act, SS 2010, c E-9.22* preventing the Respondents, Tyler Smith and Pamela Smith, from disposing of the net proceeds received or to be received from sale of their said lands and premises, pending further Order of this Court; or
 - iii) an Order requiring the Respondents, Tyler Smith and Pamela Smith, to pay the net proceeds received or to be received from sale of their said lands and premises into this Honourable Court, to be held pending further Order of this Court.
2. An Order requiring the Respondents, Tyler Smith and Pamela Smith, to provide an accounting for the proceeds received from sale of their lands and premises which have been sold to date and which are to be sold hereafter.
 3. Pursuant to Rule 13-7(2) of *The Queen's Bench Rules* abridging the time for service and hearing for this application.

GROUNDS FOR MAKING THIS APPLICATION:

4. Pursuant to the AgPartner Account Agreement, Richardson Pioneer Limited is owed the sum of \$794,086.41 as of December 31, 2020, with interest continuing to accrue thereafter at the rate of 24% per annum.
5. The Receivership Order did not include the lands and premises of the Respondents Tyler Smith and Pamela Smith.
6. The Respondents, Tyler Smith and Pamela Smith, have sold various of their lands and premises since the date of the Receivership Order, with no payment made to Richardson Pioneer Limited.

7. The Respondents, Tyler Smith and Pamela Smith, have listed additional lands and premises owned by them for sale, with no indication that net sale proceeds will be paid to Richardson Pioneer Limited to satisfy the account outstanding.
8. If the preservation Order is not granted, the enforcement of the Judgment against the Respondents, Tyler Smith and Pamela Smith, is likely to be totally ineffective as a result of the dissipation of net sale proceeds.

MATERIAL OR EVIDENCE TO BE RELIED ON:

9. The pleadings and proceedings had and taken herein;
10. Affidavit of Amanda Blechinger;
11. Affidavit of Colleen Shaw;
12. Draft Order.

DATED at Regina, in the Province of Saskatchewan, this 16th day of March, 2021.

DUCHIN, BAYDA & KROCZYNSKI

Per: _____

Solicitors for the Applicant,
Richardson Pioneer Limited

NOTICE

If you do not come to Court either in person or by your lawyer, the Court may give the applicant(s) what they want in your absence. You will be bound by any order that the Court makes. If you want to take part in this application, you or your lawyer must attend in Court on the date and at the time shown at the beginning of the form. If you intend to rely on an affidavit or other evidence when the application is heard or considered, you must reply by giving reasonable notice of the material to the applicant.

This document was prepared and delivered by:

DUCHIN, BAYDA & KROCZYNSKI

Barristers and Solicitors

2515 Victoria Avenue

Regina, SK

S4P 0T2

Lawyer in charge of file: **Jim Kroczyński**

Address for service: same as above

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