

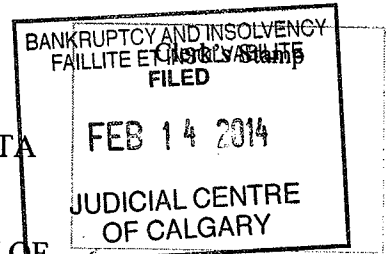
BK COURT FILE
NUMBER

25-094428

COURT

COURT OF QUEEN'S BENCH OF ALBERTA
IN BANKRUPTCY AND INSOLVENCY

IN THE MATTER OF THE BANKRUPTCY OF
FOUNDATION HOMES INC.



JUDICIAL CENTRE

Calgary

DOCUMENT

**ORIGINATING APPLICATION FOR
BANKRUPTCY ORDER**

ADDRESS FOR
SERVICE AND
CONTACT
INFORMATION OF
PARTY FILING THIS
DOCUMENT

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File No. 439537-000004

APPLICATION FOR BANKRUPTCY ORDER

NOTICE TO FOUNADTION HOMES INC. ("FHI"):

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

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

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

Date: February 26, 2014

Time: 11:30 a.m.

Where: Calgary Courts Centre, 601 - 5 Street SW, Calgary, Alberta, T2P 5P7

Before: Justice B. Romaine (COMMERCIAL LIST)

Go to the end of this document to see what else you can do and when you must do it.

Basis for this claim/facts:

1. FHI is a corporation registered pursuant to the laws of the Province of Alberta and within the jurisdiction of this Court, holding property in or around the Towns of Coalhurst and Nobleford, in the Province of Alberta.
2. As of February 13, 2014, FHI is justly and truly indebted to Foundation Mortgage Corporation ("FM") pursuant to various loans advanced by FM to FHI, of which \$1,310,500.68 remains outstanding, together with interest, fees and costs continuing to accrue.
3. FHI also has claims outstanding to other creditors as set out in the Affidavit of Truth of Gary L. Bentham, filed herewith.
4. FHI has, within the six months preceding the date of the filing of this Application, committed an act of bankruptcy, namely, it has ceased to meet its liabilities generally as they become due.
5. Ernst and Young Inc. ("EY") of the City of Calgary, in the Province of Alberta, is a licensed Trustee and is duly qualified to act as Trustee of the estate of FHI. EY has agreed to act as Trustee in this matter and is acceptable to FM.

Remedy sought:

6. Bankruptcy Order against FHI;
7. The appointment of EY as Trustee in Bankruptcy; and
8. Such further or other remedy as Counsel may advise and this Honourable Court permit.

Affidavit and other evidence to be used in support of this application:

9. The pleadings filed in this action;
10. Affidavit of Truth of Gary L. Bentham, sworn on February 13, 2014 and filed herewith; and

11. Consent to Appointment of EY.

Applicable Acts and regulations:

12. *Bankruptcy and Insolvency Act (Canada)*

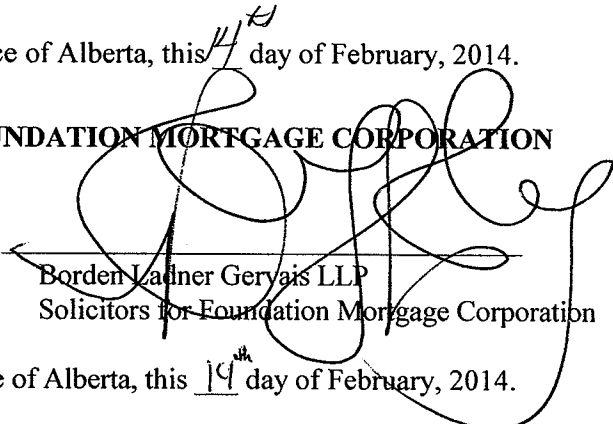
WARNING

If notice of cause against this Application is not filed in Court and a copy thereof served on the solicitors for the applicant at least two days before the hearing and if you do not appear at the hearing the Court may make a Bankruptcy Order on such proof of the statements in the Application as the Court shall think sufficient.

You are named as respondents because you have made or are expected to make an adverse claim in respect of the personal property identified in this originating application. If you do not come to Court either in person or by your lawyer, the Court may make an order declaring you, and all persons claiming under you, to be barred from taking any further interpleading proceedings against the applicant(s) and against all persons claiming under the applicant(s). You will be bound by any order the Court makes, or another order might be given or other proceedings taken which the applicant(s) is/are entitled to make without any further notice to you. If you want to take part in the application, you or your lawyer must attend in Court on the date and at the time shown at the beginning of this form. If you intend to rely on an affidavit or other evidence when the originating application is heard or considered, you must reply by giving reasonable notice of that material to the applicant(s).

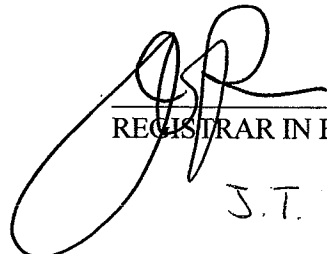
DATED at the City of Calgary, in the Province of Alberta, this 14th day of February, 2014.

FOUNDATION MORTGAGE CORPORATION

Per: 

Borden Ladner Gerys LLP
Solicitors for Foundation Mortgage Corporation

ISSUED at the City of Calgary, in the Province of Alberta, this 14th day of February, 2014.


REGISTRAR IN BANKRUPTCY

J.T. Prowse Q.C.