

COURT FILE NUMBER: **BK01 094438**

COURT COURT OF QUEEN'S BENCH
OF ALBERTA IN BANKRUPTCY

JUDICIAL CENTRE CALGARY

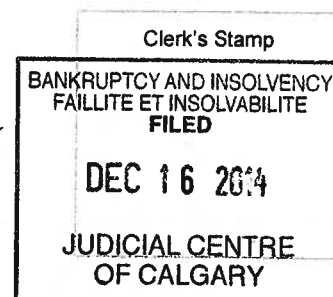
APPLICANT ROYAL BANK OF CANADA

RESPONDENT 1050999 ALBERTA LTD.

DOCUMENT APPLICATION

ADDRESS FOR SERVICE AND CONTACT
INFORMATION OF PARTY FILING THIS DOCUMENT

McMillan LLP
421 7th Avenue SW, Suite 1700
Calgary, Alberta T2P 4K9
Phone: 403.215.2752
Fax: 403.531.4720
Attention: Adam C. Maerov
adam.maerov@mcmillan.ca
File No. 223204



NOTICE TO RESPONDENT:

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

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

Date: **January 20, 2015**

Time: **10:00AM**

Where: **Calgary Courts Centre**

Before Whom: **Registrar in Bankruptcy**

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

Remedy claimed or sought:

1. An Order abridging the time for service and deeming service good and sufficient upon all interested parties.
2. A Bankruptcy Order from this Honourable Court against 1050999 Alberta Ltd.
3. Such further and other relief as this Honourable Court may grant.

Grounds for making this application:

4. Within the year immediately preceding the date of the initial bankruptcy event, 1050999 Alberta Ltd. ("**105**") carried on business in and around Canmore, Alberta, and that 105 has maintained a registered office during the year immediately preceding the date of the initial bankruptcy event in Edmonton, Alberta, within the jurisdiction of this Honourable Court.
5. 105 is justly and truly indebted to Royal Bank of Canada ("**RBC**") in the sum of approximately \$6,991,431.27 in principal, plus interests, associated costs, fees and disbursements with additional interest and other charges accrued and accruing thereon in respect of loans made to 105 by RBC (the "**Indebtedness**").
6. RBC holds security on the assets, property and undertakings of 105 for the payment of the Indebtedness and estimates the value of such security at approximately \$2.65 million
7. 105 has, within the six months preceding the date of the filing of this Application, failed, and continues to fail, to meet its liabilities generally as they become due including, without limitation, payment to RBC of the Indebtedness owing by 105 to RBC.
8. On March 12, 2014 Justice Strekaf granted a receivership order (the "**Receivership Order**") appointing Ernst & Young Inc. as the receiver of 105.
9. Paragraph 8 of the Receivership Order granted a stay of proceedings against 105 and its property, except with the written consent of the Receiver or with leave of the Court.
10. Ernst & Young Inc. consents in writing to lifting the stay of proceedings for the purposes of this Application.
11. Ernst & Young Inc. of the City of Calgary, in the Province of Alberta is a person qualified to act as Trustee of the property of 105 and has agreed to act as such and is acceptable to the Applicant Creditor.
12. Such further and other grounds as counsel may advise and this Honourable Court may permit.

Material or evidence to be relied on:

13. The Affidavit of Gary Ivany sworn December 16, 2014, filed.
14. Such further and other material and evidence as counsel may advise and this Honourable Court may permit.

Applicable Rules:

15. Rules 1.3, 1.4, 6.2, 6.3, 6.9(1)(a), 11.27, and 13.5(2) of the *Alberta Rules of Court*.

Applicable Acts and Regulations:

16. Section 43 of the *Bankruptcy and Insolvency Act*, RSC 1985, c B-3, as amended.
17. The inherent jurisdiction of this Honourable Court.
18. Such further and other legislation as counsel may advise and this Honourable Court may permit.

Any irregularity complained of or objection relied on:

19. None.

How the application is proposed to be heard:

20. In person.

WARNING

If you do not come to Court either in person or by your lawyer, the Court may give the Applicant 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 this 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.