

COURT FILE NUMBER 1703 12327
COURT COURT OF QUEEN'S BENCH OF ALBERTA
JUDICIAL CENTRE EDMONTON



IN THE MATTER OF THE
COMPANIES' CREDITORS
ARRANGEMENT ACT, RSC 1985 c C-
36, AS AMENDED

AND IN THE MATTER OF A PLAN OF
ARRANGEMENT OF 667402
ALBERTA LTD., 18512398 ALBERTA
LTD., 1371047 ALBERTA LTD.,
1919209 ALBERTA LTD. and
CANADA NORTH GROUP LP
HOLDINGS LTD.

DOCUMENT **APPLICATION BY KINGDOM
PROPERTIES LTD. AND KINGDOM
CATS LTD.**

ADDRESS FOR SERVICE
AND
CONTACT INFORMATION OF
PARTY FILING THIS
DOCUMENT

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File No.: 101597-014

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 judge.

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

Date: October 23, 2018
Time: 10:00 a.m.
Where: Law Courts, Edmonton, AB
Before Whom: Justice Nielsen

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. A Declaration that any stay extended by the Court in these proceedings in favour of 726 Modular Finance Canada, Ltd. ("the 726 Stay") expired according to its terms on January 31, 2018;
2. In the alternative, an Order immediately lifting the 726 Stay and directing that the claims of Kingdom Properties Ltd. and Kingdom Cats Ltd. (collectively "Kingdom") against 726 Modular Finance Canada, Ltd. ("726 Modular") in Action Number 1603 21142 ("the Action") may proceed;
3. Costs of this application in favour of Kingdom; and
4. Such further and other relief as this Court deems just.

Grounds for making this application:

5. The 726 Stay expired according to its terms on January 31, 2018, and therefore there is no impediment to Kingdom proceeding with the Action.
6. Alternatively, if this Court determines that the 726 Stay remains in effect, the circumstances of these CCAA proceedings have changed fundamentally and there are therefore no longer any reasonable or compelling grounds to extend the 726 Stay.
7. 726 Modular is wholly unrelated to the CCAA applicants, and there are no grounds to extend the stay outlined in the Initial Order in its favour on any other grounds.
8. Kingdom's special chambers application for summary judgment is scheduled to be heard on November 7, 2018, and Kingdom would be prejudiced if its application was adjourned at this late date, given the current lengthy delays in obtaining dates for special chambers.

Material or evidence to be relied on:

9. Affidavit of Jason King, sworn on October 24, 2017.
10. Kingdom's Bench Brief filed in response to this application.
11. Such further and other materials as this Court permits.

Applicable rules:

5. The Alberta *Rules of Court*.

Applicable Acts and regulations:

5. None.

Any irregularity complained of or objection relied on:

6. None.

How the application is proposed to be heard or considered:

7. In person, with all of the parties present.

WARNING

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.