

COURT FILE NUMBER 24 2612715

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

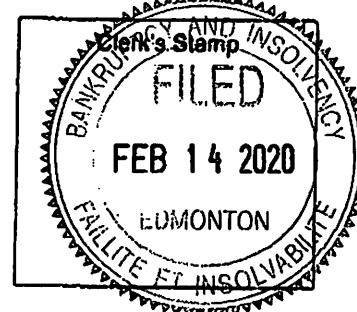
JUDICIAL CENTRE EDMONTON

APPLICANT COPPERLINE EXCAVATING LTD.

RESPONDENT

DOCUMENT NOTICE OF MOTION IN THE  
MATTER OF THE NOTICE OF  
INTENTION OF COPPERLINE  
EXCAVATING LTD.

Form 49  
[Rule 13.19]



ADDRESS FOR SERVICE  
AND  
CONTACT INFORMATION  
OF  
PARTY FILING THIS  
DOCUMENT

MAIN STREET LAW LLP  
Attention: Christie Webber  
Box 3407, #12 119 First Avenue  
Spruce Grove, Alberta T7X 3A7  
Telephone: (780) 960-8109  
Facsimile: (587) 286-4286  
Email: c.webber@mainstreetlaw.ca

FILED BY FAX  
Q.B., EDMONTON

|         |                                                                         |
|---------|-------------------------------------------------------------------------|
| Date:   | <del>February 10, 2020</del> February 20, 2020                          |
| Time:   | <del>10:00 a.m.</del> 2 pm                                              |
| Where:  | Edmonton Law Courts, 1A Sir Winston Churchill Square, Edmonton, Alberta |
| Before: | Presiding Registrar in Chambers                                         |

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

#### Basis for this claim:

1. This is an application pursuant to section 65.13 of the *Bankruptcy and Insolvency Act*, RSA 1985 c. B-3 (the "Act") for an order authorizing the sale by Copperline Excavating Ltd. to Proline Power Corp. of the following equipment:
  - (a) a 2015 Freightliner 108SD Digger Derrick (the "Digger Derrick") at a sale price of \$155,000.00 plus applicable taxes; and
  - (b) a 2014 Freightliner 108SD Bucket Truck (the "Bucket Truck") at a sale price of \$155,000.00 plus applicable taxes.
 (the "Proposed Sale").

2. On or about January 31, 2020, Copperline Excavating Ltd. ("**Copperline**") filed a Notice of Intention under section 50.4 of the *Act* and Ernst & Young has been appointed as the Trustee (the "**Trustee**").
3. Pursuant to section 65.13 of the *Act*, an insolvent person who has filed a Notice of Intention may not sell or otherwise dispose of assets outside of the ordinary course of business unless authorized to do so by a court.
4. The Proposed Sale should be authorized by this honourable court for the following reasons:
  - a) the process leading to the Proposed Sale was reasonable in the circumstances;
  - b) the Trustee approves of the process leading to the Proposed Sale;
  - c) the Trustee will file with the court a report stating that in their opinion the Proposed Sale is more beneficial to the Creditors than a sale under a Bankruptcy;
  - d) the Creditors were sufficiently consulted regarding the Proposed Sale;
  - e) there will be no negative effects on the Creditors and other interested parties resulting from the Proposed Sale;
  - f) the consideration to be received for the Digger Derrick and Bucket Truck is reasonable and fair taking into account their fair market value;
  - g) the Proposed Sale will not impact Copperline's ability to compensate employees for wages, salaries, commission and disbursements; and
  - h) the Proposed Sale is not to related persons.

**Remedies Sought:**

5. An Order authorizing the sale of the Digger Derrick and Bucket Truck from Copperline to Proline Power Corp. at and for the purchase price of \$155,000.00 in respect of the Digger Derrick and \$155,000.00 in respect of the Bucket Truck, plus applicable taxes, free and clear of any security, charge or other restriction pursuant to Section 65.13 of the *Act*;
6. An Order directing that the funds received from the Proposed Sale be deposited into Copperline's RBC Chequing Account Number 003 08719 1025568 to be paid to RBC and applied by RBC in its sole discretion to reduce Copperline's total indebtedness to RBC;
7. An Order deeming service good and sufficient and abridging time, if necessary; and
8. Such further and other relief that this honourable court shall deem just.

**Material or evidence to be relied on:**

9. Affidavit of Jamie Black
10. Report of the Trustee

**Applicable Acts and Regulations:**

11. *Bankruptcy and Insolvency Act*, RSA 1985 c. B-3

**Applicable rules:**

12. *Alberta Rules of Court*
13. *Bankruptcy and Insolvency General Rules*

**Any Irregularity complained of or objection relied on:**

12. None

**How the application is proposed to be heard or considered:**

13. Registrar of Bankruptcy