

IN THE COURT OF QUEEN'S BENCH OF ALBERTA
JUDICIAL DISTRICT OF CALGARY

BETWEEN:

NATIONAL BANK OF CANADA

Plaintiff

- and -

**McGILLIVRAY & SERA FARMS LTD., 626625 ALBERTA
LTD., 626626 ALBERTA LTD., BASTIAANSEN HOLDING
COMPANY LTD., JOS BASTIAANSEN, CORIEN
BASTIAANSEN, and BASSEM FARM CORPORATION**

Defendants

NOTICE OF MOTION
(Discharge of Encumbrances)

TAKE NOTICE that an application will be made by Ernst & Young Inc. (the "Receiver") in its capacity as Receiver of the Defendants McGillivray & Sera Farms Ltd. ("MSF"), 622625 Alberta Ltd., Bastiaansen Holdings Company Ltd., Jos Bastiaansen, and Corien Bastiaansen (collectively the "MSF Defendants") before the Honourable Madam Justice C.A. Kent in Chambers at the Court House, in the City of Calgary, in the Province of Alberta, on ~~Thursday~~ ^{Friday}, August ~~9~~ ¹⁴, 2009 at 2:15 o'clock in the afternoon or so soon thereafter as counsel may be heard for an Order:

1. Abridging time for service of these motion materials, if necessary, and deeming service of the within Notice of Motion to be good and sufficient and declaring that no further parties are required to be served;
2. Discharging the following liens from a 1993 Kenworth W900 T/A Sleeper Truck Tractor, serial number 2XKWDB9X4PM928972 (the "Truck Tractor"):

Lien holder	Lien
Kal Tire A Corporate Partnership	Garage Keeper's Lien - \$3,576.71 Registration Number: 04121718318
Parlee McLaws LLP	Specific Writ of Enforcement - \$2,012.04 Registration Number: 05111718481

3. Granting such further or other relief and directions as counsel may request and this Honourable Court may deem just and appropriate.

AND TAKE NOTICE that the grounds on which this application is made include the following:

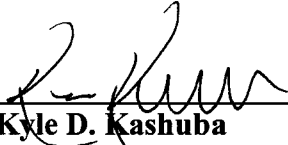
1. Pursuant to an Order of this Honourable Court dated May 12, 2009, an auction process (the "Auction") was conducted by Ritchie Bros. Auctioneers (Canada) Ltd. ("Ritchie Bros.") and various assets of the MSF Defendants were sold;
2. In two Orders of this Honourable Court dated June 23, 2009, a number of the MSF Defendants' assets were listed, and certain specific registrations at the Personal Property Registry ("PPR") with respect to those assets were to be discharged;
3. Subsequent to the Auction, Ritchie Bros. informed the Receiver that the Truck Tractor had been sold in the Auction, but the Truck Tractor had been inadvertently overlooked in the equipment lists submitted to the Court in the Receiver's Third and Fifth Reports, and the registrations at the PPR with respect to the Truck Tractor were also consequently not discharged;
4. The registrations at the PPR with respect to the Truck Tractor ought to have been discharged, and this is required in order for the Truck Tractor to be released to its purchaser from the Auction; and
5. The relief requested is just, appropriate and in the best interest of the administration of the receivership estate.

AND FURTHER TAKE NOTICE that in support of this application the Receiver will rely on the March 16, 2009 Receivership Order granted in this Action, the Sixth Report of the Receiver,

filed, the pleadings and proceedings filed herein and such further and other material as counsel may advise and this Honourable Court shall permit.

DATED at Calgary, Alberta, this 14th day of August, 2009.

MACLEOD DIXON LLP

Per: 

Kyle D. Kashuba

**Solicitors for Ernst & Young Inc., Receiver of
McGillivray & Sera Farms Ltd., 626625
Alberta Ltd., 626626 Alberta Ltd., Bastiaansen
Holding Company Ltd., Jos Bastiaansen, and
Corien Bastiaansen**

TO: Service List

AND TO: Clerk of the Court

AND TO: Kal Tire, A Corporate Partnership

AND TO: Parlee McLaws LLP
Attn: Brian Maruyama

IN THE COURT OF QUEEN'S BENCH OF ALBERTA
JUDICIAL DISTRICT OF CALGARY

BETWEEN:

NATIONAL BANK OF CANADA

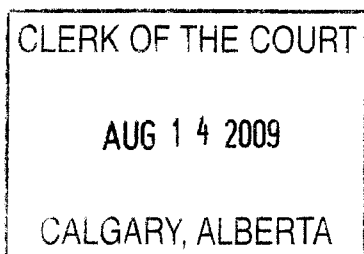
Plaintiff

- and -

**McGILLIVRAY & SERA FARMS LTD., 626625
ALBERTA LTD., 626626 ALBERTA LTD.,
BASTIAANSEN HOLDING COMPANY LTD., JOS
BASTIAANSEN, CORIEN BASTIAANSEN, and
BASSEM FARM CORPORATION**

Defendants

NOTICE OF MOTION
(Discharge of Encumbrances)



MACLEOD DIXON LLP
3700 Canterra Tower
400 Third Avenue SW
Calgary, Alberta T2P 4H2

Solicitor: Kyle D. Kashuba
Telephone: (403) 267-8222
Fax: (403) 264-5973

File 263209