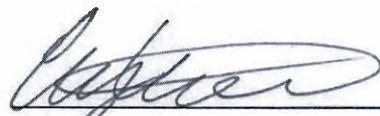


CERTIFICATE OF COMMISSIONER

I am the commissioner for taking affidavits who administered the oath to Feng Beng Li with respect to the Affidavit attached. I confirm that I have complied with the Notice to the Profession issued by the Supreme Court of British Columbia and dated March 27, 2020 with respect to administering the oath to Feng Beng Li. I am satisfied that due to health and safety concerns it was unsafe for Feng Beng Li and myself to be physically present together when the oath was administered.

Dated: October 28, 2021



Crystal Law

*Forrester & Company Law Corporation
300-171 Water Street
Vancouver, BC, V6B 1A7*





This is the 2nd Affidavit of Feng Beng Li
in this case and was made on October 28, 2021

No. S217202
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

THE BANK OF NOVA SCOTIA

PETITIONER

AND:

**COMMUNITY MARINE CONCEPTS LTD., VICTORIA INTERNATIONAL MARINA LTD.
ETERNALAND YUHENG INVESTMENT HOLDING LTD., AND 0736657 B.C. LTD.**

RESPONDENTS

project. **AFFIDAVIT**

I, Feng Beng Li, *General* Manager of the Respondents, c/o 300-171 Water Street, in the City of Vancouver, in the Province of British Columbia, AFFIRM THAT:

1. I am responsible for overseeing all operations of the Respondents, as such have personal knowledge of the facts and matters hereinafter deposed to, save and except where the same are stated to be made upon information and belief, and, as to such facts, I verily believe the same to be true;
2. I have been making diligent efforts to refinance the loan from the Petitioner. I have been able to secure a loan for 0736657 B.C. Ltd. from a private lender through the assistance of a broker in the amount of \$16,000,000 (the "New Loan"). I am advised by Michael Bi, the broker responsible for this loan transaction, and verily believe to be true, that if all of the conditions precedent are met by the Respondents, we will receive funding from the New Loan on or before December 10, 2021, which will be used to repay the loan made by the Petitioner to the Respondents.
3. I will be making payment of the non-refundable deposit for the New Loan on Monday, November 1, 2021. I have also retained Next Environmental Inc. to produce an environmental report for the refinance. Now shown to me and attached hereto as Exhibit A is a true copy of my correspondence with Next Environmental and a completed Project Intake Form to retain them. I will be making the payment to Next Environmental this afternoon.

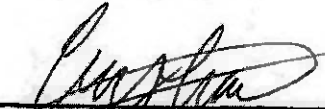
4. The Respondents also made a payment in the amount of \$100,000 to the Petitioner toward the loan on October 1, 2021, as agreed to in my affidavit #1 sworn September 21, 2021. I had intended to make the payment on September 30, 2021, but did not realize that banks were closed on that day due to the federal holiday, so payment was made on October 1, 2021. Now shown to me and attached hereto as Exhibit B is a true copy of the deposit receipts showing that \$100,000 payment was made to the Petitioner on October 1, 2021.
5. I made an additional payment on October 28, 2021 in the amount of \$100,000 to the Petitioner. Now shown to me and attached hereto as Exhibit C is a true copy of the deposit receipt showing that the \$100,000 payment was made on October 28, 2021.
6. I have been advised by the Petitioner and verily believe to be true that as of October 28, 2021 the balance on the loan is \$15,330,161.74. Now shown to me and attached hereto as Exhibit D is a true copy of the correspondence I received from the Petitioner regarding the loan balance.
7. We have a business partner in Hong Kong who has agreed to purchase the Respondents and operate the marina in partnership with the Respondents. The final documents have been submitted to and approved by the bank in Hong Kong.
8. The transfer of funds from the completion of this transaction is imminent and will be more than sufficient to repay the loan from the Petitioner. We are currently waiting to confirm the exact date(s) of the transfer of funds and have retained a Hong Kong lawyer to assist with this transaction.
9. The Petitioner is also well secured. It is common knowledge, even according to the Petitioner's affidavit materials proposed to be filed under seal, that the equity of the Marina substantially exceeds the amount owed to the Bank.
10. The Petitioner is further secured by additional mortgages over properties of the guarantors.
11. I know of no prejudice to the Petitioners in waiting several weeks to be paid from the refinancing funds without the assistance of a receiver.

[THIS SPACE INTENTIONALLY LEFT BLANK]

12. On the contrary, I am concerned that the appointment of a receiver would disrupt or hamper ongoing efforts to repay the Petitioner in that the appointment may constitute a material change in risk for 0736657 B.C. Ltd., in which case the refinancing may be withdrawn or cancelled. It may also negatively impact our reputation with the Hong Kong investor, who may withdraw from the transaction if a receiver is appointed.

This Affidavit is commissioned without the deponent being physically present before the commissioner. The commissioner has verified the identity of the deponent through video technology and have before each of them a paper copy of this Affidavit, including exhibits, and have together reviewed and verified each page of this Affidavit and have each initialed in the lower right-hand corner of each page.

AFFIRMED BEFORE ME at the City of Los Angeles, in the State of California, USA, this 28th day of October, 2021.



A Notary Public or a Commissioner
for taking affidavits in the Province of BC



FENG BENG LI

Crystal Law, Barrister & Solicitor
Forrester & Company Law Corporation
300 - 171 Water Street
Vancouver, BC, V6B 1A7

Crystal Law

From: Eric Li <eric@vimarina.ca>
Sent: October 28, 2021 12:17 PM
To: Bernard Loh; Crystal Law; michael.bl@peakmortgage.ca
Subject: Re: Phase 1 Environmental Inquiry
Attachments: Project Intake Form.pdf

On Thu, Oct 28, 2021 at 9:52 AM Bernard Loh <bloh@nextenvironmental.com> wrote:
Hi Eric

It was a pleasure speaking with you today

Per our conversation, the Phase 1 for your four sites in Victoria is a fixed cost of \$2500 + tax with a guaranteed turnaround time of 5 business days.

Please fill in the attached questionnaire (fillable pdf) and send it back to me.

Let me know if you have any questions in the meantime

Thank you

Bernard

This is Exhibit A referred to in the
Affidavit of Jing Peng Li
sworn (or affirmed) before me at
Vancouver B.C.
this 28th day of October 2021
[Signature]
A Commissioner/Notary Public for the
Province of British Columbia

Bernard Loh
Business Development Manager

[cid:image43695d.JPG@817646fb40ab8baef]
[cid:image66bf0e.PNG@6cbd20534e832b12]<<https://www.nextenvironmental.com/>>
Metro Vancouver | Victoria | Kelowna
Cell: 604-209-7349
General: 604-419-3800
Email: bloh@nextenvironmental.com <<mailto:bloh@nextenvironmental.com>>

NOTE: We have moved our Metro Vancouver Office! Our new location/ mailing address is:
8545 Commerce Court, Burnaby, BC V5A 4N4

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Client Information

Name: Prefix Eric LI Phone: 6046577549 Cell: 6046577549
Relation to Site: project manager Email: eric@vimerina.ca
Company Name: victoria international marina
Address: 1 cooperage pt City: victoria Prov.: bc Postal Code: v9a7j9

Site Information

Address(es): 1 cooperage pt
City: victoria Prov.: bc
PID(s):
Current Site Operation(s):
Future Site Development? ☐ Yes ☒ No Details:
Any Previous Environmental Work? ☐ Yes ☒ No Details:
Site Access Contact: steve
Relation to Site: manager
Company: victoria international marina Phone: 2508967600 Email: steve@vimerina.ca

Business Issues and Deadlines

Purpose: Re-financing ☒ If Other:
Details:
Confidentiality Requirement(s)? ☐ Yes ☒ No Details:
Subject Removal/Deadline Date: Details:

How did you hear about us?

☐ Online/Website ☐ Other:
☐ Referral Name: Company:

Additional Instructions & Information

Send copy of report to:
Name: eric Email: eric@vimerina.ca
Name: Email:



Next Environmental Inc.
Burnaby | Vancouver | Victoria
P: 604.419.3800 | F: 604.419.3801
www.nextenvironmental.com



Internal use Only

Project #:
Project Type: Representative:
Quote:
TAT:

[Handwritten signature]

CUSTOMER RECEIPT PAGE 01/01

01 2021

ID 7H0XC

ARTISDALE
VANCOUVER, B.C.

TR30510

PIN *N*

OFFICER ID: 382

Clearing Items:
(Cheque)

\$35,000.00

\$35,000.00

Total:

Third Party Deposit
03020 40067 12

\$35,000.00

Thank You
We have an excellent day

this 01 day of October 2021

A Commissioner/Notary Public for the
Province of British Columbia

12

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102

CUSTOMER RECEIPT PAGE 01/01

OCT 01 2021

ID TRTZC

RICHMOND FINANCIAL CENTRE

TR50690

OFFICER ID: 756

PIN ***

Clearing Items:
(Cheque)

\$65,000.00

Total:

\$65,000.00

Third Party Deposit
03020 40067 12

\$65,000.00

Thank You
Have an excellent day

PARTY~~~YUZHOU LI

PARTY~~~MS ZHANG

30510

50690

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CUSTOMER RECEIPT PAGE 01/01

OCT-28-2021 ID XPDST
 RICHMOND FINANCIAL CENTRE
 TR50690 PIN ***

OFFICER ID: 756

Clearing Items: (Cheque)	\$100,000.00
Total:	\$100,000.00
Third Party Deposits 03020 40057 12	\$100,000.00

Thank You
Have an excellent day

This is Exhibit "C" referred to in the
 Affidavit of Yang Kang Li
 sworn (or affirmed) before me at
Vancouver B.C.
 this 28 day of October 2021.
[Signature]
 A Commissioner/Notary Public for the
 Province of British Columbia

18

7

Crystal Law

From: Eric Li <eric@vmarina.ca>
Sent: October 28, 2021 12:37 PM
To: Crystal Law
Subject: Fwd: [External] Re: Loan balance

Just came in

----- Forwarded message -----

From: Martinez, Beatriz <beatriz.martinez@scotiabank.com>
Date: Thu, Oct 28, 2021 at 11:37 AM
Subject: RE: [External] Re: Loan balance
To: Eric Li <eric@vmarina.ca>
CC: Mitges, Justin <justin.mitges@scotiabank.com>

Hi Eric,

Apologies for the delay.

The balance on the loan as of today is \$15,330,161.74 not including interests, fees, legal and advisor costs and the CEBA loans.

Beatriz Martinez, MBA | Director Special Accounts Management


C 647-530-6949

Beatriz.Martinez@scotiabank.com

scotiabank

www.scotiabank.com

Scotiabank is a business name used by The Bank of Nova Scotia

This is Exhibit "D" referred to in the
Affidavit of Feng Peng Li
sworn (or affirmed) before me at
Vancouver, B.C.
this 2 day of October 2021

A Commissioner/Notary Public for the
Province of British Columbia

From: Eric Li <eric@vmarina.ca>
Sent: October 28, 2021 12:47 PM
To: Martinez, Beatriz <beatriz.martinez@scotiabank.com>
Subject: [External] Re: Loan balance

1

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Hi Beatriz,

Following up on loan balance, I know we have stop communication but thing like everyday banking and loan balance is still a service we have been paying for.

Is there other managers I can talk to about this?

On Wed, Oct 27, 2021 at 3:37 PM Eric LJ <eric@vmarina.ca> wrote:

Hi Beatriz,

I working with our new lender on transfer the loan

Can I have the current balance of the loan please.

Thank you

This e-mail, including any attachments, is confidential and may be privileged and is for the intended recipient(s) only. If received in error, please immediately delete this email and any attachments and contact the sender. Unauthorized copying, use or disclosure of this email or its content or attachments is prohibited. For full email disclaimer, click [here](#).

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Pour obtenir la traduction en français, [cliquez ici](#).

Haga [clic aquí](#) para ver la traducción al español.

This is the 2nd Affidavit of Feng Beng Li
in this case and was made on October 28, 2021

No. S217202
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

THE BANK OF NOVA SCOTIA

PETITIONER

AND:

**COMMUNITY MARINE CONCEPTS LTD., VICTORIA INTERNATIONAL MARINA LTD.
ETERNALAND YUHENG INVESTMENT HOLDING LTD., AND 0736657 B.C. LTD.**

RESPONDENTS

AFFIDAVIT

Project
I, Feng Beng Li, General Manager of the Respondents, c/o 300-171 Water Street, in the City of Vancouver, in the Province of British Columbia, AFFIRM THAT:

1. I am responsible for overseeing all operations of the Respondents, as such have personal knowledge of the facts and matters hereinafter deposed to, save and except where the same are stated to be made upon information and belief, and, as to such facts, I verily believe the same to be true;
2. I have been making diligent efforts to refinance the loan from the Petitioner. I have been able to secure a loan for 0736657 B.C. Ltd. from a private lender through the assistance of a broker in the amount of \$16,000,000 (the "New Loan"). I am advised by Michael Bi, the broker responsible for this loan transaction, and verily believe to be true, that if all of the conditions precedent are met by the Respondents, we will receive funding from the New Loan on or before December 10, 2021, which will be used to repay the loan made by the Petitioner to the Respondents.
3. I will be making payment of the non-refundable deposit for the New Loan on Monday, November 1, 2021. I have also retained Next Environmental Inc. to produce an environmental report for the refinance. Now shown to me and attached hereto as Exhibit A is a true copy of my correspondence with Next Environmental and a completed Project Intake Form to retain them. I will be making the payment to Next Environmental this afternoon.

4. The Respondents also made a payment in the amount of \$100,000 to the Petitioner toward the loan on October 1, 2021, as agreed to in my affidavit #1 sworn September 21, 2021. I had intended to make the payment on September 30, 2021, but did not realize that banks were closed on that day due to the federal holiday, so payment was made on October 1, 2021. Now show to me and attached hereto as **Exhibit B** is a true copy of the deposit receipts showing that \$100,000 payment was made to the Petitioner on October 1, 2021.
5. I made an additional payment on October 28, 2021 in the amount of \$100,000 to the Petitioner. Now shown to me and attached hereto as **Exhibit C** is a true copy of the deposit receipt showing that the \$100,000 payment was made on October 28, 2021.
6. I have been advised by the Petitioner and verily believe to be true that as of October 28, 2021 the balance on the loan is \$15,330,161.74. Now shown to me and attached hereto as **Exhibit D** is a true copy of the correspondence I received from the Petitioner regarding the loan balance.
7. We have a business partner in Hong Kong who has agreed to purchase the Respondents and operate the marina in partnership with the Respondents. The final documents have been submitted to and approved by the bank in Hong Kong.
8. The transfer of funds from the completion of this transaction is imminent and will be more than sufficient to repay the loan from the Petitioner. We are currently waiting to confirm the exact date(s) of the transfer of funds and have retained a Hong Kong lawyer to assist with this transaction.
9. The Petitioner is also well secured. It is common knowledge, even according to the Petitioner's affidavit materials proposed to be filed under seal, that the equity of the Marina substantially exceeds the amount owed to the Bank.
10. The Petitioner is further secured by additional mortgages over properties of the guarantors.
11. I know of no prejudice to the Petitioners in waiting several weeks to be paid from the refinancing funds without the assistance of a receiver.

[THIS SPACE INTENTIONALLY LEFT BLANK]

12. On the contrary, I am concerned that the appointment of a receiver would disrupt or hamper ongoing efforts to repay the Petitioner in that the appointment may constitute a material change in risk for 0736657 B.C. Ltd., in which case the refinance may be withdrawn or cancelled. It may also negatively impact our reputation with the Hong Kong investor, who may withdraw from the transaction if a receiver is appointed.

This Affidavit is commissioned without the deponent being physically present before the commissioner. The commissioner has verified the identity of the deponent through video technology and have before each of them a paper copy of this Affidavit, including exhibits, and have together reviewed and verified each page of this Affidavit and have each initialed in the lower right-hand corner of each page.

AFFIRMED BEFORE ME at the City of Los Angeles, in the State of California, USA, this 28th day of October, 2021.)
)
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)

A Notary Public or a Commissioner
for taking affidavits in the Province of BC)

FENG BENG LI

Crystal Law, Barrister & Solicitor
Forrester & Company Law Corporation
300 – 171 Water Street
Vancouver, BC, V6B 1A7

Q

Crystal Law

From: Eric Li <eric@vimarina.ca>
Sent: October 28, 2021 12:17 PM
To: Bernard Loh; Crystal Law; michael.bi@peakmortgage.ca
Subject: Re: Phase 1 Environmental Inquiry
Attachments: Project Intake Form.pdf

On Thu, Oct 28, 2021 at 9:52 AM Bernard Loh <bloh@nextenvironmental.com> wrote:

Hi Eric

It was a pleasure speaking with you today

Per our conversation, the Phase 1 for your four sites in Victoria is a fixed cost of \$2500 + tax with a guaranteed turnaround time of 5 business days.

Please fill in the attached questionnaire (fillable pdf) and send it back to me.

Let me know if you have any questions in the meantime

Thank you

Bernard

This is Exhibit "A" referred to in the
Affidavit of Peng Beng Li
sworn (or affirmed) before me at
Vancouver, B.C.
this 28 day of October, 2021

A Commissioner/Notary Public for the
Province of British Columbia

Bernard Loh
Business Development Manager

[cid:image43695d.JPG@817646fb.40ab8bef]
[cid:image6bf0e.PNG@6cbd2053.4a832b12]<<https://www.nextenvironmental.com/>>
Metro Vancouver | Victoria | Kelowna
Cell: 604-209-7349
General: 604-419-3800
Email: bloh@nextenvironmental.com<<mailto:bloh@nextenvironmental.com>>

NOTE: We have moved our Metro Vancouver Office! Our new location/ mailing address is:
8545 Commerce Court, Burnaby, BC V5A 4N4

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Client Information

Name: Prefix Eric Li

Phone: 6046577549

Cell: 6046577549

Relation to Site: project manager

Email: eric@vimarina.ca

Company Name: victoria international marina

Address: 1 cooperage pl

City: victoria

Prov.: bc

Postal Code: v9a7j9

Site Information

Address(es): 1 cooperage pl

City: victoria

Prov.: bc

PID(s):

Current Site Operation(s):

Future Site Development? ☐ Yes ☒ No Details:

Any Previous Environmental Work? ☐ Yes ☒ No Details:

Site Access Contact: steve

Relation to Site: manager

Company: victoria international marina

Phone: 2508957600

Email: steve@vimarina.ca

Business Issues and Deadlines

Purpose: Re-financing ☐ If Other:

Details:

Confidentiality Requirement(s)? ☐ Yes ☐ No Details:

Subject Removal/Deadline Date: Details:

How did you hear about us?

☐ Online/Website ☐ Other:

☐ Referral Name:

Company:

Additional Instructions & Information

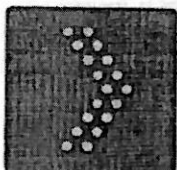
Send copy of report to:

Name: eric

Email: eric@vimarina.ca

Name:

Email:



Next Environmental Inc.

Burnaby | Vancouver | Victoria

P: 604.419.3800 | F: 604.419.3801

www.nextenvironmental.com



Internal use Only

Project #:

Representative:

Project Type:

Quote:

TAT:

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CUSTOMER RECEIPT PAGE 01/01

01 2021

ID THGXC

ARTSDALE

NEWBERG B.C.

TR30510

PTN ***

OFFICER ID: 382

Clearing Items
(Cheque)

\$35,000.00

Total:

\$35,000.00

Third Party Deposit

03020 40067 12

\$35,000.00

Thank You
We had an excellent day

This is Exhibit _____ referred to in
Affidavit of _____
sworn (or admitted) before me at
Vancouver, B.C.
this 28 day of October 2021

A Commissioner/Notary Public for the
Province of British Columbia

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CUSTOMER RECEIPT PAGE 01/01

OCT 01 2021 ID 1R120

RICHMOND FINANCIAL CENTRE 1R50890

OFFICER 10 756 PIN 444

Clearing Items
(Cheque) \$65,000.00

Total \$65,000.00

Third Party Deposit
03020 4006 / 12 \$65,000.00

Thank You
Have a great day!

a

PARTY~~YUZHOU LI

30510

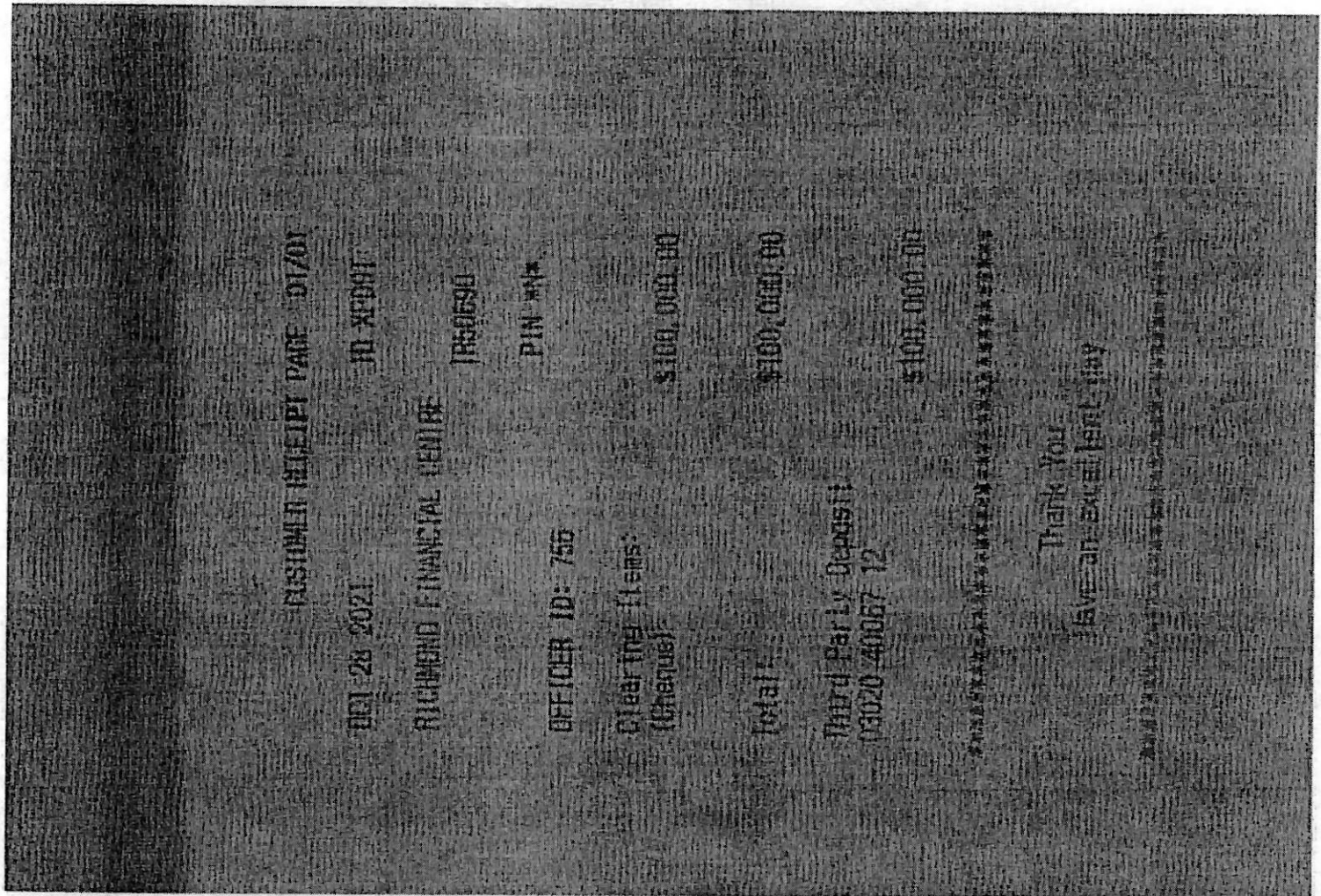
PARTY~~MS ZHANG

50690

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This is Exhibit "C" referred to in the
Affidavit of Eugene Berg
sworn (or affirmed) before me at
Vancouver B.C.
this 2 day of October 2021.

A Commissioner/Notary Public for the
Province of British Columbia

u

(7)

Crystal Law

From: Eric Li <eric@vimarina.ca>
Sent: October 28, 2021 12:37 PM
To: Crystal Law
Subject: Fwd: [External] Re: Loan balance

Just came in

----- Forwarded message -----

From: Martinez, Beatriz <beatriz.martinez@scotiabank.com>
Date: Thu, Oct 28, 2021 at 11:37 AM
Subject: RE: [External] Re: Loan balance
To: Eric Li <eric@vimarina.ca>
CC: Mitges, Justin <justin.mitges@scotiabank.com>

Hi Eric,

Apologies for the delay.

The balance on the loan as of today is \$15,330,161.74 not including interests, fees, legal and advisor costs and the CEBA loans.

Beatriz Martínez, MBA | Director Special Accounts Management

C 647-530-6949

Beatriz.Martinez@scotiabank.com

Scotiabank

www.scotiabank.com

Scotiabank is a business name used by The Bank of Nova Scotia

This is Exhibit D referred to in the
Affidavit of Feng Peng Li
sworn (or affirmed) before me at
Vancouver, B.C.
this 28 day of October 2021

A Commissioner/Notary Public for the
Province of British Columbia

From: Eric Li <eric@vimarina.ca>
Sent: October 28, 2021 12:47 PM
To: Martinez, Beatriz <beatriz.martinez@scotiabank.com>
Subject: [External] Re: Loan balance

cl

8

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I working with our new lender on transfer the loan

Can I have the current balance of the loan please.

Thank you

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Haga [clic aquí](#) para ver la traducción al español.

Ce

No. S217202
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

THE BANK OF NOVA SCOTIA

PETITIONER

AND:

**COMMUNITY MARINE CONCEPTS LTD., VICTORIA INTERNATIONAL MARINA LTD.
ETERNALAND YUHENG INVESTMENT HOLDING LTD., AND 0736657 B.C. LTD.**

RESPONDENTS

AFFIDAVIT

FORRESTER & COMPANY LAW CORPORATION

Barristers

Suite 300, 171 Water Street

Vancouver, BC V6B 1A7

Telephone: (604) 682-1066

Facsimile: (604) 682-8036

Attention: Glen Forrester