



This is the 2<sup>nd</sup> affidavit  
of Ashley Kumar in this case  
and was made on February 28, 2024

No. S236214  
Vancouver Registry

**IN THE SUPREME COURT OF BRITISH COLUMBIA**

BETWEEN:

1392752 B.C. LTD.

PETITIONER

AND:

SKEENA SAWMILLS LTD.  
SKEENA BIOENERGY LTD. and  
ROC HOLDINGS LTD.

RESPONDENTS

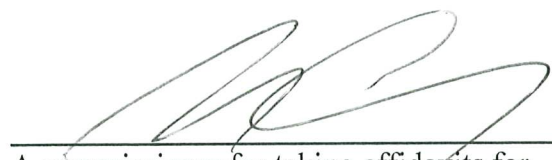
AFFIDAVIT

I, Ashley Kumar, legal assistant, of 2900 – 550 Burrard Street, Vancouver, British Columbia, SWEAR THAT:

1. I am a legal assistant at Fasken Martineau DuMoulin LLP (“**Fasken**”), counsel to Alvarez & Marsal Canada Inc., in its capacity as receiver (the “**Receiver**”) of the Respondents, Skeena Sawmills Ltd. (“**Sawmills**”), Skeena Bioenergy Ltd. and Roc Holdings Ltd., and as such have personal knowledge of the facts hereinafter deposed to except where stated to be on information and belief, in which case I believe them to be true.
2. On or about February 23, 2024 I contacted the Terrace registry of the Supreme Court of British Columbia (the “**Court**”) to obtain garnishing orders before judgment and supporting documents filed in Court Action No. 21858 (the “**Action**”).
3. Between February 26<sup>th</sup> and 28<sup>th</sup>, 2024 I received the following documents filed in the Action from the registry:
  - (a) garnishing order before judgment filed August 3, 2023, naming Nanaimo Forest Products Ltd. as garnishee, a copy of which is attached hereto as Exhibit “A”;
  - (b) garnishing order before judgment filed August 3, 2023, (the “**Trans-Pacific Garnishing Order**”) naming Trans-Pacific Trading Ltd. as garnishee, a copy of which is attached hereto as Exhibit “B”;

- (c) garnishing order before judgment filed August 3, 2023, naming The Bank of Nova Scotia ("BNS"), as garnishee, a copy of which is attached hereto as Exhibit "C";
  - (d) letter of dispute from garnishee dated August 15, 2023, filed by BNS, a copy of which is attached hereto as Exhibit "D";
  - (e) notice of payment into court filed August 15, 2023, in respect of the payment of \$23,185.60 into Court, a copy of which is attached hereto as Exhibit "E";
  - (f) notice of payment into court filed August 21, 2023, in respect of the payment of \$66,592.88 into Court, a copy of which is attached hereto as Exhibit "F";
  - (g) notice of payment into court filed August 31, 2023 (the "**August 31 Payment**"), in respect of the payment of \$32,046.15 into Court, a copy of which is attached hereto as Exhibit "G"; and
  - (h) notice of payment into court filed September 8, 2023, in respect of the payment of \$59,732.45 into Court, a copy of which is attached hereto as Exhibit "H".
4. On February 28, 2024, I contacted the Court registry in Terrace to confirm that the August 31 Payment was, in fact, made pursuant to the Trans-Pacific Garnishing Order.

SWORN BEFORE ME at Vancouver,  
British Columbia, on February 28, 2024.

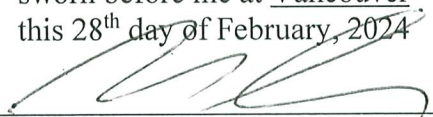
  
A commissioner for taking affidavits for  
British Columbia

  
ASHLEY KUMAR

MISHAAL S. GILL  
Barrister & Solicitor  
Fasken Martineau DuMoulin LLP  
2900 - 550 Burrard Street  
Vancouver, BC V6C 0A3  
604 631 4881

1

This is Exhibit " A " referred to in the  
Affidavit of Ashley Kumar  
sworn before me at Vancouver  
this 28<sup>th</sup> day of February, 2024



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A Commissioner for taking Affidavits  
for British Columbia

When making payment into Court this Action No. must be quoted.

**TERRACE**

**AUG 08 2023**

**REGISTRY**

No. 21858  
Terrace Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

Before ~~Mr.~~Madam H. KURIGU District Registrar

BETWEEN:

TIMBER BARON CONTRACTING LTD.

PLAINTIFF

AND:

SKEENA SAWMILLS LTD.

DEFENDANT

AND:

NANAIMO FOREST PRODUCTS LTD.

GARNISHEE

**GARNISHING ORDER BEFORE JUDGMENT**

On reading the affidavit of Matthew Thomson, sworn August 1, 2023, and on it appearing that the indebtedness, obligation or liability of the garnishee is not for wages or salary, I order that all debts, obligations and liabilities owing, payable or accruing due from the above-named garnishee to the above named defendant, Skeena Sawmills Ltd.,

- 2 -

other than for wages or salary, be attached to the total amount set out below and paid into court.

AUG 03 2023

Dated

  
DEPUTY DISTRICT REGISTRAR

DLA Piper (Canada) LLP  
Barristers & Lawyers  
Suite 2700 The Stack  
1133 Melville St.  
Vancouver, BC V6E 4E5



- 3 -

**To the defendant**

Skeena Sawmills Ltd.  
5530 Highway 16 West, Box 780  
Terrace, BC V8G 4R1

**To the garnishee**

Nanaimo Forest Products Ltd.  
111 Wallace Street  
Nanaimo, BC V9R 5B2

<b>Amount Due</b>	\$491,331.09
<b>Cost of attachment proceedings</b>	
Court fee for filing garnishing order	\$80.00
Fee for garnishment process (Schedule 2, Appendix B)	\$185.00
<b>TOTAL AMOUNT ATTACHED</b>	<b>\$491,596.09</b>

**NOTICE TO GARNISHEE**

If you do not pay into court at once the amount of your indebtedness to the defendant(s), an order may be made against you for the payment of the full amount with costs.

If you dispute your liability, you should at once file a dispute note.

**NOTICE TO DEFENDANT(S)**

You may apply to the Registrar or the court and, if considered just in all the circumstances, an order may be made releasing all or part of this garnishment.

**Name of the Lawyer:**

Dean Dalke  
DLA Piper (Canada) LLP  
Barristers & Lawyers

**Address:**

Suite 2700 The Stack  
1133 Melville St.  
Vancouver, BC V6E 4E5

**Telephone:**

604.687.9444

5

No. \_\_\_\_\_  
Terrace Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

TIMBER BARON CONTRACTING LTD.

PLAINTIFF

AND:

SKEENA SAWMILLS LTD.

DEFENDANT

AND:

NANAIMO FOREST PRODUCTS LTD.

GARNISHEE

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**GARNISHING ORDER BEFORE JUDGMENT**

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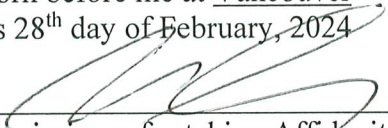
DLA Piper (Canada) LLP  
Barristers & Lawyers  
Suite 2700 The Stack  
1133 Melville St.  
Vancouver, BC V6E 4E5

Tel. No. 604.687.9444  
Fax No. 604.687.1612

File No.: 050676-00005

MOL/

This is Exhibit “ **B** ” referred to in the  
Affidavit of Ashley Kumar  
sworn before me at Vancouver  
this 28<sup>th</sup> day of February, 2024



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A Commissioner for taking Affidavits  
for British Columbia



When making payment into Court this Action No. must be quoted.



No. 21858  
Terrace Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

Before Mr./Madam H. KUPISU District Registrar

BETWEEN:

TIMBER BARON CONTRACTING LTD.

PLAINTIFF

AND:

SKEENA SAWMILLS LTD.

DEFENDANT

AND:

TRANS-PACIFIC TRADING LTD.

GARNISHEE

**GARNISHING ORDER BEFORE JUDGMENT**

On reading the affidavit #1 of Matthew Thomson, sworn August 1, 2023, and on it appearing that the indebtedness, obligation or liability of the garnishee is not for wages or salary, I order that all debts, obligations and liabilities owing, payable or accruing due from the above-named garnishee to the above named defendant, Skeena Sawmills Ltd.,

- 2 -

other than for wages or salary, be attached to the total amount set out below and paid  
into court.

AUG 03 2023

Dated

  
DEPUTY DISTRICT REGISTRAR

DLA Piper (Canada) LLP  
Barristers & Lawyers  
Suite 2700 The Stack  
1133 Melville St.  
Vancouver, BC V6E 4E5

9

- 3 -

**To the defendant**

Skeena Sawmills Ltd.  
5530 Highway 16 West, Box 780  
Terrace, BC V8G 4R1

**To the garnishee**

Trans-Pacific Trading Ltd.  
1500 Royal Centre  
1055 West Georgia Street, P.O. Box  
11117  
Vancouver, BC V6E 4N7

<b>Amount Due</b>	\$491,331.09
<b>Cost of attachment proceedings</b>	
Court fee for filing garnishing order	\$80.00
Fee for garnishment process (Schedule 2, Appendix B)	\$185.00
<b>TOTAL AMOUNT ATTACHED</b>	<b>\$491,596.09</b>

**NOTICE TO GARNISHEE**

If you do not pay into court at once the amount of your indebtedness to the defendant(s), an order may be made against you for the payment of the full amount with costs.

If you dispute your liability, you should at once file a dispute note.

**NOTICE TO DEFENDANT(S)**

You may apply to the Registrar or the court and, if considered just in all the circumstances, an order may be made releasing all or part of this garnishment.

**Name of the Lawyer:**

Dean Dalke  
DLA Piper (Canada) LLP  
Barristers & Lawyers

**Address:**

Suite 2700 The Stack  
1133 Melville St.  
Vancouver, BC V6E 4E5

**Telephone:**

604.687.9444

No. \_\_\_\_\_  
Terrace Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

TIMBER BARON CONTRACTING LTD.

PLAINTIFF

AND:

SKEENA SAWMILLS LTD.

DEFENDANT

AND:

TRANS-PACIFIC TRADING LTD.

GARNISHEE

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**GARNISHING ORDER BEFORE JUDGMENT**

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DLA Piper (Canada) LLP  
Barristers & Lawyers  
Suite 2700 The Stack  
1133 Melville St.  
Vancouver, BC V6E 4E5

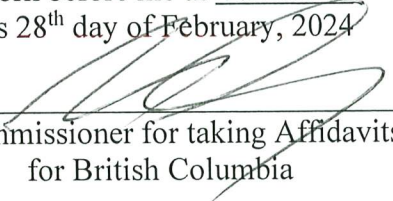
Tel. No. 604.687.9444  
Fax No. 604.687.1612

File No.: 050676-00005

MOL/

11

This is Exhibit " C " referred to in the  
Affidavit of Ashley Kumar  
sworn before me at Vancouver  
this 28<sup>th</sup> day of February, 2024

  
A Commissioner for taking Affidavits  
for British Columbia

When making payment into Court this Action No. must be quoted.

**TERRACE**

**AUG 03 2023**

**REGISTRY**

No. 21858  
Terrace Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

Before ~~Mr.~~Madam H. Wagner District Registrar

BETWEEN:

TIMBER BARON CONTRACTING LTD.

PLAINTIFF

AND:

SKEENA SAWMILLS LTD.

DEFENDANT

AND:

BANK OF NOVA SCOTIA

GARNISHEE

**GARNISHING ORDER BEFORE JUDGMENT**

On reading the affidavit of Matthew Thomson, sworn August 1, 2023, and on it appearing that the indebtedness, obligation or liability of the garnishee is not for wages or salary, I order that all debts, obligations and liabilities owing, payable or accruing due from the above-named garnishee to the above named defendant, Skeena Sawmills Ltd.,



- 2 -

other than for wages or salary, be attached to the total amount set out below and paid into court.

AUG 03 2023

Dated

DLA Piper (Canada) LLP  
Barristers & Lawyers  
Suite 2700 The Stack  
1133 Melville St.  
Vancouver, BC V6E 4E5

  
DEPUTY DISTRICT REGISTRAR

- 3 -

**To the defendant**

Skeena Sawmills Ltd.  
5530 Highway 16 West, Box 780  
Terrace, BC V8G 4R1

**To the garnishee**

Bank of Nova Scotia  
650 West Georgia Street  
Vancouver, BC V6B 4P6

<b>Amount Due</b>	<b>\$491,331.09</b>
<b>Cost of attachment proceedings</b>	
Court fee for filing garnishing order	\$80.00
Fee for garnishment process (Schedule 2, Appendix B)	\$185.00
<b>TOTAL AMOUNT ATTACHED</b>	<b>\$491,596.09</b>

**NOTICE TO GARNISHEE**

If you do not pay into court at once the amount of your indebtedness to the defendant(s), an order may be made against you for the payment of the full amount with costs.

If you dispute your liability, you should at once file a dispute note.

**NOTICE TO DEFENDANT(S)**

You may apply to the Registrar or the court and, if considered just in all the circumstances, an order may be made releasing all or part of this garnishment.

**Name of the Lawyer:**

Dean Dalke  
DLA Piper (Canada) LLP  
Barristers & Lawyers

**Address:**

Suite 2700 The Stack  
1133 Melville St.  
Vancouver, BC V6E 4E5

**Telephone:**

604.687.9444

No. \_\_\_\_\_  
Terrace Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

TIMBER BARON CONTRACTING LTD.

PLAINTIFF

AND:

SKEENA SAWMILLS LTD.

DEFENDANT

AND:

BANK OF NOVA SCOTIA

GARNISHEE

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**GARNISHING ORDER BEFORE JUDGMENT**

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DLA Piper (Canada) LLP  
Barristers & Lawyers  
Suite 2700 The Stack  
1133 Melville St.  
Vancouver, BC V6E 4E5

Tel. No. 604.687.9444  
Fax No. 604.687.1612

File No.: 050676-00005

MOL/

This is Exhibit "D" referred to in the  
Affidavit of Ashley Kumar  
sworn before me at Vancouver  
this 28<sup>th</sup> day of February, 2024



A Commissioner for taking Affidavits  
for British Columbia



The Bank of Nova Scotia  
Operations & Corporate Services  
Attachment Orders Department  
4715 Tahoe Blvd  
Mississauga, ON  
Canada L4W 0B4

Tel 1-844-301-8824  
Fax 1-844-384-7881, 2023

**Scotiabank.**

AUGUST 15, 2023

SUPREME COURT OF BRITISH COLUMBIA  
3408 KALUM STREET  
TERRACE  
BC V8G 2N6  
Canada

Ref #: 21858

Customer Name: SKEENA SAWMILLS LTD.

Dear Sir/Madam:

I am an Accounting Officer at the (OPERATIONS & CORPORATE SERVICES) branch of The Bank of Nova Scotia, which has been served with a direction to garnishee (garnishment/attachment order) herein.

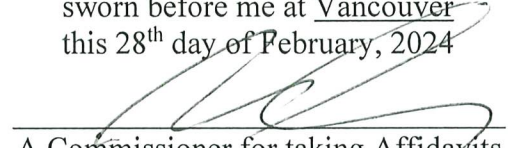
At the time of the receipt of the said direction (or said garnishment), there are no accounts @ this location, on which the said direction was served.

If you have any further questions regarding this matter, please contact the branch on which the direction was served.

Yours truly,

Garnishment Department  
Scotiabank

This is Exhibit " E " referred to in the  
Affidavit of Ashley Kumar  
sworn before me at Vancouver  
this 28<sup>th</sup> day of February, 2024



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A Commissioner for taking Affidavits  
for British Columbia



TERRACE

AUG 15 2023

REGISTRY

Court File No.: 21858

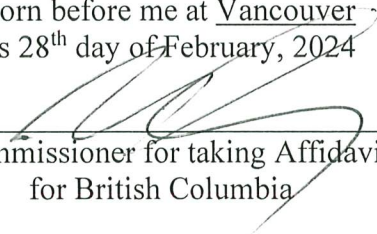
Court Location: Terrace

**NOTICE OF PAYMENT INTO COURT**  
In the Supreme Court of British ColumbiaBETWEEN Timber Baron Contracting LTD. PLAINTIFF OR JUDGMENT CREDITORAND Skeena Sawmills LTD. DEFENDANT OR JUDGMENT DEBTORTAKE NOTICE that, under an order herein issued on August 3, 2023,the garnishee named in the said order Skeena Sawmills LTD.,or the Defendant, has paid into Court the sum of \$ 23,185.60.DATED 15-August-2023.

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Plaintiff or Judgment Creditor, or Solicitor  
Accounting Clerk

This is Exhibit " F " referred to in the  
Affidavit of Ashley Kumar  
sworn before me at Vancouver  
this 28<sup>th</sup> day of February, 2024



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A Commissioner for taking Affidavits  
for British Columbia

Court File No.: 21858Court Location: Terrace

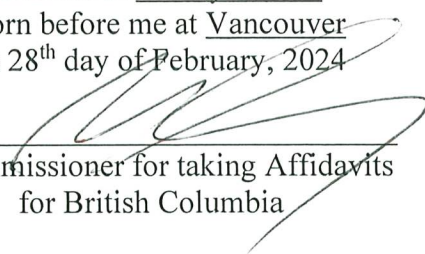
**NOTICE OF PAYMENT INTO COURT**  
In the Supreme Court of British Columbia

BETWEEN Timber Baron Contracting LTD PLAINTIFF OR JUDGMENT CREDITORAND Skeena Sawmills LTD DEFENDANT OR JUDGMENT DEBTORTAKE NOTICE that, under an order herein issued on August 3, 2023,the garnishee named in the said order Trans-Pacific Trading LTD,or the Defendant, has paid into Court the sum of \$ 66,592.88.DATED 21-Aug-2023.

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Plaintiff or Judgment Creditor, or Solicitor  
Accounting Clerk

This is Exhibit " G " referred to in the  
Affidavit of Ashley Kumar  
sworn before me at Vancouver  
this 28<sup>th</sup> day of February, 2024



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A Commissioner for taking Affidavits  
for British Columbia

TERRACE

AUG 31 2023

REGISTRY

Court File No.: 21858

Court Location: Terrace

**NOTICE OF PAYMENT INTO COURT**  
In the Supreme Court of British ColumbiaBETWEEN Timber Baron Contracting LTD PLAINTIFF OR JUDGMENT CREDITORAND Skeena Sawmills LTD DEFENDANT OR JUDGMENT DEBTORTAKE NOTICE that, under an order herejn issued on August 28, 2023,the garnishee named in the said order Trans-Pacific Trading LTD,or the Defendant, has paid Into Court the sum of \$ 32,046.15,DATED August 31, 2023.

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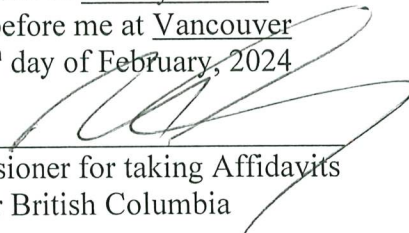
Plaintiff or Judgment Creditor, or Solicitor  

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Accounting Clerk

1-PLAINTIFF OR JUDGMENT CREDITOR, OR SOLICITOR 2-FILE

This is Exhibit “H” referred to in the  
Affidavit of Ashley Kumar  
sworn before me at Vancouver  
this 28<sup>th</sup> day of February, 2024



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A Commissioner for taking Affidavits  
for British Columbia



Court File No.: 21858Court Location: Terrace

**NOTICE OF PAYMENT INTO COURT**  
In the Supreme Court of British Columbia

BETWEEN TIMBER BARON CONTRACTING LTD. PLAINTIFF OR JUDGMENT CREDITORAND SKEENA SAWMILLS LTD. DEFENDANT OR JUDGMENT DEBTORTAKE NOTICE that, under an order herein issued on August 3, 2023,the garnishee named in the said order TRANS-PACIFIC TRADING, LTD.,or the Defendant, has paid into Court the sum of \$ 59,732.45,DATED September 7, 2023,

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Plaintiff or Judgment Creditor, or Solicitor  

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Accounting Clerk