

Clerk's Stamp

COURT FILE NUMBER

2401-15969

COURT

COURT OF KING'S BENCH OF ALBERTA

JUDICIAL CENTRE

CALGARY

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

AND IN THE MATTER OF A PLAN OF COMPROMISE
OR ARRANGEMENT OF ANGUS A2A GP INC.,
ANGUS MANOR PARK A2A GP INC., ANGUS MANOR
PARK A2A CAPITAL CORP., ANGUS MANOR PARK
A2A DEVELOPMENTS INC., HILLS OF WINDRIDGE
A2A GP INC., WINDRIDGE A2A DEVELOPMENTS,
LLC, FOSSIL CREEK A2A GP INC., FOSSIL CREEK
A2A DEVELOPMENTS, LCC, A2A DEVELOPMENTS
INC., SERENE COUNTRY HOMES (CANADA) INC. and
A2A CAPITAL SERVICES CANADA INC.

APPLICANTS

ANGUS A2A GP INC., ANGUS MANOR PARK A2A GP
INC., ANGUS MANOR PARK A2A CAPITAL CORP.,
ANGUS MANOR PARK A2A DEVELOPMENTS INC.,
HILLS OF WINDRIDGE A2A GP INC., WINDRIDGE
A2A DEVELOPMENTS, LLC, FOSSIL CREEK A2A GP
INC., FOSSIL CREEK A2A DEVELOPMENTS, LCC,
A2A DEVELOPMENTS INC., SERENE COUNTRY
HOMES (CANADA) INC. and A2A CAPITAL SERVICES
CANADA INC.

DOCUMENT

APPLICATION

ADDRESS FOR SERVICE AND
CONTACT INFORMATION OF
PARTY FILING THIS
DOCUMENT

MILES DAVISON LLP
Barristers and Solicitors
900, 517 – 10th Avenue S.W.
Calgary, Alberta T2R 0A8
Attention: Daniel Jukes
Telephone: (403) 298-0327
Facsimile: (403) 263-6840
djukes@milesdavison.com
File No: 57066 DKJ

NOTICE TO RESPONDENTS:

This application is made against you. You are a respondent.

You have the right to state your side of this matter before the Court.

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

Date:	November 21, 2024
Time:	2:00 pm
Where:	Court of King's Bench, Calgary Courts Centre, 601 – 5 Street S.W. Calgary, Alberta T2P 5P7
Before Whom:	The Honourable Justice Simard

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. An Order abridging the time for service, if necessary.
2. An Order setting aside, or in the alternative varying, the Initial Order granted on November 14, 2024.
3. In the alternative, a stay of the Initial Order and an adjournment of the comeback Application pending a more fulsome hearing of the issues.
4. Costs of this Application
5. Such further and other relief as this Honourable Court may deem just and appropriate.

Grounds for making this application:

6. The Initial Order was granted without due process. In particular, but without limitation, the Initial Order was obtained without effective notice or service.
7. The Initial Order was obtained on the basis of incorrect and misleading information.
8. The Initial Order provided extraordinary relief which ought not to have been granted. Without limitation:
 - a) The Applicants represent a tiny fraction of interested investors
 - b) There is no evidence of malfeasance
 - c) The lands in question are being properly marketed by reputable agents to arm's length purchasers.
 - d) Less invasive relief could have been granted to address the Applicants' concerns.
9. The Respondents are not insolvent, and some or all of the Respondents are not eligible for a CCAA Order.
10. The Applicants lacked standing to commence the proceedings.

11. The Court did not have jurisdiction over all or some of the defendants and subject matter of the Order. Without limitation, no leave to serve the Application *ex juris* was obtained.
12. With respect to a stay, there are serious issues to be tried, there will be irreparable harm to the Respondents if a stay is not granted, and the balance of convenience favours the Respondents.
13. Such further and other grounds as may be advanced by Counsel and this Honourable Court may permit.

Material or evidence to be relied on:

14. Affidavit of George Chambers, sworn November 20, 2024.
15. Affidavit of Grayson Ambrose, sworn November 20, 2024.
16. Affidavit of Allan Lind, sworn November 21, 2024.
17. The pleadings and other documents filed in this action.
18. Such further and other materials as counsel may advise and this Honourable Court may permit.

Applicable rules:

19. The *Alberta Rules of Court*

Applicable Acts and regulations:

20. The *Companies' Creditors Arrangement Act* (Canada).
21. The *Judicature Act* (Alberta)
22. Such further and other legislation as counsel may advise and this Honourable Court may permit.

Any irregularity complained of or objection relied on:

23. As noted above under grounds.

How the application is proposed to be heard or considered:

24. On the Commercial List via WebEx.

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 give evidence in response to the application, you must reply by filing an affidavit or other evidence with the Court and serving a copy of that affidavit or other evidence on the applicant(s) a reasonable time before the application is to be heard or considered.