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Form 27
[Rules 6.3 and 10.52(1)]
Clerk's Stamp:



COURT FILE NUMBER 1801-04745

COURT OF QUEEN'S BENCH OF ALBERTA

JUDICIAL CENTRE CALGARY

PLAINTIFFS HILLSBORO VENTURES INC.

DEFENDANTS CEANA DEVELOPMENT SUNRIDGE INC.

IN THE MATTER OF THE RECEIVERSHIP OF CEANA
DEVELOPMENT SUNRIDGE INC. JS Jan 14 2021
\$50
1203337

DOCUMENT APPLICATION

APPLICANT EUREKA PRESCRIPTIONS INC.

RESPONDENTS HILLSBORO VENTURES INC. and CEANA DEVELOPMENT
SUNRIDGE INC.

ADDRESS FOR SERVICE AND CONTACT
INFORMATION OF PARTY FILING THIS
DOCUMENT
First West Law LLP
Barristers and Solicitors
#100, 1501 – 1 Street SW
Calgary, Alberta T2R 0W1
Attention: Ryan D. Moneo
Phone: (403) 543-7757
Fax: (403) 543-7759
File No.: 5-13897

NOTICE TO RESPONDENTS, HILLSBORO VENTURES INC. and CEANA DEVELOPMENT SUNRIDGE INC.

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

You have the right to state your side of this matter before the Master. To do so, you must be in Court when the application is heard as shown below:

Date: Thursday, January 14, 2021
Time: 9:30 a.m. for full day – Commercial List
Where: Calgary Courts Centre, 601 – 5 Street SW
Calgary, AB T2P 5P7

Before Whom: Justice Eidsvik

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. The Applicant respectfully seeks an Order, substantially in the form attached as Schedule "A" for the following relief:
 - (a) A declaration that the commercial condominium unit (the "Unit") located at 2255 – 32 Street NE, Calgary, Alberta (the "Project"), as further described in the Affidavit of Andrew Uwubanmwun, sworn on October 30, 2020, is impressed with a trust in favour of the Applicant, to the extent of his deposit in the amount of \$200,000.00, currently held in trust by the Receiver's counsel, Torys LLP (the "Trust Fund Deposit");
 - (b) Directing that the Deposit Funds currently held by Torys LLP on behalf of the Receiver, Alvarez & Marsal Canada Inc. ("Receiver") be applied to the Unit for the benefit of Eureka Prescriptions Inc.;
 - (c) Such further and other relief as this Honourable Court deems necessary; and
 - (d) Costs of this Application.

Grounds for making this application:

2. The Receiver was appointed as receiver and manager of the assets, properties and undertakings of Ceana Development Sunridge Inc. ("Ceana") pursuant to the Receivership Order granted on July 3, 2019, by the Honourable Justice B.E.C. Romaine, as amended and restated on June 17, 2020, by the Honourable Justice C.M. Jones (collectively referred to as the "Receivership Order").
3. The Receiver is empowered and authorized to sell Ceana's current and future assets, properties and undertakings of every nature and kind whatsoever pursuant to the Receivership Order. It is further authorized to settle debts owed by Ceana.
4. The Project is subject to subject to several purchase and sale agreement specifying that the Trust Fund Deposits are to be held in trust in accordance with section 14 of the *Condominium Property Act*, RSA 2000, c. C-22, as amended.
5. Pursuant to the *Condominium Property Act*, the Trust Fund Deposit is to be applied to the purchase of the Unit.

Material or evidence to be relied on:

6. Receivership Order granted on July 3, 2019, by the Honourable Justice B.E.C. Romaine;
7. Amended and Restated Receivership Order granted on June 17, 2020, by the Honourable Justice C.M. Jones;
8. Affidavit of Andrew Uwubanmwun sworn on October 30, 2020;
9. The pleadings filed in the within action;
10. The Receiver's Reports, up to the date of this Application; and
11. Such further and other material as counsel may advise and this Honourable Court may permit.

Applicable rules:

12. Such rules as counsel may advise.

Applicable Acts and regulations:

13. *The Bankruptcy and Insolvency Act*, RSC 1985, c. B-3;
14. *Condominium Property Act*, RSA 2000, c. C-22; and
15. The inherent jurisdiction of this Honourable Court; and
16. Such further and other Acts and regulations as counsel may advise.

Any irregularity complained of or objection relied on:

17. None.

How the application is proposed to be heard or considered:

18. Virtually via WebEx, with all parties present before the presiding Justice.

WARNING

If you do not come to Court either in person or by your lawyer, the Court may give the applicant 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 rely on an Affidavit or other evidence when the application is heard or considered, you must reply by giving reasonable notice of the material to the applicant.

SCHEDULE "A"

COURT FILE NUMBER 1801-04745

COURT OF QUEEN'S BENCH OF ALBERTA

JUDICIAL CENTRE CALGARY

PLAINTIFFS HILLSBORO VENTURES INC.

DEFENDANTS CEANA DEVELOPMENT SUNRIDGE INC.

IN THE MATTER OF THE RECEIVERSHIP OF CEANA
DEVELOPMENT SUNRIDGE INC.

DOCUMENT **ORDER**

APPLICANT EUREKA PRESCRIPTIONS INC.

RESPONDENTS HILLSBORO VENTURES INC. and CEANA DEVELOPMENT
SUNRIDGE INC.

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Attention: Ryan D. Moneo
Phone: (403) 543-7757
Fax: (403) 543-7759
File No.: 5-13897

DATE ON WHICH ORDER WAS PRONOUNCED: Thursday, January 14, 2020

TIME: 9:30 AM for full day - Commercial List

LOCATION OF HEARING OR TRIAL: Calgary, Alberta

NAME OF JUDGE WHO MADE THIS ORDER: Justice Eidsvik

UPON THE APPLICATION OF EUREKA PRESCRIPTIONS INC.; AND UPON HAVING read the Application filed by the Applicant on December 14, 2020 (the "Application"); AND UPON having read the Affidavit of Andrew Uwubamwun sworn and filed October 30, 2020; AND UPON being referred to the documents outlined in the Application; AND UPON hearing counsel for the Applicant and other interested parties;

IT IS HEREBY DECLARED THAT:

1. Service of notice of this Application and supporting materials is deemed to be good and sufficient.

2. The commercial condominium unit ("**Unit**") located at 2255 - 32 Street NE, Calgary, Alberta (the "**Project**"), as further described in the Affidavit of Andrew Uwubanmwun, is impressed with a trust in favour of the Applicant, to the extent of his deposit (the "**Trust Fund Deposit**").
3. Torsys LLP on behalf of the Receiver, Alvarez & Marsal Canada Inc. is directed to hold the Trust Fund Deposit in trust, for the purposes of the Unit.
4. No further marketing shall take place in accordance with the Unit of the Project purchased by the Applicant without further Order of this Court.
5. Costs of this Application are payable forthwith by the Respondents Hillsboro Ventures Inc. and Ceana Development Sunridge Inc. in the amount of \$_____.

Justice of the Court of Queen's Bench of Alberta