

ENTERED



COURT FILE NUMBER 1801 04745

COURT COURT OF QUEEN'S BENCH OF ALBERTA

JUDICIAL CENTRE CALGARY

PLAINTIFF HILLSBORO VENTURES INC.

RESPONDENT CEANA DEVELOPMENT SUNRIDGE INC.

DOCUMENT APPLICATION OF 1785337 ALBERTA LTD., RAHUL KAPOOR,
SACHIN SARNA, SUKHDEEP S. DHALIWAL AND MANDEEP S.
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ADDRESS FOR SERVICE AND
CONTACT INFORMATION OF
PARTY FILING THIS DOCUMENT

Field LLP
400, 444 – 7 Avenue S.W.
Calgary AB T2P 0X8
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File No. 69701-1

NOTICE TO RESPONDENT: 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 Judge.

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

DATE	<u>Friday, November 13, 2020</u>
TIME	<u>10:00 a.m. for ½ day - Commercial List</u>
WHERE	<u>Court House, Calgary, Alberta</u>
BEFORE WHOM	<u>Justice Eidsvik</u>

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 Applicants, 1785337 Alberta Ltd., Rahul Kapoor, Sachin Sarna, Sukhdeep S. Dhaliwal and Mandeep S. Mavi (collectively referred to as "**the Applicants**"), respectfully seeks an Order, substantially in the form attached as Schedule "A", for the following relief:

- (a) Abridging the time for service of this Application and the supporting materials, as necessary, and deeming service thereof to be good and sufficient.

- (b) A declaration that the commercial condominium units (the "**Units**") located at 2255 – 32 Street N.E., Calgary, Alberta (the "**Project**"), as further described in the Affidavits of Rahul Kapoor and Sukhdeep S. Dhaliwal, is impressed with a trust in favour of the Applicants, to the extent of their respective deposits.
- (c) Directing that no further marketing shall take place in connection with the Units of the Project purchased by the Applicants without further order of the Court.
- (d) Such further and other relief as this Honourable Court deems necessary; and
- (e) Costs of this application.

Grounds of the Application:

- 2. The Receiver was appointed as receiver and manager of the assets, properties and undertakings of 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, undertakings and properties 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 several purchase and sale agreements specifying that deposits are to be held in trust.
- 5. Deposit Funds were used for and may be traced into the Project
- 6. Such further and other grounds as counsel may advise.

Material or evidence to be relied on:

- 1. Receivership Order granted on July 3, 2019, by the Honourable Justice B. E. C. Romaine;
- 2. Amended and Restated Receivership Order granted on June 17, 2020, by the Honourable Justice C. M. Jones;
- 3. Affidavit of Rahul Kapoor sworn June 24, 2020, filed;

4. Affidavit of Sukhdeep S. Dhaliwal sworn October 28, 2020, filed concurrently with this Application;
5. The pleadings filed in this proceeding; and
6. Such further and other material as counsel may advise and this Honourable Court may permit.

Applicable Rules:

1. Such rules as counsel may advise.

Applicable Acts and Regulations:

1. *The Bankruptcy and Insolvency Act*, R.S.C. 1985, c B-3;
2. Sections 17 and 22 of the *Civil Enforcement Act*, R.S.A. 2000, c. C-15;
3. The inherent jurisdiction of this Honourable Court; and
4. Such further and other Acts and regulations as counsel may advise.

Any irregularity complained of or objection relied on:

1. N/A

How the Application is proposed to be heard or considered:

1. This Application is proposed to be heard in Justice Chambers.

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	COURT OF QUEEN'S BENCH OF ALBERTA
JUDICIAL CENTRE	CALGARY
PLAINTIFF	HILLSBORO VENTURES INC.
RESPONDENT	CEANA DEVELOPMENT SUNRIDGE INC.
DOCUMENT	ORDER

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT	Field LLP 400, 444 – 7 Avenue S.W. Calgary AB T2P 0X8 Lawyer: Douglas S. Nishimura Phone Number: (403) 260-8548 Fax Number: (403) 264-7084 File No. 69701-1
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DATE ON WHICH ORDER WAS PRONOUNCED:	<u>Friday, November 13, 2020</u>
LOCATION WHERE ORDER WAS PRONOUNCED:	<u>Calgary, Alberta</u>
NAME OF JUSTICE WHO MADE THIS ORDER:	<u>Justice K. Eidsvik</u>

ORDER

UPON THE APPLICATION of 1785337 Alberta Ltd., Rahul Kapoor, Sachin Sarna, Sukhdeep S. Dhaliwal and Mandeep S. Mavi (collectively referred to as the "**Applicants**"); AND UPON HAVING read the Application filed by the Applicants on October __, 2020; AND UPON having read the Affidavit of Rahul Kapoor sworn June 24, 2020, filed and the Affidavit of Sukhdeep S. Dhaliwal sworn October 27, 2020; AND UPON being referred to the documents outlined in the said Application; AND UPON hearing counsel for the Applicants and all other interested parties;

IT IS HEREBY ORDERED AND DECLARED THAT:

1. Service of notice of this application and supporting materials in the manner described in the Affidavit of Service is hereby declared to be good and sufficient, and no other person is required

to have been served with notice of this application, and time for service of this application is abridged to that actually given.

2. Declaring that the commercial condominium units (the "**Units**") located at 2255 – 32 Street N.E., Calgary, Alberta (the "**Project**"), as further described in the Affidavits of Rahul Kapoor and Sukhdeep S. Dhaliwal, is impressed with a trust in favour of the Applicants, to the extent of their respective deposits.
3. Directing that no further marketing shall take place in connection with the Units of the Project purchased by the Applicants without further order of the Court.
4. No further marketing shall take place in connection with the Units purchased by the Applicants without further order of the Court.
5. Costs of this Application on a solicitor and his own client basis.

J.C.C.Q.B.A.