FORM 49

[RULES 13.19, 11.21]

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DEC 1 4 2016

COURT FILE NUMBER

1601-05249

JUDICIAL CENTRE OF CALGARY

COURT

COURT OF QUEEN'S BENCH OF ALBERTA

JUDICIAL CENTRE

**CALGARY** 

**PLAINTIFF** 

BANK OF MONTREAL

**DEFENDANT** 

GRAF CANADA LTD.

**DOCUMENT** 

AFFIDAVIT OF SERVICE

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF BENNETT JONES LLP

Barristers and Solicitors 4500, 855 – 2<sup>nd</sup> Street S.W. Calgary, Alberta T2P 4K7

PARTY FILING THIS DOCUMENT

Attention: Jennie A. Buchanan

Telephone No.: 403-298-3130

Fax No.: 403-265-7219 Client File No.: 75202.2

#### AFFIDAVIT OF NATALIE BIRTWISTLE

Sworn on December 14, 2016

### I, NATALIE BIRTWISTLE, of Calgary, Alberta, swear that:

- 1. I am employed by Bennett Jones Services Limited Partnership, a services limited partnership for Bennett Jones LLP, Barristers and Solicitors, solicitors for the Defendant and have personal knowledge of the matters deposed to here except where otherwise stated to be based on information and belief.
- 2. I am an adult person and not a party to this action.
- 3. Attached and marked as **Exhibit "A"** is a letter from Jennie A. Buchanan of Bennett Jones LLP dated December 8, 2016 addressed The Honourable Madam Justice Horner, copied to the Commercial Coordinator and the Service List, providing the materials for

the Application scheduled for December 15, 2016. I have been advised by William Katz, Student-at-Law at Bennett Jones LLP, that the letter and enclosures were hand delivered to Madam Justice Horner and the Commercial Coordinator on December 8, 2016.

- 4. Attached and marked as **Exhibit "B"** is the Bennett Jones Service List with respect to this matter as of December 8, 2016.
- 5. On December 8, 2016, I served Exhibit "A", and all enclosures referred to therein, the Application by Richter Advisory Group Inc., Court-appointed Receiver of Graf Canada Ltd., filed December 8, 2016, and the First Report of Richter Advisory Group Inc. in its Capacity as Receiver of Graf Canada Ltd., filed December 8, 2016, on all parties on the Bennett Jones Service List who provided email addresses via electronic method pursuant to Rule 11.21 of the Alberta *Rules of Court*.
- 6. Attached hereto and marked as **Exhibit** "C" is a copy of my cover email to the recipients.
- 7. On December 8, 2016, I caused true copies of Exhibit "A" and the enclosures referred to therein to be served upon the remaining parties who did not provide email addresses on the Bennett Jones Service List, via courier. Attached hereto and marked as Exhibit "D" are copies of the courier slips.
- 8. Attached hereto and marked as **Exhibit "E"** are copies of the proof of delivery for each package.

SWORN BEFORE ME at Calgary, Alberta, this 14<sup>th</sup> day of December, 2016.

Commissioner for Oaths in and for the

A Commissioner for Oaths in and for the Province of Alberta My Commission Expires October 5, 20 NATALIE BIRTWISTLE

vince of

## **līd Bennett Jones**

Bennett Jones LLP 4500 Bankers Hall East, 855 - 2nd Street SW Calgary, Alberta, Canada T2P 4K7 Tel: 403.298.3100 Fax: 403.265.7219

Jennie A. Buchanan Associate Direct Line: 403,298,3130 e-mail: buchananj@bennettjones.com Our File No.: 60746-24

December 8, 2016

#### VIA HAND DELIVERY

The Honourable Madam Justice K.M. Horner Court of Queen's Bench of Alberta Calgary Courts Centre #2401N, 601 - 5th Street SW Calgary, AB T2P 5P7

THIS IS EXHIBIT " referred to in the Affidavit of Sworn before me this JACQUELINE M. MILL A Commissioner for Oaths in and for the Province of Alberta My Commission Expires October 5, 2017

Dear Justice Horner:

Re: Action No. 1601-05249 In the Matter of the Bankruptcy and Insolvency of Graf Canada Ltd.

Enclosed are the following filed materials with respect to the Application to be heard before you on Thursday, December 15, 2016 at 12:00 p.m.

- Application by Richter Advisory Group Inc., Court-appointed Receiver of Graf Canada Ltd.:
- First Report of the Receiver, Richter Advisory Group Inc., dated December 8, 2016.

We trust the enclosed to be in order; however, please contact me if you have any questions.

Yours truly,

BENNETT JONES LLP

Jennie A. Buchanan

JAB:ncb Enclosures

Commercial Coordinator (Keri Ann Stevenson), Via Hand Delivery and Email

Service List, Via Email

### Service List

Larry Ellis Cassels Brock LLP 2100 Scotia Plaza, 40 King Street West Toronto, ON M5H 3C2 Phone: (416) 869-5406 Fax: (416) 640-3004	Serve by Email: lellis@casselsbrock.com
Kirstin Pereira Loss Mitigation Analyst Konica Minolta Premier Finance Phone: (844) 288-3722 Ext. 3627 Fax: (866) 967- 4047	Serve by Email: kirstin.pereira@ge.com
Shaw Cable c/o C.B. Cameron & Associates (Collections Agency) Pat Lynch, Manager Phone: (902) 468-5775 800-435-0566 Fax: (902) 468-6532	Serve by Email: plynch@cbcameron.com
EMERGYS Kevin DiPaolo (CFO) and Nikhil Deshmukh Phone: (919) 484- 1690 ext 7022 NC (585) 249-2843 NY ' Mobile: (585) 414-9118	Serve by Email: kevin.dipaolo@emergys.com and nikhil.deshmukh@emergys.com
Morguard / Portland Street Depot Ltd. c/o Adam Maerov Phone: (403) 215-2752 Fax: (403) 531-4720	Serve by Email: adam.maerov@mcmillan.ca
Sakurai Sports Manufacturing Co. Ltd. c/o Jonathan Wigley Gardiner Roberts LLP 22 Adelaide Street West, Suite 3600 Toronto M5H 4E3 Phone: (416) 865-6655 Fax: (416) 865-6636	Serve by Email: jwigley@grllp.com  THIS IS EXHIBIT " Referred to in the Affidavit of NOTOTIC BOWELLE Sworn before me this 14-10 day of December, 20 10

JACQUELINE M. MILL
A Commissioner for Oaths
in and for the Province of Alberta
My Commission Expires October 5, 20 17

Graf Skates AG c/o Jonathan Wigley Gardiner Roberts LLP 22 Adelaide Street West, Suite 3600 Toronto M5H 4E3 Phone: (416) 865-6655 Fax: (416) 865-6636	Serve by Email: jwigley@grllp.com
Jill L. Medhurst-Tivadar Government of Canada, Department of Justice Canada Tax Law Services - Prairie Region 510, 606 – 4 Street SW Calgary, AB T2P 1T1 Phone: (403) 299-3985 Fax: (403) 299-3966	Serve by Email: jill.medhurst- tivadar@justice.gc.ca
Canada Revenue Agency Tax — Prairie c/o Edmonton Tax Services Office Revenue Collections Division Regional Intake Center for Insolvency 9700 Jasper Avenue Edmonton, AB T5J 4C8	Serve by Courier
Alberta Justice and Solicitor General 9th Floor, John E. Brownlee Building 10365 - 97 Street Edmonton, AB T5J 3W7	Serve by Courier
Workers' Compensation Board of Alberta PO Box 2415 Edmonton, AB T5J 2S5	Serve by Courier

#### Natalie Birtwistle

From:

Natalie Birtwistle

Sent:

08 December 2016 4:21 PM

To:

Cc:

'lellis@casselsbrock.com'; 'kirstin.pereira@ge.com'; 'plynch@cbcameron.com';

'kevin.dipaolo@emergys.com'; 'nikhil.deshmukh@emergys.com'; 'adam.maerov@mcmillan.ca'; 'jwigley@grllp.com'; 'jill.medhursttivadar@justice.gc.ca'

Jennie Buchanan; 'CommercialCoordinator QBCalgary'

Subject:

In the Matter of the Bankruptcy and Insolvency of Graf Canada Ltd.

Attachments:

Letter to Justice Horner - encl materials for application - Dec 8, 2016.PDF; First Report of the Receiver - Filed Dec 8, 2016.PDF; Application for court approval of distributions, Receiver s

discharge, approval of Reciever s fees a PDF

#### Good afternoon,

Attached for service upon you is the Application and First Report of the Receiver, filed today, with respect to the application on December 15, 2016 at 12:00 p.m. The materials were delivered to Justice Horner today, and I also attach a copy of our letter to her. Thank you.



Natalie Birtwistle

Legal Assistant to A. Gray, A. Teasdale, J. Proctor and J. Buchanan, Bennett Jones SLP

4500 Bankers Hall East, 855 - 2nd Street SW, Calgary, AB, T2P 4K7 P. 403 298 3041 | F. 403 265 7219 E. birtwistlen@bennettjones.com

BESTÉMPLOYER 25 2000 200 1 2 24 5724



THIS IS EXHIBIT "

referred to in the Affidavit of

Sworn before me this

JACQUELINE M. MILL A Commissioner for Oaths

in and for the Province of Alberta My Commission Expires October 5, 20/

#### **Bennett Jones Delivery Slip** FROM: Bennett Jones LLP To: Canada Revenue Agency 4500 Bankers Hall East Tax – Prairie 855 2nd Street SW c/o Edmonton Tax Services Office Calgary, Alberta Revenue Collections Division Regional T2P 4K7 Canada Intake Center for Insolvency 9700 Jasper Avenue Edmonton, AB T5J 4C8 **Pitney Bowes** DELIVERY VIA: SERVICE LEVEL: SPECIAL INSTRUCTIONS: Noon Delivery (\$12.00) Yes SIGNATURE FOR RECEIPT? IX Client Disbursements ☐ Business Promotions ☐ Office Expense PURPOSE OF DELIVERY: 75202.2 CLIENT-MATTER: DESCRIPTION: Jennie A. Buchanan LAWYER: RECEPTIONIST TO COMPLETE: TIME RECEIVED: Date Printed: Date: \_\_\_\_\_ December 8, 2016 Amount: \$ \_\_\_\_\_ WAYBILL:

referred to in the Affidavit of

NOTOIC ENTURED

Sworn before me this 14th
day of December, 20 16

JACQUELINE M. MILL

A Commissioner for Oaths
in and for the Province of Alberta
My Commission Expires October 5, 2017

# **Bennett Jones**

## **Delivery Slip**

FROM:

Bennett Jones LLP 4500 Bankers Hall East 855 2nd Street SW Calgary, Alberta T2P 4K7 Canada To:

Alberta Justice and Solicitor General 9th Floor, John E. Brownlee Building 10365 - 97 Street Edmonton, AB T5J 3W7

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PO Box 2415

Edmonton, AB T5J 2S5

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CLIENT-MATTER: DESCRIPTION; LAWYER;	75202.2 Jennie A.	Buchanan	Client Disburseme	ents   Business Promotions   Office Expense PURPOSE OF DELIVERY:
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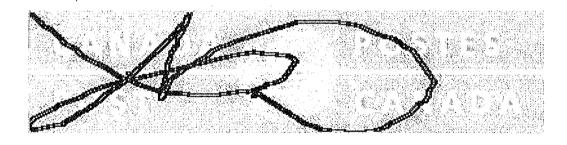
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THIS IS EXHIBIT "

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A Commissioner for Oaths in and for the Province of Alberta
My Commission Expires October 6, 2017

VOITalie Burtusi

Yours sincerely,

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Recipient:

insolvency intake CANADA REVENUE AGENCY 9700 JASPER AVE EDMONTON, AB T5J4C8 CA

Reference

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