

**COURT FILE NUMBER** 

1103 18646

COURT

COURT OF QUEEN'S BENCH OF ALBERTA

JUDICIAL CENTRE

**EDMONTON** 

IN THE MATTER OF THE COMPANIES' CREDITORS ARRANGEMENT ACT, R.S.C. 1985, Chapter C-36, AS AMENDED

AND IN THE MATTER OF A PLAN OF COMPROMISE OR ARRANGEMENT OF ARMAC INVESTMENTS LTD. (AB), LAKE EDEN PROJECTS INC. (AB), 1204583 ALBERTA INC. (AB) 1317517 ALBERTA INC. (AB), WESTRIDGE PARK LODGE DEVELOPMENT CORP (AB), WESTRIDGE PARK LODGE AND GOLF RESORT LTD. (AB), HALF MOON LAKE RESORT LTD. (AB) NO. 50 CORPORATE VENTURES LTD. (BC), FISHPATH RESORTS CORPORATION (BC), ARMAC INVESTMENT LTD. (BC), OSTROM ESTATES LTD. (BC), HAWKEYE MARINE GROUP LTD. (BC), JUBILEE MOUNTAIN HOLDINGS LTD. (BC), GIANT MOUNTAIN PROPERTIES LTD. (BC), and CHERRY BLOSSOM PARK DEVELOPMENT CORP (BC)

**DOCUMENT** 

APPLICATION BY ARMAC INVESTMENTS LTD. (AB), LAKE EDEN PROJECTS INC. (AB), 1204583 ALBERTA INC. (AB) 1317517 ALBERTA INC. (AB), WESTRIDGE PARK LODGE DEVELOPMENT CORP (AB), WESTRIDGE PARK LODGE AND GOLF RESORT LTD. (AB), HALF MOON LAKE RESORT LTD. (AB) NO. 50 CORPORATE VENTURES LTD. (BC), FISHPATH RESORTS CORPORATION (BC), ARMAC INVESTMENT LTD. (BC), OSTROM ESTATES LTD. (BC), HAWKEYE MARINE GROUP LTD. (BC), JUBILEE MOUNTAIN HOLDINGS LTD. (BC), GIANT MOUNTAIN PROPERTIES LTD. (BC), and CHERRY BLOSSOM PARK DEVELOPMENT CORP (BC)

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT TAYLOR LAW OFFICE, Suite 401, 10722 – 103 Avenue, Edmonton, Alberta, T5J 5G7, Attention: Conan J. Taylor, Phone (780) 428-7770 Fax (780) 428-7775

This application is made against you. You are a respondent. You have the right to state your side of this matter before the master/judge.

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

Date:

February 12, 2014

Time:

10:00 a.m.

Where:

Edmonton Law Courts, 1A Sir Winston Churchill Square, Edmonton, AB

Before Whom: The Honourable Mr. Justice D.R.G. Thomas

#### Remedy claimed or sought:

- An order abridging the time required for notice of this application to that actually given, and
  extending the time for filing the original of this motion to the date upon which it was actually filed
  and dispensing with the filing of proof of service of this motion and the materials in support
  thereof.
- 2. An Order amending paragraph 13 of the Initial Order of the Honourable Mr. Justice D.R.G. Thomas dated December 1, 2011 (the "Initial Order"), as further amended by the subsequent Orders of the Honourable Mr. Justice D.R.G. Thomas dated December 20, 2011, February 15<sup>th</sup>, 2012, May 2<sup>nd</sup> 2012,, June 29<sup>th</sup>, 2012, September 28<sup>th</sup>, 2012, December 18<sup>th</sup>, 2012, February 19<sup>th</sup>, 2013, May 17<sup>th</sup>, 2013 and July 26<sup>th</sup>, 2013, October 25<sup>th</sup>, and December 4<sup>th</sup>, 2013, extending the "Stay Period" to March 28<sup>th</sup>, 2014.

## Grounds for making this application:

- 3. A further stay is necessary for the Applicants in furtherance of their restructuring initiative, and to provide additional time to Axcess Capital and CRA as requested by them.
- 4. Circumstances exist that make the granting of this Order appropriate.
- 5. The Monitor supports the relief being sought by the Applicants, as set out in the Twentieth Report of the Monitor filed in this matter.
- 6. The Applicants continue to act in good faith and with due diligence.
- 7. The Applicants believe that none of their creditors will be materially prejudiced by this extension request.
- 8. The Applicants have been advised that both CRA and Axcess Capital support the relief being sought.
- 9. The Applicants have reasonable excuse for requesting an abridgment of time regarding the serving of the within application and supporting material.

#### Material or evidence to be relied on:

- 10. Affidavit of John K. Purdy dated February 7<sup>th</sup>, 2014, to be filed, together with such further and other material as counsel may advise and this Honourable Court may permit.
- 11. The Twentieth Report of the Monitor, to be filed.

#### Applicable rules:

12. As will be advised.

#### Applicable Acts and regulations:

13. Companies Creditors Arrangement Act, R.S.C. 1985, Chapter C-36, as amended, and such further acts and/or regulations as may be advised.

# Any irregularity complained of or objection relied on:

14. Nil

## How the application is proposed to be heard or considered:

15. Before the Honourable Mr. Justice D.R.G. Thomas on the 12<sup>th</sup> day of February, 2014, at 10:00 o'clock in the forenoon.

#### 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 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.