



This is the 1<sup>st</sup> Affidavit  
of David Martin in this case  
and was made on April 19, 2023

No. H220369  
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

PLW INVESTMENT LTD.

PETITIONER

AND:

1025332 B.C. LTD. and others

RESPONDENTS

**AFFIDAVIT**

I, David Martin, lawyer, of 1460 – 701 West Georgia Street, Vancouver, British Columbia,  
SWEAR THAT:


1. I am a partner at Stirling LLP ("**Stirling**"), counsel for the Petitioner, PLW Investment Ltd. ("**PLW**"), and as such have personal knowledge of the matters deposed to in this affidavit, except where stated to be on information and belief, in which case I verily believe them to be true.
2. I am the lawyer at Stirling that has had primary carriage of this matter, and I am authorized to make this affidavit on behalf of Stirling.
3. Capitalized terms used herein and not otherwise defined have the meanings ascribed to them in the 1<sup>st</sup> Affidavit of Amy Barsha Washington made in these proceedings on April 10, 2023 (the "**Washington Affidavit**").
4. I make this affidavit in response to certain parts of the Washington Affidavit and to the 1<sup>st</sup> Affidavit of Edison Washington made in these proceedings on April 13, 2023.

5. I acted for PLW in respect of the loan made in 2020 (the “**2020 Loan**”) by PLW to certain members of 1025332 B.C. Ltd., 1025334 B.C. Ltd., 1025336 B.C. Ltd., Chongye Developments Ltd., Washington Properties (Point Grey) Inc., Washington Properties (Qep) Inc., Lucky Five Investments Ltd., 1094321 B.C. Ltd., Prada Developments Corporation, 1256306 B.C. Ltd., 1256319 B.C. Ltd., Amy Barsha Washington (a.k.a. Fengyun Shao), Edison Washington (a.k.a. Qiang Wang), Linda Washington and 35 Park Parking Inc. (collectively, the “**Washington Group**”), which subsumed the \$8 million loan made in 2019, and provided additional financing, including to take out the KingSett loans and the outstanding Laurentian debt.

6. At the time PLW and the Washington Group were documenting the 2020 Loan and related security in August and September 2020, counsel for the Washington Group never mentioned to me or, to my knowledge, anyone else at Stirling, that SLs 60 and 163 had been sold. Consistent with that, counsel for the Washington Group never delivered to me, or to my knowledge anyone else at Stirling, discharges of the KingSett or Laurentian mortgages for execution by PLW.

7. The first I learned that the Washington Group wanted PLW to discharge its mortgages against either SL 60 or SL 163 was in late October 2020 when I was contacted by counsel for the Washington Group. Attached hereto and marked as **Exhibit “A”** to my affidavit are true copies of emails exchanged between Neil Kornfeld and Douglas B. Hyndman of Kornfeld LLP and myself in October, November and December 2020. At that time, the Washington Group was asking that PLW discharge its mortgages of SL 59 and SL 60.

SWORN BEFORE ME at Vancouver,  
British Columbia, on April 19, 2023.

  
\_\_\_\_\_  
A Commissioner for taking Affidavits for  
British Columbia

  
\_\_\_\_\_  
DAVID MARCINIUK

**WARREN G. BRAZIER**  
*Barrister & Solicitor*  
**STIRLING LLP**  
1460 – 701 WEST GEORGIA STREET  
VANCOUVER, B.C. V7Y 1E4  
TEL: 604-674-3821

This is Exhibit A referred to in the  
affidavit of DAVID MARTIN  
Warren  
A Commissioner for taking affidavits for British Columbia

**WARREN G. BRAZIER**  
*Barrister & Solicitor*  
**STIRLING LLP**  
1460 – 701 WEST GEORGIA STREET  
VANCOUVER, B.C. V7Y 1E4  
TEL: 604-674-3821

**David Martin**

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**From:** Neil Kornfeld <nkornfeld@kornfeldllp.com>  
**Sent:** Thursday, October 29, 2020 4:12 PM  
**To:** David Martin  
**Subject:** Washington - SL 59 and 60

Hi David – did you get any instructions re the discharge of your client's mortgage on sale of the above strata lots?

**E. Neil Kornfeld Q.C.**  
 Law Corporation

d:604.331.8301 f:604.683.0570

2020

**LEXPERT**

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**KORNFELD LLP**

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 604.331.8300

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**David Martin**

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**From:** Neil Kornfeld <nkornfeld@kornfeldllp.com>  
**Sent:** Thursday, November 19, 2020 11:52 AM  
**To:** David Martin  
**Subject:** RE: Mortgage Discharges

We have no problem with getting rid of Kingsett registration. I'll let Lucy know of Peter's response on SL 59 and 60.

\_\_\_\_\_  
 E. Neil Kornfeld Q.C.\*  
 Kornfeld LLP  
 \*Law Corporation  
 d:604.331.8301 | f:604.683.0570

**From:** David Martin <dmartin@stirlingllp.com>  
**Sent:** November 19, 2020 9:51 AM  
**To:** Neil Kornfeld <nkornfeld@kornfeldllp.com>  
**Subject:** Mortgage Discharges

EXTERNAL EMAIL

Neil:

**Strata Lot 59 – Sale to Washington Relative.** Washington Group and PLW have agreed all of the sale proceeds (approximately \$1.6M) from the sale of strata lot 59 will be paid to PLW and applied to the loan amount.

**Strata Lot 60 – Sale to China Buyer.** PLW is prepared to cooperate with Washington Group on the sale of this strata lot and the discharge of the registered PLW mortgage. PLW has been asking Washington Group for a plan with respect to payment of the monthly strata fees for the 35 Park West strata lots as well as a rental plan for the strata lots. Peter has been trying to connect with Amy the last few days about these matters, but she is not returning his telephone calls.

**Discharge of Kingsett CPL.** We are experiencing registration joy at the LTO as our submissions for application were reviewed by many different examiners. Short version, our life would be much easier if the Kingsett CPL was discharged. Now that the multiple builder's lien claims are resolved, is there any reason why Washington Group views it as beneficial to keep the Kingsett CPL on title. If not, we will coordinate the discharge of the Kingsett CPL. The Kingsett CPL will need to be discharged in connection with the sale of strata lot 60 to the China buyer. Please confirm your client has no concerns if the Kingsett CPL is now discharged.

Best,

\_\_\_\_\_  
 Partner & Law Corporation

+1 604 674 3820

## David Martin

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**From:** David Martin  
**Sent:** Wednesday, December 16, 2020 11:20 AM  
**To:** Douglas B. Hyndman  
**Cc:** Neil Kornfeld; Karell Strus  
**Subject:** Washington Group - PLW - SL 59 Form C Discharges  
**Attachments:** Form C Discharges SL 59 - PLW.pdf

Doug:

I attach three Form C Discharges (the "**Discharges**") for Strat Lot 59 signed by Peter Pu on behalf of PLW Investment Ltd.

Please advise if you want me to deliver the original signed Discharges to you on the following undertakings:

1. if you submit the Discharges to the Land Title Office for registration you must deliver to us a trust cheque for \$1.66M, representing the amount due to PLW Investment Ltd. for delivering the Discharges to you; and
2. if the Discharges are not submitted to the Land Title Office on or before December 31, 2020, you will, on our demand, return the Discharges to us.

Alternatively, please advise if you want an undertaking from us that on receipt of a trust cheque from you for \$1.66M we will submit the Discharges to the Land Title Office for registration.

When you send us the \$1.66M you may stipulate the funds are to be applied against the outstanding amount owing on the loan between Washington Group and PLW Investment Ltd. with respect to the 35 Park West strata lots and West 27<sup>th</sup> Avenue lands.

PLW Investment Ltd. also signed Discharges where the applicant was blank (not Stirling LLP) in the event Kornfeld LLP would be submitting the Discharges to the Land Title Office for registration.

As an aside, we also have signed Form C Discharges for the PLW Investment Ltd. mortgages registered on title to Strata Lot 60. Please advise if a transfer of Strata Lot 60 is scheduled before the end of the year.

Thank you,

  
 David Martin  
 Partner & Law Corporation

+1 604 674 3820

 **STIRLING LLP**

**David Martin**

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**From:** David Martin  
**Sent:** Monday, December 21, 2020 10:48 AM  
**To:** Douglas B. Hyndman  
**Cc:** Jenny Ta; Karell Strus  
**Subject:** RE: Washington Group - Laurentian Bank - PLW Investment - Strata Lots 59 and 60

Doug:

Please do not file the strata lot 60 Laurentian mortgage discharge until the Washington Group and PLW agree on the mortgage discharge terms for that strata lot.

I understood the transfer of strata lot 60 in the near future is a possibility.

Please submit the strata lot 59 mortgage discharge to the Land Title Office for registration.

Best,

*Douglas B. Hyndman*  
 Partner & Law Corporation

+1 604 674 3820



This email is confidential and may contain privileged information. If you are not an intended recipient, please delete this email and notify us immediately.

**From:** Douglas B. Hyndman <dhyndman@kornfeldllp.com>  
**Sent:** Monday, December 21, 2020 10:04 AM  
**To:** fmm@kkbl.com; David Martin <dmartin@stirlingllp.com>  
**Cc:** sap@kkbl.com; Jenny Ta <jta@kornfeldllp.com>; Karell Strus <kstrus@stirlingllp.com>  
**Subject:** RE: Washington Group - Laurentian Bank - PLW Investment - Strata Lots 59 and 60

Thanks everyone.

Douglas B. Hyndman  
 Kornfeld LLP  
 d:604.331.8303 | f:604.683.0570

**From:** fmm@kkbl.com <fmm@kkbl.com>  
**Sent:** December 21, 2020 9:56 AM  
**To:** David Martin <dmartin@stirlingllp.com>  
**Cc:** sap@kkbl.com; Douglas B. Hyndman <dhyndman@kornfeldllp.com>; Jenny Ta <jta@kornfeldllp.com>; Karell Strus <kstrus@stirlingllp.com>  
**Subject:** Washington Group - Laurentian Bank - PLW Investment - Strata Lots 59 and 60

EXTERNAL EMAIL

David,

Attached are the Form C Releases duly signed by Laurentian Bank of Canada with respect to the above strata lots in accordance with your discussions with Shawn pertaining to the above matter.

Please inform us should you have any questions or require anything further with respect to the attached documents.

Thank you and regards.

**Flordeliz Mercado**

Banking Paralegal, Koffman Kalef LLP

604.891.3652 | [fmm@kkbl.com](mailto:fmm@kkbl.com)

[www.kkbl.com](http://www.kkbl.com)

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