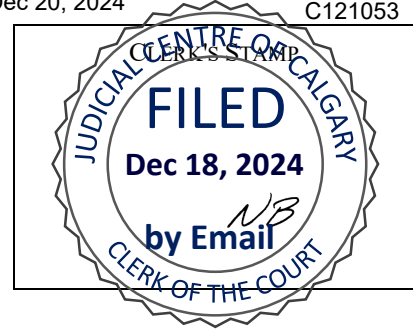


FORM 7
[RULE 3.8]



COURT FILE NUMBER

2401-15969

COURT

COURT OF KING'S BENCH OF ALBERTA

JUDICIAL CENTRE

CALGARY

IN THE MATTER OF THE COMPANIES'
CREDITORS ARRANGEMENT ACT, RSC
1985, c. C-36, AS AMENDED

AND IN THE MATTER OF A PLAN OF
COMPROMISE OR ARRANGEMENT OF
ANGUS A2A GP INC., ANGUS MANOR
PARK A2A GP INC., ANGUS MANOR PARK
A2A CAPITAL CORP., ANGUS MANOR
PARK A2A DEVELOPMENTS INC., HILLS
OF WINDRIDGE A2A GP INC., WINDRIDGE
A2A DEVELOPMENTS, LLC, FOSSIL CREEK
A2A GP INC., FOSSIL CREEK A2A
DEVELOPMENTS, LCC, A2A
DEVELOPMENTS INC., SERENE COUNTRY
HOMES (CANADA) INC. and A2A CAPITAL
SERVICES CANADA INC.

APPLICANTS

FOSSIL CREEK A2A DEVELOPMENTS, LLC
AND WINDRIDGE A2A DEVELOPMENTS,
LLC

DOCUMENT

APPLICATION

ADDRESS FOR SERVICE AND
CONTACT INFORMATION OF
PARTY FILING THIS
DOCUMENT

BENNETT JONES LLP
Barristers and Solicitors
4500 Bankers Hall East
855 2nd Street SW
Calgary, Alberta
T2P 4K7 Canada

Attention: Kelsey Meyer & Luc Rollingson
Telephone No.: 403-298-3323
Fax No.: 403-265-7219

NOTICE TO THE RESPONDENTS

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

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

Date:	Friday, December 20, 2024
Time:	2:00 p.m.
Where:	Calgary Courts Centre (via video conference)
Before:	The Honourable Justice C. C. J. Feasby as scheduled

Go to the end of this document to see what you can do and when you must do it.

Remedy Sought:

1. An Order extending the time to file an Application for Permission to Appeal and a Civil Notice of Appeal of the Initial Order of the Honourable Justice Feasby filed November 14, 2024 pursuant to the *Companies' Creditors Arrangement Act*, RSC 1985, c C-36, as amended ("**Initial Order**") to December 31, 2024 or such further or other date as this Court deems appropriate, in the form attached hereto as **Schedule "1"**.

Basis for Claim:

2. Fossil Creek A2A Developments, LLC and Windridge A2A Developments, LLC (collectively, the "**Applicants**") are limited liability corporations registered in the State of Texas, United States of America. Pursuant to the Initial Order, the Applicants were named as "Debtor Companies" to which the *Companies' Creditors Arrangement Act*, RSC 1985, c. C-36, as amended (the "**CCAA**") applies.
3. In a proceeding under the CCAA, the discretion to extend time to appeal is vested solely in the Court appealed from. Therefore, the Court of King's Bench of Alberta is the only Court which may grant an extension of time to file an Application for Permission to Appeal, and a Civil Notice of Appeal, of the Initial Order.
4. The Applicants were served with an application for an Initial Order under the CCAA on November 12, 2024, for a hearing which took place 2 days later, on November 14, 2024 ("**CCAA Proceedings**").

5. The Honourable Justice Feasby of this Court granted the Initial Order on November 14, 2024 (“**Initial Order**”) for a stay of proceedings until November 24, 2024, or such later date as this Court may order (the “**Stay Period**”).
6. The Initial Order also directed that the parties would return to Court on November 21, 2024. On this date, the parties appeared before the Honourable Justice Simard who granted an extension of the Stay Period to November 26, 2024. On November 25, 2024, Justice Simard granted a further extension of the Stay Period to December 18, 2024 for a limited purpose as set out in the Amended and Restated Initial Order granted November 25, 2024 (the “**ARIO**”).
7. Pursuant to section 14 of the CCAA, an order must be appealed within 21 days of when was granted. The Initial Order was thus required to be appealed on or before December 5, 2024.
8. The Applicants retained Bennett Jones LLP on December 13, 2024 to represent them in the CCAA Proceedings.
9. The Applicants were delayed in requesting the appeal because they were unfamiliar with Canadian CCAA Proceedings.
10. The Applicants had two days from when they learned of the application for the Initial Order to when they had to appear in Court. The Applicants had to respond to voluminous materials provided for the application for the Initial Order.
11. Once the Initial Order was granted, the Applicants were occupied with complying with that Order, which also required them to provide financial information, and with further responding to the CCAA proceedings and the application for the ARIO.
12. There is merit to the Applicants’ appeal, as they are foreign corporations that have never been served with an Order for Service *Ex Juris* in relation to the application for the Initial Order, and are not indebted to any of the applicants who applied for the Initial Order. Further, an Order for Service *Ex Juris* has never been granted or sought in the CCAA Proceedings. Further, it is not possible for the CCAA proceedings to further the purposes

and objectives of the CCAA to effect a compromise or arrangement or to otherwise restructure or monitor the real estate development projects that the Respondents invested in, due to the fact that the lands that are the subject of those projects are located in Texas, and the entities that control the lands are trusts subject to the laws of Texas, the trustee of each of which is an individual and not a “debtor company” pursuant to the CCAA.

13. There is prejudice to the Applicants if they are forced to comply with Orders from Canadian Courts without a determination of whether they are subject to the Court’s jurisdiction.
14. The Applicants respectfully request this extension so that an Application for Permission to Appeal the Initial Order and a Civil Notice of Appeal of the Initial Order may be prepared and filed.

Affidavit or other evidence to be used in support of this application:

15. Affidavit of Allan Whiteford Lind sworn November 21, 2024.
16. Such further and other materials as this Honourable Court may direct.

Applicable Acts and regulations:

17. *Rule 1.4(2)(h) of the Alberta Rules of Court*
18. *Companies’ Creditors Arrangement Act*, RSC 1985, c. C-36

WARNING

You are named as a respondent because you have made or are expected to make an adverse claim in respect of this originating application. If you do not come to Court either in person or by your lawyer, the Court may make an order declaring you and all persons claiming under you to be barred from taking any further proceedings against the applicant(s) and against all persons claiming under the applicant(s). You will be bound by any order the Court makes, or another order might be given or other proceedings taken which the applicant(s) is/are entitled to make without any further notice to you. If you want to take part in the application, you or your lawyer must attend in Court on the date and at the time shown at the beginning of this form. If you intend to give evidence in response to the application, you must reply by filing an affidavit or other evidence with the Court and serving a copy of that affidavit or other evidence on the applicant(s) a reasonable time before the application is to be heard or considered.

SCHEDULE "1"

CLERK'S STAMP

COURT FILE NUMBER

2401-15969

COURT

COURT OF KING'S BENCH OF ALBERTA

JUDICIAL CENTRE

CALGARY

IN THE MATTER OF THE COMPANIES'
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APPLICANTS

FOSSIL CREEK A2A DEVELOPMENTS, LLC
AND WINDRIDGE A2A DEVELOPMENTS,
LLC

DOCUMENT

ORDER

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BENNETT JONES LLP
Barristers and Solicitors
4500 Bankers Hall East
855 2nd Street SW
Calgary, Alberta
T2P 4K7 Canada

Attention: Kelsey Meyer & Luc Rollingson
Telephone No.: 403-298-3323
Fax No.: 403-265-7219

DATE ON WHICH ORDER WAS PRONOUNCED: Friday December 20, 2024

LOCATION WHERE ORDER WAS PRONOUNCED: Calgary, Alberta

JUSTICE WHO MADE THIS ORDER: The Honourable Justice C.C.J. Feasby

UPON the application of Fossil Creek A2A Developments, LLC and Windridge A2A Developments, LLC (collectively, the “**Applicants**”); **AND UPON** having read the Initial Order granted in these *Companies’ Creditors Arrangement Act* (Canada) proceedings by the Honourable Justice C. Feasby on November 14, 2024 and the Affidavit of Allan Whiteford Lind sworn November 21, 2024; **AND UPON** hearing from counsel for the Applicants; **IT IS HEREBY ORDERED AND DECLARED THAT:**

1. The time for the Applicants to appeal and to seek permission to appeal the Initial Order granted in these proceedings is extended to December 31, 2024.
2. This Order shall be served upon the Service List maintained by the Monitor in these CCAA Proceedings.

Justice of the Court of King’s Bench of Alberta