



District of: Alberta  
Division No. 02-Calgary  
Court No. 25-2958981  
Estate No. 25-2958981

\_Form 68\_  
Notice of Bankruptcy and First Meeting of Creditors  
(Subsection 102(1) of the Act)

Take notice that:

1. On June 26, 2023, OGEN Ltd. (the "**Company**" or "**OGEN**") filed a notice of intention to make a proposal ("**NOI**"). A proposal was submitted to the Company's creditors but the meeting was ultimately adjourned while the parties continued to work on the terms.
2. On November 3, 2023, the Court of King's Bench of Alberta (the "**Court**") granted an order (the "**Receivership Order**") whereby Alvarez & Marsal Canada Inc. ("**A&M**") was appointed receiver (the "**Receiver**") of the Company in respect of substantially all of the Company's' current and future assets, undertakings and properties of every nature and kind whatsoever, and wherever situate, including all proceeds thereof, but not including the Excluded Assets as defined and described in the Receivership Order.
3. On November 3, 2023, A&M was substituted for KSV Restructuring Inc. as the proposal trustee of OGEN in the proposal proceedings pursuant to section 57.1 of the BIA under court file numbers 25-2958981 4 and 25-2988977 (the "**Proposal Proceedings**") pursuant to an order of the Court (the "**Termination Order**"). The Termination Order also contemplated that upon A&M, as proposal trustee, filing a certificate (the "**Bankruptcy Certificate**") in the form attached to the Termination Order, then: (a) the time that OGEN would have to file a proposal to its creditors was deemed to be immediately terminated in accordance with section 50.4(11) of the BIA and (b) pursuant to section 50(12)(b) of the BIA, OGEN's proposal would be deemed to have been refused by OGEN's creditors triggering an automatic bankruptcy.
4. On September 25, 2024, A&M filed the Bankruptcy Certificate thereby terminating the NOI Proceedings and triggering the bankruptcy of OGEN. As a result, A&M, was appointed as the licensed insolvency trustee of the estate of the bankrupt by the official receiver, subject to affirmation by the creditors of the A&M's appointment as trustee or substitution of another trustee for A&M by the creditors.
5. Since the granting of the Receivership Order, the Receiver has taken steps to realize upon the assets of the Company. The only remaining asset to be sold is the OGEN facility (the "**Building**") and it continues to be marketed. The Receiver has advised that any arrangement or realization of the OGEN facility will be to the benefit of the secured lender.
6. A&M, in its capacity as the licensed insolvency trustee of OGEN, has evaluated the remaining assets available for realization in OGEN's estate. Based on its preliminary assessment, and in consultation with the Receiver, it is expected that the realization value of the Building will be

materially lower than its net book value. There also appears to be no remaining assets available for unsecured creditors and the senior lender is considered the fulcrum creditor. ***As a result, the Trustee advises that there will be no recoveries to unsecured creditors within this estate.***

7. The first meeting of creditors of the bankrupt will be held virtually on the 15<sup>th</sup> day of October, at 10:00 AM MST. (Dial in: 1-647-749-7010 Access Code: 507-507-470#)
8. To be entitled to vote at the meeting, a creditor must lodge with the trustee, before the meeting, a proof of claim and, where necessary, a proxy.
9. Enclosed with this notice is a proof of claim, proxy form, and list of creditors with claims amounting to \$25 or more showing the amounts of their claims.
10. Creditors must prove their claims against the estate of the bankrupt in order to share in any distribution of the proceeds realized from the estate, although no recovery is anticipated for any creditors other than the senior lender.

Dated at the city of Calgary in the Province of Alberta, this 2nd day of October, 2024.

**Alvarez & Marsal Canada Inc. – Trustee**



Orest Konowalchuk, LIT, CIRP, CPA, CA  
250 6<sup>th</sup> Ave. S.W. – Suite 1110  
Calgary, AB T2P 3H7

District of: Alberta  
Division No. 02 - Calgary  
Court No. 25-2958981  
Estate No. 25-2958981

☒ Original

☐ Amended

\_Form 78\_

Statement of Affairs (Business Bankruptcy) made by an entity  
(Subsection 49(2) and Paragraph 158(d) of the Act / Subsections 50(2) and 62(1) of the Act)

In the Matter of the Bankruptcy of  
OGEN Ltd.  
of the city of Calgary, in the Province of Alberta

To the bankrupt:

You are required to carefully and accurately complete this form and the applicable attachments showing the state of your affairs on the date of the bankruptcy, on the 25th day of September 2024. When completed, this form and the applicable attachments will constitute the Statement of Affairs and must be verified by oath or solemn declaration.

LIABILITIES		ASSETS	
(as stated and estimated by the officer)		(as stated and estimated by the officer)	
1. Unsecured creditors as per list "A" .....	7,275,388.35	1. Inventory .....	0.00
Balance of secured claims as per list "B" .....	14,294,394.47	2. Trade fixtures, etc. ....	0.00
Total unsecured creditors .....	21,569,782.82	3. Accounts receivable and other receivables, as per list "E"	
		Good .....	0.00
2. Secured creditors as per list "B" .....	0.00	Doubtful .....	0.00
		Bad .....	0.00
3. Preferred creditors as per list "C" .....	0.00	Estimated to produce. ....	0.00
4. Contingent, trust claims or other liabilities as per list "D"		4. Bills of exchange, promissory note, etc., as per list "F" ...	0.00
estimated to be reclaimable for .....	0.00	5. Deposits in financial institutions .....	0.00
Total liabilities. ....	21,569,782.82	6. Cash .....	0.00
Surplus .....	6,642,118.18	7. Livestock. ....	0.00
		8. Machinery, equipment and plant. ....	28,211,901.00
		9. Real property or immovable as per list "G" .....	0.00
		10. Furniture .....	0.00
		11. RRSPs, RRIFs, life insurance, etc. ....	0.00
		12. Securities (shares, bonds, debentures, etc.) .....	0.00
		13. Interests under wills .....	0.00
		14. Vehicles .....	0.00
		15. Other property, as per list "H" .....	0.00
		If bankrupt is a corporation, add:	
		Amount of subscribed capital .....	0.00
		Amount paid on capital .....	0.00
		Balance subscribed and unpaid. ....	0.00
		Estimated to produce .....	0.00
		Total assets .....	28,211,901.00
		Deficiency .....	NIL

I, Orest Konowalchuk, Alvarez & Marsal Canada Inc., Receiver of OGEN Ltd., of the city of Calgary in the Province of Alberta, do swear (or solemnly declare) that this statement and the attached lists are to the best of my knowledge, a full, true and complete statement of the affairs of the Corporation on the 25th day of September 2024 and fully disclose all property of every description that is in my possession or that may devolve on me in accordance with the Act.

SWORN (or SOLEMNLY DECLARED)

before me at the city of Calgary in the Province of Alberta, on this 25th day of September 2024.

Maggie Grose, Commissioner of Oaths  
For the Province of Alberta  
Expires January 17, 2026

Orest Konowalchuk, Alvarez & Marsal  
Canada Inc., Receiver of OGEN Ltd.

District of: Alberta  
Division No. 02 - Calgary  
Court No. 25-2958981  
Estate No. 25-2958981

FORM 78 -- Continued

In the Matter of the Bankruptcy of  
**OGEN Ltd.**  
of the city of Calgary, in the Province of Alberta  
List "A"  
Unsecured Creditors  
OGEN Ltd.

No.	Name of creditor	Address	Unsecured claim	Balance of claim	Total claim
1	310-Dump	11403 199 St NW Edmonton AB T5S 2C6	5,990.32	0.00	5,990.32
2	420 Premium Markets Ltd.	201-255 17th Avenue SW Calgary AB T2S 2T8	2,310.00	0.00	2,310.00
3	979105 Alberta Inc.	[REDACTED]	5,964.00	0.00	5,964.00
4	A & L Canada Laboratories Inc.	2136 Jetstream Rd London ON N5V3P5	1,323.00	0.00	1,323.00
5	About Staffing Ltd - Office	200 - 709 11 Avenue SW Calgary AB T2R 1G2	1,237.81	0.00	1,237.81
6	Abox Automation Corp.	45 US Highway 46, #606 Pine Brook NJ 07058 United States	2,298.74	0.00	2,298.74
7	Aimee Lahaylahay	[REDACTED]	1.00	0.00	1.00
8	AIR LIQUIDE CANADA INC	#101 3750-46 AVENUE SE Calgary AB T2B 0L1	179.34	0.00	179.34
9	Alberta Elevating Devices &	104-8616 51 Ave Edmonton AB T6E 6E6	328.65	0.00	328.65
10	Alimat Ibrahim	[REDACTED]	1.00	0.00	1.00
11	Allen Dimacali	[REDACTED]	1.00	0.00	1.00
12	Andrea Grafil	[REDACTED]	1.00	0.00	1.00
13	Anna-Marie McLeod	[REDACTED]	1.00	0.00	1.00
14	Ashton James	[REDACTED]	1.00	0.00	1.00
15	Avegail De Lara	[REDACTED]	1.00	0.00	1.00
16	Beatrice Bartolo	[REDACTED]	1.00	0.00	1.00
17	Benjamin Richards	[REDACTED]	1.00	0.00	1.00
18	Best Shredding Ltd.	101-85 Schooner St Coquitlam BC V3K 7A8	388.08	0.00	388.08
19	BGE Indoor Air Quality Solutions	5711 - 103A Street Edmonton AB T6H 2J6	5,248.15	0.00	5,248.15
20	Bio-Chem Consulting Services (1980)	#118 - 339 50th Avenue SE Calgary AB T1Y 1M1	3,598.91	0.00	3,598.91
21	Biofloral Inc.	675 Montee St-Francois Laval QC H7C 2S8	213.20	0.00	213.20
22	Black Diamond Limited Partnership	Suite 1000, 440 2nd Ave SW Calgary AB T2P 5E9	3,861.76	0.00	3,861.76

25-Sep-2024

Date



Orest Konowalchuk, Alvarez & Marsal Canada  
Inc., Receiver of OGEN Ltd.

District of: Alberta  
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FORM 78 -- Continued

In the Matter of the Bankruptcy of  
**OGEN Ltd.**  
of the city of Calgary, in the Province of Alberta

List "A"  
Unsecured Creditors

OGEN Ltd.

No.	Name of creditor	Address	Unsecured claim	Balance of claim	Total claim
23	Bonifacio Cayabyab	[REDACTED]	1.00	0.00	1.00
24	Bradboosh Landscaping & Snow removal	2807 58th Ave SE Calgary AB T2C 0B4	2,551.50	0.00	2,551.50
25	Brandon Baker	[REDACTED]	1.00	0.00	1.00
26	Brandon Fitton	[REDACTED]	1.00	0.00	1.00
27	Bugaboo Landscaping Ltd.	120, 7920-42 Street SE Calgary AB T2C 2T5	2,500.31	0.00	2,500.31
28	Canada Revenue Agency - GST	9755 King George Blvs Surrey BC V3T 5E1	253,284.00	0.00	253,284.00
29	Canadian Bank Note Company Ltd.	975 Gladstone Ave Ottawa ON K1Y 4W5	4,678.61	0.00	4,678.61
30	Canadian Cannabis Exchange Ltd.	305-1170 Kensington Cr NW Calgary AB T2N 1X6	2,256.01	0.00	2,256.01
31	Canadian Water Technologies Ltd.	4357 54 Ave SE Calgary AB T2C 2A2	7,811.21	0.00	7,811.21
32	Cannabis Council of Canada	111 Albert Street, PO BOX 81071 Ottawa ON K1P 1B1	2,625.00	0.00	2,625.00
33	Cannabis Xpress	Unit#354 - 3 Everson Drive Toronto ON M2N 7C2	174.21	0.00	174.21
34	Cannabolic Marketing Corp	210 Shields Court Markham ON L3R 8V2	13,560.00	0.00	13,560.00
35	Cannaco - The Cannabis Company	28 Main St S Georgetown ON L7G 3G6	5,640.00	0.00	5,640.00
36	Carlito Baniqued	[REDACTED]	1.00	0.00	1.00
37	Carlo Ortiz	[REDACTED]	1.00	0.00	1.00
38	Carson Stewart	[REDACTED]	1.00	0.00	1.00
39	CCR Cleanroom Products	20 Cope Drive Kanata ON K2M 2V8	1,976.46	0.00	1,976.46
40	Charles Baniqued	[REDACTED]	1.00	0.00	1.00
41	Chris King	[REDACTED]	1.00	0.00	1.00
42	Chris Troncoso	[REDACTED]	1.00	0.00	1.00
43	City of Calgary (Enmax)	PO Box 2900, Stn M Calgary AB T2P 3A7	8,049.61	0.00	8,049.61
44	Coffee Connection	Unit 3, 401 - 33 Street NE Calgary AB T2A 1X5	649.40	0.00	649.40

25-Sep-2024

Date



Orest Konowalchuk, Alvarez & Marsal Canada  
Inc., Receiver of OGEN Ltd.

District of: Alberta  
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FORM 78 -- Continued

In the Matter of the Bankruptcy of  
**OGEN Ltd.**  
of the city of Calgary, in the Province of Alberta  
List "A"  
Unsecured Creditors  
OGEN Ltd.

No.	Name of creditor	Address	Unsecured claim	Balance of claim	Total claim
45	Cole Stevens	[REDACTED]	1.00	0.00	1.00
46	Connect First Credit Union Ltd.	2850 Sunridge Blvd NE #200 Calgary AB T1Y 6G2	0.00	14,294,394.47	14,294,394.47
47	Connect Logistics Services - C3	#1-2 Boudreau Road St. Albert AB T8N 6K3	253.13	0.00	253.13
48	Conner Strutzel	[REDACTED]	1.00	0.00	1.00
49	Control Union	850 Harbourside Drive, #312 Vancouver BC V7P 0A3	16,522.22	0.00	16,522.22
50	Convergint Technologies LTD	PO Box 15720, Station A Toronto ON M5W 1C1	30,480.69	0.00	30,480.69
51	CRA Revenue Agency - Excise tax	275 Pope Road Summerside PE C1N 6A2	4,728,270.00	0.00	4,728,270.00
52	Craft Depot	618 Yates St Victoria BC V8W 1K9	15,295.44	0.00	15,295.44
53	Cris (ZJ) Cambri	[REDACTED]	1.00	0.00	1.00
54	Daikin Applied Canada Inc.	3061, Rue Joseph A Bombardier Laval QC H7P 6C5	1,820.22	0.00	1,820.22
55	Daniel Nava Puerto	[REDACTED]	1.00	0.00	1.00
56	dBm Telecom Solutions Inc	191 Edwards Way SW Airdrie AB T4B 3E2	165.38	0.00	165.38
57	DCM (Data Communications Management	9195 Torbram Rd Brampton ON L6S 6H2	41,597.77	0.00	41,597.77
58	Ecolab	5664 69 Ave SE Calgary AB T2C 5B1	1,324.91	0.00	1,324.91
59	Eddi's Wholesale/Quick Grow	5744-268th Street Langley BC V4W 0B2	11,767.95	0.00	11,767.95
60	Edward Bangunan	[REDACTED]	1.00	0.00	1.00
61	Edward Bunce	[REDACTED]	1.00	0.00	1.00
62	Element	3815 32 St NE Calgary AB T1Y 7C1	202.49	0.00	202.49
63	Elham Zafari	[REDACTED]	1.00	0.00	1.00
64	Endless Heights Culture Shop	1747 University Ave Windsor ON N9B 1C3	200.00	0.00	200.00
65	Enviro Print	15050 82 Avenue Surrey BC V3S 7V6	1,050.00	0.00	1,050.00
66	Environmental Diagnostics Inc.	140-5050 106th Ave SE Calgary AB T2C 5E9	3,995.25	0.00	3,995.25

25-Sep-2024

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FORM 78 -- Continued

In the Matter of the Bankruptcy of  
**OGEN Ltd.**  
of the city of Calgary, in the Province of Alberta  
List "A"  
Unsecured Creditors  
OGEN Ltd.

No.	Name of creditor	Address	Unsecured claim	Balance of claim	Total claim
67	Ethan Rutledge	[REDACTED]	1.00	0.00	1.00
68	Fabco Plastics	24790 - 117 Ave Acheson AB T7X 6C2	628.11	0.00	628.11
69	Feven Habtemichael	[REDACTED]	1.00	0.00	1.00
70	G. Edwards Holdings Ltd.	306062 - 17 Street West Foothills AB T1S5E8	208,615.21	0.00	208,615.21
71	GateWorks Inc.	Box 12, Site 8, RR2 Okotoks AB T1S 1A2	267.75	0.00	267.75
72	GF Inc - A Bunzl Company	2270 Portland Street SE Calgary AB T2G 4M6	1,610.84	0.00	1,610.84
73	GFL Environmental Inc	401 9th Ave SW Calgary AB T2P 3C5	2,798.55	0.00	2,798.55
74	Giovanni Velecina	[REDACTED]	1.00	0.00	1.00
75	Gloria Cabagan	[REDACTED]	1.00	0.00	1.00
76	Grace Walker Design	108 Oakdale Place SW Calgary AB T2V 3Y8	1,575.00	0.00	1,575.00
77	Grainger Inc.	4340 Manhattan Rd SE Calgary AB T2G 4B2	29.60	0.00	29.60
78	Great North Distributors Inc	3250 Bloor St W Etobicoke ON M8X 2X9	19,354.61	0.00	19,354.61
79	Greystone Energy Systems Inc.	150 English Drive Moncton NB E1E 4G7	659.97	0.00	659.97
80	Grodan	8024 Esquesing Line Milton ON L9T 6W3	19,906.63	0.00	19,906.63
81	GS1 Canada	TH1029 PO Box 4283 Toronto ON M5W 5W6	362.25	0.00	362.25
82	Hawthorn Holdings Ltd.	11158 42 St SE Calgary AB T2C0J9	500,000.00	0.00	500,000.00
83	Health Canada	161 GoldenRod Drwy Ottawa ON K1A 0K9	742,625.56	0.00	742,625.56
84	Hifyre Inc.	301 - 12 James St. N Hamilton ON L8R 2J9	49,582.05	0.00	49,582.05
85	High North Laboratories, Inc.	241 Hanlan Rd, Unit 7 Vaughan ON L4L 3R7	2,034.00	0.00	2,034.00
86	Ian Jay Tuling	[REDACTED]	1.00	0.00	1.00
87	In Front Marketing Inc	255 17 Ave AW - Suite 401 Calgary AB T2S 2T8	6,142.50	0.00	6,142.50
88	IncrediGrow Garden Centre	#7,2015 - 32 Avenue NE Calgary AB T2D 6Z3	2,527.14	0.00	2,527.14

25-Sep-2024

Date



Orest Konowalchuk, Alvarez & Marsal Canada  
Inc., Receiver of OGEN Ltd.

District of: Alberta  
Division No. 02 - Calgary  
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FORM 78 -- Continued

In the Matter of the Bankruptcy of  
**OGEN Ltd.**  
of the city of Calgary, in the Province of Alberta

List "A"  
Unsecured Creditors

OGEN Ltd.

No.	Name of creditor	Address	Unsecured claim	Balance of claim	Total claim
89	Independent Retail Cannabis Collect	#360 - 440 West Hastings St Vancouver BC V6B 1L1	1,865.36	0.00	1,865.36
90	Instabox Alberta Inc. - Clgy.	1139 - 40 Avenue NE Calgary AB T2E 6M9	1,652.18	0.00	1,652.18
91	Irlene Torres Flores	[REDACTED]	1.00	0.00	1.00
92	Iurie (Yura) Bondarenco	[REDACTED]	1.00	0.00	1.00
93	Jasper Kim	[REDACTED]	1.00	0.00	1.00
94	Jeonard Sordilla	[REDACTED]	1.00	0.00	1.00
95	John Tomas	[REDACTED]	1.00	0.00	1.00
96	Johnson Controls	431 Manitou Rd SE Calgary AB T2G 4C2	2,355.93	0.00	2,355.93
97	Jordan Lopes	[REDACTED]	1.00	0.00	1.00
98	Justin Creencia	[REDACTED]	1.00	0.00	1.00
99	Juvy Patricio	[REDACTED]	1.00	0.00	1.00
100	Kaden Patz	[REDACTED]	1.00	0.00	1.00
101	Kathryn Bracerros	[REDACTED]	1.00	0.00	1.00
102	Kevin Budd	[REDACTED]	1.00	0.00	1.00
103	Konica Minolta Business Solutions	PO Box 4563 Stn A Toronto ON M5W 0H1	4,641.54	0.00	4,641.54
104	Kristeine Faith Balbido	[REDACTED]	1.00	0.00	1.00
105	Labs-Mart Inc.	1938 94 Street NW Edmonton AB T6N 1J3	32,651.09	0.00	32,651.09
106	Lea Cabanalan	[REDACTED]	1.00	0.00	1.00
107	Lisa Olivier	[REDACTED]	1.00	0.00	1.00
108	Lucas Dickson	[REDACTED]	1.00	0.00	1.00
109	Lucid Cannabis SK Inc.	304-10240 124 Street NW Edmonton AB T5N 3W6	1,954.54	0.00	1,954.54
110	Mae Caren Tampon	[REDACTED]	1.00	0.00	1.00

25-Sep-2024

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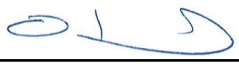
FORM 78 -- Continued

In the Matter of the Bankruptcy of  
OGEN Ltd.  
of the city of Calgary, in the Province of Alberta  
List "A"  
Unsecured Creditors  
OGEN Ltd.

No.	Name of creditor	Address	Unsecured claim	Balance of claim	Total claim
111	Mahmoud Husain	[REDACTED]	1.00	0.00	1.00
112	Maribelle Bradley	[REDACTED]	1.00	0.00	1.00
113	Marielle Mei Manaolo	[REDACTED]	1.00	0.00	1.00
114	Marivic Silao	[REDACTED]	1.00	0.00	1.00
115	Mark Alvin Versola	[REDACTED]	1.00	0.00	1.00
116	Mark Braceross	[REDACTED]	1.00	0.00	1.00
117	Mary Ann Estorco	[REDACTED]	1.00	0.00	1.00
118	Mary Flynn	[REDACTED]	1.00	0.00	1.00
119	Mary Jane Supnet	[REDACTED]	1.00	0.00	1.00
120	Matthew Hotchkiss	[REDACTED]	1.00	0.00	1.00
121	Metro Green Logistics Limited	5025 Creekbank Rd Mississauga ON L4W 5R2	298.94	0.00	298.94
122	Michael Fakir	[REDACTED]	1.00	0.00	1.00
123	Mountain View Printing	3656-60th Avenue SE Calgary AB T2C 2C7	58,901.47	0.00	58,901.47
124	Nancy-Anne Rose	[REDACTED]	1.00	0.00	1.00
125	Natalia Iliuk	[REDACTED]	1.00	0.00	1.00
126	Nathan Abusow	[REDACTED]	1.00	0.00	1.00
127	Nathan Henderson	[REDACTED]	1.00	0.00	1.00
128	NexTec Consulting Canada Inc.	PO Box 49314, Suite 2600 Vancouver BC V7X 1L3	1,617.00	0.00	1,617.00
129	Nicolai Bruehl	[REDACTED]	1.00	0.00	1.00
130	Office of the Superintendent of Bankruptcy Canada	220 4th Avenue SE, Suite 478 Calgary AB T2G 4X3	1.00	0.00	1.00
131	Orbis Express Ltd.	200-6791 Elmbridge Way Richmond BC V7C 4N1	33,128.13	0.00	33,128.13
132	Paolo Pestana	[REDACTED]	1.00	0.00	1.00

25-Sep-2024

Date

  
Orest Konowalchuk, Alvarez & Marsal Canada  
Inc., Receiver of OGEN Ltd.

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FORM 78 -- Continued

In the Matter of the Bankruptcy of  
**OGEN Ltd.**  
of the city of Calgary, in the Province of Alberta


List "A"  
Unsecured Creditors

OGEN Ltd.

No.	Name of creditor	Address	Unsecured claim	Balance of claim	Total claim
133	Pathogenia Inc.	5055 Rue Fisher St-Laurent QC H4T 1J8	18,458.25	0.00	18,458.25
134	Paul Roxas	[REDACTED]	1.00	0.00	1.00
135	Plantlife Cannabis	1112 95 St. SW Edmonton AB T6X 0A7	28,980.00	0.00	28,980.00
136	Polar Promotions & Sportswear	9990 River Way Delta BC V4G 1M9	19,135.40	0.00	19,135.40
137	Purolator Inc.	PO Box 4800 Stn Main Concord ON L4K 0K1	19,816.40	0.00	19,816.40
138	Quality Wholesale Ltd	7575 North Fraser Way Burnaby BC V5J 4Z3	1,522.50	0.00	1,522.50
139	Reding Instrument Services Ltd.	1-3600 21st Street NE Calgary AB T2E 6V6	6,288.98	0.00	6,288.98
140	Rey Fernandez	[REDACTED]	1.00	0.00	1.00
141	Rhea-Rose Mala	[REDACTED]	1.00	0.00	1.00
142	Riley Derbowka	[REDACTED]	1.00	0.00	1.00
143	Rochelle Feliciano	[REDACTED]	1.00	0.00	1.00
144	Rosemarie Uanang	[REDACTED]	1.00	0.00	1.00
145	RSM Alberta LLP	112-4th Ave SW-Floor 22 Calgary AB T2P 0H3	2,122.31	0.00	2,122.31
146	Rutchel Abao	[REDACTED]	1.00	0.00	1.00
147	Ryan Bond	[REDACTED]	1.00	0.00	1.00
148	Ryan ULC	102-6775 Financial Drive Mississauga ON L5N 0A4	33,775.44	0.00	33,775.44
149	Santiago Hernandez Ramirez	[REDACTED]	1.00	0.00	1.00
150	Select Delivery Systems Inc.	PO Box 697, Stn T Calgary AB T2H 2H2	804.38	0.00	804.38
151	Shaira Mae Cabagan	[REDACTED]	1.00	0.00	1.00
152	Sharada Lamichhane Sharma	[REDACTED]	1.00	0.00	1.00
153	Shawn Fowler	[REDACTED]	1.00	0.00	1.00
154	Sheena Marie Capistrano	[REDACTED]	1.00	0.00	1.00

25-Sep-2024

Date

  
Orest Konowalchuk, Alvarez & Marsal Canada  
Inc., Receiver of OGEN Ltd.

District of: Alberta  
Division No. 02 - Calgary  
Court No. 25-2958981  
Estate No. 25-2958981

FORM 78 -- Continued

In the Matter of the Bankruptcy of  
**OGEN Ltd.**  
of the city of Calgary, in the Province of Alberta

List "A"  
Unsecured Creditors

OGEN Ltd.

No.	Name of creditor	Address	Unsecured claim	Balance of claim	Total claim
155	Sigrid Ortiz	[REDACTED]	1.00	0.00	1.00
156	Stephanie Kristensen	[REDACTED]	1.00	0.00	1.00
157	Sterigenics Radiation Technologies	1425 Kebet Way Port Coquitlam BC V3C 6L3	12,777.83	0.00	12,777.83
158	Sterling Talent Solutions Canada Co	PO Box 12051, Stn A Toronto ON M5W 0K5	1,239.64	0.00	1,239.64
159	Stratus Electrical Instrumentation	4720 76 Ave SE Calgary AB T2W 2W9	1,808.98	0.00	1,808.98
160	Sunbelt Rentals Inc.	PO Box 99257, Stn Terminal Vancouver BC V6B 0N5	563.52	0.00	563.52
161	Tabish Abbasi	[REDACTED]	1.00	0.00	1.00
162	Tango Cannabis	199B Principale St La Broquerie MB R0A 0W0	443.04	0.00	443.04
163	TerraLink Horticulture Inc.	464 Riverside Road Abbotsford BC V2S 7M1	7,939.30	0.00	7,939.30
164	The Bureau	350 NE 75th St, #108 Miami FL 331138 United States	3,728.17	0.00	3,728.17
165	ThyssenKrupp Elevator (Canada) Ltd.	2075 Kennedy Rd Suite 600 Scarborough ON M1T 3V3	2,418.50	0.00	2,418.50
166	TransAlta Energy Marketing	PO Box 9633, Stn M Calgary AB T2P 0E9	160,479.71	0.00	160,479.71
167	ULine	3333 James Snow Parkway North Milton ON L9T 8L1	14,317.26	0.00	14,317.26
168	UniFirst Canada Ltd.	5728 35 ST SE Calgary AB T2C 2G3	26,029.82	0.00	26,029.82
169	Valens Labs	230 Carion Road Kelowna BC V4V 2K5	682.50	0.00	682.50
170	Vallen	4810 - 92 Avenue Edmonton AB T6B 2X4	1,991.56	0.00	1,991.56
171	Victoria Francis	[REDACTED]	1.00	0.00	1.00
172	We Share Supply Inc.	425 Herbert St Gananoque ON K7G 1R2	20,552.18	0.00	20,552.18
173	Wenhua Ding	[REDACTED]	1.00	0.00	1.00
174	Worker's Compensation Board	4311 12 St NE #150 Calgary AB T2E 4P9	1.00	0.00	1.00
<b>Total:</b>			<b>7,275,388.35</b>	<b>14,294,394.47</b>	<b>21,569,782.82</b>

25-Sep-2024

Date



Orest Konowalchuk, Alvarez & Marsal Canada  
Inc., Receiver of OGEN Ltd.

District of: Alberta  
Division No. 02 - Calgary  
Court No. 25-2958981  
Estate No. 25-2958981

FORM 78 -- Continued

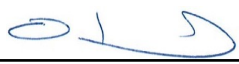
In the Matter of the Bankruptcy of  
OGEN Ltd.  
of the city of Calgary, in the Province of Alberta  
List "B"  
Secured Creditors

OGEN Ltd.

No.	Name of creditor	Address	Amount of claim	Particulars of security	When given	Estimated value of security	Estimated surplus from security	Balance of claim
1	Connect First Credit Union Ltd.	2850 Sunridge Blvd NE #200 Calgary AB T1Y 6G2	14,294,394.47	Business Assets - Machinery - Machinery, equipment and plant	25-Sep-2024	0.00		14,294,394.47
Total:			14,294,394.47			0.00	0.00	14,294,394.47

25-Sep-2024

Date

  
Orest Konowalchuk, Alvarez & Marsal Canada  
Inc., Receiver of OGEN Ltd.

District of: Alberta  
Division No. 02 - Calgary  
Court No. 25-2958981  
Estate No. 25-2958981

FORM 78 -- Continued


In the Matter of the Bankruptcy of  
OGEN Ltd.  
of the city of Calgary, in the Province of Alberta  
List "C"  
Preferred Creditors for Wages, Rent, etc.

OGEN Ltd.

No.	Name of creditor	Address and occupation	Nature of claim	Period during which claim accrued	Amount of claim	Amount payable in full	Difference ranking for dividend
Total:					0.00	0.00	0.00

25-Sep-2024

Date

  
Orest Konowalchuk, Alvarez & Marsal Canada  
Inc., Receiver of OGEN Ltd.

District of: Alberta  
Division No. 02 - Calgary  
Court No. 25-2958981  
Estate No. 25-2958981

FORM 78 -- Continued

In the Matter of the Bankruptcy of  
OGEN Ltd.  
of the city of Calgary, in the Province of Alberta  
List "D"  
Contingent or Other Liabilities

OGEN Ltd.

No.	Name of creditor or claimant	Address and occupation	Amount of liability or claim	Amount expected to rank for dividend	Date when liability incurred	Nature of liability
Total:			0.00	0.00		

25-Sep-2024

Date



Orest Konowalchuk, Alvarez & Marsal Canada  
Inc., Receiver of OGEN Ltd.

District of: Alberta  
Division No. 02 - Calgary  
Court No. 25-2958981  
Estate No. 25-2958981

FORM 78 -- Continued

In the Matter of the Bankruptcy of  
OGEN Ltd.  
of the city of Calgary, in the Province of Alberta  
List "E"  
Debts Due to the Bankrupt  
OGEN Ltd.

No.	Name of debtor	Address and occupation	Nature of debt	Amount of debt (good, doubtful, bad)	Folio of ledgers or other book where particulars to be found	When contracted	Estimated to produce	Particulars of any securities held for debt
Total:				0.00 0.00 0.00			0.00	

25-Sep-2024

Date



Orest Konowalchuk, Alvarez & Marsal Canada  
Inc., Receiver of OGEN Ltd.

District of: Alberta  
Division No. 02 - Calgary  
Court No. 25-2958981  
Estate No. 25-2958981

FORM 78 -- Continued

In the Matter of the Bankruptcy of  
OGEN Ltd.  
of the city of Calgary, in the Province of Alberta  
List "F"

Bills of Exchange, Promissory Notes, Lien Notes, Chattel  
Mortgages, etc., Available as Assets

OGEN Ltd.

No.	Name of all promissory, acceptors, endorsers, mortgagors, and guarantors	Address	Occupation	Amount of bill or note, etc.	Date when due	Estimated to produce	Particulars of any property held as security for payment of bill or note, etc.
Total:				0.00		0.00	

25-Sep-2024

Date

  
Orest Konowalchuk, Alvarez & Marsal Canada  
Inc., Receiver of OGEN Ltd.



District of: Alberta  
Division No. 02 - Calgary  
Court No. 25-2958981  
Estate No. 25-2958981

FORM 78 -- Continued

In the Matter of the Bankruptcy of  
OGEN Ltd.  
of the city of Calgary, in the Province of Alberta  
List "G"  
Real Property or Immovables Owned by Bankrupt  
OGEN Ltd.

Description of property	Nature of bankrupt interest	In whose name does title stand	Total value	Particulars of mortgages, hypothecs, or other encumbrances (name, address, amount)	Equity or surplus
Total:			0.00		0.00

25-Sep-2024

Date

  
Orest Konowalchuk, Alvarez & Marsal Canada  
Inc., Receiver of OGEN Ltd.

District of: Alberta  
Division No. 02 - Calgary  
Court No. 25-2958981  
Estate No. 25-2958981


FORM 78 -- Concluded

In the Matter of the Bankruptcy of  
OGEN Ltd.  
of the city of Calgary, in the Province of Alberta  
List "H"  
Property  
OGEN Ltd.  
FULL STATEMENT OF PROPERTY

Nature of property	Location	Details of property	Original cost	Estimated to produce
(a) Stock-in-trade			0.00	0.00
(b) Trade fixtures, etc.			0.00	0.00
(c) Cash in financial institutions			0.00	0.00
(d) Cash on hand			0.00	0.00
(e) Livestock			0.00	0.00
(f) Machinery, equipment and plant		Machinery, equipment and plant	0.00	28,211,901.00
(g) Furniture			0.00	0.00
(h) Life insurance policies, RRSPs, etc.			0.00	0.00
(i) Securities			0.00	0.00
(j) Interests under wills, etc.			0.00	0.00
(k) Vehicles			0.00	0.00
(l) Taxes			0.00	0.00
			<b>Total:</b>	<b>28,211,901.00</b>

25-Sep-2024

Date

  
Orest Konowalchuk, Alvarez & Marsal Canada  
Inc., Receiver of OGEN Ltd.

Court No. 25-2958981

Estate No. 25-2958981

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In the Matter of the Bankruptcy of  
OGEN Ltd.  
of the city of Calgary, in the Province of Alberta

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Form 78 (Bill C-12)  
Statement of affairs (Business bankruptcy)

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Alvarez & Marsal Canada Inc. - Licensed Insolvency  
Trustee  
Per:

---

Orest Konowalchuk - Licensed Insolvency Trustee  
Bow Valley Square 4  
Suite 1110, 250 6th Ave SW  
Calgary AB T2P 3H7  
Phone: (403) 538-7555 Fax: (403) 538-7551



District of: Alberta  
Division No. 02 - Calgary  
Court No. 25-2958981  
Estate No. 25-2958981

FORM 31

Proof of Claim

(Section 50.1, 81.5, 81.6, Subsections 65.2(4), 81.2(1), 81.3(8), 81.4(8), 102(2), 124(2), 128(1),  
and Paragraphs 51(1)(e) and 66.14(b) of the Act)

The creditor's preference is to receive all notices and correspondence regarding this claim at the following address and/or facsimile number and/or email address (a mailing address must be provided in all cases):

Address: \_\_\_\_\_

Facsimile: \_\_\_\_\_

Email: \_\_\_\_\_

Contact person name or position: \_\_\_\_\_

Telephone number for contact person: \_\_\_\_\_

In the matter of the Bankruptcy of Ogen Ltd., in the province of Alberta and the claim of  
\_\_\_\_\_, creditor.

I, \_\_\_\_\_ (name of the creditor or representative of the creditor), of  
\_\_\_\_\_ (city and province), do hereby certify:

1. That I am a creditor of the above-named debtor, or that I am \_\_\_\_\_ (position/title) of  
\_\_\_\_\_ (name of creditor).
2. That I have knowledge of all the circumstances with the claim referred to below.
3. That the debtor was, at the date of the Bankruptcy, namely the 25<sup>th</sup> of September 2024, and still is, indebted to the creditor in the sum of \$ \_\_\_\_\_, as specified in the statement of account (or affidavit) attached and marked Schedule "A", after deducting any counterclaims to which the debtor is entitled. Any debt payable in a currency other than Canadian currency was converted to Canadian currency as of the date of bankruptcy **(The attached statement of account or affidavit must specify the vouchers or other evidence in support of the claim.)**
4. That, to the best of my knowledge, this debt has never been (or this debt has been or part of this debt has been) statute-barred as determined under the relevant legislation.
5. That payment for this debt by the debtor to the creditor has been due (or has been in default) since the \_\_\_\_\_ day of \_\_\_\_\_, and that the last payment, if any, on this debt by the debtor to the creditor was made on the \_\_\_\_\_ day of \_\_\_\_\_, and/or that the last acknowledgement, if

any, of liability for this debt by the debtor to the creditor was made on the \_\_\_\_ day of \_\_\_\_\_, as follows:

(Give full particulars of the claim, including its history, any acknowledgement or legal action)

6. (Check and complete appropriate category.)

A. **UNSECURED CLAIM OF \$ \_\_\_\_\_**

(Other than as a customer contemplated by Section 262 of the Act)

That in respect of this debt, I do not hold any assets of the debtor as security and

(Check appropriate description)

- ☐ Regarding the amount of \$ \_\_\_\_\_, I do not claim a right to a priority.
- ☐ Regarding the amount of \$ \_\_\_\_\_, I claim a right to a priority under paragraph 136(1)(d) of the Act (Complete paragraph 6E below.)
- ☐ Regarding the amount of \$ \_\_\_\_\_, I claim a right to a priority under paragraph 136(1)(d.01) of the Act.
- ☐ Regarding the amount of \$ \_\_\_\_\_, I claim a right to a priority under paragraph 136(1)(d.02) of the Act.
- ☐ Regarding the amount of \$ \_\_\_\_\_, I claim a right to a priority under paragraph 136(1)(d.1) of the Act.
- ☐ Regarding the amount of \$ \_\_\_\_\_, I claim a right to a priority under paragraph 136(1)(e) of the Act.
- ☐ Regarding the amount of \$ \_\_\_\_\_, I claim a right to a priority under paragraph 136(1)(f) of the Act.
- ☐ Regarding the amount of \$ \_\_\_\_\_, I claim a right to a priority under paragraph 136(1)(g) of the Act.
- ☐ Regarding the amount of \$ \_\_\_\_\_, I claim a right to a priority under paragraph 136(1)(i) of the Act.

(Set out an attached sheet details to support priority claim.)

B. **CLAIM OF LESSOR FOR DISCLAIMER OF A LEASE \$ \_\_\_\_\_.**

That I hereby make a claim under subsection 65.2(4) of the Act, particulars of which are as follows:

(Give full particulars of the claim, including the calculations upon which the claim is based.)

C. **SECURED CLAIM OF \$ \_\_\_\_\_**

That in respect of this debt, I hold assets of the debtor valued at \$ \_\_\_\_\_ security, particulars of which are as follows:

(Give full particulars of the security, including the date on which the security was given and the value at which you assess the security, and attached a copy of the security documents.)

**D. CLAIM BY FARMER, FISHERMAN OR AQUACULTURIST OF \$ \_\_\_\_\_**

That I hereby make a claim under subsection 81.2(1) of the Act of the unpaid amount of \$ \_\_\_\_\_.

**E. CLAIM BY WAGE EARNER OF \$ \_\_\_\_\_**

That I hereby make a claim under subsection 81.3(8) of the Act in the amount of \$ \_\_\_\_\_

That I hereby make a claim under subsection 81.4(8) of the Act in the amount of \$ \_\_\_\_\_

**F. CLAIM BY EMPLOYEE FOR UNPAID AMOUNT REGARDING PENSION PLAN OF \$ \_\_\_\_\_**

That I hereby make a claim under subsection 81.5 of the Act in the amount of \$ \_\_\_\_\_

That I hereby make a claim under subsection 81.6 of the Act in the amount of \$ \_\_\_\_\_

**G. CLAIM AGAINST DIRECTOR \$ \_\_\_\_\_**

(To be completed when a proposal provides for the compromise of claims against directors)

That I hereby make a claim under subsection 50(13) of the Act, particulars of which are as follows:

(Give full particulars of the claim, including the calculations upon which the claim is based).

**H. CLAIM OF A CUSTOMER OF A BANKRUPT SECURITIES FIRM \$ \_\_\_\_\_**

That I hereby make a claim as a customer for net equity as contemplated by section 262 of the Act, particulars of which are as follows:

(Give full particulars of the claim, including the calculations upon which the claim is based).

7. That, to the best of my knowledge, I \_\_\_\_\_ (am/ am not) (or the above-named creditor \_\_\_\_\_ (is/ is not) ) related to the debtor within the meaning of section 4 of the Act, and \_\_\_\_\_ (have/has/have not/has not) dealt with the debtor in a non-arm's length manner.

8. That the following are the payments that I have received from the debtor, the credits that I have allowed to the debtor, and the transfers at undervalue within the meaning of section 2 of the Act that I have been privy to or a party to with the debtor within the three months (or, if the creditor and the debtor are related within the meaning of section 4 of the Act or were not dealing with each other at arm's length, within the 12 months) immediately before the date of the initial bankruptcy event within the meaning of section 2 of the Act:

(Provide details of payments, credits and transfers at undervalue)

9. (Applicable only in the case of the bankruptcy of an individual.)

Whenever the trustee reviews the financial situation of a bankrupt to redetermine whether or not the bankrupt is required to make payments under section 68 of the Act, I request to be informed, pursuant to subsection 68(4) of the Act, of the new fixed amount or of the fact that there is no longer surplus income. I request that a copy of the report filed by the trustee regarding the bankrupt's application for discharge pursuant to subsection 170(1) of the Act be sent to the above address. (Y/N)

Dated at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_  
*Signature of witness*

\_\_\_\_\_  
*Signature of creditor*

Telephone No: \_\_\_\_\_

Fax No: \_\_\_\_\_

Email address: \_\_\_\_\_

NOTES: If an affidavit is attached, it must have been made before a person qualified to take affidavits. If a copy of this form is sent electronically by means such as email, the name and contact information of the sender, prescribed in Form 1.1 must be added at the end of the document.

WARNINGS: A trustee may, pursuant to subsection 128(3) of the Act, redeem a security on payment to the secured creditor of the debt or the value of the security as assessed, in a proof of security, by the secured creditor.

Subsection 201(1) of the Act provides severe penalties for making a false claim, proof, declaration or statement of account.



District of Alberta  
Division No. 02 - Calgary  
Court No. 25-2958981  
Estate No. 25-2958981

**Alvarez & Marsal Canada Inc.**  
Bow Valley Square 4  
Suite 1110, 250 - 6th Avenue SW  
Calgary, Alberta T2P 3H7  
Phone: +1 403 538 7555  
Fax: +1 403 538 7551

FORM 36

Proxy

(Subsections 102(2) and Paragraphs 51(1)(e) and 66.15(3)(b) of the Act)

In the Matter of the Bankruptcy of  
OGEN Ltd.  
of the city of Calgary, in the Province of Alberta

I, \_\_\_\_\_ (*name of creditor*), of \_\_\_\_\_ (*city and province*),  
a creditor in the above matter, hereby appoint \_\_\_\_\_ (*name of proxy*), of  
\_\_\_\_\_ (*city and province*), to be my proxy holder in the above matter, except as to  
the receipt of dividends, \_\_\_\_\_ (*with or without*) power to appoint another proxy holder in his or her place.

Dated at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Individual Creditor

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Name of Corporate Creditor

Per: \_\_\_\_\_  
Name and Title of Signing Officer

Return to:

Alvarez & Marsal Canada Inc. - Licensed Insolvency Trustee  
Per:

\_\_\_\_\_  
Orest Konowalchuk, LIT  
Bow Valley Square 4  
Suite 1110, 250 6th Ave SW  
Calgary AB T2P 3H7  
Phone: (403) 538-7555 Fax: (403) 538-7551





## CHECKLIST FOR PROOF OF CLAIM

This checklist is provided to assist you in preparing the proof of claim form and, if appropriate, the proxy form in a complete and accurate manner.

### General

- The **signature of a witness** is required.
- The document **must be signed** by the individual completing the declaration.
- **Provide the complete address** where all notices or correspondence are to be forwarded along with your phone number, fax number and email address where appropriate.
- After completion, please submit your proof of claim to Alvarez & Marsal Canada Inc. either by email, facsimile or mail:
  - Email: [bwollever@alvarezandmarsal.com](mailto:bwollever@alvarezandmarsal.com)
  - Facsimile: 403-608-9645
  - Mail: Suite 1110 250 6<sup>th</sup> Avenue SW, Calgary AB, T2P 3H7

### Notes:

- It is permissible to file a proof of claim by fax.
- A creditor may vote either in person or by proxy at any meeting of creditors if the proof of claim is filed with the Trustee prior to the time appointed for the meeting.
- A quorum at any meeting of creditors is at least one creditor with a valid proof of claim in attendance in person or by proxy.
- A corporation may vote by an authorized agent or mandatory at meetings of creditors.
- In order for a duly authorized person to have a right to vote, they must be a creditor or be the holder of a properly executed proxy. The name of the creditor must appear in the proxy.
- A creditor who is participating in any distribution from an estate must have filed a proof of claim prior to the distribution being declared.
- In the case of an individual bankrupt, by checking the appropriate boxes at the bottom of the proof of claim form, you may request that the Trustee advise you of any material change in the financial situation of the bankrupt or the amount of the bankrupt is required to pay into the bankruptcy, and a copy of the Trustee's report on the discharge of the bankrupt.

### Paragraph (1)

- Creditor must state full and complete legal name of the individual, company or firm.
- If the individual completing the proof of claim is a representative of the creditor, the individual's position or title must be identified.

### Paragraph (3)

- The amount owing must be set out in paragraph 3.
- A **detailed statement of account** must be attached to the proof of claim and marked "Schedule A" and must show the date, number and amount of all the invoices, charges, credits or payments. The amount on the statement of account must correspond to the amount indicated on the proof of claim.

#### Paragraph (4)

##### Notes:

- **Paragraph A** applies to the ordinary unsecured claims. In addition to recording the amount of the claim, please indicate whether the claim has a priority pursuant to section 136 of the Act.
- **Paragraph B** applies to lessor claims in a commercial proposal. Please ensure that the claim applies to a commercial proposal and, if so, include the full particulars of the claim.
- **Paragraph C** applies to secured claims. Please indicate the dollar value of the security and attach copies of the security documents. In addition, please attach copies of the security registration, where appropriate.
- **Paragraph D** applies to inventory claims of farmers, fisherman and aquaculturists. Please note that such claims apply only to inventory supplied from farmers, fishermen and aquaculturists within 15 (fifteen) days of the date of bankruptcy. In addition, please attach copies of any applicable sales agreement and delivery slips.
- **Paragraph E** applies to claims by wage earners. Please note that such claims apply only for unpaid wages owed upon bankruptcy of an employer or when the employer becomes subject to a receivership.
  - **Note that a claim under subsection 81.3(8) of the Act is for a bankruptcy proceeding, and a claim under subsection 81.4(8) of the Act is for a receivership proceeding.**
- **Paragraph F** applies to claims by employees for unpaid amounts regarding pension plans. Please note that such claims apply only to unremitted pension contributions outstanding when the sponsoring employer becomes bankrupt or is subject to a receivership.
- **Paragraph G** applies to claims against directors. Please note that such claims apply only to directors of corporations that have filed a commercial proposal to creditors that includes a compromise of statutory claims against directors.
- **Paragraph H** applies to claims of customers of a bankrupt securities firm. Please ensure that the claim of the customer is for net equity and, if so, include the full particulars of the claim, including the calculations upon which the claim is based.
- In order to prepare its claim, the creditor should refer to the Bankruptcy and Insolvency Act, copy of which is accessible at <http://laws.justice.gc.ca/eng/StatutesByTitle>.

#### Paragraph (5)

- All claimants must indicate whether or not they are related to the debtor, as defined in section 4 of the Act, or dealt with the debtor in a non-arm's length manner.

#### Paragraph (6)

- All claimants must attach a detailed list of all payments or credits received or granted, as follows:
  - a) **within the three (3) months preceding** the initial bankruptcy event (including the bankruptcy or the proposal);
  - b) **within the twelve (12) months preceding** the initial bankruptcy event (including the bankruptcy or the proposal) in the case where the claimant and the debtor were not dealing at arm's length.