COURT FILE NUMBER	1703-12765
COURT	COURT OF QUEEN'S BENCH OF ALBERTA
JUDICIAL CENTRE	EDMONTON
PLAINTIFF	SERVUS CREDIT UNION LTD.
DEFENDANTS	CRELOGIX ACCEPTANCE CORPORATION, CRELOGIX PORTFOLIO SERVICES CORP., CRELOGIX CREDIT GROUP INC., KARL SIGERIST, NICHOLAS CARTER, MIKE MCKAY AND MICHAEL MILLS
DOCUMENT	**SUPPLEMENT TO THE SIXTH REPORT OF THE RECEIVER** **December 8, 2020**
ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT	**RECEIVER** ALVAREZ & MARSAL CANADA INC. Bow Valley Square IV Suite 1110, 250 – 6th Avenue SW Calgary, Alberta T2P 3H7 Attention: Orest Konowalchuk Telephone: (403) 538-4756 Email: okonowalchuk@alvarezandmarsal.com **COUNSEL** Parlee McLaws LLP 1700 Enbridge Centre 10175-101 Street NW Edmonton, Alberta T5J 0H3 Attention: Jeremy Hockin, QC Telephone: (780) 423-8532 Fax: (780) 423-2870 Email: jhockin@parlee.com File: 73150-2

ALVAREZ & MARSAL

TABLE OF CONTENTS OF THE SUPPLEMENT TO THE SIXTH REPORT OF THE RECEIVER

LISTING OF APPENDICES TO THE SIXTH REPORT OF THE RECEIVER

INTRODUCTION

1. On November 17, 2020 the Receiver filed with the Court it Sixth Report dated November 17, 2020. This report (the **"Supplemental Report"**) is a supplement to the Sixth Report, which provides an update on the following two developments that have occurred since the Sixth Report was filed and served:

    a) The resolution of the claims of the Participating Unfunded Merchants to certain Disputed Unfunded Loans; and

    b) The classification of the Merchant Claim of Renovation & Construction Gauthier et Peloquin Inc. (**"RCGP"**) as a Forfeited Unfunded Loan,

2. Capitalized words or terms not defined or ascribed a meaning in this Supplemental Report or in the Sixth Report are as defined or ascribed a meaning in the Receivership Order or the previous five reports (the "**Prior Reports**") of the Receiver.

3. All references to dollars are in Canadian currency unless otherwise noted.

TERMS OF REFERENCE

4. In preparing this Supplemental Report, the Receiver has relied primarily upon information obtained prior to and during the Receivership Proceedings and on financial and other information contained in the Company's books and records. The Receiver has not performed an audit, review or other verification of such information.

RESOULUTION OF CLAIMS OF PARTICIPATING UNFUNDED MERCHANTS

5. The Receiver, Servus and Participating Unfunded Merchants represented by Fulton and Company LLP **("Fulton")** and Witten LLP **("Witten")** have agreed to a

resolution and settlement of their claims **(the "Represented Merchant Claims") (collectively, the "Parties")**.

6. The Represented Merchant Claims account for thirty-four (34) of the total thirty-five (35) Participating Unfunded Merchant Claims. It has been agreed by the Parties that the Receiver will make a payment from the funds collected from the Disputed Unfunded Loans, care of Fulton and Witten, in the aggregate amount of $141,365.73 in full and final settlement of any claim the Represented Merchants may have against the Receiver, the Receivership estate or Servus. The Remaining Loans and all other funds collected will remain the Property of Crelogix subject to the charge of the Receiver and the security of Servus. A schedule of the Represented Merchant Claims and amount of the payment **("Agreed Payment")** to each of the Fulton and Witten represented Merchants is attached as **Appendix A.**

7. The Receiver proposes to distribute the Agreed Payment upon the Court granting the proposed Consent Order attached as **Appendix B ("Consent Order").** The proposed Consent Order also provides that any Consumer Loan written off by the Receiver and included in Appendix A will be assigned to the applicable Merchant effective after the date of the last payment received by the Receiver.

8. The Receiver understands that Servus, represented by Miller Thomson LLP, and the Merchants, represented by Fulton and Witten, support the settlement and the proposed Consent Order as it relates to their claims. As a condition of the settlement, the Parties require the Consent Order to finalize the negotiations and agreed settlement of the matter.

THE CLAIM OF RCGP

9. In connection with the Merchant Claim Process directed by the Court, RCGP filed a Merchant Claim Application and supporting affidavit in respect of four (4) Disputed Unfunded Loans **(the "RCGP Disputed Loans").**

10. The principal amount of the RCGP Disputed Loans aggregates $54,645.83 of which $27,402.52 remains to be collected and $27,243.31 has been collected before any allocation of costs of the Receivership.

11. Although RCGP filed a claim in the Merchant Claim Process, they have not participated in any of the subsequent processes, which included the initial court application to determine the matter and the ACA application which resulted in the matter being returned to the Court for re-argument.

12. In connection with the application set down initially on November 25, 2020, the Receiver, through its counsel, Parlee, has made attempts to contact and engage RCGP in the ongoing process. The Receiver has not been able to contact RCGP. All indications are that RCGP went out of business some years ago. Correspondence with their previous counsel has also been fruitless in contacting RCGP.

13. The Receiver requested and has received a report from Parlee on their efforts to contact RCGP. That report is included as **Appendix C.**

14. In light of the inability of the Receiver to contact RCGP and the report of Parlee, which indicates that RCGP has not fully participated in the process and has essentially abandoned its claim, it is the Receiver's respectful view that the claim of RCGP is now a Forfeited Unfunded Claim and, accordingly, should be barred from any claim against the Receiver or the Receivership estate.

PROPOSED COURT PROCESS

15. In respect of the re-argument of the matter directed by the ACA to determine ownership and priority to the Disputed Unfunded Loans, the Receiver in its Sixth Report proposed a process to move the litigation forward. As a result of the resolution and settlement of the Unfunded Participating Merchant Claims, a further Court Process will not be required if the proposed Consent Order is granted.

CONCLUSION

16. The Receiver has now assisted in the resolution of the ownership and priority of Disputed Unfunded Loans of the Participating Unfunded Merchants, which if approved by the Court will allow the Receiver to conclude the Receivership Proceedings without further litigation of this matter.

17. In addition to the relief sought in the Sixth Report, the Receiver respectfully requests the Court grant an order approving the following:

    a) the payment of $141,365.73 to the Represented Merchant in full and final settlement of any claim they may have against the Receiver and the Receivership estate; and

    b) that the claim of RCGP is deemed abandoned and all Consumer Loan Documents and funds collected thereunder by the Receiver originating with RCGP shall be considered to be Forfeited Unfunded Loans, as that term is defined in Appendix A of the Sixth Report

All of which is respectfully submitted this 8th day of December, 2020.

ALVAREZ & MARSAL CANADA INC.,
in its capacity as Receiver of Crelogix and not in
its personal or corporate capacity

Orest Konowalchuk, CPA, CA, CIRP, LIT
Senior Vice President

APPENDIX A

Represented Merchant Claim Listing

CRELOGIX ACCEPTANCE CORPORATION **APPENDIX A**

REPRESENTED MERCHANT CLAIMS

Disputed Unfunded Loan	Original Loan Balance	Balance of Loan as at September 30, 2020	Payments Taken to Date	Write Offs	Total Collections and Remaining Loans
Adventure Power Products Ltd.	$11,267.59	9,431.13	$ 6,377.61		$15,808.74
Adventure Power Products Ltd.	4,746.57	2,235.12	5,119.84		7,354.96
Airdrie Trailer Sales	11,066.76	8,537.14	5,560.61		14,097.75
Andrew Sports	13,657.85	10,372.20	6,885.84		17,258.04
Badiuk Equipment Ltd.	4,733.47		5,659.00		5,659.00
Blackfoot Motorcycle Ltd.	7,923.39	6,289.89	4,091.00		10,380.89
Blackfoot Motorcycle Ltd.	13,735.45	9,318.68	8,214.84		17,533.52
Blackfoot Motorcycle Ltd.	11,059.13	7,417.09	6,664.79		14,081.88
Breathe E-Z Homes Ltd.	3,383.14		2,960.15	422.99	2,960.15
Breathe E-Z Homes Ltd.	4,057.83		5,446.47		5,446.47
Breathe E-Z Homes Ltd.	2,693.69	1,560.33	2,303.41		3,863.74
Breathe E-Z Homes Ltd.	4,408.70	1,887.91	4,162.99		6,050.90
Breathe E-Z Homes Ltd.	3,610.35		4,535.16		4,535.16
Breathe E-Z Homes Ltd.	3,461.20		1,515.45	2,943.12	1,515.45
Breathe E-Z Homes Ltd.	3,661.20		252.72	3,408.48	252.72
Breathe E-Z Homes Ltd.	2,967.00		3,410.35		3,410.35
Broadview Motor Sports	4,370.20	2,106.37	4,587.36		6,693.73
Broker's Marine & Sport Ltd	14,906.53		15,048.36		15,048.36
Clarex Cycle and Sports	8,787.21		-	8,787.21	-
Dynasty Spas	11,401.64	7,232.10	6,516.02		13,748.12
Dynasty Spas	12,625.00		18,010.37		18,010.37
Elder Enterprises	10,075.36	7,850.81	5,301.80		13,152.61
Elk Island Sales	14,843.32	11,553.23	7,669.35		19,222.58
Fraser Pacific Equipment Corp.	14,277.08	10,817.95	7,142.63		17,960.58
Gaston's Sport & Marine	14,278.13		18,308.45		18,308.45
GRM Sales Ltd	-				-
Happy Camper RV	14,066.84	10,834.30	7,569.62		18,403.92
J & B CYCLE AND MARINE CO. LTD	14,220.41		8,226.70	9,959.52	8,226.70
JAKE'S SPEED SHOP (J&J Sports)	12,674.33		16,128.37		16,128.37
Ken's Marine	20,292.11	15,598.27	10,165.32		25,763.59
M & P TRAILER SALES	14,579.49		16,794.11		16,794.11
Mountain Toys Polaris	14,573.30	11,230.96	7,655.45		18,886.41
Mountain Toys Polaris	15,072.87		16,665.99		16,665.99
Mountain Toys Polaris	8,841.07	6,850.88	4,789.13		11,640.01
North Bay Cycle and Sports	14,840.01	11,601.74	7,877.93		19,479.67
Positive Promotions	12,412.20		6,387.06	6,025.14	6,387.06
Positive Promotions	14,458.62		7,817.84	6,640.78	7,817.84
Proline Motorsports & Marine Inc.	12,621.96	9,796.92	6,656.24		16,453.16
Proline Motorsports & Marine Inc.	7,869.11	5,082.94	5,763.31		10,846.25
Raven Truck Accessories	14,745.63	11,363.56	7,543.77		18,907.33
Recreational Power Sports Inc.	16,576.77	12,522.45	8,318.56		20,841.01
Red-Line Power Craft Ltd.	14,935.56		17,930.48		17,930.48
Red-Line Power Craft Ltd.	8,799.15	6,751.55	4,522.83		11,274.38
Red-Line Power Craft Ltd.	13,910.26	10,721.94	7,117.50		17,839.44
Rick's Marine	5,543.82	3,604.88	3,956.55		7,561.43
Riderz 1431209 Alberta Inc.	11,105.15		3,280.28	10,533.79	3,280.28
WHITECAP RECREATION	12,484.24	9,542.48	6,594.00		16,136.48
WORLD OF SPAS-EDMONTON	14,700.00	11,741.00	7,448.22		19,189.22
Traction Motorcycles dba Daytona	11,981.76	9,360.99	6,214.65		15,575.64
Trailer Country Ltd.	-				-
Total Represented Merchant Claims	**$513,302.45**	**$243,214.81**	**$351,168.48**	**$48,721.03**	**$594,383.29**

Settlement and Payment to Counsel for Represented Merchant Claim

Total to Witten LLP	**$45,551.18**
Total to Fulton & company LLP	**$95,814.55**
Total of Represented Merchant Claims	**$141,365.73**

APPENDIX B

Proposed Consent Order

COURT FILE NUMBER	1703-12765
COURT	COURT OF QUEEN'S BENCH OF ALBERTA
JUDICIAL CENTRE	EDMONTON
PLAINTIFF	SERVUS CREDIT UNION LTD.
DEFENDANTS	CRELOGIX ACCEPTANCE CORPORATION, CRELOGIX PORTFOLIO SERVICES CORP., CRELOGIX CREDIT GROUP INC., KARL SIGERIST, NICHOLAS CARTER, MIKE MCKAY AND MICHAEL MILLS
DOCUMENT	**CONSENT ORDER (Approval and Allocation of Receiver's Professional Fees and Disbursements, and Resolution of Claims of Participating Unfunded Merchants)**
ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT	Parlee McLaws LLP 1700 Enbridge Centre 10175-101 Street NW Edmonton, Alberta T5J 0H3 Attention: Jeremy Hockin, QC Telephone: (780) 423-8532 Fax: (780) 423-2870 Email: jhockin@parlee.com File: 73150-2/JHH

DATE ON WHICH ORDER WAS PRONOUNCED: December 9, 2020

LOCATION WHERE ORDER PRONOUNCED: EDMONTON, ALBERTA

NAME OF JUSTICE WHO MADE THIS ORDER: Honourable Mr. Justice M.J. Lema

UPON the application of Alvarez & Marsal Canada Inc. in its capacity as Receiver and Manager (the **"Receiver"**) of Crelogix Acceptance Corporation (**"CAC"**), Crelogix Portfolio Services Corp. (**"CPS"**) and Crelogix Credit Group Inc. (**"CCG"**) (together, the **"Company"** or **"Crelogix"**); AND UPON having read the Sixth Report of the Receiver filed November 17, 2020 (the **"Sixth Report"**), the Affidavit of Orest Konowalchuk filed November 17, 2020 (the **"Konowalchuk Affidavit"**), the Addendum to the Sixth Report dated _____

_____, to be filed, and the Briefs of Argument filed on behalf of the Receiver and on behalf of 22 Participating Unfunded Merchants (as defined in the Sixth Report) represented by the firm of Fulton & Company LLP (the **"Fulton Client Group"**); AND UPON noting the consent endorsed hereon to certain paragraphs of this Order by counsel for the Plaintiff, the Receiver, the Fulton Client Group, and for a further group of 11 Participating Unfunded Merchants represented by the firm of Witten LLP (the **"Witten Client Group"**); AND UPON noting that the members of the Fulton Client Group and the Witten Client Group are identified on the attached Schedule "A"; AND UPON hearing counsel for the Plaintiff, the Receiver, the Fulton Client Group and the Witten Client Group;

IT IS HEREBY ORDERED AND DECLARED THAT:

1. The professional fees and disbursements of the Receiver as summarized in Appendix E of the Sixth Report, and as detailed in the Konowalchuk Affidavit, are approved and allowed as presented without the necessity for further review or assessment.

2. The professional fees and disbursements of the Receiver's legal counsel as summarized in Appendix F of the Sixth Report are approved and allowed as presented, without the necessity for further review or assessment.

3. The professional fees and disbursements of the Receiver and its legal counsel shall be allocated in accordance with "Option 5" contained in Appendix H to the Sixth Report.

4. The activities, actions and conduct of the Receiver since the date of the last of the activities described in the Receiver's Fourth Report dated January 30, 2018 up to September 30, 2020 are approved.

5. The claims of the Participating Unfunded Merchants in the Fulton Client Group and the Witten Client Group are allowed in the cumulative amount of $141,364.72 in full and final satisfaction of their claims, and these Participating Unfunded Merchants shall have no further recourse or claims against either the Receiver, the Receivership Estate, or Servus Credit Union Ltd. in relation to the Receivership proceedings.

6. The Receiver shall, effective on the date following the last payment received by the

Receiver, assign and transfer, without representation and without recourse, all the Consumer Loan Documents as defined in Appendix A of the Sixth Report, relating to the Consumer Loans described under the heading "Write Offs" in Schedule A of Appendix D of the Sixth Report to the Participating Unfunded Merchant from whom the said loans originated,

7. The claim of Renovation & Construction Gauthier et Peloquin Inc. (**"RCGP"**) is deemed abandoned and all Consumer Loan Documents and funds collected thereunder by the Receiver originating with RCGP shall be considered to be Forfeited Unfunded Loans, as that term is defined in Appendix A of the Sixth Report.

_____
JUSTICE OF THE COURT OF QUEEN'S BENCH OF ALBERTA

CONSENTED TO THIS __ DAY OF _____, 2020 AS TO PARAGRAPHS 1-6:

MILLER THOMSON LLP

_____
Rick T. G. Reeson, Q.C.
Solicitors for the Plaintiff

PARLEE MCLAWS LLP

_____
Jeremy H. Hockin, Q.C.
Solicitors for the Receiver

FULTON & COMPANY LLP

_____
Hal Hicks
Solicitors for the Fulton Client Group

WITTEN LLP

_____
Bren Cargill
Solicitors for the Witten Client Group

SCHEDULE 'A'

List of Participating Unfunded Merchants

Fulton Client Group

Blackfoot Motorcycle Ltd.;
Airdrie Trailer Sales Ltd.;
Badiuk Equipment Ltd.;
Broadview Power Sports Ltd.;
Broker's Marine & Sport Ltd.;
Elk Island Sales Inc.;
Fraser Pacific Equipment Corp.;
GRM Sales Ltd., carrying on business as Bar T5 Trailers SASK;
Happy Camper R/V Alberta Ltd.;
Jake's Speed Shop Inc., carrying on business as J&J Sports;
Northstar Recreation Ltd. carrying on business as Ken's Marine;
1784302 Alberta Ltd., carrying on business as M&P Trailer Sales;
Mountain Toys Polaris Ltd.;
Proline Motorsports & Marine Ltd.;
1455300 Alberta Ltd., carrying on business as Raven Truck Accessories;
Recreational Power Sports Inc.;
Red Line Power Craft Ltd.;
Rick's Marine (1999) Ltd.;
1431209 AB Inc. carrying on business as Riderz;
Traction Motorcycles Ltd., carrying on business as Daytona Motorsports;
Trailer Country Ltd.;
Whitecap Recreation, a partnership between Northshore Automotive Ltd. and Southshore Automotive Ltd.;

Counsel of Record

Fulton & Company LLP
300 – 350 Lansdowne Street
Kamloops, BC V2C 1Y1
Attention: Hal Hicks

Email: hhicks@fultonco.com;

Witten Client Group

Dynasty Spas Inc., carrying on business as World of Spas Calgary;
1781457 Alberta Ltd., carrying on business as World of Spas Edmonton;
1537891 Ontario Inc., carrying on business as Positive Promotions;
Elder Enterprises Ltd.;
J&B Cycle and Marine Co. Ltd.;
North Bay Cycle & Sports (2015) Inc.;
Clare's Cycle and Sports Ltd.;
900337 Ontario Inc., carrying on business as Gaston's Sports & Marine;
Andrews Sports,
Adventure Power Products Ltd.
Breathe E-Z Homes Ltd.

Witten LLP
2500 Canadian Western Bank Place
10303 Jasper Avenue
Edmonton, AB T5J 3N6
Attention: Bren Cargill

Email: bcargill@wittenlaw.com

APPENDIX C

Report of Parlee McLaws

PARLEE McLAWS LLP
BARRISTERS & SOLICITORS | PATENT & TRADEMARK AGENTS

December 8, 2020

JEREMY H. HOCKIN, Q.C.
DIRECT DIAL: 780.423.8532
DIRECT FAX: 780.423.2870
EMAIL: jhockin@parlee.com
OUR FILE #: 73150-2/jhh

Alvarez & Marsal Canada Inc.
Suite 1110, 250 - 6th Avenue SW
Calgary, AB T2P3H7

Via Email

Attention: Orest Konowalchuk/Tim Reid

Dear Sirs:

Re: Crelogix Acceptance Corporation et al (collectively "Crelogix") - in Receivership; Edmonton QB Court File Number 1703 12765; Status of Renovation & Construction Gauthier et Peloquin Inc. ("RCGP")

As requested, I am providing you with this report concerning the status of RCGP as a Participating Unfunded Merchant with a claim to certain Disputed Unfunded Loans, as those terms are defined in the Sixth Report of the Receiver dated November 17, 2020 (the **"Sixth Report"**). All other capitalized terms appearing in this letter are as defined in the Sixth Report, unless otherwise indicated.

You will recall that RCGP submitted an application (as subsequently amended) in accordance with the process outlined in the Merchants Claim Process Order. Please find enclosed for your ease of reference a copy of the RCGP Merchant Claim Application dated May 16, 2018, together with a copy of the Amended Merchant Claim Application dated May 31, 2018. From my comparison of these two documents, it would appear as though the amended application simply added a fourth Consumer Loan to the three claimed in the original application. You will also note that both forms of application show that the address for service and contact information of RCGP is at a street address in Longueuil, Quebec, despite the fact that all of this material was forwarded under cover of correspondence from a law firm in Longueuil, Quebec named Gagne Lemaire.

There were certain technical deficiencies with respect to the claims submitted by RCGP. These were addressed at the outset of the hearing of the Merchant Claim Applications by Justice Graesser on July 11, 2018 His Lordship concluded that the technical deficiencies were not disqualifying and accordingly RCGP's claim was considered, along with all of the other Participating Unfunded Merchants.

I enclose copies of pages 10-13 of the transcript of the July 11, 2018 hearing of the Merchant Claims before Justice Graesser. You will note that it is clear from the record that RCGP made no appearance at that hearing, this despite the correspondence from the Gagne Lemaire firm dated May 31, 2018 that accompanied the amended Merchant Claim Application form, in which the law firm requested authorization to appear at the application by telephone. I confirm that no one from the law firm nor from RCGP attended the application, either in person or by telephone.

You will recall that the result of the Merchant Claim Applications heard by Justice Graesser was that all Participating Unfunded Merchants were declared to have priority to the Consumer Loan Documents on the basis of a term implied into the Merchant Agreement 1 form of contract between Crelogix and the Participating Unfunded Merchants. That outcome was successfully appealed to the Court of Appeal by the Receiver and by Crelogix' first secured creditor, the Plaintiff in this action, Servus Credit Union Ltd. (**"Servus"**). The result of the appeal was that Justice Graesser's disposition of the Merchant Claim Applications was set aside, and the entire matter was returned to the Court of Queen's Bench for re-argument.

RCGP was named as a respondent in the Receiver's Notice of Appeal, and the Notice of Appeal itself was served upon RCGP by email to the email address provided in RCGP's application document. I attach for your reference a copy of the filed Affidavit of Service of my assistant at the time, Leslie Dziatkewich, with the relevant information highlighted for ease of reference. You will note that we also served the law firm who had been assisting RCGP, Gagne Lemaire, with our Notice of Appeal. We received no communication from either the law firm or RCGP in response to our service of the Notice of Appeal. RCGP did not file a factum in either the Receiver's appeal or Servus' appeal and no one appeared on behalf of RCGP at the hearing of the appeals on April 29, 2020.

Prior to the scheduling of a date for the re-argument of the Merchant Claim Applications, the parties attempted to resolve the outstanding issues without success. Accordingly, on your instructions we secured time on the Commercial List at 10:00 am on Wednesday, November 25, 2020 for, among other items of relief, a process order that would establish the timelines for filing any additional briefs prior to the hearing of the re-argument. By this stage of the proceedings, RCGP had been dropped from our firm's service list, and accordingly RCGP was not provided with timely notice of this application. We rectified this oversight on November 24, 2020 and sent a letter to Gagne Lemaire and copied RCGP at its email address as it appeared on its application materials. I enclose copies of this correspondence and enclosures and our covering email. We received no response to this material.

Contemporaneously, settlement discussions had been revived in the face of the Receiver's application and had progressed to the point where it appeared to be beneficial to adjourn the November 25, 2020 application. Accordingly, with the consent of the solicitors for the majority of the Participating Unfunded Merchants, the application was adjourned to December 9, 2020 at 10:00 am. This provided a further opportunity to explore the situation involving RCGP.

We conducted an Insolvency Search at Industry Canada and there was no indication of any insolvency filing by RCGP. Our search at the Quebec equivalent of the Alberta Corporate Registry disclosed that RCGP appeared to still be registered. Copies of these search results are enclosed. We called the telephone number and the fax number provided in the RCGP application materials, but both numbers were disconnected. Directory Assistance advised that there was no listing for RCGP in Longueuil, Quebec. We telephoned the Gagne Lemaire firm and eventually spoke with Ms. Fortin-Lemaire on Tuesday, December 1, 2020. Ms. Fortin-Lemaire confirmed that her colleague, Richard Ledoux, had received our letter of November 24, 2020, which enclosed a filed copy of the November 25, 2020 Application. She advised that she would consult with Mr. Ledoux and one of them would get back to me with any information they

had regarding their former client, RCGP. I advised Ms. Fortin-Lemaire that the Receiver's application had been adjourned to December 9, 2020 at 2:00 pm.

On Thursday, December 3, 2020, Mr. LeDoux sent me an email (copy attached) advising as follows:

> "Following my associate's conversation with Mr. Hockin this week, we have no mandate to go ahead with future procedures in this file.
>
> We haven't heard from our client in a long time but we know that our client ceased doing business."

I note that this email was apparently copied to the same email address that we had been using for RCGP. I confirm that we have received no further communication regarding this matter from either Gagne Lemaire or RCGP.

In the circumstances, it would appear as though RCGP has abandoned its claim to be a Participating Unfunded Merchant in these proceedings.

Yours truly,

PARLEE McLAWS LLP

JEREMY H. HOCKIN, Q.C.

JHH/rp

Encl.

SCHEDULE B – MERCHANT CLAIM APPLICATION

COURT FILE NUMBER	1703-12765
COURT OF QUEEN'S BENCH OF ALBERTA	
JUDICIAL CENTER	EDMONTON
PLAINTIFF	SERVUS CREDIT UNION LTD.
DEFENDANTS	CRELOGIX ACCEPTANCE CORPORATION CRELOGIX PORTFOLIO SERVICES CORP. CRELOGIX CREDIT GROUP IN. KARL SIGERIST NICHOLAS CARTE, MIKE MCKAY AND MICHEAL MILLS
DOCUMENT	APPLICATION (MERCHANT CLAIM)
ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT	Rénovation & Construction Gauthier et Péloquin 1358 Boulevard Marie-Victorin Longueuil, Quebec J4G 1A3 Attention : Katherine Perreault Telephone : 450-332-7668 Fax: 450-332-4928 Email: backoffice.enairbec@gmail.com

NOTICE TO RESPONDENT(S)

This application is made against you. You are a respondent.

You have the right to state your side of this matter before a judge.

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

Date	July 11 and July 12, 2018
Time	10.00 a.m.
Where	Law Courts Building, Edmonton
Before Whom	Justice R.A. Graesser

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

Remedy claimed or sought:

1. Rénovation & Construction Gauthier et Péloquin Inc DBA Enairbec (« the Applicant ») applies for: Disbursement for the unfunded Loan Agreements to which the Applicant is claiming priority.

2. A declaration that the Applicant has a claim that has priority to Crelogix Acceptance Corporation with respect to:

   - See attached Schedule A with Applicant's Affidavit;
   - See attached Schedule B with a True Copy of the Information on the Applicant at the Quebec Enterprise Register;
   - See attached Schedule C with Sales Contract, Declaration and I.D.'s of Veronique McAughan;
   - See attached Schedule Dwith Sales Contract, Declaration and I.D.'s of Michel Lavigne and Françoise Bellerive;
   - See attached Schedule E with Sales Contract, Declaration and I.D.'s of Claire Soucy;

3. Grounds for making this application:

   We are a Merchant asserting a claim in priority to Crelogix and/or Servus Credit Union Ltd to any Unfunded Loan Agreements or funds collected by the Receiver pursuant to any Unfunded Loan Agreements. Bankruptcy and Insolvency Act (articles 136 and following);

4. Material or evidence to be relied on:

   - See attached Schedule A with Applicant's Affidavit;
   - See attached Schedule B with a True Copy of the Information on the Applicant at the Quebec Enterprise Register;
   - See attached Schedule C with Sales Contract, Declaration and I.D.'s of Veronique McAughan;
   - See attached Schedule Dwith Sales Contract, Declaration and I.D.'s of Michel Lavigne and Françoise Bellerive;
   - See attached Schedule E with Sales Contract, Declaration and I.D.'s of Claire Soucy;

5. Applicable Rules:

   Bankruptcy and Insolvency Act (articles 136 and following)

6. Any irregularity complained of or objection relied on:

   N. A.

7. How the application is proposed to be heard or considered:

   N. A.

Longueuil, this May 16th 2018

Gagné Lemaire

GAGNÉ LEMAIRE, AVOCATS
Applicant's Attorney
Me Richard Ledoux
rledoux@gagnelemaire.com
794, rue Fréchette, bureau 112
Longueuil (Québec) J4J 5C9
Téléphone : (450) 646-2116
Télécopieur : (450) 646-3828

SCHEDULE A

AFFIDAVIT

I, the undersigned, **KATHERINE PERREAULT**, exercicing my profession at, 1358 Boulevard Marie-Victorin, Longueuil, Quebec solemnly declares:

1. I am the duly authorized representative of the merchant Rénovation & Construction Gauthier & Péloquin, doing business under the name **Enairbec**;

2. I have met personally with the following consumers:

   a. Veronique McAughan, residing at 834, de Varennes in Massueville signed a sales contract with us on May 27th 2017. She paid to the defendant Crelogix the total amount of $10,988.61;

   b. Michel Lavigne and Françoise Bellerive, residing at 32 Pronovost Street, Amos Quebec, J9T 4H7, signed a sales contract with us on June 6th 2017 for the total amount of $15,960.00. They are paying the Defendant Crelogix by monthly installments;

   c. Claire Soucy residing at 1491 Lottinville, St Paulin, Quebec, J0K 3G0, signed a sales contract with us for the total amount of $8,450.00 on June 22nd 2017. The said amount was fully reimbursed to the Defendant Crelogix;

   All three transactions, for a total amount of $35,299.41 were approved for financing by the Defendant Crelogix;

3. I have explained to each consumer the litigation with Crelogix;

4. All and each of them have signed an Affidavit declaring that all equipment mentioned in the Sales Contract have been installed by us in their residence and to their entire satisfaction;

5. By the present, I also confirm that Crelogix never sent to our company the entire amount of financing that they had agreed upon;

6. Our company has assumed all cost regarding the sale, the equipment and their installation for the three transactions mentioned above;

7. I also confirm that all Sales Contracts and all Affidavits including the present one are conform and true copies of the originals;

8. I have taken knowledge of the allegations set forth in the present Affidavit all of which are true and precise.

AND I HAVE SIGNED

Katherine Perreault for
Rénovation & Construction Gauthier & Péloquin DBA Enairbec

Solemnly declared before me
In Longueuil, on May 16th, 2018

Commissioner of Oaths

COMMISSAIRE À L'ASSERMENTATION
RITA MARCHETTA
209934
POUR LE QUÉBEC

SCHEDULE B

Registraire des entreprises Québec

COPIE CONFORME

Richard Ledoux, avocat

Rechercher une entreprise au registre

État de renseignements d'une personne morale au registre des entreprises

Renseignements en date du 2018-05-15 14:57:11

État des informations

Identification de l'entreprise

Numéro d'entreprise du Québec (NEQ)	1167870519
Nom	RÉNOVATIONS & CONSTRUCTIONS GAUTHIER ET PÉLOQUIN INC.

Adresse du domicile

Adresse	1358 boul. Marie-Victorin Longueuil (Québec) J4G1A3 Canada

Adresse du domicile élu

Nom de famille	Péloquin
Prénom	Jean-Maxime

Adresse	104-377 rue Elm Saint-Lambert (Québec) J4P1W5 Canada

Immatriculation

Date d'immatriculation	2011-12-15
Statut	Immatriculée
Date de mise à jour du statut	2011-12-15
Date de fin de l'existence	Aucune date de fin d'existence n'est déclarée au registre.

Forme juridique

Forme juridique	Société par actions ou compagnie
Date de la constitution	2011-12-14 Constitution
Régime constitutif	QUÉBEC : Loi sur les sociétés par actions (RLRQ, C. S-31.1)
Régime courant	QUÉBEC : Loi sur les sociétés par actions (RLRQ, C. S-31.1)

Dates des mises à jour

Date de mise à jour de l'état de renseignements	2018-04-05
Date de la dernière déclaration de mise à jour annuelle	2017-02-07 2016
Date de fin de la période de production de la déclaration de mise à jour annuelle de 2018	2019-03-01
Date de fin de la période de production de la déclaration de mise à jour annuelle de 2017	2018-03-01

Faillite

L'entreprise n'est pas en faillite.

Fusion et scission

Aucune fusion ou scission n'a été déclarée.

Continuation et autre transformation

Aucune continuation ou autre transformation n'a été déclarée.

Liquidation ou dissolution

Aucune intention de liquidation ou de dissolution n'a été déclarée.

Activités économiques et nombre de salariés

1er secteur d'activité

Code d'activité économique (CAE)	4499
Activité	Autres services relatifs à la construction
Précisions (facultatives)	Construction, rénovation générale

2e secteur d'activité

Aucun renseignement n'a été déclaré.

Nombre de salariés

Nombre de salariés au Québec

De 1 à 5

Convention unanime, actionnaires, administrateurs, dirigeants et fondé de pouvoir

Actionnaires

Premier actionnaire

Le premier actionnaire est majoritaire.

Nom de famille	Péloquin
Prénom	Jean-Maxime
Adresse	104-377 rue Elm Saint-Lambert (Québec) J4P1W5 Canada

Convention unanime des actionnaires

Il n'existe pas de convention unanime des actionnaires.

Liste des administrateurs

Nom de famille	Péloquin
Prénom	Jean-Maxime
Date du début de la charge	2011-12-14
Date de fin de la charge	
Fonctions actuelles	Président, Secrétaire
Adresse	104-377 rue Elm Saint-Lambert (Québec) J4P1W5 Canada

Dirigeants non membres du conseil d'administration

Aucun dirigeant non membre du conseil d'administration n'a été déclaré.

Fondé de pouvoir

Aucun fondé de pouvoir n'a été déclaré.

Administrateurs du bien d'autrui

Aucun administrateur du bien d'autrui n'a été déclaré.

Établissements

Aucun établissement n'a été déclaré.

Documents en traitement

Aucun document n'est actuellement traité par le Registraire des entreprises.

Index des documents

Documents conservés

Type de document	Date de dépôt au registre
Déclaration de mise à jour courante	2018-04-05
Déclaration de mise à jour courante	2018-01-22
Déclaration de mise à jour courante	2017-05-15
Déclaration de mise à jour courante	2017-05-03
DÉCLARATION DE MISE À JOUR ANNUELLE 2016	2017-02-09
DÉCLARATION DE MISE À JOUR ANNUELLE 2015	2015-10-02
Déclaration de mise à jour courante	2014-12-23

Type de document	Date de dépôt au registre
DÉCLARATION DE MISE À JOUR ANNUELLE 2014	2014-10-24
Déclaration de mise à jour courante	2014-08-08
Déclaration de mise à jour courante	2014-04-10
DÉCLARATION DE MISE À JOUR ANNUELLE 2013	2014-02-03
DÉCLARATION DE MISE À JOUR ANNUELLE 2012	2013-06-25
Déclaration initiale	2011-12-15
Certificat de constitution	2011-12-15

Index des noms

Date de mise à jour de l'index des noms 2018-04-05

Nom

Nom	Versions du nom dans une autre langue	Date de déclaration du nom	Date de déclaration du retrait du nom	Situation
RÉNOVATIONS & CONSTRUCTIONS GAUTHIER ET PÉLOQUIN INC.		2011-12-14		En vigueur

Autres noms utilisés au Québec

Autre nom	Versions du nom dans une autre langue	Date de déclaration du nom	Date de déclaration du retrait du nom	Situation
Confort NISI Énergie Solaire		2018-01-22		En vigueur
ÉNERGIE SOLERT		2018-04-05		En vigueur
Groupe Conseil Éco-Vert		2017-05-03		En vigueur
Groupe Énairbec		2014-04-10		En vigueur
Toits blancs Montréal		2017-05-15		En vigueur
LogiRénov-Plus		2014-08-08	2015-07-08	Antérieur

Québec

SCHEDULE C

ENAIRBEC
T 1 844 800-7660
F 1 844 460-4926
www.enairbec.ca
info@enairbec.ca

3048

APCHQ Maître du bâtiment

CONTRAT D'ACHAT

Montréal • Laval • Drummondville • Outaouais • Mauricie • Laurentides • Montérégie • Québec • Saguenay • Abitibi

Entreprise

ENAIRBEC

ADRESSE POSTALE
1382, Boulevard Marie-Victorin
Longueuil (Québec) J4G 1A3
T 1 844 800-7660 • T 450 332-7660
F 450 332-4926 • F 1 844 460-4926

NOM DU REPRÉSENTANT: Nicolas Sauvage
LETTRES MOULÉES:
450 378 5450

CI-APRÈS APPELÉE «L'ENTREPRISE» ACCRÉDITÉE

Consommateur

Nom: Véronique MC Laughlin
Nom: Dominic Nadeau
Adresse: 834 de Verrones
Ville: Mascouche
Code postal: J7K 1K0
Tél. bureau:
Tél. domicile: 450 474 9401
Adresse d'installation: # :

CI-APRÈS APPELÉE «LE CLIENT» ACCRÉDITÉE

Qté		Description des travaux	Montant
		☑ Bungalow ☐ Cottage ☐ Split ☐ Installation entre-toit ☐ Installation sous-sol	
☐	P. L.	Plafonnier et centrale de traitement d'air complet incluant un récupérateur thermique avec module de récupération thermique intégré inverta d'une capacité de tonnage de : à haute efficacité énergétique.	
☐	A. O.	Ajout au système déjà existant, d'un récupérateur thermique avec module inverta d'une capacité de tonnage de : à haute efficacité énergétique.	
☑	M.	Récupérateur thermique avec module de récupération thermique inverta d'une capacité de tonnage de : 1800 btu à haute efficacité énergétique.	4400
	S.	Fournaise et système de conduits :	
		INSTALLATION COMPLÈTE INCLUSE	
		Fournaise existante de marque : huile ☐ électrique ☐	
		Marque du panneau électrique existant : Square D 200 amp	
1		Serpentin en cuivre à 100%. inclus ☑ oui ☐ non	inclus
1		Filtre électrostatique anti-poussière. inclus ☑ oui ☐ non	inclus
1		Thermostat de haute précision. inclus ☑ oui ☐ non	inclus
1		Calibrage des pressions statiques du débit d'air.	inclus
		Divers : • Isolation cellulose 12000 pi²	4400
		installation poudre (0% et mt)	400
		• Rabais construction	-350
			(sur [illegible])
		Rez-de-Chaussée : 1200 pi² Étage : pi²	
		SOUS-TOTAL	9450
		T.P.S. 896172908	472.50
		T.V.Q. 1218470585	942.64
		TOTAL	10865.14

DANS LE CAS DE FINANCEMENT OFFERT PAR UNE INSTITUTION FINANCIÈRE LE PRÉSENT CONTRAT NE LIERA LES PARTIES QU'APRÈS LA CONCLUSION DU CONTRAT DE CRÉDIT ENTRE LE CLIENT ET L'INSTITUTION FINANCIÈRE.

Montant payable comme suit : Financement : 143.52/mois sur 10 ans Mainmise
Financement ouvert remboursable en tout temps sans pénalité

Garantie par le manufacturier : Carrier pour une période de 10 ans sur les pièces, 10 ans sur le boîtier (tôle), à vie pour le compresseur et de 10 ans sur la main d'œuvre.

Système à haute efficacité énergétique pouvant réduire vos frais de chauffage :
Réf. site internet : https://www.rncan.gc.ca/publications/residentiel/chauffage-thermopompe/14884

En foi de quoi, nous signons au Même adresse ce 27 mai 2017
Représentant : Nicolas Sauvage
Propriétaire : Véronique MC Laughlin
Co-propriétaire :
Tél. : 450 378 5450

RBQ : 5842-5972-01 Membre APCHQ 205662-04-1000
OPC : 110731

SE

Entreprise • Consommateur • dossier Client

FORMULAIRE D'AUTORISATION DE PAIEMENT

Le présent document stipule que moi, VERONIQUE MCAUGHAN, reconnaît en ce
Nom du Client

14 mai 2018. ,avoir fait l'achat d'un système de climatisation chez Rénovations et
Date d'aujourd'hui

Constructions Gauthier et Peloquin Inc. Achat qui fût réglé au moyen d'un financement chez Crélogix, compagnie qui a depuis fait faillite. Si la cour tranche en faveur des créanciers dans la faillite de Crélogix, j'autorise Alvarez & Marsal Canada Inc. à remettre les sommes dues à Rénovations et Constructions Gauthier et Peloquin Inc.

J'atteste par la présente toujours être détenteur de l'équipement qui a été financé lors de la vente du

27 mai 2017, pour un montant total de 10865.14 $.
Date du contrat initial — Montant figurant au contrat

Montant total payé par la cliente et dedommagé (266.38$) par Gauthier Peloquin Inc
10988.61$

J'autorise Rénovations et Constructions Gauthier et Peloquin Inc. à transmettre de nouveau les documents que j'ai signé lors de la vente à titre de preuve d'achat.

Je certifie que les montants énumérés ci-haut sont véridiques et justes., et concordent ceux qui figurent au contrat de vente original.

Rénovations et Constructions Gauthier et Peloquin Inc. garanti de son côté que la présente ne peut en aucun cas engendrer des frais supplémentaires ou cachés pour le client, et affirme solennellement que le seul engagement que ce document représente est l'autorisation du client afin que Rénovations et Construction Gauthier et Peloquin Inc. puisse percevoir les sommes qui lui sont dues.

Veronique McAugh
Nom du client

Katherine Perreault, Adjointe
RCGP Inc.

Québec

Permis de conduire

4d **M2259-200474-06**

1 MC CAUGHAN

2 VERONIQUE

3 Date de naissance (A-M-J) : 1974-04-20

8 824 RUE DE VARENNES
MASSUEVILLE
(QC) J0G 1K0

15 Sexe : F

9 Classe(s) : 5

12 Cond. : Aucune

16 Taille (cm) : 163

18 Yeux : BRUN

5 N° de référence : P E L J 5 6 0 F R

4a Valide le 2014-02-21 4b Expire le 2019-04-20

Paiement exigé chaque année à votre date anniversaire de naissance

Québec

Permis de conduire

4d **N3003-151279-06**

1 NADEAU

2 DOMINIC

3 Date de naissance (A-M-J) : 1979-12-15

8 1063 RUE PRINCIPALE
BATISCAN
(QC) G0X 1A0

15 Sexe : M

9 Classe(s) : 1 2 3 4A 4B 4C 5 6A

12 Cond. : W

16 Taille (cm) : 187

12a Mention(s) : E M

18 Yeux : PERS

5 N° de référence : P E 1 H 5 3 B 7 8

4a Valide le 2014-01-06 4b Expire le 2019-12-15

Paiement exigé chaque année à votre date anniversaire de naissance

Apposer l'autocollant de votre nouvelle adresse.

Société de l'assurance automobile Québec

[illegible]ment

[illegible] d'un permis

(frais exigés)

[illegible] disponibles au www.saaq.gouv.qc.ca

(2009-10)

[illegible] Toute motocyclette.

[illegible] Unis, classe 1,2,3 ou 4B.

[illegible] Mi-transmission manuelle.

824 RTE DE VARENNES
MASSIEVILLE QC J0G 1K0

Société de l'assurance automobile Québec

[illegible]ment

[illegible] d'un permis

(frais exigés)

[illegible] disponibles au www.saaq.gouv.qc.ca

(2009-10)

SCHEDULE D

3123

ENAIRBEC
DIVISION DE : RÉNOVATIONS ET CONSTRUCTIONS GAUTHIER ET FLORCZYK INC
T 1 844 588-7668
F 1 844 480-4028
www.enairbec.ca
info@enairbec.ca

APCHQ Règle du bâtiment

CONTRAT D'ACHAT

Montréal • Estrie • Drummondville • Outaouais • Mauricie • Laurentides • Montérégie • Québec • Saguenay • Abitibi

Entreprise

ENAIRBEC

ADRESSE POSTALE
1358, Boulevard Marie-Victorin
Longueuil (Québec) J4G 1A3
T 1 844 588-7668 • T 450 332-7668
F 450 332-4028 • F 1 844 480-4028

NOM OU REPRÉSENTANT: Shawn Montagne

LETTRES MOULÉES

CI-APRÈS APPELÉE «L'ENTREPRISE» ACCRÉDITÉE

Consommateur

Nom: Françoise Bellerive
Nom: Michel Lavigne
Adresse: 32 rue Pronovost
Ville: Amos
Code postal: J9T-4H7
Tél. bureau:
Tél. résidence: 819-727-9382
Adresse d'installation:

18/06/17 AM

CI-APRÈS APPELÉE «LE CLIENT» ACCRÉDITÉE

Qté		Description des biens vendus	Prix unitaire ou taux horaire	Montant
		☐ Bungalow ☐ Cottage ☐ Split ☐ Installation entre-toit ☐ Installation sous-sol		
☐	P. L.	Plafonnier et centrale de traitement d'air complet incluant un récupérateur thermique avec module de récupération thermique intégré Inverta d'une capacité de tonnage de : à haute efficacité énergétique.		
☐	A. O.	Ajout au système déjà existant, d'un récupérateur thermique avec module Inverta 2X 18000 btu NRJ d'une capacité de tonnage de : à haute efficacité énergétique.		inclus
☐	M. S.	Récupérateur thermique avec module de récupération thermique Inverta d'une capacite de tonnage de : à haute efficacité énergétique.		
		Fournaise et système de conduits :		
		INSTALLATION COMPLÈTE INCLUSE		
		Fournaise existante de marque : huile ☐ électrique ☐		
		Marque du panneau électrique existant :		
		Serpentin en cuivre à 100%. Inclus ☑ oui ☐ non		inclus
		Filtre électrostatique anti-poussière. Inclus ☑ oui ☐ non		inclus
		Thermostat de haute précision. Inclus ☑ oui ☐ non		inclus
		Calibrage des pressions statiques du débit d'air.		
		Divers : Financement Ouvert		
		Installation Garanti - Gaz R410A		inclus
		Rez-de-Chaussée : ____ p² Étage : ____ p²		
		EN CAS DE FINANCEMENT OFFERT PAR UNE INSTITUTION FINANCIÈRE LE PRÉSENT CONTRAT NE LIERA LES PARTIES QU'APRÈS LA CONCLUSION DU CONTRAT DE CRÉDIT ENTRE LE CLIENT ET L'INSTITUTION FINANCIÈRE.	SOUS-TOTAL	13795.00
		Montant payable comme suit : Financement : 208.60 mois.	T.P.S. 840172308	689.95
		Remboursable en tout temps sans pénalité	T.V.Q. 1218470269	1,376.05
			TOTAL	15,860.00

Garantie par le manufacturier : Garanti pour une période de 10 ans sur les pièces, 10 ans sur le boîtier (ltée), à vie pour le compresseur et de 10 ans sur la main d'oeuvre.

Système à haute efficacité énergétique pouvant réduire vos frais de chauffage :
Réf. site internet http://oee.rncan.gc.ca/publications/residentiel/chauffage-thermopompe/1464

En foi de quoi, nous signons au 32 rue Pronovost ce 10/06/17 20 17

Représentant : [signature]

Propriétaire : Françoise Bellerive

Co-propriétaire : Michel Lavigne

Tél. : 450-531-3883

RBQ : 5642-6972-01 Membre APCHQ 209662-04-1000
OPC : 119731

SE Entreprise • Consommateur • dossier Client

FORMULAIRE D'AUTORISATION DE PAIEMENT

Le présent document stipule que moi, MICHEL LAVIGNE FRANCOISE BELLERIVE, reconnaît en ce
Nom du Client

11 mai 2018, avoir fait l'achat d'un système de climatisation chez Rénovations et
Date d'aujourd'hui

Constructions Gauthier et Peloquin Inc. Achat qui fût réglé au moyen d'un financement chez Crélogix, compagnie qui a depuis fait faillite. Si la cour tranche en faveur des créanciers dans la faillite de Crélogix, j'autorise Alvarez & Marsal Canada Inc. à remettre les sommes dues à Rénovations et Constructions Gauthier et Peloquin Inc.

J'atteste par la présente toujours être détenteur de l'équipement qui a été financé lors de la vente du

10 Juin 2017, pour un montant total de 15860,80$.
Date du contrat initial — Montant figurant au contrat

J'autorise Rénovations et Constructions Gauthier et Peloquin Inc. à transmettre de nouveau les documents que j'ai signé lors de la vente à titre de preuve d'achat.

Je certifie que les montants énumérés ci-haut sont véridiques et justes., et concordent ceux qui figurent au contrat de vente original.

Rénovations et Constructions Gauthier et Peloquin Inc. garanti de son côté que la présente ne peut en aucun cas engendrer des frais supplémentaires ou cachés pour le client, et affirme solennellement que le seul engagement que ce document représente est l'autorisation du client afin que Rénovations et Construction Gauthier et Peloquin Inc. puisse percevoir les sommes qui lui sont dues.

Françoise Bellerive
Nom du client

Michel Lavigne

Katherine Perreault, Adjointe
RCGP Inc.

Québec

Permis de conduire

4d **B4613-040559-02**

1 **BELLERIVE**

2 **FRANCOISE**

3 Date de naissance (A-M-J) : **1959-05-04**

8 **32 RUE PRONOVOST**
AMOS
(QC) J9T 4H7

15 Sexe : **F**

9 Classe(s) : **5**

12 Cond. : **Aucune**

16 Taille (cm) : **152**

18 Yeux : **BRUN**

5 N° de référence : **P E 5 P 9 3 E 9 S**

4a **Valide le 2015-03-02** 4b **Expire le 2023-05-04**

Paiement exigé chaque année à votre date anniversaire de naissance

Françoise Bellerive

Québec

Permis de conduire

4d **L1256-170258-04**

1 **LAVIGNE**

2 **MICHEL**

3 Date de naissance (A-M-J) : **1958-02-17**

8 **32 RUE PRONOVOST**
AMOS
(QC) J9T 4H7

15 Sexe : **M**

9 Classe(s) : **1 2 3 4A 4B 4C 5 6A**

12 Cond. : **AW**

16 Taille (cm) : **173**

9a Mention(s) : **F M**

18 Yeux : **BRUN**

5 N° de référence : **P E 3 N 7 5 B J 7**

4a **Valide le 2014-12-03** 4b **Expire le 2018-02-17**

Paiement exigé chaque année à votre date anniversaire de naissance

Michel Lavigne

SCHEDULE E

ENAIRBEC

CONTRAT D'ACHAT

APCHQ Bâtir du bonheur

Entrepreneur

ENAIRBEC

NACEB 514910-0588

Consommateur

CLAIRE SOUCY
JOHN CLERK BILLAUD
1491 Rue LETTINVILLE
St-Placide
J0N 1E0
514 226 2386
819-268-3486

Qté		Description des travaux exécutés	Prix unitaire	Montant
		☐ Rénovation ☐ Cottage ☐ Spa ☐ Installation entre-tous ☐ Installation tout-en-un		
☐	P. L.	Plafonnier et centrale de traitement d'air complète incluant une thermopompe avec module de récupération thermique intégré inversé d'une capacité de tonnage de : à haute efficacité énergétique.		
☐	A. O.	Ajout au système déjà existant, d'une thermopompe avec module de récupération thermique inversé d'une capacité de tonnage de : à haute efficacité énergétique.		
☑	M. S.	Thermopompe murale avec module de récupération thermique inversé d'une capacité de tonnage de : 12,000 BTU à haute efficacité énergétique. Fournaise et système de climatisation :		incl.

INSTALLATION COMPLÈTE INCLUSE

Marque du système : Daikin Fujitsu

Divers : Volet ouvert sans fois inclus
1er piège inclus 3 (PEC)
Installation complète vendredi 22 juin Rockfort

incl.

SOUS-TOTAL	7349.42
TPS 5%	367.47
TVQ 9.975%	733.11
TOTAL	8450.00

Mode de paiement : Financement : 21mois

Remboursable en tout temps sans pénalité

Garantie par le manufacturier : pour une période de 10 ans sur les pièces.
25 ans sur le boîtier (tôle) et sur le compresseur et de 10 ans sur la main d'œuvre.

Système à haute efficacité énergétique peuvent réduire vos frais de chauffage :
Réf. site internet http://www.mern.gc.ca/publications/residentiel/chauffage-thermopompe/1404

Date de pose : 1491 Rue Lettinville St-Placide 22 juin incl.

Représentant : Claire Soucy

Co-propriétaire : John Clerk Billaud

TH :

SE Entrepreneur • Consommateur • Dossier client

FORMULAIRE D'AUTORISATION DE PAIEMENT

Le présent document stipule que moi, CLAIRE Soucy. (Nom du Client), reconnaît en ce 14 mai 2018 (Date d'aujourd'hui), avoir fait l'achat d'un système de climatisation et chauffage chez Rénovations et Constructions Gauthier et Peloquin Inc. Achat qui fût réglé au moyen d'un financement chez Crélogix, compagnie qui a depuis fait faillite. Suite à la décision de la Cour quant à la gestion de la faillite de Crélogix, j'autorise Alvarez & Marsal Canada Inc. à remettre les sommes dues à Rénovations et Constructions Gauthier et Peloquin Inc.

J'atteste par la présente toujours être détenteur de l'équipement qui a été financé lors de la vente du 22 juin 2017 (Date du contrat initial) pour un montant total de 8450.00 $. (Montant figurant au contrat)

J'autorise Rénovations et Constructions Gauthier et Peloquin Inc. à transmettre de nouveau les documents que j'ai signé lors de la vente à titre de preuve d'achat.

Je certifie que les montants énumérés ci-haut sont véridiques et justes., et concordent ceux qui figurent au contrat de vente original.

Rénovations et Constructions Gauthier et Peloquin Inc. garanti de son côté que la présente ne peut en aucun cas engendrer des frais supplémentaires ou cachés pour le client, et affirme solennellement que le seul engagement que ce document représente est l'autorisation du client afin que Rénovations et Construction Gauthier et Peloquin Inc. puisse percevoir les sommes qui lui sont dues.

Claire Soucy
Nom du client

Perreault
Katherine Perreault, Adjointe
RCGP Inc.

Québec

Permis de conduire

S2002-150845-03

SOUCY
CLAIRE
Date de naissance (A-M-J) : **1945-08-15**
1491 RUE LOTTINVILLE
SAINT-PAULIN
(QC) J0K 3G0

Sexe : **F**

Classe(s) : **5**
Cond. : **Aucune**
Mention(s) : **Aucune**
Taille (cm) : **173**
Yeux : **BRUN**
N° de référence : **P E X T 8 4 K J 6**
Valide le : **2017-05-30**
Expire le : **2025-08-15**

Paiement exigé chaque année à votre date anniversaire de naissance

Québec

Permis de conduire

R1635-101247-00

RIVARD
JEAN CLAUDE

Date de naissance (A-M-J) : **1947-12-10**

1491 RUE LOTTINVILLE
SAINT-PAULIN
(QC) J0K 3G0

Sexe : **M**

Classe(s) : **5**
Cond. : **A**
Mention(s) : **Aucune**
Taille (cm) : **173**
Yeux : **BRUN**
N° de référence : **P E 1 Q 1 9 T E C**
Valide le : **2015-11-30** Expire le : **2019-12-10**
Paiement exigé chaque année à votre date anniversaire de naissance

Jean-Claude Rivard

GAGNÉ LEMAIRE
avocats

Longueuil, 31st of May 2018

"Without prejudice" *By Express Post*

COURT OF QUEEN'S BENCH OF ALBERTA
Law Courts Building
1A Sir Winston Churchill Square
Edmonton (Alberta) T5J 0R2
Attention: Sharon Hinz, Commercial Trial Coordinator

SUBJET: Amended Merchant Application Form
N/🗁 : 2235-12
V/🗁 : 1703-12765

Dear Madam,

This letter is to confirm that we represent the "Merchant" R.C.G.P. (Enairbec). We have filed the application documents within the delay ordered by the court.

We appreciate the intervention of Mr. Jeremy H. Hockin, Q.C., in reference to the point number three of the letter dated May 28th. Our clients place of business is in Longueuil, Province of Quebec. We would therefore appreciate that the Court authorize the undersigned to appear by telephone on the dates of July 11th and 12th, 2018.

We have also amended our original Merchant Claim Application to add a fourth (4th) consumer Mr. Rosaire Rodrigue for the amount of **$19,544.60,** which will raise our clients claim to a total amount of **$54,844.01**.

We have served the original Amended Merchant Claim Application to our colleagues and we kindly ask that the documentation be filed in the court files for the hearing of July 11th, 2018.

794, RUE FRÉCHETTE, SUITE 112 • LONGUEUIL (QUEBEC) J4J 5C9
TÉLÉPHONE : (450) 646-2116 • TÉLÉCOPIE : (450) 646-3828
COURRIEL :RLEDOUX@GAGNELEMAIRE.COM

GAGNÉ LEMAIRE
avocats

In addition, please find attached, with the present, the following documents:

- Schedule B – Amended Merchant Claim Application
- Amended Affidavit
- Authorization form translated in English
- Copies of e-mails from Crelogix to Enairbec confirming that financing was approved.

As we wait for your confirmation on the hearing of July 11th 2018, we thank you for the attention given to the matter and send you our kind regards.

Isabelle Fortin-Lemaire, attorney

794, RUE FRÉCHETTE, SUITE 112 • LONGUEUIL (QUÉBEC) J4J 5C9
TÉLÉPHONE : (450) 646-2116 • TÉLÉCOPIE : (450) 646-3828
COURRIEL :RLEDOUX@GAGNELEMAIRE.COM

SCHEDULE B – AMENDED MERCHANT CLAIM APPLICATION

COURT FILE NUMBER	1703-12765
COURT OF QUEEN'S BENCH OF ALBERTA	
JUDICIAL CENTER	EDMONTON
PLAINTIFF	SERVUS CREDIT UNION LTD.
DEFENDANTS	CRELOGIX ACCEPTANCE CORPORATION CRELOGIX PORTFOLIO SERVICES CORP. CRELOGIX CREDIT GROUP IN. KARL SIGERIST NICHOLAS CARTE, MIKE MCKAY AND MICHEAL MILLS
DOCUMENT	APPLICATION (MERCHANT CLAIM)
ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT	Rénovation & Construction Gauthier et Péloquin 1358 Boulevard Marie-Victorin Longueuil, Quebec J4G 1A3 Attention : Katherine Perreault Telephone : 450-332-7668 Fax: 450-332-4928 Email: backoffice.enairbec@gmail.com

NOTICE TO RESPONDENT(S)

This application is made against you. You are a respondent.

You have the right to state your side of this matter before a judge.

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

Date	July 11 and July 12, 2018
Time	10.00 a.m.
Where	Law Courts Building, Edmonton
Before Whom	Justice R.A. Graesser

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

Remedy claimed or sought:

1. Rénovation & Construction Gauthier et Péloquin Inc DBA Enairbec (« the Applicant ») applies for: Disbursement for the unfunded Loan Agreements to which the Applicant is claiming priority.

2. A declaration that the Applicant has a claim that has priority to Crelogix Acceptance Corporation with respect to:

   - See attached Schedule A with Applicant's Affidavit;
   - See attached Schedule B with a True Copy of the Information on the Applicant at the Quebec Enterprise Register;
   - See attached Schedule C with Sales Contract, Declaration and I.D.'s of Veronique McAughan;
   - See attached Schedule Dwith Sales Contract, Declaration and I.D.'s of Michel Lavigne and Françoise Bellerive;
   - See attached Schedule E with Sales Contract, Declaration and I.D.'s of Claire Soucy;
   - <u>See attached Schedule F with Sales Contract, Declaration and I.D.'s of Rosaire Rodrigue;</u>

3. Grounds for making this application:

   We are a Merchant asserting a claim in priority to Crelogix and/or Servus Credit Union Ltd to any Unfunded Loan Agreements or funds collected by the Receiver pursuant to any Unfunded Loan Agreements. Bankruptcy and Insolvency Act (articles 136 and following);

4. Material or evidence to be relied on:

   - See attached Schedule A with Applicant's Affidavit;
   - See attached Schedule B with a True Copy of the Information on the Applicant at the Quebec Enterprise Register;
   - See attached Schedule C with Sales Contract, Declaration and I.D.'s of Veronique McAughan;
   - See attached Schedule Dwith Sales Contract, Declaration and I.D.'s of Michel Lavigne and Françoise Bellerive;

- See attached Schedule E with Sales Contract, Declaration and I.D.'s of Claire Soucy;

- See attached Schedule F with Sales Contract, Declaration and I.D.'s of Rosaire Rodrigue;

5. Applicable Rules:

   Bankruptcy and Insolvency Act (articles 136 and following)

6. Any irregularity complained of or objection relied on:

   N. A.

7. How the application is proposed to be heard or considered:

   N. A.

Longueuil, this May 31st 2018

GAGNÉ LEMAIRE, AVOCATS
Applicant's Attorney
Me Richard Ledoux
rledoux@gagnelemaire.com
794, rue Fréchette, bureau 112
Longueuil (Québec) J4J 5C9
Téléphone : (450) 646-2116
Télécopieur : (450) 646-3828

SCHEDULE F

FORMULAIRE D'AUTORISATION DE PAIEMENT

Le présent document stipule que moi, ROSAIRE RODRIGUE, reconnaît en ce
Nom du Client

28 mai 2018, avoir fait l'achat d'un système de climatisation et chauffage chez Rénovations et
Date d'aujourd'hui

Constructions Gauthier et Peloquin Inc. Achat qui fût réglé au moyen d'un financement chez Crélogix, compagnie qui a depuis fait faillite. Suite à la décision de la Cour quant à la gestion de la faillite de Crélogix, j'autorise Alvarez & Marsal Canada Inc. à remettre les sommes dues à Rénovations et Constructions Gauthier et Peloquin Inc.

J'atteste par la présente toujours être détenteur de l'équipement qui a été financé lors de la vente du

8 JUIN 2017, pour un montant total de 19544 $.
Date du contrat initial — Montant figurant au contrat

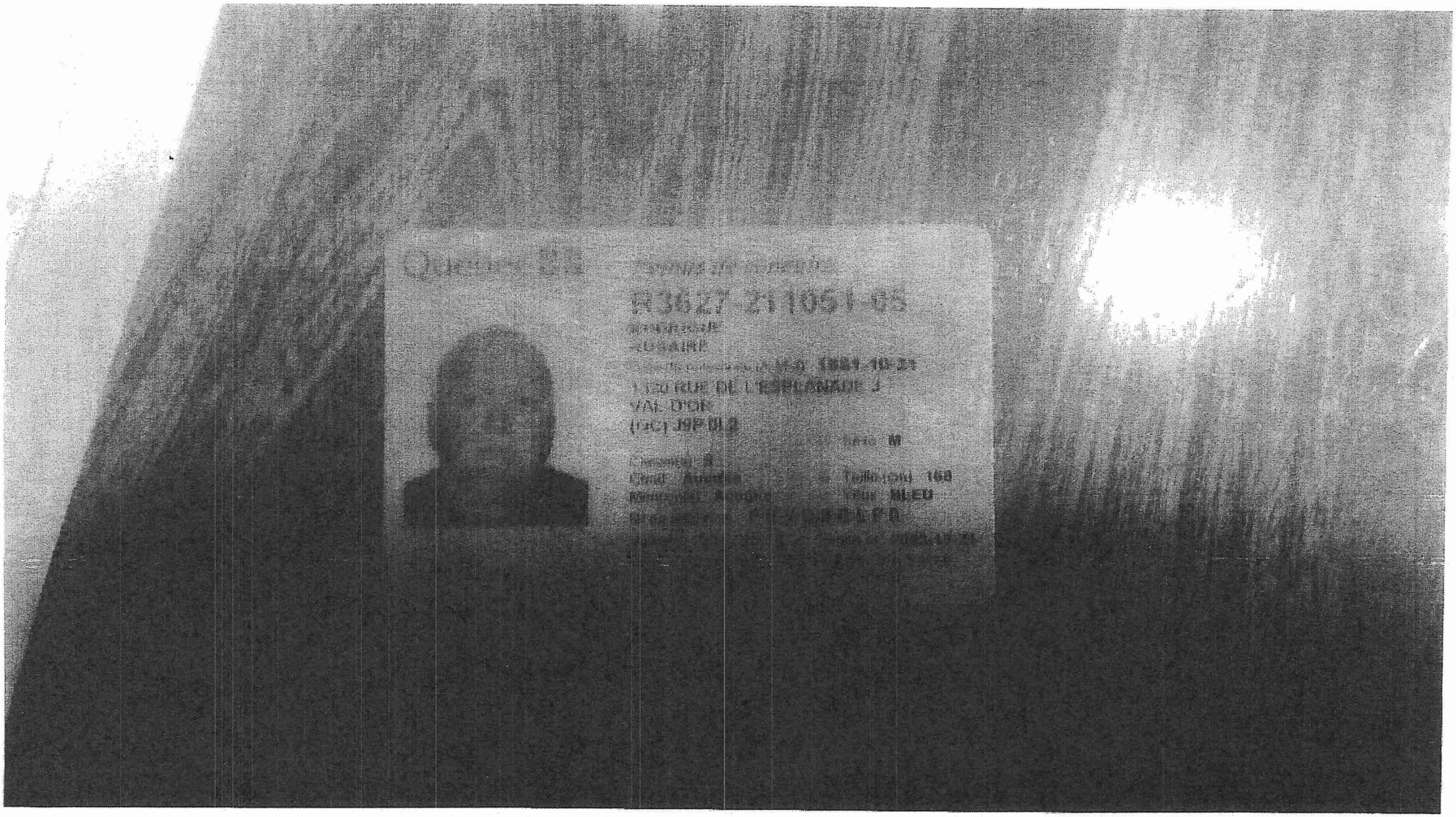
J'autorise Rénovations et Constructions Gauthier et Peloquin Inc. à transmettre de nouveau les documents que j'ai signé lors de la vente à titre de preuve d'achat.

Je certifie que les montants énumérés ci-haut sont véridiques et justes., et concordent ceux qui figurent au contrat de vente original.

Rénovations et Constructions Gauthier et Peloquin Inc. garanti de son côté que la présente ne peut en aucun cas engendrer des frais supplémentaires ou cachés pour le client, et affirme solennellement que le seul engagement que ce document représente est l'autorisation du client afin que Rénovations et Construction Gauthier et Peloquin Inc. puisse percevoir les sommes qui lui sont dues.

Nom du client

Katherine Perreault, Adjointe
RCGP Inc.


R3627-211051-05
M
160
BLEU

CONTRAT # 1714

ENAIRBEC
CLIMATISATION • CHAUFFAGE
ISOLATION

1358, Boulevard Marie-Victorin, Longueuil (Québec) J4G 1A3
Tél. : 450 332-7668 • Téléc. : 450 332-4928 • S.F. : 1 844 588-7668
Courriel : info.enairbec@gmail.com • Site web : www.enairbec.ca
Licence RBQ: 5642-8972-01 • APCHQ: 209662-04-1000 • OPC 119731

Date : 07/06/17

INFO CLIENT	INFO REPRÉSENTANT
Nom client : Patrice Rodrigue Ginette Malenfant	Nom : Patrice Piché
Adresse : 274 15e Rue	Adresse :
Ville : Val D'Or	Ville :
Tél. : 819-824-6911 Téléc. :	Tél. : 438-928-4908 Téléc. :
Courriel :	Courriel : patricepiche29@g.mail.com
Code postal : J9P 3B9	Code postal :

QTE	DESCRIPTION DU BIEN OU SERVICE OFFERT	MONTANT
	- Reconditionnement complet de l'entre-toit	
	- Nettoyer les soffites	
	- Poser styrovent	
	- Percer les soffites	
	- Installer les Maximum	
	- fermer oeil de boeuf	
	- Plastifier laine et Vermiculite (Wrap)	
	- Décontamination de toute la charpente (fongicide, germicide)	
	- Régénérateur de bois	
	- Solidifier charpente (au besoin)	
	- isoler R-49 avec laine soufflée (cellulose)	
	- éligible à la subvention Reno-Vert	
	# Autorisation : 2564-274-3B9-08-2017	

	SOUS-TOTAL	16999.00
	# T.P.S. 840172308	849.95
	# T.V.Q. 1218470269	1695.65
	TOTAL	19544.60

Payable à la fin des travaux comme suit :

☐ Carte de crédit ☐ Chèque ☑ Financement

approx. 250

Vous pouvez résoudre ce contrat, pour n'importe quelle raison, pendant une période de **10 jours** après la réception du double du contrat et des documents qui doivent y être annexés.

Travaux débutant le :
Date : 08/06/17

Travaux finissant le :
Date : 08/06/17

En foi de quoi les parties ont signé à : 274 15e rue Val-D'Or

Date : 07/06/17

Nom du représentant : Patrice Piché

Signature du représentant : P. Piché

Nom du client :

Signature du client : Ginette Malenfant

AMENDED AFFIDAVIT

I, the undersigned, **KATHERINE PERREAULT**, exercising my profession at, 1358 Boulevard Marie-Victorin, Longueuil, Quebec solemnly declares:

1. I am the duly authorized representative of the merchant Rénovation & Construction Gauthier & Péloquin, doing business under the name **Enairbec**;

2. I have met personally with the following consumers:

   a. Veronique McAughan, residing at 834, de Varennes in Massueville signed a sales contract with us on May 27th 2017. She paid to the defendant Crelogix the total amount of $10,988.61;

   b. Michel Lavigne and Françoise Bellerive, residing at 32 Pronovost Street, Amos Quebec, J9T 4H7, signed a sales contract with us on June 6th 2017 for the total amount of $15,860.80. They are paying the Defendant Crelogix by monthly installments;

   c. Claire Soucy residing at 1491 Lottinville, St Paulin, Quebec, J0K 3G0, signed a sales contract with us for the total amount of $8,450.00 on June 22nd 2017. The said amount was fully reimbursed to the Defendant Crelogix;

   d. Rosaire Rodrigue residing at 374, 15e rue, Val d'Or, Quebec, J3P 3B9, signed a sales contract with us on June 8th 2017 for the total amount of $19,544.60. They are paying the Defendant Crelogix by monthly installments;

   All four transactions, for a total amount of $54,844.01 were approved for financing by the Defendant Crelogix;

3. I have explained to each consumer the litigation with Crelogix;

4. All and each of them have signed an Affidavit declaring that all equipment mentioned in the Sales Contract have been installed by us in their residence and to their entire satisfaction;

5. By the present, I also confirm that Crelogix never sent to our company the entire amount of financing that they had agreed upon;

6. Our company has assumed all cost regarding the sale, the equipment and their installation for the three transactions mentioned above;

7. I also confirm that all Sales Contracts and all Affidavits including the present one are conform and true copies of the originals;

8. I have taken knowledge of the allegations set forth in the present Affidavit all of which are true and precise.

AND I HAVE SIGNED

Katherine Perreault for
Rénovation & Construction Gauthier &
Péloquin DBA Enairbec

Solemnly declared before me
In Longueuil, on May 31st 2018

Commissioner of Oaths

COMMISSAIRE À L'ASSERMENTATION
RITA
MARCHETTA
209934
POUR LE QUÉBEC

Isabelle Lemaire

De: Connexion Affaires de TELUS [Do-Not-Reply@notifybusinessconnect.telus.com]
Envoyé: jeudi 31 mai 2018 16:33
À: ISABELLE FORTIN-LEMAIRE
Objet: Résultat de la transmission du fax à +1 (780) 4232870 - Envoyé

Résultats de transmission de fax

Bonjour ISABELLE FORTIN-LEMAIRE,

Voici les résultats du fax de 10 page(s) que vous avez envoyé à partir de votre numéro de téléphone (877) 417-9362:

Nom	Numéro de téléphone	Date et heure	Résultat
	+1 (780) 4232870	31 mai 2018 à 16:32	Envoyé

Vos fax comprenaient les fichiers suivants qui ont été convertis au format de fax pour la transmission.

Nom de fichier	Résultat
bordereau_2.docx	Réussite
Amended affidavit.pdf	Réussite
Amended Merchant Claim Application.pdf	Réussite

Merci d'avoir choisi Connexion Affaires de TELUS.

Isabelle Lemaire

De: Connexion Affaires de TELUS [Do-Not-Reply@notifybusinessconnect.telus.com]
Envoyé: jeudi 31 mai 2018 16:31
À: ISABELLE FORTIN-LEMAIRE
Objet: Résultat de la transmission du fax à +1 (780) 4245866 - Envoyé

Résultats de transmission de fax

Bonjour ISABELLE FORTIN-LEMAIRE,

Voici les résultats du fax de 10 page(s) que vous avez envoyé à partir de votre numéro de téléphone (877) 417-9362:

Nom	Numéro de téléphone	Date et heure	Résultat
	+1 (780) 4245866	31 mai 2018 à 16:30	Envoyé

Vos fax comprenaient les fichiers suivants qui ont été convertis au format de fax pour la transmission.

Nom de fichier	Résultat
bordereau ME Reeson.docx	Réussite
Amended affidavit.pdf	Réussite
Amended Merchant Claim Application.pdf	Réussite

Merci d'avoir choisi Connexion Affaires de TELUS.

Payment Authorization Form

The purpose of the present document is to attest this day of _____, that I have purchased an air conditioning and heating system from Rénovations & Constructions Gauthier & Péloquin Inc.

This was a purchase that was settled with financing by Crelogix, a company that at this time has declared bankruptcy. Following the decision of the Court with regards to the management of the bankruptcy of Crelogix, I authorize Alvarez & Marsal Canada Inc. to relinquish the sum due to Rénovations & Constructions Gauthier & Péloquin Inc.

With the present I also declare still having in my possession the said equipment that was financed at the time of the sale.

I authorize Rénovations & Constructions Gauthier & Péloquin Inc. to transmit the documents that I signed at the time of the sale as proof of purchase.

I solemnly declare that the amounts mentioned above are true and exact and are concord with what is shown on the original Sales Contract.

Rénovations & Constructions Gauthier & Péloquin Inc. on their part guarantees by the present that no additional or hidden fees will incur for the client, and solemnly declares that the sole purpose of this document is so that Rénovations & Constructions Gauthier & Péloquin Inc. can receive the amount that is due to them.

_____

Client Name

_____

Katherine Perreault, assistant

RCGP Inc.

Gmail

Info Enairbec <info.enairbec@gmail.com>

Alerte : Application #39725338 pour ROSAIRE RODRIGUE a été finalisée et prête à être réservée.

1 message

support@crelogix.com <support@crelogix.com>
À : "info.enairbec@gmail.com" <info.enairbec@gmail.com>

20 juin 2017 à 16 h 07

Bonjour,

Ceci est pour vous notifier que le prêt pour pour ROSAIRE RODRIGUE au montant de $19,544.00 a été finalisé et prêt à être réservé.

En attendant, si vous avez des questions, ou si vous avez besoin de plus d'assistance avec cette demande, n'hésitez pas à prendre contact avec nous par courriel au support@crelogix.com .

Nous vous remercions encore pour votre collaboration et votre confiance.

Cordialement,

Equipe de support de Crelogix

Gmail

Info Enairbec <info.enairbec@gmail.com>

Alerte : Application #39895474 pour CLAIRE SOUCY a été finalisée et prête à être réservée.

1 message

support@crelogix.com <support@crelogix.com> 6 juillet 2017 à 12 h 04
À : "info.enairbec@gmail.com" <info.enairbec@gmail.com>

Bonjour,

Ceci est pour vous notifier que le prêt pour pour CLAIRE SOUCY au montant de $8,450.00 a été finalisé et prêt à être réservé.

En attendant, si vous avez des questions, ou si vous avez besoin de plus d'assistance avec cette demande, n'hésitez pas à prendre contact avec nous par courriel au support@crelogix.com .

Nous vous remercions encore pour votre collaboration et votre confiance.

Cordialement,

Equipe de support de Crelogix

Gmail

Info Enairbec <info.enairbec@gmail.com>

Alerte : Application #39594850 pour VERONIQUE MCCAUGHAN a été finalisée et prête à être réservée.

1 message

support@crelogix.com <support@crelogix.com> 30 juin 2017 à 13 h 29
À : "info.enairbec@gmail.com" <info.enairbec@gmail.com>

Bonjour,

Ceci est pour vous notifier que le prêt pour pour VERONIQUE MCCAUGHAN au montant de $10,865.14 a été finalisé et prêt à être réservé.

En attendant, si vous avez des questions, ou si vous avez besoin de plus d'assistance avec cette demande, n'hésitez pas à prendre contact avec nous par courriel au support@crelogix.com .

Nous vous remercions encore pour votre collaboration et votre confiance.

Cordialement,

Equipe de support de Crelogix

Gmail

Info Enairbec <info.enairbec@gmail.com>

Alerte : Application #39895474 pour CLAIRE SOUCY a été finalisée et prête à être réservée.

1 message

support@crelogix.com <support@crelogix.com> 6 juillet 2017 à 12 h 04
À : "info.enairbec@gmail.com" <info.enairbec@gmail.com>

Bonjour,

Ceci est pour vous notifier que le prêt pour pour CLAIRE SOUCY au montant de $8,450.00 a été finalisé et prêt à être réservé.

En attendant, si vous avez des questions, ou si vous avez besoin de plus d'assistance avec cette demande, n'hésitez pas à prendre contact avec nous par courriel au support@crelogix.com .

Nous vous remercions encore pour votre collaboration et votre confiance.

Cordialement,

Equipe de support de Crelogix

1 THE COURT: Okay.
2
3 MR. HOCKIN: So now we go to the unfunded merchants who
4 are represented by counsel on the line. In no particular order, we have Mr. Trippier, who
5 represents Adventure Power Products Ltd. There was a lawyer named John Brown who
6 represented a company called Recreational Parts & Accessories Ltd. So that's a
7 represented party but one who did not react to the deficiency letter and who is not present
8 today.
9
10 We also have two claimants from Quebec, or I should say one claimant who submitted an
11 original and an amended claim, a company or an entity called Renovation and
12 Construction Gauthier (phonetic), represented by a firm called Gagne Lemaire. They are
13 also a company who had deficiencies. Those deficiencies were pointed out, but we have
14 no reaction from either the company or the law firm, and we have no, no presence of
15 either the company or the law firm here today.
16
17 Now, these folks are in Longueuil, Quebec, or at least the law firm is in Longueuil,
18 Quebec, and at some point in the proceeding, I think it was in response to the receiver's
19 initial call for claims, they wrote saying we're from Quebec, we don't understand English,
20 would you please provide us with something in French, which the receiver did. The
21 receiver got a translation done of the claim letter or the invitation to submit a claim letter,
22 sent it out to these folks, and nothing happened. So I think we're at the state now where
23 these folks fall into the same category as Mr. Brown; namely, they've been notified, they
24 haven't responded, and they haven't appeared today.
25
26 THE COURT: Now, you have received, I assume, I think we
27 went through this in June, there was a letter to the court, Ms. Hinz again, without
28 prejudice, dated May 31 from the law firm that enclosed an amended claim in English but
29 dated May 31, so it is unfiled late. There is an affidavit with it. You got those materials?
30 Yes, okay, and so you probably responded and pointed out the deficiencies. This would be
31 one of the things that you wrote to the Gagne Lemaire firm specifically on, saying here are
32 your deficiencies, and they have not responded to that?
33
34 MR. HOCKIN: Yes, Sir, we identified in our deficiency letter,
35 which is Exhibit G to our Affidavit of Mailing, that we had on June 1st received a letter
36 with an authorization form translated in English with copies of e-mails. The letter
37 purported to attach an amended application, an amended affidavit, but those documents
38 were not sent to us. So if they went to the court --
39
40 THE COURT: I think I gave you copies --
41

1 MS. WANKE: Yeah, we received that.
2
3 THE COURT: Yes, okay.
4
5 MR. HOCKIN: Yeah, they didn't send them to us though.
6
7 THE COURT: Okay.
8
9 MR. HOCKIN: And of course the process order, the original
10 process order required that the receiver get them and that Servus get them.
11
12 THE COURT: So what did you have before, on or before May
13 15th?
14
15 MR. HOCKIN: On or before May 15th we had, we had received
16 an unfiled application, an unfiled affidavit of Katherine Perreault (phonetic) sworn May
17 16th, 2018.
18
19 THE COURT: Again, May 16.
20
21 MR. HOCKIN: And that was the deadline. May 16th was the
22 filing and service deadline.
23
24 THE COURT: So you received an unfiled, unsworn but you did
25 receive an actual claim?
26
27 MR. HOCKIN: We did.
28
29 THE COURT: Let me think on that one.
30
31 MR. HOCKIN: Okay.
32
33 THE COURT: You know, I'm more -- they certainly made some
34 efforts. If you got stuff on May 16, it more or less would have complied but for a filing
35 stamp.
36
37 MR. HOCKIN: Correct, Sir.
38
39 THE COURT: Then I think we will consider it.
40
41 MR. HOCKIN: How would the Court like to approach the

1 amendment that was done?
2
3 THE COURT: I think having gotten something in, an
4 amendment should be okay. You know it is like you get a Statement of Claim in on the
5 last day of a limitation period. It's okay. It may be a horribly deficient Statement of
6 Claim, but then when you amend it later on to cure all those deficiencies or do something,
7 I think it's probably within the limitation period as long as you've sort of snuck through
8 with a cause of action that meets the limitation period.
9
10 MR. HOCKIN: I'll have to remember to come back to Your
11 Lordship with those kind of applications in the future.
12
13 THE COURT: It doesn't mean it's going to succeed,
14 Mr. Hockin. We have to wait and talk about the merits.
15
16 MR. HOCKIN: Thank you. Okay. Okay, so that's, that's the
17 Renovation and Construction Gauthier matter. Does Your Lordship want to address
18 briefly the technical deficiencies identified with respect to Recreational Parts &
19 Accessories, which was from --
20
21 THE COURT: So that is Mr. Brown.
22
23 MR. HOCKIN: Right.
24
25 THE COURT: Now, I think I -- what did I get from
26 Mr. Brown? Did I get anything from him? Because the name is -- I'm sure I have, I'm
27 sure I got something. I'm afraid I've got, not as much paper as you have, but I do have
28 some. Yes, here we go. I have a letter from Mr. Brown directed to me, and I think I
29 provided it this to you, and it's a response.
30
31 I have to say that I have no idea what Mr. Brown did or why. It doesn't articulate a claim
32 other than to say we're owed money, and he has obviously not participated in any of this
33 process. The client affidavit simply attaches your letter of January 29, and so there are no
34 documents provided, no information on which the Court can consider anything.
35
36 So I think the claim of Recreational Parts & Accessories Ltd., as mentioned at least, I
37 won't even say articulated, but mentioned by Mr. Brown in his correspondence of May 16,
38 has no sufficient particulars to allow it to be considered. So let's make this letter Exhibit 2
39 to the proceedings. I can provide that from my file.
40
41 MR. HOCKIN: Okay. Thank you, Sir.

1
2 **EXHIBIT 2 - Letter from John Brown Law dated May 16, 2018**
3
4 MR. HOCKIN: Okay. So that takes care with, with
5 identification of the -- the Holland Contracting claim is going to be considered.
6
7 THE COURT: Yes.
8
9 MR. HOCKIN: The Renovation and Construction Gauthier
10 claim and amended claim will be considered. In other words, neither of those are going to
11 be knocked out at this point for --
12
13 THE COURT: Yes.
14
15 MR. HOCKIN: -- technical noncompliance --
16
17 THE COURT: For deficiencies.
18
19 MR. HOCKIN: Right. We've knocked out Oromocto and we've
20 knocked out Recreational Parts & Accessories Ltd.
21
22 THE COURT: Yes.
23
24 MR. HOCKIN: Okay. So that let's us, in terms of the claims that
25 are alive still, subject to whatever ruling Your Lordship may make both with respect to
26 technical deficiencies and on the merits, parties represented today in court. Mr. Trippier
27 for Adventure Power Products; and we have also Mr. Falconi, who has about, I guess he's
28 got eight claims now if the Breathe Easy Homes claim is part of Mr. Falconi's portfolio;
29 and we have Ms. Mohr here as representative or agent for Mr. Hicks.
30
31 THE COURT: Yes.
32
33 MR. HOCKIN: You may recall Mr. Hicks had represented the
34 with bulk of the claimants. There are 24 claims submitted, by our count, on behalf of
35 clients represented by Mr. Hicks, 24 individual claims, and they all have separate
36 application documents. Mr. Falconi decided to combine all of his portfolio of clients into
37 one application, and of course the Breathe Easy Homes is a separate application because
38 Mr. Falconi has just been brought into that one --
39
40 THE COURT: Yes.
41

COURT OF APPEAL OF ALBERTA

Form AP-1
[Rules 14.8 and 14.12]

COURT OF APPEAL FILE NUMBER:	1903 0029 AC
TRIAL COURT FILE NUMBER:	1703 12765
REGISTRY OFFICE:	EDMONTON
PLAINTIFF:	SERVUS CREDIT UNION LTD.
STATUS ON APPEAL:	RESPONDENT
APPLICANT:	ALVAREZ & MARSAL CANADA INC., in its capacity as the receiver and manager of CRELOGIX ACCEPTANCE CORPORATION, CRELOGIX PORTFOLIO SERVICES CORP., and CRELOGIX CREDIT GROUP INC.
STATUS ON APPEAL:	APPELLANT
DEFENDANTS:	CRELOGIX ACCEPTANCE CORPORATION, CRELOGIX PORTFOLIO SERVICES CORP., CRELOGIX CREDIT GROUP INC., KARL SIGERIST, NICHOLAS CARTER, MIKE MCKAY and MICHAEL MILLS
STATUS ON APPEAL:	NOT PARTIES TO THE APPEAL
RESPONDENTS:	1537891 ONTARIO INC., carrying on business as POSITIVE PROMOTIONS; ELDER ENTERPRISES LTD.; J&B CYCLE AND MARINE CO. LTD.; NORTH BAY CYCLE & SPORTS (2015) INC.; CLARE'S CYCLE AND SPORTS LTD.; 900337 ONTARIO INC., carrying on business as GASTON'S SPORTS & MARINE; ANDREWS SPORTS, a partnership between JOHN GEOFFREY ANDREWS, JANE ANDREWS, JASON WILLIAM ANDREWS, JOSHUA ROBINSON ANDREWS and JAMES RICHARD ANDREWS;

RECREATIONAL PARTS AND ACCESSORIES LIMITED; RENOVATION & CONSTRUCTION GAUTHIER ET PELOGUIN; BLACKFOOT MOTORCYCLE LTD.; AIRDRIE TRAILER SALES LTD.; BADIUK EQUIPMENT LTD.; BROADVIEW POWER SPORTS LTD.; BROKER'S MARINE & SPORT LTD.; ELK ISLAND SALES INC.; FRASER PACIFIC EQUIPMENT CORP.; GRM SALES LTD., carrying on business as BAR T5 TRAILERS SASK; HAPPY CAMPER R/V ALBERTA LTD.; JAKE'S SPEED SHOP INC., carrying on business as J&J SPORTS; NORTHSTAR RECREATION LTD. carrying on business as KEN'S MARINE; 1784302 ALBERTA LTD., carrying on business as M&P TRAILER SALES; MOUNTAIN TOYS POLARIS LTD.; PROLINE MOTORSPORTS & MARINE LTD.; 1455300 ALBERTA LTD., carrying on business as RAVEN TRUCK ACCESSORIES; RECREATIONAL POWER SPORTS INC.; RED LINE POWER CRAFT LTD.; RICK'S MARINE (1999) LTD.; 1431209 ALBERTA INC. carrying on business as RIDERZ; TRACTION MOTORCYCLES LTD., carrying on business as DAYTONA MOTORSPORTS; TRAILER COUNTRY LTD.; WHITECAP RECREATION, a partnership between NORTHSHORE AUTOMOTIVE LTD. and SOUTHSHORE AUTOMOTIVE LTD.; DYNASTY SPAS INC., carrying on business as WORLD OF SPAS CALGARY; 1781457 ALBERTA LTD., carrying on business as WORLD OF SPAS EDMONTON; HOLLAND CONTRACTING LIMITED; ADVENTURE POWER PRODUCTS LTD.; BREATHE E-Z HOMES LTD.

STATUS ON APPEAL:

RESPONDENTS

DOCUMENT: **AFFIDAVIT OF SERVICE**

APPELLANT'S ADDRESS FOR SERVICE AND CONTACT INFORMATION:

Parlee McLaws LLP
Barristers & Solicitors
1700 Enbridge Centre
10175 – 101 Street NW
Edmonton, AB T5J 0H3
Att: Jeremy H. Hockin, Q.C.
Telephone No.: 780-423-8500
Fax No.: 780-423-2870
File No.: 73150-2/JHH

I, Leslie Dziatkewich, of the City of Edmonton, in the Province of Alberta, Make Oath and Say that:

1. I am a Legal Assistant with the law firm of Parlee McLaws LLP and as such have personal knowledge of the matters hereinafter deposed to.

2. I did on January 30, 2019 serve the Civil Notice of Appeal of the Applicant, filed January 29, 2019 upon Service List "D" via electronic mail and where available by facsimile as indicated on the service list.

3. Attached collectively as Exhibit "A" to this my Affidavit is a copy of the letter of service and Service List "D".

4. Attached collectively as Exhibit "B" to this my Affidavit is the email transmission, the delivery receipt and the email "read" receipts.

5. Attached collectively as Exhibit "C" to this my Affidavit is the facsimile transmission and the facsimile delivery confirmation receipts.

SWORN BEFORE ME at the City of Edmonton, in the Province of Alberta, this 5th day of February, 2019.

Leslie Dziatkewich

A Commissioner for Oaths in and for the Province of Alberta

(Signature)

Rayne Prins, Commissioner for Oaths
in and for the Province of Alberta. # 0733443
My commission expires October 16, 2020

PRINT NAME AND EXPIRY DATE

PARLEE McLAWS LLP
BARRISTERS & SOLICITORS | PATENT & TRADEMARK AGENTS

JEREMY H. HOCKIN, Q.C.
DIRECT DIAL: 780.423.8532
DIRECT FAX: 780.423.2870
EMAIL: jhockin@parlee.com
OUR FILE #: 73150-2/JHH

January 30, 2019

Service VIA FACSIMILE and
Via Email

To: Parties on the Attached Service List "D"

Re: Servus Credit Union Ltd. v. Crelogix Acceptance Corporation et al (collectively "Crelogix");QB Court File No.: 1703 12765
Court of Appeal of Alberta File No.: 1903 0029AC

Please find enclosed for service upon you the filed Civil Notice of Appeal of the Applicant, Alvarez & Marsal Canada Inc., in its capacity as the receiver and manager of Crelogix.

Yours truly,

PARLEE McLAWS LLP

JEREMY H. HOCKIN, Q.C.

JHH/lkd/enc.

cc: Client (via email)
cc: Miller Thomson LLP
Attention: R. Reeson and S. Wanke (via email)
cc: James Anderson, Barrister & Solicitor (via email)
cc: Witten LLP
Attention: C. Mohr and Kalen Lumsden (via email)

THIS IS EXHIBIT "A" REFERRED TO
IN THE AFFIDAVIT OF
Leslie Dejatkewich
SWORN BEFORE ME THIS 5th DAY
of February A.D., 2019.

A Commissioner for Oaths in and for the Province of Alberta

Rayne Prins, Commissioner for Oaths
in and for the Province of Alberta. # 0733443
My commission expires October 16, 2021

Crelogix Acceptance Corporation, Crelogix Portfolio Services Corp
Crelogix Credit Group Inc. (collectively "Crelogix") – in Receivership

Service List D – Unfunded Merchants (who have provided application materials for hearing in July 2018)

Counsel/Contact	Name of Merchant	Email/Fax
Frank M. Falconi Barrister, Solicitor, Notary Public 369 Murray Street North Bay, ON P1B 4G3 Attn.: Frank M. Falconi	1537891 Ontario Inc.(o/a Positive Promotions) Elder Enterprises Ltd. J&B Cycle and Marine Co. Ltd. North Bay Cycle & Sports (2015) Inc. Clare's Cycle and Sports Ltd. 900337 Ontario Inc. O/A Gaston's Sports & Marine Andrew Sports	frank@falconi.ca Fax: (705) 474-8303
1537891 Ontario Inc. (o/a Positive Promotions) 333 McIntyre Street East North Bay, ON P1B 8G5 Attn.: Brad Long	1537891 Ontario Inc. (o/a Positive Promotions)	brad@positivepromotions.ca Fax: (705) 476-3231
John Brown Law 276 Conception Bay Highway PO Box 1500 Bay Roberts, NL AOA 1GO Attn.: John Brown	Recreational Parts & Accessories Limited	jb@johnbrownlaw.ca Fax: (709) 786-1392
Gagne Lemaire Avocats 794 Rue Frechette, Suite 112 Longueuil, Quebec J4J 5C9 Attn.: Isabelle Fortin-Lemaire/ Attn.: Richard LeDoux	Renovation & Construction Gauthier et Peloguin	rledoux@gagnelemaire.com Fax: (450) 646-3828

Fulton & Company LLP 300 – 350 Lansdowne Street Kamloops, BC V2C 1Y1 Attn.: Hal R. Hicks	Blackfoot Motorcycle Ltd. Airdrie Trailer Sales Ltd. Badiuk Equipment Ltd. BroadView Power Sports Ltd. Broker's Marine & Sport Ltd. Elk Island Sales Inc. Fraser Pacific Equipment Corp. GRM Sales Ltd. (Bar T5 Trailers Sask) Happy Camper R/V Alberta Ltd. Jake's Speed Shop Inc. (J & J Sports) Ken's Marine (Northstar Recreation) 1784302 Alberta Ltd. (M & P Trailer Sales) Mountain Toys Polaris Ltd. Proline Motorsports & Marine Ltd. 1455300 Alberta Ltd. (Raven Truck Accessories) Recreational Power Sports Inc. Red-Line Power Craft Ltd. Rick's Marine (1999) Ltd. 1431209 AB Inc. (Riderz) Traction Motorcycles Ltd. (Daytona Motorsports) Trailer Country Ltd. Whitecap Recreation Dynasty Spas Inc. (World of Spas Calgary) 1781457 Alberta Ltd. (World of Spas Edmonton)	hhicks@fultonco.com Fax: (250) 851-2300
Holland Contracting Limited 8794 Commercial Street New Minas, Nova Scotia B4N 3C5 Attn.: Mark Van Zoost	Holland Contracting Limited	mark@hollandomeleisure.com Fax: (902) 981-3033

Fast Trippier Law 10 Donald Street Winnipeg, MB R3C 1L5 Attn.: Feron Trippier	Adventure Power Products Ltd.	ftrippier@ft-lawyers.com Fax: (204) 943-7997
Adventure Power Products Ltd. 1-797 Quest Blvd Ille des Chenes, MB ROA OT1 Attn.: Derek Roth	Adventure Power Products Ltd.	derek@adventurepowerproducts.com Fax
Breathe E-Z Homes Ltd. 80 Bentley Ave. Nepean, ON K2E 6T9 Attn.: Manpreet Singh	Breathe E-Z Homes Ltd.	shammi@breatheezhomes.com Fax

Leslie Dziatkewich

From:	Leslie Dziatkewich
Sent:	Wednesday, January 30, 2019 2:56 PM
To:	Brad Long; Derek Roth; Feron Trippier; Frank Falconi; Hal R. Hicks; John Brown; Katherine Perreault; Manpreet Singh; Mark Van Zoost; Richard Ledoux
Cc:	'Reeson, Rick'; 'Wanke, Stephanie'; James@andersonlawyers.ca; cmohr@wittenlaw.com; klumsden@wittenlaw.com; 'Reid, Tim'; Jeremy H. Hockin; Heather A. Frydenlund; Steven A. Rohatyn
Subject:	Sent on Behalf of J. Hockin re: Servus Credit Union Ltd. v. Crelogix Acceptance Corporation et al : Edmonton QB Action 1703 12765 : Alberta Court of Appeal Action 1903 0029AC
Attachments:	Letter to Service List 'D' serving Civil Notice of Appeal (E8044850).PDF; Civil Notice of Appeal, filed January 29, 2019 (E8044962).PDF

Please see the attached.

Service by electronic mail of the enclosed filed Civil Notice of Appeal shall be deemed good and effective service unless we are otherwise notified by your office.

Leslie Dziatkewich | Legal Assistant

PARLEE McLAWS LLP

1700 Enbridge Centre, 10175-101 Street NW, Edmonton, Alberta T5J 0H3
Direct: 780.423.8563 | Fax: 780.423.2870 | Email: ldziatkewich@Parlee.com

THIS IS EXHIBIT "B" REFERRED TO
IN THE AFFIDAVIT OF
Leslie Dziatkewich
SWORN BEFORE ME THIS 5th DAY
of February A.D., 2019

A Commissioner for Oaths in and for the Province of Alberta

Rayna Prince, Commissioner for Oaths
in and for the Province of Alberta. # 0733443
My commission expires October 16, 2020

Leslie Dziatkewich

From:	Microsoft Outlook
To:	Brad Long; Derek Roth; Feron Trippier; Frank Falconi; Hal R. Hicks; John Brown; Katherine Perreault; Manpreet Singh; Mark Van Zoost; Richard Ledoux; 'Reeson, Rick'; 'Wanke, Stephanie'; James@andersonlawyers.ca; cmohr@wittenlaw.com; klumsden@wittenlaw.com; 'Reid, Tim'
Sent:	Wednesday, January 30, 2019 2:56 PM
Subject:	Relayed: Sent on Behalf of J. Hockin re: Servus Credit Union Ltd. v. Crelogix Acceptance Corporation et al : Edmonton QB Action 1703 12765 : Alberta Court of Appeal Action 1903 0029AC

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

Brad Long (brad@positivepromotions.ca) <mailto:brad@positivepromotions.ca>

Derek Roth (derek@adventurepowerproducts.com) <mailto:derek@adventurepowerproducts.com>

Feron Trippier (ftrippier@ft-lawyers.com) <mailto:ftrippier@ft-lawyers.com>

Frank Falconi (frank@falconi.ca) <mailto:frank@falconi.ca>

Hal R. Hicks (hhicks@fultonco.com) <mailto:hhicks@fultonco.com>

John Brown (jb@johnbrownlaw.ca) <mailto:jb@johnbrownlaw.ca>

Katherine Perreault (backoffice.enairbec@gmail.com) <mailto:backoffice.enairbec@gmail.com>

Manpreet Singh (shammi@breatheezhomes.com) <mailto:shammi@breatheezhomes.com>

Mark Van Zoost (mark@hollandhomeleisure.com) <mailto:mark@hollandhomeleisure.com>

Richard Ledoux (rledoux@gagnelemaire.com) <mailto:rledoux@gagnelemaire.com>

'Reeson, Rick' (rreeson@millerthomson.com) <mailto:rreeson@millerthomson.com>

'Wanke, Stephanie' (swanke@millerthomson.com) <mailto:swanke@millerthomson.com>

James@andersonlawyers.ca (James@andersonlawyers.ca) <mailto:James@andersonlawyers.ca>

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klumsden@wittenlaw.com (klumsden@wittenlaw.com) <mailto:klumsden@wittenlaw.com>

'Reid, Tim' (treid@alvarezandmarsal.com) <mailto:treid@alvarezandmarsal.com>

Subject: Sent on Behalf of J. Hockin re: Servus Credit Union Ltd. v. Crelogix Acceptance Corporation et al : Edmonton QB Action 1703 12765 : Alberta Court of Appeal Action 1903 0029AC

Leslie Dziatkewich

From: Reeson, Rick <rreeson@millerthomson.com>
To: Leslie Dziatkewich
Sent: Wednesday, January 30, 2019 3:00 PM
Subject: Read: Sent on Behalf of J. Hockin re: Servus Credit Union Ltd. v. Crelogix Acceptance Corporation et al : Edmonton QB Action 1703 12765 : Alberta Court of Appeal Action 1903 0029AC

Your message

To:
Subject: Sent on Behalf of J. Hockin re: Servus Credit Union Ltd. v. Crelogix Acceptance Corporation et al : Edmonton QB Action 1703 12765 : Alberta Court of Appeal Action 1903 0029AC
Sent: Wednesday, January 30, 2019 3:00:07 PM (UTC-07:00) Mountain Time (US & Canada)

was read on Wednesday, January 30, 2019 3:00:22 PM (UTC-07:00) Mountain Time (US & Canada).

Leslie Dziatkewich

From: Mark Van Zoost <mark@hollandhomeleisure.com>
To: Leslie Dziatkewich
Sent: Wednesday, January 30, 2019 2:59 PM
Subject: Read: Sent on Behalf of J. Hockin re: Servus Credit Union Ltd. v. Crelogix Acceptance Corporation et al : Edmonton QB Action 1703 12765 : Alberta Court of Appeal Action 1903 0029AC

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To:
Subject: Sent on Behalf of J. Hockin re: Servus Credit Union Ltd. v. Crelogix Acceptance Corporation et al : Edmonton QB Action 1703 12765 : Alberta Court of Appeal Action 1903 0029AC
Sent: Wednesday, January 30, 2019 2:58:39 PM (UTC-07:00) Mountain Time (US & Canada)

was read on Wednesday, January 30, 2019 2:58:59 PM (UTC-07:00) Mountain Time (US & Canada).

Leslie Dziatkewich

From: Wanke, Stephanie <swanke@millerthomson.com>
To: Leslie Dziatkewich
Sent: Wednesday, January 30, 2019 2:59 PM
Subject: Read: Sent on Behalf of J. Hockin re: Servus Credit Union Ltd. v. Crelogix Acceptance Corporation et al : Edmonton QB Action 1703 12765 : Alberta Court of Appeal Action 1903 0029AC

Your message

To:
Subject: Sent on Behalf of J. Hockin re: Servus Credit Union Ltd. v. Crelogix Acceptance Corporation et al : Edmonton QB Action 1703 12765 : Alberta Court of Appeal Action 1903 0029AC
Sent: Wednesday, January 30, 2019 2:58:57 PM (UTC-07:00) Mountain Time (US & Canada)

was read on Wednesday, January 30, 2019 2:59:08 PM (UTC-07:00) Mountain Time (US & Canada).

Leslie Dziatkewich

From: Hal Hicks <HHicks@fultonco.com>
To: Leslie Dziatkewich
Sent: Wednesday, January 30, 2019 3:05 PM
Subject: Read: Sent on Behalf of J. Hockin re: Servus Credit Union Ltd. v. Crelogix Acceptance Corporation et al : Edmonton QB Action 1703 12765 : Alberta Court of Appeal Action 1903 0029AC

Your message

To:
Subject: Sent on Behalf of J. Hockin re: Servus Credit Union Ltd. v. Crelogix Acceptance Corporation et al : Edmonton QB Action 1703 12765 : Alberta Court of Appeal Action 1903 0029AC
Sent: Wednesday, January 30, 2019 3:04:33 PM (UTC-07:00) Mountain Time (US & Canada)

was read on Wednesday, January 30, 2019 3:04:56 PM (UTC-07:00) Mountain Time (US & Canada).

Leslie Dziatkewich

From: Brad Long <brad@positivepromotions.ca>
To: Leslie Dziatkewich
Sent: Wednesday, January 30, 2019 3:05 PM
Subject: Read: Sent on Behalf of J. Hockin re: Servus Credit Union Ltd. v. Crelogix Acceptance Corporation et al : Edmonton QB Action 1703 12765 : Alberta Court of Appeal Action 1903 0029AC

Your message

To:
Subject: Sent on Behalf of J. Hockin re: Servus Credit Union Ltd. v. Crelogix Acceptance Corporation et al : Edmonton QB Action 1703 12765 : Alberta Court of Appeal Action 1903 0029AC
Sent: Wednesday, January 30, 2019 3:04:47 PM (UTC-07:00) Mountain Time (US & Canada)

was read on Wednesday, January 30, 2019 3:05:08 PM (UTC-07:00) Mountain Time (US & Canada).

Leslie Dziatkewich

From: Faron Trippier <FTrippier@ft-lawyers.com>
To: Leslie Dziatkewich
Sent: Wednesday, January 30, 2019 3:18 PM
Subject: Read: Sent on Behalf of J. Hockin re: Servus Credit Union Ltd. v. Crelogix Acceptance Corporation et al : Edmonton QB Action 1703 12765 : Alberta Court of Appeal Action 1903 0029AC

Your message

To:
Subject: Sent on Behalf of J. Hockin re: Servus Credit Union Ltd. v. Crelogix Acceptance Corporation et al : Edmonton QB Action 1703 12765 : Alberta Court of Appeal Action 1903 0029AC
Sent: Wednesday, January 30, 2019 3:19:29 PM (UTC-07:00) Mountain Time (US & Canada)

was read on Wednesday, January 30, 2019 3:18:12 PM (UTC-07:00) Mountain Time (US & Canada).

Leslie Dziatkewich

From: Reid, Tim <treid@alvarezandmarsal.com>
To: Leslie Dziatkewich
Sent: Wednesday, January 30, 2019 3:30 PM
Subject: Read: Sent on Behalf of J. Hockin re: Servus Credit Union Ltd. v. Crelogix Acceptance Corporation et al : Edmonton QB Action 1703 12765 : Alberta Court of Appeal Action 1903 0029AC

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To:
Subject: Sent on Behalf of J. Hockin re: Servus Credit Union Ltd. v. Crelogix Acceptance Corporation et al : Edmonton QB Action 1703 12765 : Alberta Court of Appeal Action 1903 0029AC
Sent: Wednesday, January 30, 2019 3:29:27 PM (UTC-07:00) Mountain Time (US & Canada)

was read on Wednesday, January 30, 2019 3:29:50 PM (UTC-07:00) Mountain Time (US & Canada).

Leslie Dziatkewich

From: Coralie Mohr <cmohr@wittenlaw.com>
To: Leslie Dziatkewich
Sent: Wednesday, January 30, 2019 3:41 PM
Subject: Read: Sent on Behalf of J. Hockin re: Servus Credit Union Ltd. v. Crelogix Acceptance Corporation et al : Edmonton QB Action 1703 12765 : Alberta Court of Appeal Action 1903 0029AC

Your message

To:
Subject: Sent on Behalf of J. Hockin re: Servus Credit Union Ltd. v. Crelogix Acceptance Corporation et al : Edmonton QB Action 1703 12765 : Alberta Court of Appeal Action 1903 0029AC
Sent: Wednesday, January 30, 2019 3:40:51 PM (UTC-07:00) Mountain Time (US & Canada)

was read on Wednesday, January 30, 2019 3:41:07 PM (UTC-07:00) Mountain Time (US & Canada).

Leslie Dziatkewich

From: Kalen Lumsden <klumsden@wittenlaw.com>
To: Leslie Dziatkewich
Sent: Wednesday, January 30, 2019 3:50 PM
Subject: Read: Sent on Behalf of J. Hockin re: Servus Credit Union Ltd. v. Crelogix Acceptance Corporation et al : Edmonton QB Action 1703 12765 : Alberta Court of Appeal Action 1903 0029AC

Your message

To:
Subject: Sent on Behalf of J. Hockin re: Servus Credit Union Ltd. v. Crelogix Acceptance Corporation et al : Edmonton QB Action 1703 12765 : Alberta Court of Appeal Action 1903 0029AC
Sent: Wednesday, January 30, 2019 3:49:36 PM (UTC-07:00) Mountain Time (US & Canada)

was read on Wednesday, January 30, 2019 3:49:58 PM (UTC-07:00) Mountain Time (US & Canada).

Leslie Dziatkewich

From:	Leslie Dziatkewich
Sent:	Wednesday, January 30, 2019 2:57 PM
To:	'17054748303@telusfax.com'; '17054763231@telusfax.com'; 14506463828 @telusfax.com; 12508512300@telusfax.com; '19029813033@telusfax.com'; '12049437997@telusfax.com'; 17804245866@telusfax.com; 17804250769@telusfax.com
Subject:	Servus Credit Union Ltd. v. Crelogix Acceptance Corporation et al : Edmonton QB Action 1703 12765 : Alberta Court of Appeal Action 1903 0029AC
Attachments:	E8044850.PDF; E8044962.PDF

Please see the attached.

Leslie Dziatkewich | Legal Assistant

PARLEE McLAWS LLP

1700 Enbridge Centre, 10175-101 Street NW, Edmonton, Alberta T5J 0H3
Direct: 780.423.8563 | Fax: 780.423.2870 | Email: ldziatkewich@Parlee.com

THIS IS EXHIBIT " C " REFERRED TO
IN THE AFFIDAVIT OF
Leslie Dziatkewich
SWORN BEFORE ME THIS 5th DAY
of February A.D., 2019.
Commissioner for Oaths in and for the Province of Alberta

Payne Rins
Commissioner for Oaths
in and for the Province of Alberta. # 0733443
My commission expires October 16, 2020

Leslie Dziatkewich

From: Telus <noreply.cloudfax@telus.net>
Sent: Wednesday, January 30, 2019 3:04 PM
To: Leslie Dziatkewich
Subject: Fax Delivery Report - Fax Delivered: 17054763231
Attachments: 886556586.tif

SUCCESSFUL FAX

The following fax
Customer No. : 5516916
Reference No. : 886556586
Reference ID : Leslie Dziatkewich
Sent At : 01/30/2019 03:03:54 PM (GMT-7:00)
Pages : 15
Duration : 317
Your Fax To : 17054763231
To:Servus Credit Union Ltd. v. Crelogix Acceptance
Cost :
Tax - GST :
Tax - PST :
Total Cost :

Your fax was sent successfully.

Thank you from TELUS.

Leslie Dziatkewich

From: Telus <noreply.cloudfax@telus.net>
Sent: Wednesday, January 30, 2019 3:05 PM
To: Leslie Dziatkewich
Subject: Fax Delivery Report - Fax Delivered: 12508512300
Attachments: 886556630.tif

SUCCESSFUL FAX

The following fax
Customer No. : 5516916
Reference No. : 886556630
Reference ID : Leslie Dziatkewich
Sent At : 01/30/2019 03:04:57 PM (GMT-7:00)
Pages : 15
Duration : 334
Your Fax To : 12508512300
To:Servus Credit Union Ltd. v. Crelogix Acceptance
Cost :
Tax - GST :
Tax - PST :
Total Cost :

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Leslie Dziatkewich

From: Telus <noreply.cloudfax@telus.net>
Sent: Wednesday, January 30, 2019 3:05 PM
To: Leslie Dziatkewich
Subject: Fax Delivery Report - Fax Delivered: 17804245866
Attachments: 886556617.tif

SUCCESSFUL FAX

The following fax
Customer No. : 5516916
Reference No. : 886556617
Reference ID : Leslie Dziatkewich
Sent At : 01/30/2019 03:04:58 PM (GMT-7:00)
Pages : 15
Duration : 326
Your Fax To : 17804245866
To:Servus Credit Union Ltd. v. Crelogix Acceptance
Cost :
Tax - GST :
Tax - PST :
Total Cost :

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Thank you from TELUS.

Leslie Dziatkewich

From: Telus <noreply.cloudfax@telus.net>
Sent: Wednesday, January 30, 2019 3:07 PM
To: Leslie Dziatkewich
Subject: Fax Delivery Report - Fax Delivered: 17804250769
Attachments: 886556591.tif

SUCCESSFUL FAX

The following fax
Customer No. : 5516916
Reference No. : 886556591
Reference ID : Leslie Dziatkewich
Sent At : 01/30/2019 03:06:42 PM (GMT-7:00)
Pages : 15
Duration : 451
Your Fax To : 17804250769
To:Servus Credit Union Ltd. v. Crelogix Acceptance
Cost :
Tax - GST :
Tax - PST :
Total Cost :

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Leslie Dziatkewich

From: Telus <noreply.cloudfax@telus.net>
Sent: Wednesday, January 30, 2019 3:08 PM
To: Leslie Dziatkewich
Subject: Fax Delivery Report - Fax Failed: 19029813033
Attachments: 886556655.tif

Unfortunately your fax failed. If you require further assistance, please contact 1-877-638-5940.

Customer No. : 5516916
Reference No. : 886556655
Reference ID : Leslie Dziatkewich
Your Fax To : 19029813033
To:Servus Credit Union Ltd. v. Crelogix Acceptance
Sent At : 01/30/2019 02:58:24 PM (GMT-7:00)
Has Failed Because : Invalid Number

Thank you from TELUS

Leslie Dziatkewich

From: Telus <noreply.cloudfax@telus.net>
Sent: Wednesday, January 30, 2019 3:08 PM
To: Leslie Dziatkewich
Subject: Fax Delivery Report - Fax Delivered: 12049437997
Attachments: 886556610.tif

SUCCESSFUL FAX

The following fax
Customer No. : 5516916
Reference No. : 886556610
Reference ID : Leslie Dziatkewich
Sent At : 01/30/2019 03:07:27 PM (GMT-7:00)
Pages : 15
Duration : 502
Your Fax To : 12049437997
To:Servus Credit Union Ltd. v. Crelogix Acceptance
Cost :
Tax - GST :
Tax - PST :
Total Cost :

Your fax was sent successfully.

Thank you from TELUS.

Leslie Dziatkewich

From: Telus <noreply.cloudfax@telus.net>
Sent: Wednesday, January 30, 2019 3:09 PM
To: Leslie Dziatkewich
Subject: Fax Delivery Report - Fax Delivered: 17054748303
Attachments: 886556666.tif

SUCCESSFUL FAX

The following fax
Customer No. : 5516916
Reference No. : 886556666
Reference ID : Leslie Dziatkewich
Sent At : 01/30/2019 03:08:50 PM (GMT-7:00)
Pages : 15
Duration : 327
Your Fax To : 17054748303
To:Servus Credit Union Ltd. v. Crelogix Acceptance
Cost :
Tax - GST :
Tax - PST :
Total Cost :

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Leslie Dziatkewich

From: Telus <noreply.cloudfax@telus.net>
Sent: Wednesday, January 30, 2019 3:16 PM
To: Leslie Dziatkewich
Subject: Fax Delivery Report - Fax Delivered: 14506463828
Attachments: 886556646.tif

SUCCESSFUL FAX

The following fax
Customer No. : 5516916
Reference No. : 886556646
Reference ID : Leslie Dziatkewich
Sent At : 01/30/2019 03:15:53 PM (GMT-7:00)
Pages : 15
Duration : 392
Your Fax To : 14506463828
To:Servus Credit Union Ltd. v. Crelogix Acceptance
Cost :
Tax - GST :
Tax - PST :
Total Cost :

Your fax was sent successfully.

Thank you from TELUS.

PARLEE McLAWS LLP
BARRISTERS & SOLICITORS | PATENT & TRADEMARK AGENTS

November 24, 2020

JEREMY H. HOCKIN, Q.C.
DIRECT DIAL: 780.423.8532
DIRECT FAX: 780.423.2870
EMAIL: jhockin@parlee.com
OUR FILE #: 73150-2

Gagné Lemaire Avocats
794 Rue Frechette, Suite 112
Longueuil, Quebec J4J 5C9

Attention: Isabelle Fortin-Lemaire **Via email:**

Dear Sirs and Mesdames:

Re: Crelogix Acceptance Corporation – In Receivership;
Edmonton QB Court file no. 1703-12765;
Your file no. 2235-12

You will recall that this firm represents Alvarez & Marsal Canada Ltd., in its capacity as court appointed Receiver of Crelogix Acceptance Corporation. Your firm represents one of Crelogix's former merchants, Renovation & Construction Gauthier et Péloquin. You may recall that you filed a Merchant Claim Application on behalf of your client in connection with an application that was heard in Edmonton, Alberta on July 11, 2018. However, no one from your firm appeared at that application on behalf of your client. Accordingly, we are uncertain if you are aware of the outcome of the application. This letter is to bring you current with respect to recent developments.

Justice Graesser, who heard the application on July 11, 2018 on behalf of all of the Participating Unfunded Merchants in positions similar to your client's, reserved decision and issued written Reasons in January 2019. In those Reasons, His Lordship determined that the merchant agreements to which the applicant merchants were parties were subject to an implied term that meant that the Unfunded Merchants were entitled to receive payments from their customers under the loan agreements that had been assigned to Crelogix. A copy of His Lordship's Order arising from that decision is attached for your reference.

Both the receiver and the secured creditor, Servus Credit Union Ltd., appealed. That appeal was heard in April of this year and the Court of Appeal released its Reasons for Decision in May 2020. In that Decision, the appeals of the Receiver and Servus Credit Union Ltd. were allowed and the Court of Appeal directed that the Unfunded Merchants' applications be re-argued.

We have attempted to facilitate settlement discussions between Servus Credit Union Ltd. and the majority of the Unfunded Merchants. Those negotiations have, to date, proven unsuccessful and accordingly the Receiver has brought an application scheduled to be heard in Edmonton, Alberta on Wednesday, November 25, 2020 at 10:00 am to have its activities and fee approved and allocated, and to establish a schedule leading up to the re-argument of the Unfunded Merchants' applications as directed by the Court of Appeal. A copy of the Receiver's application is also attached herewith for your reference.

 {0073150/000002 C6613424.DOCX; 1}

Would you please advise if you are still representing Renovation & Construction Gauthier et Péloquin with respect to this matter and, if so, if you would like to appear at Wednesday's application. If so, I will provide you with the materials filed by the Receiver in support of its application, and instructions on how to join the hearing through Webex.

I look forward to hearing from you at your earliest opportunity.

Yours very truly,

PARLEE McLAWS LLP

JEREMY H. HOCKIN, Q.C.

JHH:csc
Enclosures

cc. *client (via email)*

 {0073150/000002 C6613424.DOCX; 1}

From: Rayne Prins
To: "rledoux@gagnelemaire.com"; "ifortin-lemaire@gagnelemaire.com"
Cc: Jeremy H. Hockin; "backoffice.enairbec@gmail.com"
Subject: Crelogix Acceptance Corporation - In Receivership
Date: Tuesday, November 24, 2020 11:22:21 AM
Attachments: image001.png
Letter to Gagné Lemaire Avocats, November 24, 2020 (E8868616x7ADBE).pdf
Application - Nov 25 (filed) (E8866886x7ADBE).pdf
Jan 2019 Order (Filed April 20, 2020) (E8592340x7ADBE).pdf
image007.png
image008.png
image009.png

Good morning,

Please see the attached letter and enclosures sent on behalf of Jeremy H. Hockin.

Thank you,

Rayne Prins | Paralegal / Legal Assistant to Steven A. Rohatyn & Jeremy H. Hockin

Our Covid Response

1700 Enbridge Centre, 10175-101 Street NW, Edmonton, Alberta T5J 0H3
Direct: 780.423.8152 | Fax: 780.423.2870 | Email: rprins@parlee.com

CS

COURT FILE NUMBER	1703 12765
COURT	COURT OF QUEEN'S BENCH OF ALBERTA
JUDICIAL CENTRE	EDMONTON
PLAINTIFF	SERVUS CREDIT UNION LTD.
DEFENDANTS	CRELOGIX ACCEPTANCE CORPORATION, CRELOGIX PORTFOLIO SERVICES CORP., CRELOGIX CREDIT GROUP INC., KARL SIGERIST, NICHOLAS CARTER, MIKE MCKAY AND MICHAEL MILLS
DOCUMENT	**APPLICATION BY ALVAREZ & MARSAL CANADA INC. IN ITS CAPACITY AS COURT APPOINTED RECEIVER OF THE CORPORATE DEFENDANTS**
ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT	Parlee McLaws LLP 1700 Enbridge Centre 10175-101 Street NW Edmonton, Alberta T5J 0H3 Attention: Jeremy Hockin, QC Telephone: (780) 423-8532 Fax: (780) 423-2870 Email: jhockin@parlee.com File: 73150-2

NOTICE TO RESPONDENTS: As listed on Schedule 'A' attached hereto

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	November 25, 2020
Time	10:00 a.m.
Where	Edmonton Law Courts
Before Whom	The Honourable Mr. Justice M.J. Lema

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

Remedy claimed or sought:

1. An Order approving the activities, actions and conduct of the Receiver since the date of the last of the activities described in the Receiver's Fourth Report dated January 30, 2018 up to September 30, 2020;

2. An Order approving the Consolidated R&D of the Receiver as contained in the Sixth Report;

3. Approving without the necessity for further assessment or taxation the Receiver's professional fees for its services rendered from December 1, 2017 to September 30, 2020, together with the fees and disbursements of its counsel as set out in the Receiver's Sixth Report (collectively the "Receivership Costs");

4. Allocating the Receivership Costs in the manner recommended in the Receiver's Sixth Report, filed contemporaneously herewith;

5. Establishing a timeline for the rearguing of the Applications by the Unfunded Merchants, as defined in the Receiver's previous reports, in accordance with Commercial Practice Note No. 1;

6. Such further and other relief as may be required to give effect to the foregoing.

Grounds for making this application:

7. The Receiver was appointed by Order of this Honourable Court granted on July 6, 2017 on the application of the Plaintiff.

8. The business of the corporate Defendants involved the solicitation of applications for credit funding from a dealer network on behalf of their customers who could not pay for the goods and/or services offered by the dealer network unless credit was granted. The credit applications were graded for creditworthiness by the Defendants and bundled together for funding consideration by a series of credit unions.

9. When a credit union decided to acquire a bundle of credit applications, it would signify its approval to Crelogix and would thereafter advance funds to Crelogix to acquire the bundle of credit applications and related loan agreements and promissory notes. Crelogix would then remit the funds to the various dealers who had provided the loan applications that comprised the bundle which had been funded by the particular credit union.

10. At the time the Receiver was appointed, there were a number of credit applications and related loan agreements for which funding had not yet been provided by a credit union, or where funding had been provided by the credit union to Crelogix, the funding had not been remitted to the dealer(s) who had submitted them. The dealers who were caught in this position have been described in the proceedings to date as the "Unfunded Merchants".

11. The Receiver concluded that by virtue of the wording of the particular Merchant Agreement existing between Crelogix and the affected dealers, Crelogix had acquired the loan agreements and promissory notes from the dealer even though funding had not taken place. The Unfunded Merchants disagreed with this conclusion, and the Receiver obtained an Order from this Honourable

Court on April 13, 2018 setting out a claims process by which the Unfunded Merchants could bring application to this Honourable Court to determine their rights.

12. The Unfunded Merchants' applications were heard on July 11, 2018 by the Honourable Mr. Justice R.A. Graesser. His Lordship reserved decision and released Written Reasons for Decision on January 21, 2019 in which His Lordship determined, on a basis not argued in front of him, that the Unfunded Merchants were entitled to the loan agreements and promissory notes that had not been funded.

13. Both the Receiver and the Plaintiff appealed and the appeal was heard in April 2020.

14. On May 29, 2020, the Court of Appeal released Written Reasons for Decision in which the Receiver's and the Plaintiff's appeals were allowed and directed that the matter be returned to the Court to be re-argued.

Servus Credit Union Ltd. v. Crelogix Acceptance Corporation, 2020 ABCA 220 [**Tab 1 to the Receiver's Bench Brief**]

Court of Appeal Formal Judgment filed June 17, 2020 [**Tab 2 to the Receiver's Bench Brief**]

15. The Receiver attempted to facilitate settlement discussions between the Plaintiff and the Unfunded Merchants, through counsel, but settlement was not achieved. It is therefore necessary, in the Receiver's opinion, to proceed with the re-argument of the issues as directed by the Court of Appeal.

16. The activities of the Receiver as described in its Fourth Report have been approved by prior Order, as have its accounts for professional services rendered, up to January 31, 2018.

17. The Receiver has proposed an allocation of its professional fees and disbursements and general estate costs as between the pools of funds under its administration as set out in its Sixth Report.

Material or evidence to be relied on:

18. The Receiver's Sixth Report, filed contemporaneously herewith, together with all previous reports.

19. Affidavit of Orest Konowalchuk, to be filed.

20. The Receivership Order granted herein on July 6, 2017 [**Tab 3 to the Receiver's Bench Brief**]

Applicable rules:

21. Rules 1.4, 6.1 and 6.2 of the *Alberta Rules of Court* [**Tab 4 to the Receiver's Bench Brief**]

Applicable Acts and regulations:

22. Section 99 of the Alberta *Business Corporations Act*, RSA 2000, c. B-9 (as amended) [**Tab 5 to the Receiver's Bench Brief**]

23. Section 243 and 249 of the *Bankruptcy and Insolvency Act*, RSC 1985, c. B-3 (as amended) [**Tab 6 to the Receiver's Bench Brief**]

24. Such further and other Acts and regulations as Counsel may advise.

Any irregularity complained of or objection relied on:

25. None.

How the application is proposed to be heard or considered:

26. Before the Honourable Mr. Justice M.J. Lema by Webex in accordance with the particulars attached as Schedule 'B'.

WARNING

If you do not come to Court either in person or by your lawyer, the Court may give the applicant 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.

SCHEDULE 'A'
List of Respondents (Unfunded Merchants)

Name of Respondent	Counsel of Record
BLACKFOOT MOTORCYCLE LTD.; AIRDRIE TRAILER SALES LTD.; BADIUK EQUIPMENT LTD.; BROADVIEW POWER SPORTS LTD.; BROKER'S MARINE & SPORT LTD.; ELK ISLAND SALES INC.; FRASER PACIFIC EQUIPMENT CORP.; GRM SALES LTD., carrying on business as BAR T5 TRAILERS SASK; HAPPY CAMPER R/V ALBERTA LTD.; JAKE'S SPEED SHOP INC., carrying on business as J&J SPORTS; NORTHSTAR RECREATION LTD. carrying on business as KEN'S MARINE; 1784302 ALBERTA LTD., carrying on business as M&P TRAILER SALES; MOUNTAIN TOYS POLARIS LTD.; PROLINE MOTORSPORTS & MARINE LTD.; 1455300 ALBERTA LTD., carrying on business as RAVEN TRUCK ACCESSORIES; RECREATIONAL POWER SPORTS INC.; RED LINE POWER CRAFT LTD.; RICK'S MARINE (1999) LTD.; 1431209 AB INC. carrying on business as RIDERZ; TRACTION MOTORCYCLES LTD., carrying on business as DAYTONA MOTORSPORTS; TRAILER COUNTRY LTD.; WHITECAP RECREATION, a partnership between NORTHSHORE AUTOMOTIVE LTD. and SOUTHSHORE AUTOMOTIVE LTD.; DYNASTY SPAS INC., carrying on business as WORLD OF SPAS CALGARY; 1781457 ALBERTA LTD., carrying on business as WORLD OF SPAS EDMONTON;	Fulton & Company LLP 300 – 350 Lansdowne Street Kamloops, BC V2C 1Y1 Attention: Hal Hicks Local Agent: Coralie Mohr, Witten LLP Email: hhicks@fultonco.com; cmohr@wittenlaw.com
1537891 ONTARIO INC., carrying on business as POSITIVE PROMOTIONS; ELDER ENTERPRISES LTD.; J&B CYCLE AND MARINE CO. LTD.; NORTH BAY CYCLE & SPORTS (2015) INC.; CLARE'S CYCLE AND SPORTS LTD.; 900337 ONTARIO INC., carrying on business as GASTON'S SPORTS & MARINE; ANDREWS SPORTS, RECREATIONAL PARTS AND ACCESSORIES LIMITED;	Frank M. Falconi Barrister & Solicitor 369 Murray Street North Bay, ON P1B 4G3 Attention: Frank M. Falconi Email: frank@falconi.ca

SCHEDULE 'B'

WebEx Particulars

Virtual Courtroom 86 has been assigned for the following matter:

Date: November 25, 2020 at 10:00 AM
Style of Cause: 1703 12765 - SERVUS CREDIT UNION LTD. v. CRELOGIX ACCEPTANCE CORP
Presiding Justice: LEMA, J.

Virtual Courtroom Link:
https://albertacourts.webex.com/meet/virtual.courtroom86

Instructions for Connecting to the Meeting

1. Click on the link above or open up Chrome or Firefox and cut and paste it into your browser address bar.
2. If you do not have the Cisco Webex application already installed on your device, the site will have a button to install it. Follow installation instructions. Enter your full name and email address when prompted
3. Click on the **Open Cisco Webex Meeting**.
4. You will see a preview screen. Click on **Join Meeting**.

Key considerations for those attending:

1. Please connect to the courtroom **15 minutes prior** to the start of the hearing.
2. Please ensure that your microphone is muted and remains muted for the duration of the proceeding, unless you are speaking. Ensure that you state your name each time you speak.
3. If bandwidth becomes an issue, some participants may be asked to turn off their video and participate by audio only.
4. **Note: Recording or rebroadcasting of the video is prohibited.**
5. **Note: It is highly recommended you use headphones with a microphone or a headset when using Webex. This prevents feedback.**

If you are a non-lawyer attending this hearing remotely, **you must** complete the undertaking located here: https://www.albertacourts.ca/qb/resources/announcements/undertaking-and-agreement-for-non-lawyers
For more information relating to Webex protocols and procedures, please visit:
https://www.albertacourts.ca/qb/court-operations-schedules/webex-remote-hearings-protocol

You can also join the meeting via the "Cisco Webex Meetings" App on your smartphone/tablet or other smart device. You can download this via the App marketplace and join via the link provided above.

COURT FILE NUMBER	1703-12765
COURT	COURT OF QUEEN'S BENCH OF ALBERTA
JUDICIAL CENTRE	EDMONTON
PLAINTIFF	SERVUS CREDIT UNION LTD.
DEFENDANTS	CRELOGIX ACCEPTANCE CORPORATION, CRELOGIX PORTFOLIO SERVICES CORP., CRELOGIX CREDIT GROUP INC., KARL SIGERIST, NICHOLAS CARTER, MIKE MCKAY AND MICHAEL MILLS
DOCUMENT	**ORDER**
ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT	Parlee McLaws LLP 1700 Enbridge Centre 10175-101 Street NW Edmonton, Alberta T5J 0H3 Attention: Jeremy Hockin, QC Telephone: (780) 423-8532 Fax: (780) 423-2870 Email: jhockin@parlee.com File: 73150-2

FIAT: The Clerk of the Court is directed to file this Order notithstanding that more than 3 months have passed since its pronouncement.

J.C.Q.B.A D April 20/20

DATE ON WHICH ORDER WAS PRONOUNCED: January 21, 2019

LOCATION WHERE ORDER PRONOUNCED: EDMONTON, ALBERTA

NAME OF JUSTICE WHO MADE THIS ORDER: The Honourable Mr. Justice R. Graesser

UPON the application of Alvarez & Marsal Canada Inc. in its capacity as Receiver and Manager (the "**Receiver**") of Crelogix Acceptance Corporation, Crelogix Portfolio Services Corp. and Crelogix Credit Group Inc. (together, "**Crelogix**"), filed January 29, 2018; AND UPON paragraph 4 of the January 29, 2018 Application being adjourned *sine die* by Order of the Honourable Justice J.J. Gill in the within proceedings on February 6, 2018, filed; AND UPON paragraph 4 of the January 29, 2018 Application being heard on July 11, 2018;

AND UPON reviewing the Merchant Claim Process Order granted by the Honourable Justice R.A. Graesser in the within proceedings on April 13, 2018, filed; AND UPON reviewing the

Order for Advice and Directions granted by the Honourable Justice R.A. Graesser in the within proceedings on June 13, 2018, filed;

AND UPON hearing from counsel for the Receiver, counsel for Servus Credit Union ("**Servus**") and counsel for various Merchants who were parties to certain Loan Agreements (as defined at paragraph 9 of the Receiver's Second Report) that were unfunded as of July 6, 2017 ("**Unfunded Merchants**" and the "**Receivership Date**");

IT IS HEREBY ORDERED AND DECLARED THAT:

1. The time required for service of notice of this Application is abridged to that actually given and such notice as was given, and the manner of such service, is deemed to be good and sufficient notice of this Application.

2. The doctrine of *contra proforentem* does not apply to Merchant Agreement 1 with respect to the transfer of title of Loan Agreements and promissory notes.

3. The Receiver effectively disclaimed Loan Agreements and promissory notes with Unfunded Merchants under Merchant Agreement 1.

4. Merchant Agreement 1 is subject to the following implied term:

    a. That the effectiveness of an assignment by a Merchant to Crelogix and the transfer of title of a promissory note(s) to Crelogix (or Crelogix' subsequent assignee) is conditional upon payment by Crelogix of the amount due to the Merchant (the "**Implied Term**").

5. As a result of the Implied Term:

    a. Title to Loan Agreements and promissory notes under Merchant Agreement 1 did not pass from Unfunded Merchants to Crelogix;

    b. Unfunded Merchants under Merchant Agreement 1 are not unsecured creditors of Crelogix;

    c. Servus' security interest did not attach to Loan Agreements and promissory notes

between Crelogix and Unfunded Merchants under Merchant Agreement 1.

Rescission

6. The remedy of rescission is not available for Unfunded Merchants under Merchant Agreement 1.

Constructive Trust

7. If the Implied Term cannot be applied to Merchant Agreement 1, the Loan Agreements and promissory notes under Merchant Agreement 1 are subject to a constructive trust in favour of the Unfunded Merchants.

Holland Contracting Limited

8. The relationship between Crelogix and Holland Contracting Limited was governed by Merchant Agreement 2 after May, 2015.

Consequential Matters

9. Any issues arising in these proceedings as a consequence of the within Order shall be heard by the Honourable Justice R.A. Graesser.

JUSTICE OF THE COURT OF QUEEN'S BENCH OF ALBERTA
P.A. YUNGWIRTH FOR R. GRAESSER

090

Government of Canada | Gouvernement du Canada

Bankruptcy and Insolvency Records Search (BIA) search results | Résultats de la recherche dans le Registre des dossiers de faillite et d'insolvabilité (LFI)

2020-11-30

Search Criteria | Critères de recherche :	Name | Nom = Renovations & Construction Gauthier et Peloquin Inc
Reference | Référence :	73150-2

A search of the Office of the Superintendent of Bankruptcy records has revealed no information, for the period 1978 to 2020-11-26, based on the search criteria above-mentioned.

Une recherche dans le registre du Bureau du surintendant des faillites n'a révélé aucune information pour la période allant de 1978 à 2020-11-26, selon les critères de recherche susmentionnés.

Canada

OSB • BSF Protecting the Integrity of the Insolvency System | Protéger l'intégrité du système d'insolvabilité

Registraire des entreprises Québec

Rechercher une entreprise au registre

Résultats de la recherche

La recherche simple permet de vérifier l'utilisation d'un nom au registre des entreprises avant de procéder à une demande de constitution ou à une déclaration d'immatriculation. Les résultats de cette recherche peuvent être acceptés à titre de rapport de recherche.

Inscrivez le nom ou le numéro associé à l'entreprise que vous recherchez, puis cliquez sur Rechercher.

Cliquez sur Recherche avancée pour

- trouver un nom qui désigne une autorité publique ou une entreprise qui est uniquement inscrite au fichier central des entreprises (FCE);
- effectuer une recherche par nom ou par mots apparentés;
- préciser le domaine, le type ou l'étendue de la recherche.

Consultez les instructions relatives à la recherche pour obtenir plus d'information.

Objet de la recherche

Renovations & Construction Gauthier et Peloquin Inc

☑ Je reconnais avoir lu, compris et accepté les conditions d'utilisation du service en ligne Rechercher une entreprise au registre.

Recherche avancée

1 dossier(s) trouvé(s)

Numéro de dossier	Nom	Adresse	Statut	Date du changement d'état	Statut du nom	Date initiale	Date finale
1167870519	RÉNOVATIONS & CONSTRUCTIONS GAUTHIER ET PÉLOQUIN INC.	1358 boul. Marie-Victorin Longueuil (Québec) J4G1A3 Canada	Immatriculée	2011-12-15	En vigueur	2011-12-14	

Québec

Registraire des entreprises Québec

Rechercher une entreprise au registre

État de renseignements d'une personne morale au registre des entreprises

Renseignements en date du 2020-11-30 11:03:47

État des informations

Identification de l'entreprise

Numéro d'entreprise du Québec (NEQ)	1167870519
Nom	RÉNOVATIONS & CONSTRUCTIONS GAUTHIER ET PÉLOQUIN INC.

Adresse du domicile

Adresse	1358 boul. Marie-Victorin Longueuil (Québec) J4G1A3 Canada

Adresse du domicile élu

Adresse	Aucune adresse

Immatriculation

Date d'immatriculation	2011-12-15
Statut	Immatriculée
Date de mise à jour du statut	2011-12-15
Date de fin d'existence prévue	Aucune date de fin d'existence n'est déclarée au registre.

Forme juridique

Forme juridique	Société par actions ou compagnie
Date de la constitution	2011-12-14 Constitution
Régime constitutif	QUÉBEC : Loi sur les sociétés par actions (RLRQ, C. S-31.1)

Régime courant	QUÉBEC : Loi sur les sociétés par actions (RLRQ, C. S-31.1)

Dates des mises à jour

Date de mise à jour de l'état de renseignements	2019-01-07
Date de la dernière déclaration de mise à jour annuelle	2018-09-11 2017
Date de fin de la période de production de la déclaration de mise à jour annuelle de 2020	2021-03-01
Date de fin de la période de production de la déclaration de mise à jour annuelle de 2019	2020-03-01

Faillite

L'entreprise n'est pas en faillite.

Fusion et scission

Aucune fusion ou scission n'a été déclarée.

Continuation et autre transformation

Aucune continuation ou autre transformation n'a été déclarée.

Liquidation ou dissolution

Aucune intention de liquidation ou de dissolution n'a été déclarée.

Activités économiques et nombre de salariés

1er secteur d'activité

Code d'activité économique (CAE)	4499
Activité	Autres services relatifs à la construction
Précisions (facultatives)	Construction, rénovation générale

2e secteur d'activité

Aucun renseignement n'a été déclaré.

Nombre de salariés

Nombre de salariés au Québec

De 1 à 5

Convention unanime, actionnaires, administrateurs, dirigeants et fondé de pouvoir

Actionnaires

Premier actionnaire

Le premier actionnaire est majoritaire.

Nom de famille	Tremblay
Prénom	Charles
Adresse	1358 boul. Marie-Victorin Longueuil (Québec) J4G1A3 Canada

Convention unanime des actionnaires

Il n'existe pas de convention unanime des actionnaires.

Liste des administrateurs

Nom de famille	Tremblay
Prénom	Charles
Date du début de la charge	2018-05-31
Date de fin de la charge	
Fonctions actuelles	Président, Secrétaire
Adresse	1358 boul. Marie-Victorin Longueuil (Québec) J4G1A3 Canada

Dirigeants non membres du conseil d'administration

Aucun dirigeant non membre du conseil d'administration n'a été déclaré.

Fondé de pouvoir

Aucun fondé de pouvoir n'a été déclaré.

Administrateurs du bien d'autrui

Aucun administrateur du bien d'autrui n'a été déclaré.

Établissements

Aucun établissement n'a été déclaré.

Documents en traitement

Aucun document n'est actuellement traité par le Registraire des entreprises.

Index des documents

Documents conservés

Type de document	Date de dépôt au registre
Déclaration de mise à jour courante	2019-01-07
Déclaration de mise à jour courante	2018-10-18
Déclaration de mise à jour courante	2018-10-18
Déclaration de mise à jour courante	2018-09-28
DÉCLARATION DE MISE À JOUR ANNUELLE 2017	2018-09-11
Déclaration de mise à jour courante	2018-09-11
Déclaration de mise à jour courante	2018-04-05
Déclaration de mise à jour courante	2018-01-22
Déclaration de mise à jour courante	2017-05-15
Déclaration de mise à jour courante	2017-05-03
DÉCLARATION DE MISE À JOUR ANNUELLE 2016	2017-02-09
DÉCLARATION DE MISE À JOUR ANNUELLE 2015	2015-10-02
Déclaration de mise à jour courante	2014-12-23
DÉCLARATION DE MISE À JOUR ANNUELLE 2014	2014-10-24
Déclaration de mise à jour courante	2014-08-08
Déclaration de mise à jour courante	2014-04-10
DÉCLARATION DE MISE À JOUR ANNUELLE 2013	2014-02-03
DÉCLARATION DE MISE À JOUR ANNUELLE 2012	2013-06-25
Déclaration initiale	2011-12-15
Certificat de constitution	2011-12-15

Index des noms

Date de mise à jour de l'index des noms 2018-04-05

Nom

Nom	Versions du nom dans une autre langue	Date de déclaration du nom	Date de déclaration du retrait du nom	Situation
RÉNOVATIONS & CONSTRUCTIONS GAUTHIER ET PÉLOQUIN INC.		2011-12-14		En vigueur

Autres noms utilisés au Québec

Autre nom	Versions du nom dans une autre langue	Date de déclaration du nom	Date de déclaration du retrait du nom	Situation
Confort NISI Énergie Solaire		2018-01-22		En vigueur
ÉNERGIE SOLERT		2018-04-05		En vigueur
Groupe Conseil Éco-Vert		2017-05-03		En vigueur
Groupe Énairbec		2014-04-10		En vigueur

Autre nom	Versions du nom dans une autre langue	Date de déclaration du nom	Date de déclaration du retrait du nom	Situation
Toits blancs Montréal		2017-05-15		En vigueur
LogiRénov-Plus		2014-08-08	2015-07-08	Antérieur

Québec

From: Richard Ledoux
To: Rayne Prins
Cc: Jeremy H. Hockin; backoffice.enairbec@gmail.com
Subject: RE: Crelogix Acceptance Corporation - In Receivership
Date: Thursday, December 03, 2020 1:05:28 PM
Attachments: image002.jpg
image004.png
image006.png
image008.png
image001.jpg
image007.png

[EXTERNAL EMAIL: This has originated from outside of Parlee McLaws LLP, proceed with caution]
Good day,

Following my associate's conversation with Mr. Hockin this week, we have no mandate to go ahead with future procedures in this file.

We haven't heard from our client in a long time but we know that our client ceased doing business.

Kindest regards,

Richard Ledoux, avocat
Gagné Lemaire, avocats
794, rue Fréchette, bur. 112
Longueuil (Québec) J4J 5C9
Tel: (450)646-2116 / Fax: (450)646-3828

De : Rayne Prins <rprins@parlee.com>
Envoyé : 24 novembre 2020 13:22
À : 'rledoux@gagnelemaire.com' <rledoux@gagnelemaire.com>; 'ifortin-lemaire@gagnelemaire.com' <ifortin-lemaire@gagnelemaire.com>
Cc : Jeremy H. Hockin <jhockin@parlee.com>; 'backoffice.enairbec@gmail.com' <backoffice.enairbec@gmail.com>
Objet : Crelogix Acceptance Corporation - In Receivership

Good morning,

Please see the attached letter and enclosures sent on behalf of Jeremy H. Hockin.

Thank you,

Rayne Prins | Paralegal / Legal Assistant to Steven A. Rohatyn & Jeremy H. Hockin

Our Covid Response

1700 Enbridge Centre, 10175-101 Street NW, Edmonton, Alberta T5J 0H3
Direct: 780.423.8152 | Fax: 780.423.2870 | Email: rprins@parlee.com