

COURT/ESTATE  
FILE NUMBER 25-094321

COURT COURT OF QUEEN'S BENCH OF ALBERTA

JUDICIAL CENTRE CALGARY

IN THE MATTER OF THE *BANKRUPTCY AND  
INSOLVENCY ACT*, RSC 1985, c B-3, AS  
AMENDED

IN THE MATTER OF THE BANKRUPTCY OF  
IMPACT 2000 INC.

APPLICANT ALVAREZ & MARSAL CANADA INC.. in its  
capacity as Trustee in Bankruptcy of  
IMPACT 2000 INC.

DOCUMENT **APPLICATION**

ADDRESS FOR SERVICE  
AND CONTACT  
INFORMATION OF  
PARTY FILING THIS  
DOCUMENT

Norton Rose Fulbright Canada LLP  
400 3<sup>rd</sup> Avenue SW, Suite 3700  
Calgary, Alberta T2P 4H2  
Phone: +1 403.267.8222  
Fax: +1 403.264.5973  
Email: kyle.kashuba@nortonrosefulbright.com

Attention: Kyle D. Kashuba  
File No. 01024275-0001

**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 the Master/Judge.

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

Date: Monday, September 14, 2015  
Time: 10:00 a.m.  
Where: Calgary Courts Centre  
Before Whom: The Honourable Madam Justice C. Dario, of the Commercial List

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. Abridging, if necessary, the time for service of this Application and deeming service to be good and sufficient.
2. An Order in substantially the same form as that attached as Schedule "A" to this Application, granting the following relief and directions:
  - 2.1 discharging Alvarez & Marsal Canada Inc. ("**A&M**") in its capacity as trustee in bankruptcy (the "**Trustee**") of Impact 2000 Inc. ("**Impact**" or the "**Bankrupt**") upon the conclusion of the Trustee's remaining administrative duties as described in the Trustee's Third Report filed with this Honourable Court on September 9, 2015 (the "**Trustee's Report**");
  - 2.2 the reviewing and approval of the professional fees, receipts and disbursements of the Trustee and those of the Trustee's legal counsel;
  - 2.3 approving the Trustee's actions and those of its legal counsel to date; and
  - 2.4 granting leave to the Trustee to apply to this Court for advice and directions as may be necessary to carry out the terms of the Order sought.
3. Such further and other relief, advice and directions as counsel may advise and this Honourable Court may deem just and appropriate.

**Grounds for making this Application:**

4. On November 2, 2011, Impact sought protection from its creditors through filing a Notice of Intention to Make a Proposal under section 50.4(1) of the *Bankruptcy and Insolvency Act*, RSC 1985, c B-3 ("**BIA**"), and a stay of proceedings was obtained on that date. A&M was named as proposal trustee.
5. On May 3, 2013, Impact was deemed to have filed an assignment into bankruptcy as it was unable to lodge a proposal with its creditors and the official receiver within the allotted time frame pursuant to section 50.4(8) of the BIA. A&M was appointed as trustee in bankruptcy.
6. On June 20, 2013, A&M was appointed the receiver and manager (the "**Receiver**") over the Property of Impact by Order of the Honourable Madam Justice K.M. Horner.

7. A&M, in its capacity as Trustee and Receiver, has completed, or is about to complete, all aspects concerning the administration of this estate.
8. All of the actions in respect of the fees and disbursements incurred by A&M in its capacity as Trustee and its legal counsel during the course of the administration of the within proceeding are reasonable, have been validly incurred in connection with the conduct of the Trustee's and Receiver's obligations herein, and have now been or are about to be completed.
9. The Trustee is not aware of any reason that they should be required for any further purposes herein, and should be discharged as Trustee of Impact upon the conclusion of the remaining administrative duties.
10. The discharge of the Trustee is just, appropriate and in the best interest of the administration of the Impact estate and the stakeholders affected thereby.
11. Such further and other grounds as counsel may advise and this Honourable Court may permit.

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

12. All pleadings, proceedings, affidavits, orders and materials filed in the within action and the receivership proceedings of Impact in Court of Queen's Bench of Alberta Action No. 1301-07419.
13. The Receivership Order and the materials filed in support thereof.
14. The reports of the Receiver filed in the within proceedings and in the bankruptcy proceedings of Impact,, and in particular, the First Report.
15. The proposed form of Order attached hereto as Schedule "A".
16. The inherent jurisdiction of this Honourable Court to control its own process.
17. Such further and other material and evidence as counsel may advise and this Honourable Court may permit.

**Applicable rules:**

18. Rules 6 and 61 of the General Rules under the *Bankruptcy and Insolvency Act*, RSC 1985, c B-3, as amended.

**Applicable Acts and regulations:**

19. *Bankruptcy and Insolvency Act*, RSC 1985, c B-3, and in particular section 41, and such further and other Rules, Acts and Regulations as counsel may advise and that this Honourable Court may permit.

**Any irregularity complained of or objection relied on:**

20. None.

**How the Application is proposed to be heard or considered:**

21. Oral submissions by counsel at an Application in Commercial List Justice Chambers as agreed and scheduled by counsel, before the Honourable Madam Justice C. Dario at the Calgary Courts Centre, 601 - 5<sup>th</sup> Street SW, at Calgary, Alberta, on Monday, September 14, 2015 at 10:00 a.m. or as soon thereafter as counsel may be heard.

**AFFIDAVIT EVIDENCE IS REQUIRED IF YOU WISH TO OBJECT.****WARNING**

If you do not come to Court either in person or by your lawyer, the Court may give the Applicant(s) what they want in your absence. You will be bound by any order that the Court makes. If you want to take part in this Application, you or your lawyer must attend in Court on the date and at the time shown at the beginning of the form. If you intend to rely on an affidavit or other evidence when the Application is heard or considered, you must reply by giving reasonable notice of the material to the Applicant.

**Schedule "A" to the Application filed September 9, 2015  
in Court/Estate File Number 25-094321**

COURT/ESTATE  
FILE NUMBER 25-094321

Clerk's Stamp

COURT COURT OF QUEEN'S BENCH OF ALBERTA

JUDICIAL CENTRE CALGARY

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IMPACT 2000 INC.

APPLICANT ALVAREZ & MARSAL CANADA INC. in its  
capacity as Trustee in Bankruptcy of  
IMPACT 2000 INC.

DOCUMENT **ORDER (Discharge of the Trustee)**

ADDRESS FOR SERVICE AND CONTACT  
INFORMATION OF PARTY FILING THIS  
DOCUMENT Norton Rose Fulbright Canada LLP  
400 3<sup>rd</sup> Avenue SW, Suite 3700  
Calgary, Alberta T2P 4H2  
Phone: +1 403.267.8222  
Fax: +1 403.264.5973  
Email: kyle.kashuba@nortonrosefulbright.com

Attention: Kyle D. Kashuba  
File No. 01024275-0001

DATE UPON WHICH ORDER WAS PRONOUNCED: Monday, September 14, 2015

NAME OF JUSTICE WHO MADE THIS ORDER: The Honourable Madam Justice C. Dario

LOCATION OF HEARING: Calgary, Alberta

**UPON THE APPLICATION** of Alvarez & Marsal Canada Inc. in its capacity as trustee in bankruptcy (the "**Trustee**") of the bankrupt, Impact 2000 Inc. ("**Impact**"); **AND UPON** having read the pleadings, proceedings, orders and other materials filed in this action, including the Trustee's Report, filed September 9, 2014 (the "**Trustee's Report**"); **AND UPON** hearing counsel for the Trustee, and from any other interested parties who may be present; **AND**

**UPON** it appearing that all interested and affected parties have been served with notice of this Application; **AND UPON** it appearing that the relief requested is just, fair and appropriate in all the circumstances and in the best interests of the administration of the Impact estate; **AND UPON** satisfied the conditions to the Trustee's discharge as set out in Rule 61 of the General Rules under the *Bankruptcy and Insolvency Act*, RSC 1985, c B-3 have been met, namely:

- (a) the statements made in connection with the discharge are true;
- (b) the final statement of receipts and disbursements are accurate and correct statements of the administration of the Impact estate;
- (c) all of the property of the bankrupt Impact for which the Trustee was accountable has been sold, realized, or disposed of in the matter described in the final statement of receipts and disbursements;
- (d) the Trustee has not received it, does not expect to receive, and has not been promised, any remuneration or consideration other than that which is shown in the final statement of receipts and disbursements; and
- (e) the final statement of receipts and disbursements, and notice of this Application for discharge of the Trustee have been sent to the Registrar, the Division Office, the bankrupt Impact and to every creditor on the service list in this matter;

**THE COURT IS CONVINCED AND HEREBY ORDERS AND DECLARES THAT:**

**Service:**

1. Service of the notice of this Application and supporting materials is hereby declared to be good and sufficient, no other person is required to have been served with notice of this Application, and the time for service of this Application is abridged to that actually given.

**Discharge of the Trustee:**

2. The accounts of the Trustee attached as Appendix "E" to the Trustee's Report are taxed, approved by the Registrar, and allowed as presented.

3. Alvarez & Marsal Canada Inc. is hereby discharged as Trustee in Bankruptcy of the bankrupt Impact 2000 Inc.
4. Service of this Order may be effected by sending a copy of this Order by email, facsimile transmission or by registered mail to the parties served with notice of this Application and to the parties we were in attendance at this Application, and further service of this Order is hereby dispensed with.

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Justice of the Court of Queen's Bench of Alberta