

CLERK OF THE COURT
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JUDICIAL CENTRE
OF CALGARY

COURT FILE NUMBER **1801-02034**
COURT **COURT OF QUEEN'S BENCH OF
ALBERTA**

JUDICIAL CENTRE **CALGARY**

**IN THE MATTER OF THE
RECEIVERSHIP AND
TRUSTEESHIP OF 1848941
ALBERTA LTD. and THE ESTATE
OF FERLYN ROBERT JOHN
CHMELYK**

APPLICANTS **1848941 ALBERTA LTD and THE
ESTATE OF FERLYN ROBERT
JOHN CHMELYK**

RESPONDENTS **CANADA REVENUE AGENCY,
ALBERTA SECURITIES
COMMISSION, CALLA CHMELYK,
CURTIS KRAMER, GORDON
KOOB, DAVID VOLPI, CRUCIATE
GROUP, DEAN WEGLEITNER,
1586668 ALBERTA LTD, JOHN
DOE, AND ABC CORPORATION
LTD.**

DOCUMENT **AMENDING ORDER**

ADDRESS FOR SERVICE **LOW, GLENN & CARD**
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DATE ON WHICH ORDER WAS PRONOUNCED: **Tuesday, April 24, 2018**

NAME OF JUDGE WHO MADE THIS ORDER: **The Honourable Mr. Justice Jones**

LOCATION OF HEARING: **Calgary, Alberta**

UPON THE APPLICATION of Davis Aiden Chmelyk (the "Applicant") in respect of the Estate of Ferlyn Robert John Chmelyk (the "Estate") and related corporations to which

the Estate holds an interest filed April 19, 2018 (the "Application"); **AND UPON HAVING READ** the Affidavit of Emily Lyon sworn April 3, 2018, the Receivership and Trustee Order granted by the Honourable Madam Justice Hunt-McDonald in the within matter on February 8, 2018 (the "Receivership Order"); **AND UPON HEARING** the submissions of counsel for the Applicant, counsel for Hudson & Company Insolvency Trustees Ltd. in its capacity as the Court-appointed receiver of the Estate, counsel for the Department of Justice, counsel for the Alberta Securities Commission, and counsel for Calvert Home Mortgage Investment Corporation;

IT IS HEREBY ORDERED AND DECLARED THAT:

1. Service of notice of the Application and supporting materials is hereby declared to be good and sufficient, no other person is required to have been served with notice of the Application, and time for service of the Application is abridged to that actually given.
2. The Receivership Order is hereby amended as follows:
 - (a) The words "RECEIVERSHIP AND TRUSTEE ORDER" on the first page of the Receivership Order are hereby deleted and replaced with the words "RECEIVERSHIP ORDER";
 - (b) The words "(the "Debtor")" in the preamble of the Receivership Order are hereby deleted;
 - (c) The words "to act as interim receiver and receiver and manager" in the preamble of the Receivership Order are hereby deleted and replaced with the words "to act as receiver and manager"
 - (d) Paragraph 2 of the Receivership Order is hereby deleted in its entirety and replaced with the following

"Pursuant to sections 13(2) of the *Judicature Act*, RSA 2000, c J-2, and section 99(a) of the *Business Corporation Act*, RSA 2000, c B-9, and section 65(7) of the *Personal Property Security Act*, Hudson and Company Insolvency Trustees Inc. is hereby appointed receiver/manager, without security, of all of the current and future assets, undertakings and properties of every nature and kind whatsoever, and wherever situate, including the proceeds thereof (collectively, the "Property") of the following entities:

- (a) The Estate of Ferlyn Robert John Chmelyk;
- (b) 1848941 Alberta Ltd;
- (c) Aecor Inc.;
- (d) Ruhani Construction Inc.;
- (e) Cerezo Developments Inc.;
- (f) 1735560 Alberta Ltd.;
- (g) 1735563 Alberta Ltd.; and

(h) 1751886 Alberta Ltd.

(collectively, the "Debtors"). The Property shall specifically include all deposits concerning the sale of, and the proceeds from the sale of, lands legally described as:

PLAN C
BLOCK 121
THOSE PORTIONS OF LOTS 1 TO 16 INCLUSIVE BOUNDED AS
FOLLOWS:
COMMENCING AT A POINT IN THE WESTERN BOUNDARY AT A
DISTANCE OF 42.10 FEET
MEASURED NORTHERLY THEREON FROM THE SOUTH WEST
CORNER OE SAID BLOCK 121
THENCE ON AN ASSUMED BEARING OE NORTH, ALONG THE SAID
WESTERN BOUNDARY,
TO A POINT AT A DISTANCE OF 109.88 FEET MEASURED
SOUTHERLY THEREON, FROM
THE NORTH WEST CORNER OF THE SAID BLOCK 121,
THENCE SOUTH 89 DEGREES 40 MINUTES, EAST A DISTANCE OF
118.03 FEET,
THENCE NORTH 0 DEGREES 20 MINUTES EAST A DISTANCE OE
31.6 FEET MORE OR LESS,
TO THE NORTH EASTERN BOUNDARY OF THE SAID BLOCK 121,
THENCE SOUTH EASTERLY ALONG THE SAID NORTH EASTERN
BOUNDARY, TO THE NORTH
WEST CORNER OF THE PARCEL ON PLAN 695FP,
THENCE SOUTHERLY ALONG THE WESTERN BOUNDARY, TO THE
SOUTH WEST CORNER OF
SAID PARCEL,
THENCE WESTERLY, IN A STRAIGHT LINE TO THE POINT OF
COMMENCEMENT,
EXCEPTING:
THAT PORTION OF LOTS 15 AND 16 IN BLOCFC 121 ON PLAN C
REQUIRED FOR ROADWAY
WITHIN EXPROPRIATION PLAN 8210790
EXCEPTING THEREOUT ALL MINES AND MINERALS

which deposits and sale proceeds are currently held pursuant to Orders granted in Court of Queen's Bench of Alberta Court File Number 1701-06176."

- (e) The word "Debtor" throughout the Receivership Order shall be deleted and replaced with the word "Debtors"; and
- (f) The words "and Court of Queen's Bench in Bankruptcy Action No.: 1701-06176" in paragraph 32 of the Receivership Order are hereby deleted and replaced with the words "and Court Queen's Bench of Alberta Court File Number: 1701-06176".

(g) The following shall be added as paragraph 34 of the Receivership Order:

"Notwithstanding any other provision of this Order, the stay of proceedings against the Estate of Ferlyn Robert John Chmelyk created by paragraph 8 of this Order and the stay of rights and remedies against the Estate of Ferlyn Robert John Chmelyk created by paragraph 9 of this Order shall not apply as it relates to Court of Queen's Bench of Alberta Court File Number 1701-07803 and Court of Queen's Bench of Alberta Court File Number 1701-15276 (collectively, the "Condo Property Foreclosure Actions")."


(h) The following shall be added as paragraph 35 to the Receivership Order:

"Notwithstanding any other provision of this Order, neither the Receivership Charge created by paragraph 17 of this Order, nor the Receiver's Borrowing Charge created by paragraph 20 of this Order shall attach to the property that is the subject of either of the respective Condo Property Foreclosure Actions."

3. The style of cause of the within matter is hereby amended to read as follows:

"In the Matter of the Receivership of the Estate of Ferlyn Robert John Chmelyk, Deceased, 1848941 Alberta Ltd, Aecor Inc., Ruhani Construction Inc., Cerezo Developments Inc., 1735560 Alberta Ltd., 1735563 Alberta Ltd., and 1751886 Alberta Ltd."

4. Approval as to the Order granted may be provided in counterpart and by facsimile, PDF, or other electronic means.



Justice of the Court of Queen's Bench of Alberta

APPROVED AS THE ORDER GRANTED:

MLT AIKINS LLP

Per: 

Dean A. Hutchison
Counsel for Hudson & Company Insolvency
Trustees Ltd.

HENDRIX LAW

Per: _____

Jennifer Blanchard
Counsel for Calvert Home Mortgage
Investment Corporation

(g) The following shall be added as paragraph 34 of the Receivership Order:

"Notwithstanding any other provision of this Order, the stay of proceedings against the Estate of Ferlyn Robert John Chmelyk created by paragraph 8 of this Order and the stay of rights and remedies against the Estate of Ferlyn Robert John Chmelyk created by paragraph 9 of this Order shall not apply as it relates to Court of Queen's Bench of Alberta Court File Number 1701-07803 and Court of Queen's Bench of Alberta Court File Number 1701-15276 (collectively, the "Condo Property Foreclosure Actions")."

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"Notwithstanding any other provision of this Order, neither the Receivership Charge created by paragraph 17 of this Order, nor the Receiver's Borrowing Charge created by paragraph 20 of this Order shall attach to the property that is the subject of either of the respective Condo Property Foreclosure Actions."

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Justice of the Court of Queen's Bench of Alberta

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