

Action No. 0201-13248

IN THE COURT OF QUEEN'S BENCH OF ALBERTA  
JUDICIAL DISTRICT OF CALGARY

BETWEEN:

**KENDAX INVESTMENTS INC.**

Applicant

- and -

**DONALD CARMICHAEL and 658051 ONTARIO LIMITED**

Respondents

**NOTICE OF MOTION**

TAKE NOTICE that an application will be made by the Respondents before the Honourable Madam Justice K. M. Horner, at the Court House, 611 – 4<sup>th</sup> Street S.W, in the City of Calgary, in the Province of Alberta, on Friday, the 11<sup>th</sup> day of June, 2004, at the hour of 1:00 o'clock in the afternoon, or soon thereafter as counsel may be heard for:

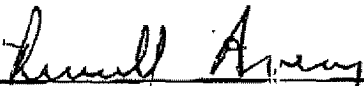
- (a) An Order granting leave to the Respondents to bring this application; and
- (b) An Order directing the Judicial Trustee to pay all expenses relating to the refinancing of the Sunlife Mortgage from the operating revenue of Bonaventure Court.

AND FURTHER TAKE NOTICE that the grounds for this application are that the refinancing of the Sunlife Mortgage is for the benefit of all beneficial owners of Bonaventure Court, so it is fair and equitable that any costs associated with the refinancing be borne by them.

AND FURTHER TAKE NOTICE that in support of the application will be read the Affidavit of Elizabeth Chabassol, which has been filed, together with such further and other material as counsel may advise and this Honourable Court may permit.

DATED at the City of Calgary, in the Province of Alberta, this 8<sup>th</sup> day of June,  
2004.

BISHOP & MCKENZIE LLP

Per:   
Russell N. Avery  
Solicitor for the Respondents

TO: The Clerk of the Court

AND TO: Attached Service List

**BISHOP & MCKENZIE LLP**

Re: Bonaventure Court

**SERVICE LIST**

<p><b>Carcallen, Reinhart, Mathany, Maslak</b> 619 James Street P.O. Box 409 Wallaceberg, Ontario N8A 4X1 <b>Attention: John Mathany</b> Fax: (519) 627-1030 Solicitors for Ronald Duke</p>	<p><b>Burnet Duckworth &amp; Palmer LLP</b> 1400, 350 – 7<sup>th</sup> Avenue SW Calgary, AB T2P 3N9 <b>Attention: Brian O'Leary, Q.C.</b> Fax: 260-0332 Solicitors for the Judicial Trustee</p>
<p><b>Fraser Milner Casgrain LLP</b> 3000, 237 – 4<sup>th</sup> Avenue S.W. Calgary, Alberta T2P 4X7 <b>Attention: David LeGeyt</b> Fax: 268-3031 Solicitors for Linda Dixon</p>	<p><b>Alger &amp; Associates Inc.</b> Suite 400, 602 – 11<sup>th</sup> Avenue S.W. Calgary, Alberta T2R 1J8 <b>Attention: Bruce Alger / Mike Costello</b> Fax: 296-2988 Judicial Trustee</p>
<p><b>BrazeauSeller LLP</b> 55 Metcalfe Street Ottawa, Ontario K1P 6L5 <b>Attention: Melanie McDonald</b> Fax: (613) 237-4001 Solicitors for David Kiperchuk</p>	<p><b>Kramer Henderson</b> 120 Adelaide Street Toronto, Ontario M5H 1T1 <b>Attention: Gregory M. Sidlofsky</b> Fax: (416) 601-0712 Solicitors for John Biondi:h</p>
<p><b>Clark &amp; Clark</b> 200, 2120 – 4<sup>th</sup> Street S.W. Calgary, Alberta T2S 1W7 <b>Attention: R. Terry Clark</b> Fax: 777-1447 Solicitors for Kendax Investments Inc.</p>	

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BOX 59  
BISHOP & MCKENZIE LLP  
Barristers and Solicitors  
1700, 530 - 8<sup>th</sup> Avenue S.W.  
Calgary, Alberta T2P 3S8

Attention: Russell V. Avery  
Phone: (403) 237-5550

File No. 59,333.-2

CLERK OF THE COURT

JUN 08 2004

CALGARY, ALBERTA