

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

BETWEEN:

**KENDAX INVESTMENTS INC.**

Applicant

and

**DONALD CARMICHAEL, 658051 ONTARIO LIMITED and  
KINGSCROFT INVESTMENTS LTD.**

Respondents

**NOTICE OF MOTION**

TAKE NOTICE THAT an application will be made by the Judicial Trustee before the Honourable Madam Justice Horner in Chambers, at the Court House, in the City of Calgary, in the Province of Alberta on Wednesday, the 1<sup>st</sup> day of December, 2004 at the hour of 1:00 o'clock in the afternoon or so soon thereafter as Counsel may be heard for an Order:


1. Approving the interim fees and disbursements of the Judicial Trustee and the interim fees and disbursements of counsel for the Judicial Trustee.
2. Such further and other relief as this Honourable Court may deem just.

**AND FURTHER TAKE NOTICE** that pursuant to the Order granted by the Honourable Justice Cairns on January 22, 2003, the Judicial Trustee is required to have its accounts passed by the Court from time to time.

**AND FURTHER TAKE NOTICE** that in support of this Application we will rely upon the Affidavit of Bruce E. Alger, filed, the Order granted by the Honourable Justice Cairns on January 22, 2003, and such other documents as Counsel may advise and the Court may permit.

DATED at the City of Calgary, in the Province of Alberta, this 23<sup>rd</sup> day of November, 2004.

**BURNET, DUCKWORTH & PALMER LLP**

  
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Brian P. O'Leary, Q.C., Solicitor for the Applicant

TO: Clerk of the Court  
AND TO: Attached Service List

**ALGER & ASSOCIATES INC.**  
**Re: Bonaventure Court**  
**SERVICE LIST**

<p><b>Fraser Milner Casgrain LLP</b>  3000, 237 – 4<sup>th</sup> Avenue SW  Calgary, Alberta T2P 4X7</p> <p><b>Attention: David LeGeyt</b>  Fax: 268-3031</p> <p>Solicitors for Ronald Duke</p>	<p><b>Bishop &amp; McKenzie LLP</b>  Suite 2500, 700 – 9<sup>th</sup> Avenue SW  Calgary, Alberta T2P 3V4</p> <p><b>Attention: Russ Avery</b>  Fax: 263-3423</p> <p>Solicitors for Donald Carmichael, 658051  Ontario Limited and Kingscroft Investments</p>
<p><b>Fraser Milner Casgrain LLP</b>  3000, 237 – 4<sup>th</sup> Avenue SW  Calgary, Alberta T2P 4X7</p> <p><b>Attention: David LeGeyt</b>  Fax: 268-3031</p> <p>Solicitors for Linda Dixon</p>	<p><b>Kendax Investments Inc.</b>  45 Kingsbridge Garden Circle  Suite 2707  Mississauga, Ontario L5R 3K4</p> <p><b>Attention: Joyce Kendall</b>  Fax: (905) 890-0033</p> <p>No counsel at this time</p>
<p><b>Alger &amp; Associates Inc.</b>  Suite 400, 602 – 11<sup>th</sup> Avenue SW  Calgary, Alberta T2R 1J8</p> <p><b>Attention: Bruce Alger</b>  <b>Mike Costello</b>  Fax: 296-2988</p> <p>Judicial Trustee</p>	<p><b>BrazeauSeller LLP</b>  55 Metcalfe Street  Ottawa, Ontario K1P 6L5</p> <p><b>Attention: Melanie McDonald</b>  Fax: (613) 237-4001</p> <p>Solicitors for David Kiperchuk</p>
<p><b>Kramer Henderson</b>  120 Adelaide Street W.  Toronto, Ontario M5H 1T1</p> <p><b>Attention: Gregory M. Sidlofsky</b>  Fax: (416) 601-0712</p> <p>Solicitors for John Biondich</p>	<p><b>Miles Davison LLP</b>  #1600, 205 – 5<sup>th</sup> Avenue SW  Calgary, Alberta T2P 2V7</p> <p><b>Attention: Erin D. Liefso</b></p> <p>Solicitors for Franciska Adamic &amp; John  Biondich</p>
<p><b>Linda Dixon</b>  110 Broadway Avenue, #110  Toronto, ON M4P 1V7</p>	

Action No. 0201-13248

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

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BETWEEN

**KENDAX INVESTMENTS INC.**

Plaintiff

and

**DONALD CARMICHAEL and 658051 ONTARIO  
LIMITED**

Defendants

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**NOTICE OF MOTION**

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Burnet, Duckworth & Palmer LLP  
Barristers and Solicitors  
First Canadian Centre  
1400, 350 - 7th Avenue S.W.  
Calgary, Alberta T2P 3N9

Attention: Brian P. O'Leary, Q.C.  
Phone: (403) 260-0373  
Fax: (403) 260-0332

File No. 58585-1

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