

Remedy claimed or sought:

1. EITHER:

- (a) an Order Confirming Sale and Vesting Order with respect to the undertaking, property (real and personal) and the assets of the Defendant QUEEN MARY PARK PLACE LTD. located at the property legally described as:

PLAN B4

BLOCK SEVEN (7)

LOTS ONE HUNDRED AND SEVENTY NINE (179) ONE HUNDRED AND EIGHTY (180) AND ONE HUNDRED AND EIGHTY ONE (181)

EXCEPTING THEREOUT: ALL THAT PORTION OF LOT ONE HUNDRED AND SEVENTY NINE (179) WHICH LIES SOUTHWEST OF A STRAIGHT LINE WHICH JOINS AT POINTS IN THE WEST AND SOUTH BOUNDARIES OF SAID LOT ONE HUNDRED AND SEVENTY NINE (179), RESPECTIVELY DISTANT FIFTEEN (15) FEET NORTH AND EAST FROM THE SOUTHWEST CORNER THEREOF EXCEPTING THEREOUT ALL MINES AND MINERALS

(hereinafter collectively referred to as "the Property")

accepting an Offer to Purchase in the amount of \$3,225,000.00 which has been submitted; and

- (b) directing the disposition of the balance of the proceeds of sale; and
- (c) directing, that upon being authorized to do so by the solicitors for the Plaintiff herein and notwithstanding the requirements of section 191(1) of the *Land Titles Act*, RSA 2000, c L-4, an Order directing that the Registrar of the Land Titles to cancel the existing Certificate of Land Title, being a part of the Property and to issue a new Certificate of Land Title to the said lands in the name of the successful purchaser(s), free and clear of all registered encumbrances, liens and interests registered subsequent to the mortgage to the Plaintiff; and
- (d) an Order extinguishing any and all interest of the Defendant QUEEN MARY PARK PLACE LTD. and all subsequent encumbrancers in the Property; and
- (e) an Order for possession and that in default of possession being delivered up, a Writ of Possession to issue without further notice or Order; and
- (f) an Order discharging The Bowra Group Inc., the Receiver and Manager, subject to the passing of the accounts of the said Receiver and Manager;

OR, IN THE ALTERNATIVE:

- (g) a Redemption Order with respect to the Property; and
- (h) an Order setting the period of redemption at one day or such other period as the Court may deem appropriate; and
- (i) an Order directing that, after the expiration of the period of redemption, the subject property be listed for sale by way of judicial listing for a period of 90 days at such listing amount as the Court may determine is appropriate and which is acceptable to the Plaintiff

AND IN ANY EVENT:

- (j) if required, an Order validating service of the within Application and documents filed in support thereof, pursuant to Rule 11.27 of the *Alberta Rules of Court*, Alta Reg 124/2010, and
- (k) if required, an Order abridging the time for service of the within Application and documents filed in support thereof, pursuant to Rule 6.3(3) of the *Alberta Rules of Court*, Alta Reg 124/2010; and
- (l) costs of this action on a solicitor and his/her own client basis pursuant to the mortgage documents; and
- (m) such further Order or directions as to this Honourable Court may seem just.

Grounds for making this application:

- 2. (a) The Defendant QUEEN MARY PARK PLACE LTD. has not repaid the amount owing to the Plaintiff when due, or at all; and
- (b) The amount owing to the Plaintiff exceeds the fair market value of the Property; and
- (c) The Defendants PARMINDER BAGGA and SHAZAH MARDHANI guaranteed repayment to the Plaintiff of the amount owing by the Defendant QUEEN MARY PARK PLACE LTD. and have failed to repay the amount owing when due, or at all.

Material or evidence to be relied on:

- 3. (a) Affidavit of Offer(s) Received and Exhibits thereto; and
- (b) Affidavit of Value and Exhibits thereto in the within action; and
- (c) Certified Copies of Title; and
- (d) A Personal Property Registry Search with respect to the Defendant QUEEN MARY PARK PLACE LTD.; and
- (e) such other or further documents as may be presented to the Court by the Plaintiff.

Applicable rules:

- 4. (a) *Alberta Rules of Court*, Alta Reg 124/2010 in general; and
- (b) Specifically, Rule 6.3, Rule 9.30 and Part 9, Division 5 of the *Alberta Rules of Court*. Alta Reg 124/2010.

Applicable Acts and regulations:

- 5. (a) *Land Titles Act*, RSA 2000, c L-4; and
- (b) *Law of Property Act*, RSA 2000, c L-7 in general; and

- (c) Specifically, Part 5 of the *Law of Property Act*, RSA 2000, c L-7; and
- (d) *Personal Property Security Act*, RSA 2000, c P-7.

Any irregularity complained of or objection relied on:

6. NIL

How the application is proposed to be heard or considered:

7. By the Master in Chambers on the regular Masters' List based upon sworn Affidavit evidence and upon notice to all parties required to be served with such notice.

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 or your lawyer must attend in Court on the date and at the time shown at the beginning of the form. If you rely on an affidavit or other evidence when the application is heard or considered, you must reply by reasonable notice of the material to the applicant.