

COURT FILE NUMBER 2103 10970  
COURT COURT OF QUEEN'S BENCH OF ALBERTA  
JUDICIAL CENTRE EDMONTON  
PLAINTIFF CANADIAN WESTERN BANK  
DEFENDANT SHAMROCK VALLEY ENTERPRISES LTD.  
DOCUMENT **APPLICATION BY SHAMROCK VALLEY ENTERPRISES LTD.**

Clerk's Stamp

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT c/o EMERY JAMIESON LLP  
Barristers & Solicitors  
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File no.: 33771-0001 KRK

### NOTICE TO RESPONDENT

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 August 27, 2021  
Time 11:00 a.m.  
Where <https://albertacourts.webex.com/meet/virtualcourtroom86>  
Before Whom The Honourable Mr. Justice G.S. Dunlop

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. An Order abridging the time for service of the Application and supporting Affidavit in the within action to the time actually given, if necessary.
2. An Order extending the stay on the Receivership Order conditionally granted by the Honourable Mr. Justice J.T. Neilson on July 30, 2021.

**Grounds for making this application:**

3. On July 30, 2021, Justice Neilson granted the application of Canadian Western Bank (“CWB”) for the appointment of a Receiver, but stayed the Order to July 27, 2021 on certain conditions.
4. Those conditions included that Shamrock Valley Enterprises Ltd. (“Shamrock”) was to provide to CWB a formal commitment from Essex Lease Finance Corporation (“Essex”) of a firm commitment sufficient to satisfy CWB’s debt by no later than August 13, 2021.
5. Essex provided a firm commitment to CWB within the timelines contemplated by Justice Neilson’s Order.
6. The commitment provided by Essex provides an anticipated closing date of August 27, 2021.
7. Essex has advised Shamrock that additional time will be necessary to complete the re-financing.

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

8. Second Affidavit of Murry Nielsen, sworn August 19, 2021.
9. Order of Justice J.T. Neilson, pronounced July 30, 2021.

**Applicable rules:**

10. 6.3

**Applicable Acts and regulations:**

11. *Personal Property Security Act*, RSA 2000, c.P-7, as amended.
12. *Judicature Act*, RSA 2000, c 2000, c J-2, as amended
13. *Business Corporations Act*, c 2000, c B-9, as amended
14. *Bankruptcy and Insolvency Act*, RSC 1985 c B-3, as amended

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

15. None.

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

16. Counsel for the Applicant will be appearing via webex before the Honourable Mr. Justice G.S. Dunlop in Chambers.

**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.