

COURT FILE NUMBER 2001-03935

COURT COURT OF QUEEN'S BENCH OF ALBERTA

JUDICIAL CENTRE CALGARY

PLAINTIFF VANCITY COMMUNITY INVESTMENT BANK

DEFENDANT FIRST STREET PLAZA (2006) LIMITED PARTNERSHIP by its general partner FIRST STREET PLAZA GP LTD.; LOUISE BLOCK LIMITED PARTNERSHIP by its general partner LOUISE BLOCK CAPITAL CORP.; MACLEOD PLACE LIMITED PARTNERSHIP by its general partner MACLEOD PLACE LTD.; RIAZ MAMDANI; and IEC LTD.

DOCUMENT **AFFIDAVIT**

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT **BENNETT JONES LLP**
Barristers and Solicitors
4500, 855 – 2nd Street S.W.
Calgary, Alberta T2P 4K7
Attention: Ken Lenz, Q.C./Keely Cameron
Telephone No.: 403-298-3317/3324
Fax No.: 403-265-7219
Client File No.: 72996.235

AFFIDAVIT OF PHILIP PINCUS

Sworn on February 17, 2021

I, Philip Pincus of Vancouver, British Columbia, SWEAR AND SAY THAT:

1. I am the Director, Property Management of Trez Capital Limited Partnership, and as such, I have personal knowledge of the matters deposed to, except where stated to be based on information and belief, in which case I believe the same to be true.
2. I am authorized on behalf of Trez Capital Limited Partnership by its general partner Trez Capital (2011) Corporation ("**Trez**") to swear this affidavit on their behalf in support of an application by Trez, which seeks to amend the style of cause in the current proceedings.

Background

3. Trez is a diversified real estate investment firm that provides private commercial real estate debt and equity financing solutions in Canada and the United States and is registered pursuant to the laws of the Province of British Columbia. Its general partner is Trez Capital (2011) Corporation. It is a Canadian mortgage broker and sources mortgages on behalf of the Trez Capital investment funds.
4. I understand that Vancity Community Investment Bank ("**VCIB**") advanced funds to Macleod Place Ltd. and Macleod Place Limited Partnership pursuant to a commitment letter dated February 27, 2013 ("**Commitment Letter**"). The funds loaned under and pursuant to the Commitment Letter and any and all interest accrued thereon (collectively, the "**VCIB Debt**") are secured by security documents and security registrations (collectively, the "**Security**").
5. Included as part of the Security is a first mortgage registered against the property located at 5920 and 5940 Macleod Trail SW, Calgary, Alberta:

Legal Description:

PLAN 4269HS

BLOCK 1

LOT 2

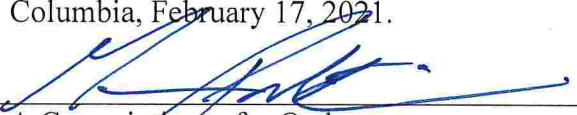
EXCEPTING THEREOUT ALL MINES AND MINERALS

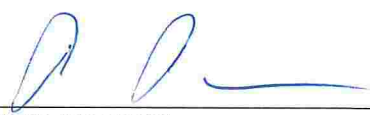
Civic Address: 5920 and 5940 Macleod Trail SW, Calgary

Titleholder: Macleod Place Ltd.

(the "**Macleod Lands**")

7. Trez on behalf of its investor funds is the legal and beneficial owner of the second mortgage registered against the Macleod Lands in the name of Computershare Trust Company of Canada as mortgage custodian.
8. On January 21, 2021, pursuant to a binding term sheet dated January 14, 2021 and as amended by a side letter dated January 21, 2021, VCIB, by its agent Vancouver City Savings Credit Union ("VCSCU"), entered into an assignment agreement with Trez (the "**Trez Assignment Agreement**"). Pursuant to the Trez Assignment Agreement in consideration for Trez repaying a portion of the Debt, VCIB assigned, transferred, granted and conveyed to Trez all of its respective rights, title, benefit, and interest in the VCIB Debt and Security.
9. Pursuant to the Trez Assignment Agreement, Trez is to take all necessary actions to assume the role of VCIB in the subject Court Action (Court File No. 2001-03935).
10. I swear this Affidavit in support of an application by Trez to amend the style of cause of the current proceedings and for no improper purpose.

SWORN BEFORE ME at the City of)
 Vancouver, in the Province of British)
 Columbia, February 17, 2021.)
)
 A Commissioner for Oaths)
 in and for British Columbia)
)



 PHILIP PINCUS

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