

COURT FILE NUMBER QBG-SA-00399-2020

COURT OF KING'S BENCH FOR SASKATCHEWAN  
IN BANKRUPTCY AND INSOLVENCY

JUDICIAL CENTRE SASKATOON

PLAINTIFF CANADIAN MORTGAGE SERVICING CORPORATION

DEFENDANT 101118672 SASKATCHEWAN LTD. (formerly Korf Properties Ltd.)

**IN THE MATTER OF THE RECEIVERSHIP OF 101118672 SASKATCHEWAN LTD.  
(formerly Korf Properties Ltd.)**

**NOTICE OF APPLICATION**  
**(Sale Approval and Vesting Order - 260-270 Kensington Ave)**

**NOTICE TO: Those Parties Identified on the Attached Service List and Supplementary Service List**

This application is made against you. You are a respondent. You have the right to state your side of this matter before the Court.

To do so, you must be in Court when the application is heard as shown below:

Where Court of King's Bench  
520 Spadina Crescent East  
Saskatoon, Saskatchewan

Date February 16, 2023

Time 10:00 am

**Remedy claimed or sought:**

1. Orders:

***In respect of the sale of 260-270 Kensington Ave***

(a) Approving and authorizing MNP Ltd. (the "**Receiver**") in its capacity as Receiver of 101118672 Saskatchewan Ltd. (formerly Korf Properties Ltd.) (the "**Debtor**") pursuant to the Receivership Order of the Honourable Mr. Justice B.J. Scherman issued March 17, 2020 (the "**Receivership Order**") to complete the transaction contemplated in the Asset Purchase Agreement dated effective January 31, 2023 (the "**Purchase Agreement**") between the Receiver and

Keith Eugene Hesketh and Rhonda Marie Hesketh (the "**Proposed Purchaser**") as appended to the Fifth Report of the Receiver date February 10, 2023 ("**Fifth Report**");

- (b) Approving, authorizing and directing the Receiver to enter into a sale of the assets for the purchase price in the Purchase Agreement and subject to the terms and conditions thereof;
- (c) Vesting the Proposed Purchaser with all right, title, and interest in and to, the assets described in the Purchase Agreement, free and clear of all liens, charges, and encumbrances except as provided in the Purchase Agreement;

***Miscellaneous Matters***

- (d) Approving the Receiver's activities as described within the Fifth Report including but not limited to the fees and disbursements of the Receiver and those of its legal counsel; and
- (e) Such further and other relief as counsel may request and this Honourable Court may allow.

**Grounds for making this application:**

1. Paragraph 36 of the Receivership Order authorizes applications to be brought on three (3) days' notice.
2. The Receiver makes this application pursuant to section 3 of the Receivership Order, which permits the Receiver to, with approval of this Honourable Court, sell the assets of the Debtor and apply for any Order(s) necessary to do so.
3. This application concerns the sale of:
  - (a) one undeveloped industrial property municipally described as 260 Kensington Avenue, Estevan, Saskatchewan and legally described as Surface Parcel No. 135928705, Reference land description Lot 18, Blk/Par 2, Plan 89R21476 Extension 0 as described on Certificate of Title 89R21476A (the "**260 Kensington Property**"); and
  - (b) one undeveloped industrial property municipally described as 270 Kensington Avenue, Estevan, Saskatchewan and legally described as Surface Parcel No.

107417965, Reference land description Lot 19, Blk/Par 2, Plan 89R21476 Extension 0 as described on Certificate of Title 89R21476B (the “**270 Kensington Property**”).

(collectively, the “**Properties**”)

### **Listing Efforts**

4. As indicated in the First Report of the Receiver dated December 7, 2020, after the Receiver’s appointment, the properties of the Debtor were listed for sale with Colliers International (“**Colliers**”) on June 18, 2020 on an “Invitation for Offers” basis.

5. Following the sales efforts by Colliers no prospective purchasers expressed interest in the Properties.

6. There was little interest in the Properties despite an extensive marketing effort.

7. The highest (and only) offer was made by Laureen Price (the “**Assignor**”) and subsequently assigned by the Assignor to the Proposed Purchasers pursuant to an Assignment Agreement dated effective January 31, 2023, as appended to the Fifth Report. The Purchase Agreement was then negotiated and executed by the Receiver and Proposed Purchaser, subject to court approval.

8. The Receiver is of the view that entering into the Agreement with the Proposed Purchaser for the Properties is commercially reasonable and that:

- (a) the Receiver made sufficient effort to get the best price and has not acted improvidently in its efforts;
- (b) the proposed sale is in the interests of all parties and stakeholders;
- (c) the sales process was marked by both efficacy and integrity; and
- (d) there has not been unfairness in the working out of the process.

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

1. This Notice of Application with proof of service;

2. The draft Sale Approval and Vesting Order (260-270 Kensington Ave)
3. The Fifth Report of the Receiver dated February 10, 2023;
4. A Brief of Law; and
5. Such further and other material as this Honourable Court may allow.

**Applicable Acts, Regulations, and Jurisprudence:**

1. *The Queen's Bench Act, 1998*, SS 1998, c Q-1.01, s. 12.
2. *The Bankruptcy and Insolvency Act*, RSC, 1985, c B-3, ss. 243, 247 and 249.
3. *The Personal Property Security Act*, 1993, SS 1993, c P-6.2, ss. 63-64.

DATED at Regina, Saskatchewan, this 10<sup>th</sup> day of February, 2023.

KANUKA THURINGER LLP

Per:   
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Solicitors for the Receiver,  
MNP Ltd.

**CONTACT INFORMATION AND ADDRESS FOR SERVICE**

Lawyer in Charge of File:  
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