

COURT FILE NUMBER	24-2806171
COURT	COURT OF KING'S BENCH OF ALBERTA IN THE MATTER OF THE BANKRUPTCY OF ECO INDUSTRIAL BUSINESS PARK INC.
JUDICIAL CENTRE	EDMONTON
APPLICANT	MNP LTD, in its capacity as the TRUSTEE IN BANKRUPTCY OF ECO-INDUSTRIAL BUSINESS PARK INC, and not in its personal capacity
RESPONDENT	SYMMETRY ASSET MANAGEMENT INC
DOCUMENT	AFFIDAVIT
ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT	ROBERTS O'KELLY LAW Attention: Sharon Roberts Counsel for Daniel Alexander White, Dan White Family Trust and Symmetry Asset Management Inc. 403, 10113 104 Street NW Edmonton, AB T5J 1A1 Phone: 780 760 6752 Fax: 780 669 7672 Email: sharon@robertsokelly.com

AFFIDAVIT OF DAVID GAMAGE SWORN / AFFIRMED NOVEMBER 11, 2022

I, DAVID GAMAGE, being a resident of Alberta, hereby affirm that:

1. I am a Chartered Professional Accountant (CPA) and a Trustee of the Dan White Family Trust (“**DWFT**”). I make this affidavit from my personal knowledge, or based on information and belief where and as noted, in response to an Application by MNP Ltd. (“**MNP**”), in its capacity as Trustee in Bankruptcy of Eco-Industrial Business Park Inc. (“**Eco Park**”) and MNP’s evidence given by affidavit and cross examination in relation to that Application.
2. I first became a trustee of DWFT on December 10, 2002. In that role, I have attended meetings of the board of trustees of DWFT with Dan White, Adam Zarafshani and Mohammed Farooq and Marc Williams.
3. From time to time since 2002, I have provided financial consulting and accounting services to businesses held for the benefit of DWFT, including Symmetry and Eco Park. To my knowledge and observation, the accounting completed for Alberta

businesses held for the benefit of DWFT have been done so in accordance with generally accepted accounting principles.

4. I was also cooperative on behalf of the DWFT with MNP in its capacity as an interim monitor, as set out in my Affidavits sworn March 25, 2021 and April 23, 2021 in then Court of Queen's Bench court file number 2003 06728, copies of which, absent the referenced exhibits, are attached and marked collectively as **Exhibit "1"** to this, my Affidavit.
5. I prepared the two assignment and assumption agreements that I understand MNP is now challenging as fraudulent or improper (the "**Agreements**"). I had prepared the Agreements in or around the second quarter of 2019 to document affairs that had been in place for several years, for the following reasons:
 - a. The active lawsuit between Eco Park and ADT had been ongoing for some years and had cost a considerable amount in legal fees.
 - b. Symmetry, as the asset management company, had been paying the legal bills for the ADT lawsuit. That was Symmetry's job.
 - c. With Eco Park's lack of cash flow, debts increased.
 - d. Based on what Dan White informed me about the projected likelihood of success on a partial or other basis from the ADT lawsuit or potential claim against Eco's former counsel, and the potential risk of loss (a liability) and ongoing legal fees, the assignment and assumption agreements were intended to document a reasonable exchange of value for services rendered and assumed liability (actual and/or potential), as well as Symmetry's ability to continue to fund the litigation.
6. I had given both Agreements to Dan White to sign at or around the same time as I had prepared them. I was not involved in the decision to sign and date them on a later occasion and have no direct personal knowledge why that was done later than when they were prepared.
7. At no time have I been aware of, or played any part in, any intent to defraud involving Eco Park, Symmetry or any other company ultimately held for the DWFT. I deny that the assignment and assumption agreements are fraudulent or were intended to be so.

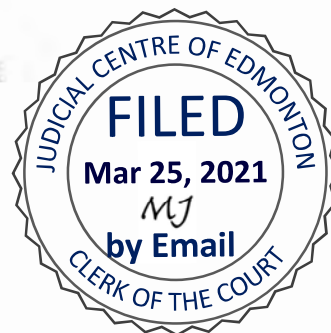
I certify this to be Exhibit "1" to the Affidavit of David Gamage sworn before me this 11th day of November 2022.

SR

Sharon Roberts, Barrister and Solicitor

[Rule 5.41]

Clerk's Stamp:



COURT FILE NUMBER

2003 06728

COURT OF QUEEN'S BENCH OF ALBERTA

JUDICIAL CENTRE

EDMONTON

PLAINTIFFS

ROMSPEN MORTGAGE LIMITED
PARTNERSHIP and ROMSPEN
INVESTMENTS CORPORATION

DEFENDANTS

3443 ZEN GARDEN LIMITED
PARTNERSHIP, LOT 11 GP LTD, LOT 11
LIMITED PARTNERSHIP, ECO-INDUSTRIAL
BUSINESS PARK INC, ABSOLUTE ENERGY
RESOURCES INC, ABSOLUTE
ENVIRONMENTAL WASTE MANAGEMENT
INC and DANIEL ALEXANDER WHITE

PLAINTIFF(S) BY
COUNTERCLAIM

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ROMSPEN MORTGAGE LIMITED
PARTNERSHIP, ROMSPEN INVESTMENTS
CORPORATION, RICHARD WELDON and
WESLEY ROITMAN

DOCUMENT

AFFIDAVIT of DAVID GAMAGE

ADDRESS FOR SERVICE AND
CONTACT INFORMATION OF
PARTY FILING THIS DOCUMENT

Attention: Jonathan Hillson

Dentons Canada LLP
Barristers and Solicitors
2500 Stantec Tower
10220 - 103 Avenue NW
Edmonton, AB T5J 0K4
Phone: (780) 423-7194
Facsimile: (780) 423-7276
Dentons file: 580694-1

[Handwritten signature]

Affidavit of David GamageAffirmed this 25 day of March, 2021

I, David Gamage, of Edmonton, Alberta, SWEAR THAT:

1. I have been the Vice President of Finance for Symmetry Asset Management Inc ("Symmetry") since 2014. As such, I have personal knowledge of the matters sworn to in this Affidavit.
2. I have been a Certified Public Accountant / Certified General Accountant for more than 33 years since 1986.
3. On April 2, 2020, the Honourable Associate Chief Justice KG Nielsen authorized the Plaintiffs (Defendants by Counterclaim), Romspen Mortgage Limited Partnership and Romspen Investments Corporation, to appoint an Interim Monitor of Romspen's choice to monitor the business operations of the Defendants (Plaintiffs by Counterclaim), Lot 11 GP Ltd ("Lot 11 GP"), Lot 11 Limited Partnership ("Lot 11 LP"), Eco-Industrial Business Park Inc ("Eco-Industrial"), Absolute Energy Resources Inc ("Absolute Energy") and Absolute Environmental Waste Management Inc ("Absolute Environmental").
4. Initially, Mr Gary Vanderpol was the point of contact between the Monitor and Lot 11 GP, Lot 11 LP, Eco-Industrial, Absolute Energy and Absolute Environmental.
5. Since August 14, 2020, I have been the point of contact between the Monitor and Lot 11 GP, Lot 11 LP, Eco-Industrial, Absolute Energy and Absolute Environmental. I attach an email from Dentons Canada LLP dated August 14, 2020 as Exhibit "A" to this Affidavit.
6. On August 14, 2020, the Monitor requested the following information in relation to Absolute Environmental and Eco-Industrial for the periods of July 16, 2020 through to July 31, 2020 and August 1, 2020 to August 15, 2020:
 - (a) General Ledger;
 - (b) Income Statement;
 - (c) Detailed Accounts Receivable Reports;



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 - (a) General Ledger;
 - (b) Income Statement;
 - (c) Detailed Accounts Receivable Reports;



- (d) Detailed Accounts Payable Reports; and
- (e) Bank Statements.

7. I attach a copy of the August 14, 2020 email from the Monitor as Exhibit "B" to this Affidavit.

8. I began providing records to the Monitor on September 4, 2020.

9. On September 4, 2020, I advised the Monitor that the payroll for Lot 11 GP, Lot 11 LP, Eco-Industrial, Absolute Energy and Absolute Environmental was current.

10. Lot 11 GP, Lot 11 LP and Absolute Energy do not have active business operations but I provided the Monitor with the following financial reports for Absolute Environmental and Eco-Industrial that are listed on the Schedule of Financial Records Provided to the Monitor which is attached as Exhibit "C" to this Affidavit:

- (a) Aged Overdue Payables Detail Reports;
- (b) Aged Overdue Payables Receivables Reports;
- (c) Bank Statements;
- (d) Customer Aged Detail Reports;
- (e) Customer Aged Summary Reports;
- (f) Customer Sales Detail Reports;
- (g) Detailed Accounts Payable Reports;
- (h) Detailed Accounts Receivable Reports;
- (i) General Ledger Reports;
- (j) Income Statements;
- (k) Sales Ledgers;
- (l) Vendor Aged Detail Reports;
- (m) Vendor Aged Summary Reports;

11. Absolute Environmental does not have any assets. Instead, Absolute leases assets from Eco-Industrial to operate its business.



- (d) Detailed Accounts Payable Reports; and
 - (e) Bank Statements.
7. I attach a copy of the August 14, 2020 email from the Monitor as Exhibit "B" to this Affidavit.
8. I began providing records to the Monitor on September 4, 2020.
9. On September 4, 2020, I advised the Monitor that the payroll for Lot 11 GP, Lot 11 LP, Eco-Industrial, Absolute Energy and Absolute Environmental was current.
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 - (g) Detailed Accounts Payable Reports;
 - (h) Detailed Accounts Receivable Reports;
 - (i) General Ledger Reports;
 - (j) Income Statements;
 - (k) Sales Ledgers;
 - (l) Vendor Aged Detail Reports;
 - (m) Vendor Aged Summary Reports;
11. Absolute Environmental does not have any assets. Instead, Absolute leases assets from Eco-Industrial to operate its business.



12. As such:

- (a) on January 5, 2021, I provided the Monitor with a list of assets for Eco-Industrial;
- (b) on January 27, 2021, I provided the Monitor with a list of assets that had been leased by Absolute; and
- (c) on March 24, 2021, I provided the Monitor with copies of the Leases that Eco Industrial had executed.

13. Lot 11 GP, Lot 11 LP and Absolute Energy do not have bank accounts but I provided the Monitor with the banking records of Absolute Environment and Eco Industrial that are listed on the Schedule of Financial Records Provided to the Monitor which is attached as Exhibit "C" this Affidavit.

14. I am not aware of any ongoing requests by the Monitor for existing records that I have not answered.

15. I am prepared to provide copies of the documents that are listed on the Schedule of Financial Records Provided to the Monitor to counsel for Romspen and this Honourable Court but am reluctant to attach these documents as Exhibits to this Affidavit as I recognize that this Affidavit will become a public record and I wish to protect the confidential business records of Eco-Industrial and Absolute Environmental.

16. I believe that the Monitor has communicated directly with the suppliers and customers of Absolute. I attach an email dated August 24, 2020 from Chris Landry of All West Demo as Exhibit "D" to this Affidavit.

17. Gina M. Campbell of Deloitte LLP (Canada) was previously retained to conduct a forensic investigation with respect to the activities of the Plaintiffs (Defendants by Counterclaim), Romspen Mortgage Limited Partnership and Romspen Investments Corporation ("Romspen"), and their dealings with - among others - 3443 Zen Garden LP, Lot 11 GP Ltd, Lot 11 Limited Partnership, Eco-Industrial Business Park Inc, Absolute Energy Resources Inc, Absolute Environmental Waste Management Inc and Mr White.

18. Ms Campbell prepared a preliminary report on November 23, 2020.



12. As such:
- (a) on January 5, 2021, I provided the Monitor with a list of assets for Eco-Industrial;
 - (b) on January 27, 2021, I provided the Monitor with a list of assets that had been leased by Absolute; and
 - (c) on March 24, 2021, I provided the Monitor with copies of the Leases that Eco Industrial had executed.
13. Lot 11 GP, Lot 11 LP and Absolute Energy do not have bank accounts but I provided the Monitor with the banking records of Absolute Environment and Eco Industrial that are listed on the Schedule of Financial Records Provided to the Monitor which is attached as Exhibit "C" this Affidavit.
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18. Ms Campbell prepared a preliminary report on November 23, 2020.



19. Since November 23, 2020, Lot 11 GP Ltd, Lot 11 Limited Partnership, Eco-Industrial Business Park Inc, Absolute Energy Resources Inc, Absolute Environmental Waste Management Inc and Mr White have received large amounts of documents via a parallel Bankruptcy proceeding involving the parties to this Action that is being litigated in Texas.

20. As a result, at least 795.52 MB of additional records were provided to Ms Campbell on December 23, 2020. I understand 795.52 MB is the equivalent of approximately 400,000 pages of full text.

21. Moreover, on January 11, 2021, the Bankruptcy Trustee in the Texas litigation released at least 11,533 additional records to Dentons Canada LLP and the Texas lawyers for Lot 11 GP Ltd, Lot 11 Limited Partnership, Eco-Industrial Business Park Inc, Absolute Energy Resources Inc, Absolute Environmental Waste Management Inc and Mr White.

22. Ms Campbell has begun her review of these records but has not yet completed that process. I am advised and believe that Ms Campbell needs to complete the review of these records in order to finalize her second report.

Affirmed before me at Edmonton,)
Alberta this 25 day of March, 2021.)

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)
)
)
)
A Commissioner of Oaths in and for the
Province of Alberta

Jonathan Hillson
Barrister & Solicitor

DAVID GAMAGE



[Rule 5.41]

COURT FILE NUMBER
COURT OF QUEEN'S BENCH OF
ALBERTA

2003 06728



JUDICIAL CENTRE

EDMONTON

PLAINTIFFS

ROMSPEN MORTGAGE LIMITED
PARTNERSHIP and ROMSPEN
INVESTMENTS CORPORATION

DEFENDANTS

3443 ZEN GARDEN LIMITED
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RESOURCES INC, ABSOLUTE
ENVIRONMENTAL WASTE MANAGEMENT
INC and DANIEL ALEXANDER WHITE

PLAINTIFF(S) BY
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INC and DANIEL ALEXANDER WHITE

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ROMSPEN MORTGAGE LIMITED
PARTNERSHIP, ROMSPEN INVESTMENTS
CORPORATION, RICHARD WELDON and
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DOCUMENT

AFFIDAVIT 2 of DAVID GAMAGE

ADDRESS FOR SERVICE AND
CONTACT INFORMATION OF
PARTY FILING THIS DOCUMENT

Attention: Jonathan Hillson

Dentons Canada LLP
Barristers and Solicitors
2500 Stantec Tower
10220 - 103 Avenue NW
Edmonton, AB T5J 0K4
Phone: (780) 423-7194
Facsimile: (780) 423-7276
Dentons file: 580694-1

[Rule 5.41]

Clerk's Stamp:

COURT FILE NUMBER	2003 06728
COURT OF QUEEN'S BENCH OF ALBERTA	
JUDICIAL CENTRE	EDMONTON
PLAINTIFFS	ROMSPEN MORTGAGE LIMITED PARTNERSHIP and ROMSPEN INVESTMENTS CORPORATION
DEFENDANTS	3443 ZEN GARDEN LIMITED PARTNERSHIP, LOT 11 GP LTD, LOT 11 LIMITED PARTNERSHIP, ECO-INDUSTRIAL BUSINESS PARK INC, ABSOLUTE ENERGY RESOURCES INC, ABSOLUTE ENVIRONMENTAL WASTE MANAGEMENT INC And DANIEL ALEXANDER WHITE
PLAINTIFF(S) BY COUNTERCLAIM	3443 ZEN GARDEN LIMITED PARTNERSHIP, LOT 11 GP LTD, LOT 11 LIMITED PARTNERSHIP, ECO-INDUSTRIAL BUSINESS PARK INC, ABSOLUTE ENERGY RESOURCES INC, ABSOLUTE ENVIRONMENTAL WASTE MANAGEMENT INC and DANIEL ALEXANDER WHITE
DEFENDANTS BY COUNTERCLAIM	ROMSPEN MORTGAGE LIMITED PARTNERSHIP, ROMSPEN INVESTMENTS CORPORATION, RICHARD WELDON and WESLEY ROITMAN
DOCUMENT	<u>AFFIDAVIT 2 of DAVID GAMAGE</u>
ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT	Attention: Jonathan Hillson Dentons Canada LLP Barristers and Solicitors 2500 Stantec Tower 10220 - 103 Avenue NW Edmonton, AB T5J 0K4 Phone: (780) 423-7194 Facsimile: (780) 423-7276 Dentons file: 580694-1



Affidavit of David Gamage**Affirmed this _____ day of April, 2021**

I, David Gamage, of Edmonton, Alberta, SWEAR THAT:

1. I have been the Vice President of Finance for Symmetry Asset Management Inc ("Symmetry") since 2014. As such, I have personal knowledge of the matters sworn to in this Affidavit.
2. On April 2, 2020, the Honourable Associate Chief Justice KG Nielsen authorized the Plaintiffs (Defendants by Counterclaim), Romspen Mortgage Limited Partnership ("Romspen Mortgage") and Romspen Investments Corporation ("Romspen Investment"), to appoint an Interim Monitor of their choice to monitor the business operations of the Defendants (Plaintiffs by Counterclaim), Lot 11 GP Ltd ("Lot 11 GP"), Lot 11 Limited Partnership ("Lot 11 LP"), Eco-Industrial Business Park Inc ("Eco-Industrial"), Absolute Energy Resources Inc ("Absolute Energy") and Absolute Environmental Waste Management Inc ("Absolute Environmental").
3. Since August 14, 2020, I have been the point of contact between the Monitor and Lot 11 GP, Lot 11 LP, Eco-Industrial, Absolute Energy and Absolute Environmental.
4. In addition to the financial reporting that I described in my March 25, 2021 Affidavit, I attach an updated Schedule of Financial Records Provided to the Monitor as Exhibit "A" to this Affidavit.
5. The updated Schedule of Financial Records Provided to the Monitor lists the financial records of Lot 11 GP, Lot 11 LP, Eco-Industrial, Absolute Energy and Absolute Environmental that I have provided to the Monitor since March 25, 2021.
6. I am not aware of any ongoing requests by the Monitor for existing records that I have not answered.
7. I am prepared to provide copies of the documents that are listed in this Affidavit to counsel for Romspen and this Honourable Court but am reluctant to attach these documents as Exhibits to this Affidavit as I recognize that this Affidavit will become a public

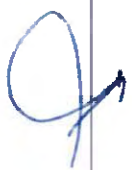


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2. On April 2, 2020, the Honourable Associate Chief Justice KG Nielsen authorized the Plaintiffs (Defendants by Counterclaim), Romspen Mortgage Limited Partnership ("Romspen Mortgage") and Romspen Investments Corporation ("Romspen Investment"), to appoint an Interim Monitor of their choice to monitor the business operations of the Defendants (Plaintiffs by Counterclaim), Lot 11 GP Ltd ("Lot 11 GP"), Lot 11 Limited Partnership ("Lot 11 LP"), Eco-Industrial Business Park Inc ("Eco-Industrial"), Absolute Energy Resources Inc ("Absolute Energy") and Absolute Environmental Waste Management Inc ("Absolute Environmental").
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4. In addition to the financial reporting that I described in my March 25, 2021 Affidavit, I attach an updated Schedule of Financial Records Provided to the Monitor as Exhibit "A" to this Affidavit.
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6. I am not aware of any ongoing requests by the Monitor for existing records that I have not answered.
7. I am prepared to provide copies of the documents that are listed in this Affidavit to counsel for Romspen and this Honourable Court but am reluctant to attach these documents as Exhibits to this Affidavit as I recognize that this Affidavit will become a public



record and I wish to protect the confidential business records of Eco-Industrial and Absolute Environmental.

8. I prepared the document that is attached as Exhibit "D" to the July 2, 2020 Affidavit of Dan White and believe it is accurate.

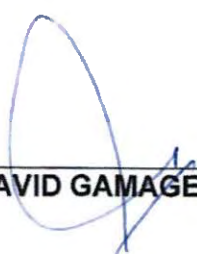
9. Exhibit "D" the July 2, 2020 Affidavit of Dan White refers to a Schedule "A". Schedule "A" is a document entitled Mechanical and Electrical Site Conditions Report ("the Mechanical and Electrical Site Conditions Report"). I believe that the Mechanical and Electrical Site Conditions Report is accurate and attach a copy of the Mechanical and Electrical Site Conditions Report as Exhibit "B" to this Affidavit.

10. The Mechanical and Electrical Site Conditions Report is a list that was compiled by Adam Zarafshani with respect to the mechanical and electrical equipment that was stripped away from the Austin Lands while Romspen Investment, MOS8 Partners Ltd, MOS8 GP LLC, Chris Milam and Defendants by Counterclaim, Richard Weldon and Wesley Roitman, were co-developing and co-managing the Austin Lands as the agent, trustee and partner of Mr White.

11. No compensation was provided to any of the Defendants (Plaintiffs by Counterclaim) for any of this removed mechanical or electrical equipment that is referenced in the Mechanical and Electrical Site Conditions Report .

Affirmed before me at Edmonton,)
Alberta this _____ day of April, 2021.)
)
)
)
)

A Commissioner of Oaths in and for the
Province of Alberta



DAVID GAMAGE



record and I wish to protect the confidential business records of Eco-Industrial and Absolute Environmental.

8. I prepared the document that is attached as Exhibit "D" to the July 2, 2020 Affidavit of Dan White and believe it is accurate.

9. Exhibit "D" the July 2, 2020 Affidavit of Dan White refers to a Schedule "A". Schedule "A" is a document entitled Mechanical and Electrical Site Conditions Report ("the Mechanical and Electrical Site Conditions Report"). I believe that the Mechanical and Electrical Site Conditions Report is accurate and attach a copy of the Mechanical and Electrical Site Conditions Report as Exhibit "B" to this Affidavit.

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Barrister & Solicitor

COURT FILE NUMBER 24-2806171

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APPLICANT MNP LTD, in its capacity as the TRUSTEE IN BANKRUPTCY
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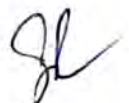
DOCUMENT AFFIDAVIT

ADDRESS FOR SERVICE AND CONTACT
INFORMATION OF PARTY
FILING THIS DOCUMENT ROBERTS O'KELLY LAW
Attention: Sharon Roberts
Counsel for Daniel Alexander White, Dan White Family
Trust and Symmetry Asset Management Inc.
403, 10113 104 Street NW
Edmonton, AB T5J 1A1
Phone: 780 760 6752 Fax: 780 669 7672
Email: sharon@robertsokelly.com

AFFIDAVIT OF DAVID GAMAGE SWORN / AFFIRMED NOVEMBER 11, 2022

I, DAVID GAMAGE, being a resident of Alberta, hereby affirm that:

1. I am a Chartered Professional Accountant (CPA) and a Trustee of the Dan White Family Trust ("DWFT"). I make this affidavit from my personal knowledge, or based on information and belief where and as noted, in response to an Application by MNP Ltd. (**MNP**), in its capacity as Trustee in Bankruptcy of Eco-Industrial Business Park Inc. (**Ec Pa k**) and MNP's evidence given by affidavit and cross examination in relation to that Application.
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 - b. Symmetry, as the asset management company, had been paying the legal bills for the ADT lawsuit. That was Symmetry's job.
 - c. With Eco Park's lack of cash flow, debts increased.
 - d. Based on what Dan White informed me about the projected likelihood of success on a partial or other basis from the ADT lawsuit or potential claim against Eco's former counsel, and the potential risk of loss (a liability) and ongoing legal fees, the assignment and assumption agreements were intended to document a reasonable exchange of value for services rendered and assumed liability (actual and/or potential), as well as Symmetry's ability to continue to fund the litigation.
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7. At no time have I been aware of, or played any part in, any intent to defraud involving Eco Park, Symmetry or any other company ultimately held for the DWFT. I deny that the assignment and assumption agreements are fraudulent or were intended to be so.



I certify this to be Exhibit "1" to the Affidavit of David Gamage sworn before me this 11th day of November 2022.

SR

Sharon Roberts, Barrister and Solicitor

[Rule 5.41]

Clerk's Stamp:



COURT FILE NUMBER

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COURT OF QUEEN'S BENCH OF ALBERTA

JUDICIAL CENTRE

EDMONTON

PLAINTIFFS

**ROMSPEN MORTGAGE LIMITED
PARTNERSHIP and ROMSPEN
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PARTNERSHIP, LOT 11 GP LTD, LOT 11
LIMITED PARTNERSHIP, ECO-INDUSTRIAL
BUSINESS PARK INC, ABSOLUTE ENERGY
RESOURCES INC, ABSOLUTE
ENVIRONMENTAL WASTE MANAGEMENT
INC and DANIEL ALEXANDER WHITE**

**PLAINTIFF(S) BY
COUNTERCLAIM**

**3443 ZEN GARDEN LIMITED
PARTNERSHIP, LOT 11 GP LTD, LOT 11
LIMITED PARTNERSHIP, ECO-INDUSTRIAL
BUSINESS PARK INC, ABSOLUTE ENERGY
RESOURCES INC, ABSOLUTE
ENVIRONMENTAL WASTE MANAGEMENT
INC and DANIEL ALEXANDER WHITE**

**DEFENDANTS BY
COUNTERCLAIM**

**ROMSPEN MORTGAGE LIMITED
PARTNERSHIP, ROMSPEN INVESTMENTS
CORPORATION, RICHARD WELDON and
WESLEY ROITMAN**

DOCUMENT

AFFIDAVIT of DAVID GAMAGE

**ADDRESS FOR SERVICE AND
CONTACT INFORMATION OF
PARTY FILING THIS DOCUMENT**

Attention: Jonathan Hillson

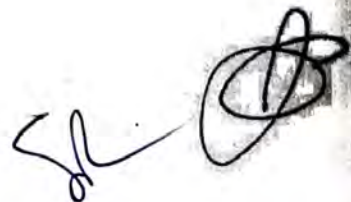
**Dentons Canada LLP
Barristers and Solicitors
2500 Stantec Tower
10220 - 103 Avenue NW
Edmonton, AB T5J 0K4
Phone: (780) 423-7194
Facsimile: (780) 423-7276
Dentons file: 680694-1**

[Handwritten signature]

Affidavit of David GamageAffirmed this 25 day of March, 2021

I, David Gamage, of Edmonton, Alberta, SWEAR THAT:

1. I have been the Vice President of Finance for Symmetry Asset Management Inc ("Symmetry") since 2014. As such, I have personal knowledge of the matters sworn to in this Affidavit.
2. I have been a Certified Public Accountant / Certified General Accountant for more than 33 years since 1986.
3. On April 2, 2020, the Honourable Associate Chief Justice KG Nielsen authorized the Plaintiffs (Defendants by Counterclaim), Romspen Mortgage Limited Partnership and Romspen Investments Corporation, to appoint an Interim Monitor of Romspen's choice to monitor the business operations of the Defendants (Plaintiffs by Counterclaim), Lot 11 GP Ltd ("Lot 11 GP"), Lot 11 Limited Partnership ("Lot 11 LP"), Eco-Industrial Business Park Inc ("Eco-Industrial"), Absolute Energy Resources Inc ("Absolute Energy") and Absolute Environmental Waste Management Inc ("Absolute Environmental").
4. Initially, Mr Gary Vanderpol was the point of contact between the Monitor and Lot 11 GP, Lot 11 LP, Eco-Industrial, Absolute Energy and Absolute Environmental.
5. Since August 14, 2020, I have been the point of contact between the Monitor and Lot 11 GP, Lot 11 LP, Eco-Industrial, Absolute Energy and Absolute Environmental. I attach an email from Dentons Canada LLP dated August 14, 2020 as Exhibit "A" to this Affidavit.
8. On August 14, 2020, the Monitor requested the following information in relation to Absolute Environmental and Eco-Industrial for the periods of July 16, 2020 through to July 31, 2020 and August 1, 2020 to August 15, 2020:
 - (a) General Ledger;
 - (b) Income Statement;
 - (c) Detailed Accounts Receivable Reports;



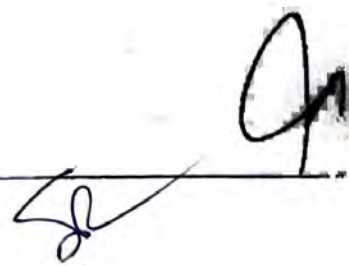
Affidavit of David Gamage

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 - (a) General Ledger;**
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 - (c) Detailed Accounts Receivable Reports;**

NR7000891170817V-1



- (d) Detailed Accounts Payable Reports; and
- (e) Bank Statements.

7. I attach a copy of the August 14, 2020 email from the Monitor as Exhibit "B" to this Affidavit.

8. I began providing records to the Monitor on September 4, 2020.

9. On September 4, 2020, I advised the Monitor that the payroll for Lot 11 GP, Lot 11 LP, Eco-Industrial, Absolute Energy and Absolute Environmental was current.

10. Lot 11 GP, Lot 11 LP and Absolute Energy do not have active business operations but I provided the Monitor with the following financial reports for Absolute Environmental and Eco-Industrial that are listed on the Schedule of Financial Records Provided to the Monitor which is attached as Exhibit "C" to this Affidavit:

- (a) Aged Overdue Payables Detail Reports;
- (b) Aged Overdue Payables Receivables Reports;
- (c) Bank Statements;
- (d) Customer Aged Detail Reports;
- (e) Customer Aged Summary Reports;
- (f) Customer Sales Detail Reports;
- (g) Detailed Accounts Payable Reports;
- (h) Detailed Accounts Receivable Reports;
- (i) General Ledger Reports;
- (j) Income Statements;
- (k) Sales Ledgers;
- (l) Vendor Aged Detail Reports;
- (m) Vendor Aged Summary Reports;

11. Absolute Environmental does not have any assets. Instead, Absolute leases assets from Eco-Industrial to operate its business.

Handwritten signature and initials in the bottom right corner of the page.

- (d) Detailed Accounts Payable Reports; and
- (e) Bank Statements.

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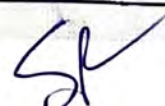
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- (l) Vendor Aged Detail Reports;
- (m) Vendor Aged Summary Reports;

11. Absolute Environmental does not have any assets. Instead, Absolute leases assets from Eco-Industrial to operate its business.



12. As such:

- (a) on January 5, 2021, I provided the Monitor with a list of assets for Eco-Industrial;
- (b) on January 27, 2021, I provided the Monitor with a list of assets that had been leased by Absolute; and
- (c) on March 24, 2021, I provided the Monitor with copies of the Leases that Eco Industrial had executed.

13. Lot 11 GP, Lot 11 LP and Absolute Energy do not have bank accounts but I provided the Monitor with the banking records of Absolute Environment and Eco Industrial that are listed on the Schedule of Financial Records Provided to the Monitor which is attached as Exhibit "C" this Affidavit.

14. I am not aware of any ongoing requests by the Monitor for existing records that I have not answered.

15. I am prepared to provide copies of the documents that are listed on the Schedule of Financial Records Provided to the Monitor to counsel for Romspen and this Honourable Court but am reluctant to attach these documents as Exhibits to this Affidavit as I recognize that this Affidavit will become a public record and I wish to protect the confidential business records of Eco-Industrial and Absolute Environmental.

16. I believe that the Monitor has communicated directly with the suppliers and customers of Absolute. I attach an email dated August 24, 2020 from Chris Landry of All West Demo as Exhibit "D" to this Affidavit.

17. Gina M. Campbell of Deloitte LLP (Canada) was previously retained to conduct a forensic investigation with respect to the activities of the Plaintiffs (Defendants by Counterclaim), Romspen Mortgage Limited Partnership and Romspen Investments Corporation ("Romspen"), and their dealings with - among others - 3443 Zen Garden LP, Lot 11 GP Ltd, Lot 11 Limited Partnership, Eco-Industrial Business Park Inc, Absolute Energy Resources Inc, Absolute Environmental Waste Management Inc and Mr White.

18. Ms Campbell prepared a preliminary report on November 23, 2020.

12. As such:

- (a) on January 5, 2021, I provided the Monitor with a list of assets for Eco-Industrial;
- (b) on January 27, 2021, I provided the Monitor with a list of assets that had been leased by Absolute; and
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18. Ms Campbell prepared a preliminary report on November 23, 2020.

19. Since November 23, 2020, Lot 11 GP Ltd, Lot 11 Limited Partnership, Eco-Industrial Business Park Inc, Absolute Energy Resources Inc, Absolute Environmental Waste Management Inc and Mr White have received large amounts of documents via a parallel Bankruptcy proceeding involving the parties to this Action that is being litigated in Texas.

20. As a result, at least 795.52 MB of additional records were provided to Ms Campbell on December 23, 2020. I understand 795.52 MB is the equivalent of approximately 400,000 pages of full text.

21. Moreover, on January 11, 2021, the Bankruptcy Trustee in the Texas litigation released at least 11,533 additional records to Dentons Canada LLP and the Texas lawyers for Lot 11 GP Ltd, Lot 11 Limited Partnership, Eco-Industrial Business Park Inc, Absolute Energy Resources Inc, Absolute Environmental Waste Management Inc and Mr White.

22. Ms Campbell has begun her review of these records but has not yet completed that process. I am advised and believe that Ms Campbell needs to complete the review of these records in order to finalize her second report.

Affirmed before me at Edmonton,
Alberta this _____ day of March, 2021.)

A Commissioner of Oaths in and for the
Province of Alberta



DAVID GAMAGE



19. Since November 23, 2020, Lot 11 GP Ltd, Lot 11 Limited Partnership, Eco-Industrial Business Park Inc, Absolute Energy Resources Inc, Absolute Environmental Waste Management Inc and Mr White have received large amounts of documents via a parallel Bankruptcy proceeding involving the parties to this Action that is being litigated in Texas.

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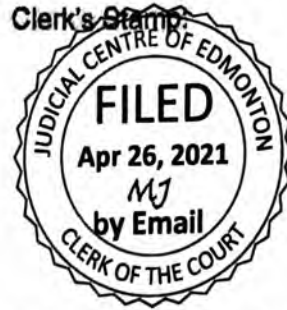

A Commissioner of Oaths in and for the
Province of Alberta

Jonathan Hillson
Barrister & Solicitor

DAVID GAMAGE



[Rule 5.41]



COURT FILE NUMBER

2003 06728

COURT OF QUEEN'S BENCH OF ALBERTA

JUDICIAL CENTRE

EDMONTON

PLAINTIFFS

**ROMSPEN MORTGAGE LIMITED
PARTNERSHIP and ROMSPEN
INVESTMENTS CORPORATION**

DEFENDANTS

**3443 ZEN GARDEN LIMITED
PARTNERSHIP, LOT 11 GP LTD, LOT 11
LIMITED PARTNERSHIP, ECO-INDUSTRIAL
BUSINESS PARK INC, ABSOLUTE ENERGY
RESOURCES INC, ABSOLUTE
ENVIRONMENTAL WASTE MANAGEMENT
INC and DANIEL ALEXANDER WHITE**

**PLAINTIFF(S) BY
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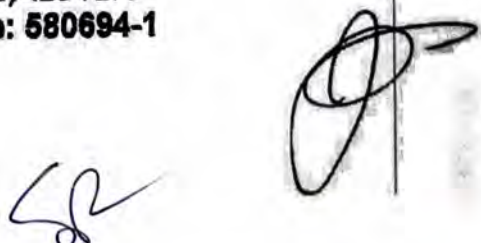
DOCUMENT

AFFIDAVIT 2 of DAVID GAMAGE

**ADDRESS FOR SERVICE AND
CONTACT INFORMATION OF
PARTY FILING THIS DOCUMENT**

Attention: Jonathan Hillson

**Dentons Canada LLP
Barristers and Solicitors
2500 Stantec Tower
10220 - 103 Avenue NW
Edmonton, AB T5J 0K4
Phone: (780) 423-7194
Facsimile: (780) 423-7276
Dentons file: 580694-1**



[Rule 5.41]

Clerk's Stamp:

COURT FILE NUMBER	2003 06728
COURT OF QUEEN'S BENCH OF ALBERTA	
JUDICIAL CENTRE	EDMONTON
PLAINTIFFS	ROMSPEN MORTGAGE LIMITED PARTNERSHIP and ROMSPEN INVESTMENTS CORPORATION
DEFENDANTS	3443 ZEN GARDEN LIMITED PARTNERSHIP, LOT 11 GP LTD, LOT 11 LIMITED PARTNERSHIP, ECO-INDUSTRIAL BUSINESS PARK INC, ABSOLUTE ENERGY RESOURCES INC, ABSOLUTE ENVIRONMENTAL WASTE MANAGEMENT INC And DANIEL ALEXANDER WHITE
PLAINTIFF(S) BY COUNTERCLAIM	3443 ZEN GARDEN LIMITED PARTNERSHIP, LOT 11 GP LTD, LOT 11 LIMITED PARTNERSHIP, ECO-INDUSTRIAL BUSINESS PARK INC, ABSOLUTE ENERGY RESOURCES INC, ABSOLUTE ENVIRONMENTAL WASTE MANAGEMENT INC and DANIEL ALEXANDER WHITE
DEFENDANTS BY COUNTERCLAIM	ROMSPEN MORTGAGE LIMITED PARTNERSHIP, ROMSPEN INVESTMENTS CORPORATION, RICHARD WELDON and WESLEY ROITMAN
DOCUMENT	<u>AFFIDAVIT 2 of DAVID GAMAGE</u>
ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT	Attention: Jonathan Hillson Dentons Canada LLP Barristers and Solicitors 2500 Stantec Tower 10220 - 103 Avenue NW Edmonton, AB T5J 0K4 Phone: (780) 423-7194 Facsimile: (780) 423-7278 Dentons file: 580694-1

NATDOC954351283W-1



Affidavit of David Gamage
Affirmed this _____ day of April, 2021

I, David Gamage, of Edmonton, Alberta, SWEAR THAT:

1. I have been the Vice President of Finance for Symmetry Asset Management Inc ("Symmetry") since 2014. As such, I have personal knowledge of the matters sworn to in this Affidavit.
2. On April 2, 2020, the Honourable Associate Chief Justice KG Nielsen authorized the Plaintiffs (Defendants by Counterclaim), Romspen Mortgage Limited Partnership ("Romspen Mortgage") and Romspen Investments Corporation ("Romspen Investment"), to appoint an Interim Monitor of their choice to monitor the business operations of the Defendants (Plaintiffs by Counterclaim), Lot 11 GP Ltd ("Lot 11 GP"), Lot 11 Limited Partnership ("Lot 11 LP"), Eco-Industrial Business Park Inc ("Eco-Industrial"), Absolute Energy Resources Inc ("Absolute Energy") and Absolute Environmental Waste Management Inc ("Absolute Environmental").
3. Since August 14, 2020, I have been the point of contact between the Monitor and Lot 11 GP, Lot 11 LP, Eco-Industrial, Absolute Energy and Absolute Environmental.
4. In addition to the financial reporting that I described in my March 25, 2021 Affidavit, I attach an updated Schedule of Financial Records Provided to the Monitor as Exhibit "A" to this Affidavit.
5. The updated Schedule of Financial Records Provided to the Monitor lists the financial records of Lot 11 GP, Lot 11 LP, Eco-Industrial, Absolute Energy and Absolute Environmental that I have provided to the Monitor since March 25, 2021.
6. I am not aware of any ongoing requests by the Monitor for existing records that I have not answered.
7. I am prepared to provide copies of the documents that are listed in this Affidavit to counsel for Romspen and this Honourable Court but am reluctant to attach these documents as Exhibits to this Affidavit as I recognize that this Affidavit will become a public



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record and I wish to protect the confidential business records of Eco-Industrial and Absolute Environmental.

8. I prepared the document that is attached as Exhibit "D" to the July 2, 2020 Affidavit of Dan White and believe it is accurate.

9. Exhibit "D" the July 2, 2020 Affidavit of Dan White refers to a Schedule "A". Schedule "A" is a document entitled Mechanical and Electrical Site Conditions Report ("the Mechanical and Electrical Site Conditions Report"). I believe that the Mechanical and Electrical Site Conditions Report is accurate and attach a copy of the Mechanical and Electrical Site Conditions Report as Exhibit "B" to this Affidavit.

10. The Mechanical and Electrical Site Conditions Report is a list that was compiled by Adam Zarafshani with respect to the mechanical and electrical equipment that was stripped away from the Austin Lands while Romspen Investment, MOS8 Partners Ltd, MOS8 GP LLC, Chris Milam and Defendants by Counterclaim, Richard Weldon and Wesley Roitman, were co-developing and co-managing the Austin Lands as the agent, trustee and partner of Mr White.

11. No compensation was provided to any of the Defendants (Plaintiffs by Counterclaim) for any of this removed mechanical or electrical equipment that is referenced in the Mechanical and Electrical Site Conditions Report .

Affirmed before me at Edmonton,
Alberta this ____ day of April, 2021.

A Commissioner of Oaths in and for the
Province of Alberta

)
)
)
)
)

DAVID GAMAGE

[Handwritten marks]

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Alberta this 23 day of April, 2021.)

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DAVID GAMAGE

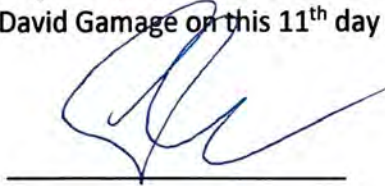
Jonathan Hillson
Barrister & Solicitor

Commissioner's Certificate

I, Sharon Roberts, of Edmonton, Alberta do hereby certify that:

1. On November 11, 2022 I attended by video conference with David Gamage, who is known to me and over the age of 18 years.
2. It was not possible for the affiant and I to be present in the same location insofar as Mr. Gamage was travelling, although stopped in a safe location within his motor vehicle at the time of our mutual review of the 19 pages comprising his affidavit, 3 being the body of his affidavit of even date and 16 being the one exhibit.
3. I confirm that although Mr. Gamage was unable to individually initial each page of the said affidavit, he confirmed the presence and his review of each of the 19 pages in my presence during our video conference.
4. Insofar as Mr. Gamage was without access to a printer, he executed his copy of the affidavit using Adobe sign and I confirmed him having done so after affirming the contents of his affidavit to be true and accurate.

This certificate was completed following remote execution and commissioning of the aforesaid and appended affidavit of David Gamage on this 11th day of November 2022.



Sharon Roberts, Barrister and Solicitor