

Clerk's Stamp

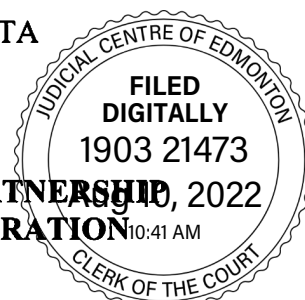
COURT FILE NUMBER **2003-06728**

COURT **COURT OF QUEEN'S BENCH OF ALBERTA**

JUDICIAL CENTRE **EDMONTON**

PLAINTIFFS
(DEFENDANTS BY
COUNTERCLAIM)

**ROMSPEN MORTGAGE LIMITED PARTNERSHIP, 2022
AND ROMSPEN INVESTMENT CORPORATION**



DEFENDANTS
(PLAINTIFFS 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**

PLAINTIFFS BY
COUNTERCLAIM

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INDUSTRIAL BUSINESS PARK INC., ABSOLUTE
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AND DANIEL ALEXANDER WHITE**

DEFENDANTS BY
COUNTERCLAIM

**ROMSPEN MORTGAGE LIMITED PARTNERSHIP,
ROMSPEN INVESTMENT CORPORATION,
RICHARD WELDON AND WESLEY ROITMAN**

COURT FILE NUMBER **1903-21473**

COURT **COURT OF QUEEN'S BENCH OF ALBERTA**

JUDICIAL CENTRE **EDMONTON**

APPLICANTS

**LOT 11 LIMITED PARTNERSHIP by its general
partner LOT 11 GP LTD., ECO-INDUSTRIAL
BUSINESS PARK INC., ABSOLUTE ENERGY
RESOURCES INC., ABSOLUTE ENVIRONMENTAL
WASTE MANAGEMENT INC. AND DANIEL
ALEXANDER WHITE.**

RESPONDENT

ROMSPEN INVESTMENT CORPORATION

ADDRESS FOR
SERVICE AND
CONTACT
INFORMATION OF
PARTY FILING THIS
DOCUMENT

BORDEN LADNER GERVAIS LLP

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File No. 443063-000012

SUPPLEMENTAL AFFIDAVIT OF WESLEY ROITMAN

SWORN ON AUGUST 9, 2022

I, **WESLEY ROITMAN**, of the City of Toronto, in the Province of Ontario, MAKE OATH AND SAY THAT:

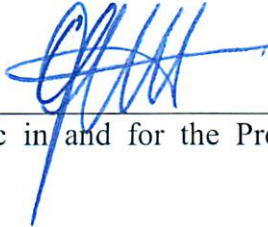
I. INTRODUCTION

1. I am the Managing General Partner of Romspen Investment Corporation (“**RIC**”), the manager and administrative agent for Romspen Mortgage Limited Partnership (together with RIC, “**Romspen**”). As such, I have personal knowledge of the matters and facts hereinafter sworn to, except where stated to be based on information and belief, and where so stated, I verily believe the same to be true.
2. I make this Supplemental Affidavit to supplement the Affidavit I swore on July 29, 2022 in these proceedings, in order to provide further details on the indebtedness owing to Romspen pursuant to the Zen Garden Loan Agreement.
3. I am authorized to swear this Supplemental Affidavit on behalf of Romspen.
4. Capitalized terms not defined herein shall have the same meaning as those terms defined in my Affidavit sworn on July 29, 2022.

II. STATEMENT OF INDEBTEDNESS

5. As described in my Affidavit sworn on July 29, 2022, the indebtedness owing to Romspen pursuant to the Zen Garden Loan Agreement, the Alberta Security and the Alberta Guarantees is, as of July 21, 2022, USD \$91,415,581.97, with interest continuing to accrue at the rate of USD \$37,133.11 per diem thereafter. Attached hereto and marked as Exhibit "A" is a loan statement dated July 21, 2022, which provides itemized details on the indebtedness calculation.

SWORN BEFORE ME at the City of Toronto,)
in the Province of Ontario, this 9th day of)
August, 2022)



A Notary Public in and for the Province of)
Ontario)



WESLEY ROITMAN



**This is Exhibit "A" referred to
in the Supplemental Affidavit of WESLEY ROITMAN
Sworn before me this 9th day of August, 2022**



**A Notary Public in and for
the Province of Ontario**



LOAN STATEMENT



ACCOUNT NO.	8662
STATEMENT DATE	7/21/2022

BORROWER
 3443 Zen Garden Limited Partnership
 4210 Spicewood Springs Road, Suite 205
 Austin, TX 78759

STATEMENT SUMMARY
Total Indebtedness **\$91,415,581.97**
Effective Date **7/21/2022**
 After 7/21/2022 interest accrues at \$37,133.11 per day until 7/31/2022. Loan compounds, therefore per diem changes each month.

Description	Charges	Credits	Balance
Loan status pre-acquisition			
Principal Balance @ 10/16/2020	\$85,523,680.60		\$85,523,680.60
Interest 8/1/2019 to and including 8/31/2019 @ Note Rate (12%)	\$852,635.27		\$86,376,315.87
Interest from 9/1/2019 to and including 10/15/2020 @ Default Rate (17%)	\$18,183,735.20		\$104,560,051.07
Disbursements	\$279,990.51		\$104,840,041.58
Legal Fees to date	\$1,155,569.72		\$105,995,611.30
Administration Fee for Insurance payment	\$350.00		\$105,995,961.30
Bankruptcy Trustee payment per Stipulation Order	\$7,000,000.00		\$112,995,961.30
U.S. Bankruptcy Court	\$3,787,597.80		\$116,783,559.10
U.S. Bankruptcy Court	\$1,387,100.46		\$118,170,659.56
DIP Loan balance	\$4,536,760.96		\$122,707,420.52
Acquisition			
Less: Credit Bid 10/16/2020		(\$45,000,000.00)	\$77,707,420.52
Post-Acquisition			
Interest from 10/16/2020 to and including 7/21/2022) @ Default Rate	\$20,694,745.69		\$98,402,166.21
Partial refund from Bankruptcy Court		(\$865,039.12)	\$97,537,127.09
Partial refund from Bankruptcy Court		(\$416.29)	\$97,536,710.80
Refund from Settlement Escrow (2/21/2021)		(\$6,400,000.00)	\$91,136,710.80
Unbilled Disbursements (incl. legal fees)	\$278,871.17		\$91,415,581.97

THIS STATEMENT HAS BEEN PREPARED AS BACK-UP FOR THE STATEMENT OF INDEBTEDNESS DATED 7/21/2022 FOR KEVIN BARR AND ANY OTHER AUTHORIZED INDIVIDUAL OF BORDEN LADNER GERVAIS AND MAY NOT BE USED BY ANY OTHER INDIVIDUAL OR FOR ANY OTHER PURPOSE WITHOUT THE EXPRESS WRITTEN CONSENT OF THE LENDER.

ALL FUNDS ARE EXPRESSED IN US DOLLARS.

Yours truly,
ROMSPEN INVESTMENT CORPORATION
 PER:

Lynne Moore
 VP, Mortgage Administration

E. & O. E.
 HST Registration No. 135897494