

Court File Nos. 35-2395487 and 35-2395481
Estates File Nos. 35-2395487 and 35-2395481

**ONTARIO
SUPERIOR COURT OF JUSTICE
IN BANKRUPTCY AND INSOLVENCY**

IN THE MATTER OF NOTICES OF INTENTION TO MAKE A PROPOSAL OF 1732427
ONTARIO INC. AND 1787930 ONTARIO INC. BOTH OF THE CITY OF ST. THOMAS, IN
THE PROVINCE OF ONTARIO

**UNDERTAKINGS BRIEF
OF TRANSIT PETROLEUM INC.**

December 12, 2018

MILLER THOMSON LLP
One London Place
255 Queens Avenue, Suite 2010
London, ON Canada N6A 5R8

Sherry A. Kettle, LSO #53561B
Tel: 519.931.3534
Fax: 519.858.8511
Email: skettle@millerthomson.com

Lawyers for Transit Petroleum Inc.

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THE PROVINCE OF ONTARIO

INDEX

- A. *Answers to Undertakings re Cross-examination of Nathan McDaniel conducted on November 12, 2018*
- B. *Answers to Undertakings re Cross-examination of Monique Paul conducted on November 12, 2018*

“A”

Court File Numbers: 35-2395487 and 35-2395481
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IN THE MATTER OF THE NOTICES OF INTENTION TO MAKE A PROPOSAL OF
1732427 ONTARIO INC. AND 1787930 ONTARIO INC. BOTH OF THE CITY OF ST.
THOMAS, IN THE PROVINCE OF ONTARIO

**ANSWERS TO UNDERTAKINGS OF
NATHAN MCDANIEL**

SWANICK & ASSOCIATES
Barristers and Solicitors
Suite 101
225 Duncan Mill Road
Don Mills, Ontario
M3B 3K9
BRUCE SIMPSON 18977E
(416) 510-1888 - phone
(416) 510-1945 - fax
Lawyers for 1787930 Ontario Inc.

TO: **MILLER, THOMSON**
One London Place
255 Queens Avenue
Suite 2010
London, ON N6A 5R8
SHERRY KETTLE
(519) 931-3500 – phone
(519) 858-8511 – fax
Lawyers for Transit Petroleum a division of Hogg Fuel and Supply Ltd.

ONTARIO
 SUPERIOR COURT OF JUSTICE
 IN BANKRUPTCY AND INSOLVENCY

IN THE MATTER OF THE NOTICES OF INTENTION TO MAKE A PROPOSAL OF
 1732427 ONTARIO INC. AND 1787930 ONTARIO INC. BOTH OF THE CITY OF ST. THOMAS, IN THE PROVINCE OF
 ONTARIO

| No. | Page | Question | Undertakings Under Advise- ment Refusals | Response |
|-----|-------|----------|---|--|
| 1 | 13 | 60 | To search records for documentation to show payment made to Transit which were returned as NSF in April and May, 2018 | Attached as Tab "1" |
| 2 | 14 | 62 | To provide documentation to show the stop payments placed by 178 on PAD's to Transit within the last year | Attached as Tab "2" |
| 3 | 29 | 139 | To check records for any emails to Monique Paul following her email of Tuesday, July 3 at 9:17 am | Attached as Tab "3" |
| 4 | 35 | 164 | To look for all email correspondence between Nathan and Trevor Chambers at Transit from June 28, to present | None - all correspondence via phone conversation |
| 5 | 48/49 | 232/236 | To make best efforts to provide me a copy of the stop payment paperwork that you submitted to Libro for the July 12 stop payment - if it was faxed or emailed the | Attached as Tab "5" |

UNDERTAKINGS, REFUSALS AND QUESTIONS TAKEN UNDER ADVISEMENT CROSS EXAMINATION OF NATHAN MCDANIEL ON
 HIS AFFIDAVIT SWORN SEPTEMBER 18, 2018, OCTOBER 15, 2018, AND OCTOBER 31, 2018
 CONDUCTED ON NOVEMBER 12, 2018

UNDERTAKINGS, REFUSALS AND QUESTIONS TAKEN UNDER ADVISEMENT CROSS EXAMINATION OF NATHAN MCDANIEL ON HIS AFFIDAVIT SWORN SEPTEMBER 18, 2018, OCTOBER 15, 2018, AND OCTOBER 31, 2018, CONDUCTED ON NOVEMBER 12, 2018

| No. | Page | Question | Undertakings, Under Advise- ment, Refusals | Response |
|-----|-------|----------|--|----------------------|
| | | | accompanying email or fax showing the date and time it was sent | |
| 6 | 62 | 289/290 | To provide all email correspondence with Don Poort from June 28, 2018 to present | Attached as Tab "6" |
| 7 | 79 | 351 | To advise as to what date Transit supplied fuel to 178 | July 12, 2018 |
| 8 | 79 | 353/356 | To advise when you first contacted Petro Canada and when did you enter into an agreement with Petro Canada to supply fuel to 178 | Attached as Tab "8" |
| 9 | 84/85 | 375/383 | To look for any correspondence from MNP and any communications with MNP regarding a demand for the return of the agreed payment | Attached as Tab "9" |
| 10 | 85 | 381 | To look for any internal emails with respect to the stop of the PAD | Attached as Tab "10" |
| 11 | 85 | 382 | To look for any internal emails for or relating to the demand for the return of the agreed payment | See Tab "10" |

TAB "1"

Max Trianto

From: Monique Paul <mpaul@hoggfuel.com>
Sent: April 19, 2018 8:51 AM
To: max@messengerfreight.ca
Cc: Rahima Wahizi
Subject: Messenger Account # 96242510 & 96246010

Good Morning Rahima & Max,

PAD Monday April 23, 2018

Account # 96242510
\$61,784.52
FMS1083375 \$50,100.76
FMS1083376 \$996.45
NSF \$10,687.31

($\$42,749.24/4 = \$10,687.31$)
1-April 23
2-April 30
3-May 7
4-May 14

Account # 96246010
\$10,779.36
FMS1083394 \$9,502.96
FMS1083395 \$143.43
NSF \$1,132.97

($\$1,132.97/4 = \$4,531.86$)
1-April 23
2-April 30
3-May 7
4-May 14

Thanks,

Monique Paul
Credit Analyst
Hogg Fuel and Supply Ltd.
Transit Petroleum Inc.
519-579-5330 Ext 1161
mpaul@hoggfuel.com



Max Trianto

From: Max Trianto <max@messengerfreight.ca>
Sent: April 19, 2018 11:27 AM
To: 'Monique Paul'
Cc: 'Rahima Wahizi'
Subject: RE: Messenger Account # 96242510 & 96246010

Great,

Thanks Monique, Greatly appreciated

Regards

Max Trianto
Financial Controller
Messenger Freight System
150 Dennis Road
P.O. Box 100
St. Thomas, ON N5P 0B6
Bus: 519-631-9604
Fax: 519-631-1135
<http://www.messengerfreight.ca>



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From: Monique Paul [mailto:mpaul@hoggfuel.com]
Sent: April 19, 2018 8:51 AM
To: max@messengerfreight.ca
Cc: Rahima Wahizi <rahima@messengerfreight.ca>
Subject: Messenger Account # 96242510 & 96246010

Good Morning Rahima & Max,

PAD Monday April 23, 2018

Account # 96242510
\$61,784.52
FMS1083375 \$50,100.76
FMS1083376 \$996.45
NSF \$10,687.31

(\$42,749.24/4=\$10,687.31)
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NSF \$1,132.97

(\$1,132.97/4=\$4,531.86)
1-April 23
2-April 30
3-May 7
4-May 14

Thanks,

Monique Paul
Credit Analyst
Hogg Fuel and Supply Ltd.
Transit Petroleum Inc.
519-579-5330 Ext 1161
mpaul@hoggfuel.com



Max Trianto

From: Monique Paul <mpaul@hoggfuel.com>
Sent: May 3, 2018 12:33 PM
To: max@messengerfreight.ca
Subject: FW: Messenger Account # 96242510 & 96246010

May 7th withdrawal

From: Monique Paul
Sent: Wednesday, May 02, 2018 11:12 AM
To: 'Rahima Wahizi'
Subject: Messenger Account # 96242510 & 96246010

Good Morning Rahima,

PAD Monday May 7, 2018

Account # 96242510

\$64,419.91
FMS1085578 \$52,907.81
FMS1085579 \$824.79
NSF \$10,687.31

(\$42,749.24/4=\$10,687.31)

1-April 23
2-April 30
3-May 7
4-May 14

Account # 96246010

\$10,774.29
FMS1085594 \$9,592.11
FMS1085595 \$49.21
NSF \$1,132.97

(\$1,132.97/4=\$4,531.86)

1-April 23
2-April 30
3-May 7
4-May 14

Thanks,

Monique Paul
Credit Analyst
Hogg Fuel and Supply Ltd.
Transit Petroleum Inc.
519-579-5330 Ext 1161
mpaul@hoggfuel.com



Max Trianto

From: Monique Paul <mpaul@hoggfuel.com>
Sent: May 3, 2018 12:38 PM
To: max@messengerfreight.ca
Subject: FW: Messenger Account # 96242510 & 96246010

This was April 30th

From: Monique Paul
Sent: Wednesday, April 25, 2018 12:29 PM
To: 'Rahima Wahizi'
Subject: Messenger Account # 96242510 & 96246010

Good Afternoon Rahima,

PAD Monday April 30, 2018

Account # 96242510

\$56,912.90
FMS1084469 \$45,452.87
FMS1084470 \$772.72
NSF \$10,687.31

$(\$42,749.24/4=\$10,687.31)$

~~1-April 23~~
2-April 30
3-May 7
4-May 14

Account # 96246010

\$11,412.16
FMS1084490 \$9,907.67
FMS1084491 \$101.52
NSF \$1,132.97

$(\$1,132.97/4=\$4,531.86)$

~~1-April 23~~
2-April 30
3-May 7
4-May 14

Thanks,

Monique Paul

Credit Analyst
Hogg Fuel and Supply Ltd.
Transit Petroleum Inc.
519-579-5330 Ext 1161
mpaul@hoggfuel.com



Max Trianto

From: Max Trianto <max@messengerfreight.ca>
Sent: May 3, 2018 12:38 PM
To: 'Monique Paul'
Subject: RE: Messenger Account # 96242510 & 96246010

Hi Monique,

Can I have the PAP April 30

Thanks
<Max

From: Monique Paul [mailto:mpaul@hoggfuel.com]
Sent: May 3, 2018 12:33 PM
To: max@messengerfreight.ca
Subject: FW: Messenger Account # 96242510 & 96246010

May 7th withdrawal

From: Monique Paul
Sent: Wednesday, May 02, 2018 11:12 AM
To: 'Rahima Wahizi'
Subject: Messenger Account # 96242510 & 96246010

Good Morning Rahima,

PAD Monday May 7, 2018

Account # 96242510
\$64,419.91
FMS1085578 \$52,907.81
FMS1085579 \$824.79
NSF \$10,687.31

(\$42,749.24/4=\$10,687.31)
1-April 23
2-April 30
3-May 7
4-May 14

Account # 96246010
\$10,774.29
FMS1085594 \$9,592.11

FMS1085595 \$49.21
NSF \$1,132.97

$(\$1,132.97/4=\$4,531.86)$

1-April 23

2-April 30

3-May 7

4-May 14

Thanks,

Monique Paul
Credit Analyst
Hogg Fuel and Supply Ltd.
Transit Petroleum Inc.
519-579-5330 Ext 1161
mpaul@hoggfuel.com



Max Trianto

From: Max Trianto <max@messengerfreight.ca>
Sent: May 3, 2018 12:42 PM
To: 'Monique Paul'
Subject: RE: Messenger Account # 96242510 & 96246010

Thanks Monique...☺

From: Monique Paul [mailto:mpaul@hoggfuel.com]
Sent: May 3, 2018 12:38 PM
To: max@messengerfreight.ca
Subject: FW: Messenger Account # 96242510 & 96246010

This was April 30th

From: Monique Paul
Sent: Wednesday, April 25, 2018 12:29 PM
To: 'Rahima Wahizi'
Subject: Messenger Account # 96242510 & 96246010

Good Afternoon Rahima,

PAD Monday April 30, 2018

Account # 96242510

\$56,912.90
FMS1084469 \$45,452.87
FMS1084470 \$772.72
NSF \$10,687.31

(\$42,749.24/4=\$10,687.31)

1-April 23
2-April 30
3-May 7
4-May 14

Account # 96246010

\$11,412.16
FMS1084490 \$9,907.67
FMS1084491 \$101.52
NSF \$1,132.97

(\$1,132.97/4=\$4,531.86)

1-April 23
2-April 30
3-May 7

4-May 14

Thanks,

Monique Paul
Credit Analyst
Hogg Fuel and Supply Ltd.
Transit Petroleum Inc.
519-579-5330 Ext 1161
mpaul@hoggfuel.com



Max Trianto

From: Monique Paul <mpaul@hoggfuel.com>
Sent: May 3, 2018 12:44 PM
To: Rahima Wahizi
Cc: max@messengerfreight.ca
Subject: RE: Messenger Account # 96242510 & 96246010

Good Afternoon,

This is for the week after next and it will be the last one with the NSF and then we will be back on track.

PAD Monday May 14, 2018

Account # 96242510

\$68,440.84
FMS1086770 \$56,812.36
FMS1086771 \$941.17
NSF \$10,687.31

(\$42,749.24/4=\$10,687.31)

- 1-April 23
- 2-April 30
- 3-May 7
- 4-May 14

Account # 96246010

\$12,307.37
FMS1086793 \$10,899.52
FMS1086794 \$274.88
NSF \$1,132.97

(\$1,132.97/4=\$4,531.86)

- 1-April 23
- 2-April 30
- 3-May 7
- 4-May 14

Thanks,

Monique Paul
Credit Analyst
Hogg Fuel and Supply Ltd.
Transit Petroleum Inc.
519-579-5330 Ext 1161
mpaul@hoggfuel.com



Max Trianto

From: Monique Paul <mpaul@hoggfuel.com>
Sent: May 9, 2018 1:02 PM
To: Rahima Wahizi
Cc: max@messengerfreight.ca
Subject: Messenger Account # 96242510 & 96246010

Good Afternoon,

PAD Monday May 14, 2018

Account # 96242510

\$68,440.84

FMS1086770 \$56,812.36

FMS1086771 \$941.17

NSF \$10,687.31

(\$42,749.24/4=\$10,687.31)

1-April 23

2-April 30

3-May 7

4-May 14

Account # 96246010

\$12,307.37

FMS1086793 \$10,899.52

FMS1086794 \$274.88

NSF \$1,132.97

(\$1,132.97/4=\$4,531.86)

1-April 23

2-April 30

3-May 7

4-May 14

Thanks,

Monique Paul
Credit Analyst
Hogg Fuel and Supply Ltd.
Transit Petroleum Inc.
519-579-5330 Ext 1161
mpaul@hoggfuel.com



Max Trianto

From: Monique Paul <mpaul@hoggfuel.com>
Sent: May 16, 2018 2:25 PM
To: Rahima Wahizi
Cc: max@messengerfreight.ca
Subject: Messenger Account # 96242510 & 96246010

Importance: High

Good Afternoon,

PAD Monday May 21, 2018

Account # 96242510

\$97,870.30

FMS1085578 \$52,907.81 (NSF)

FMS1085579 \$824.79 (NSF)

FMS1087918 \$43,370.02

FMS1087919 \$767.68

Account # 96246010

\$16,561.35

FMS1085594 \$9,592.11 (NSF)

FMS1085595 \$49.21 (NSF)

FMS1087937 \$6,893.63

FMS1087938 \$26.40

Thanks,

Monique Paul
Credit Analyst
Hogg Fuel and Supply Ltd.
Transit Petroleum Inc.
519-579-5330 Ext 1161
mpaul@hoggfuel.com



Max Trianto

From: Monique Paul <mpaul@hoggfuel.com>
Sent: May 17, 2018 10:37 AM
To: Rahima Wahizi
Cc: max@messengerfreight.ca
Subject: RE: Messenger Account # 96242510 & 96246010

Importance: High

Good Morning Max and Rahima,

As per our conversation Max below is what is coming out of the account this week and the balance next week plus whatever else is due.

Account # 96242510

\$71,004.00

FMS1085578 \$26,866.30 (NSF)

FMS1087918 \$43,370.02

FMS1087919 \$767.68

Account # 96246010

\$11,740.69

FMS1085594 \$4,820.66 (NSF)

FMS1087937 \$6,893.63

FMS1087938 \$26.40

Thanks,

Monique Paul
Credit Analyst
Hogg Fuel and Supply Ltd.
Transit Petroleum Inc.
519-579-5330 Ext 1161
mpaul@hoggfuel.com



From: Monique Paul
Sent: Wednesday, May 16, 2018 2:25 PM
To: 'Rahima Wahizi'
Cc: 'max@messengerfreight.ca'
Subject: Messenger Account # 96242510 & 96246010
Importance: High

Good Afternoon,

PAD Monday May 21, 2018

Account # 96242510

\$97,870.30

FMS1085578 \$52,907.81 (NSF)

FMS1085579 \$824.79 (NSF)

FMS1087918 \$43,370.02

FMS1087919 \$767.68

Account # 96246010

\$16,561.35

FMS1085594 \$9,592.11 (NSF)

FMS1085595 \$49.21 (NSF)

FMS1087937 \$6,893.63

FMS1087938 \$26.40

Thanks,

Monique Paul
Credit Analyst
Hogg Fuel and Supply Ltd.
Transit Petroleum Inc.
519-579-5330 Ext 1161
mpaul@hoggfuel.com



Max Trianto

From: Monique Paul <mpaul@hoggfuel.com>
Sent: May 23, 2018 3:16 PM
To: Rahima Wahizi
Cc: max@messengerfreight.ca
Subject: Messenger Account # 96242510 & 96246010

Good Afternoon Max and Rahima,

Balance of NSF plus the invoices due this week
PAD Monday May 28, 2018

Account # 96242510

\$74,399.39

FMS1085578 \$26,866.30 (NSF)

FMS1089102 \$46,699.67

FMS1089103 \$833.42

Account # 96246010

\$15,144.08

FMS1085594 \$4,820.66 (NSF)

FMS1089125 \$10,200.60

FMS1089126 \$122.82

Thanks,

Monique Paul
Credit Analyst
Hogg Fuel and Supply Ltd.
Transit Petroleum Inc.
519-579-5330 Ext 1161
mpaul@hoggfuel.com



From: Monique Paul
Sent: Wednesday, May 16, 2018 2:25 PM
To: 'Rahima Wahizi'
Cc: 'max@messengerfreight.ca'
Subject: Messenger Account # 96242510 & 96246010
Importance: High

Good Afternoon,

PAD Monday May 21, 2018

Account # 96242510

\$97,870.30

FMS1085578 \$52,907.81 (NSF)

FMS1085579 \$824.79 (NSF)

FMS1087918 \$43,370.02

FMS1087919 \$767.68

Account # 96246010

\$16,561.35

FMS1085594 \$9,592.11 (NSF)

FMS1085595 \$49.21 (NSF)

FMS1087937 \$6,893.63

FMS1087938 \$26.40

Thanks,

Monique Paul
Credit Analyst
Hogg Fuel and Supply Ltd.
Transit Petroleum Inc.
519-579-5330 Ext 1161
mpaul@hoggfuel.com



TAB "2"

Max Trianto

From: Max Trianto <max@messengerfreight.ca>
Sent: March 13, 2017 11:55 AM
To: 'MacPherson, Greg'
Cc: 'Pillar, Barry'; 'Pulver, Scott'
Subject: RE: Hogg Fuel

I agree

Thanks Greg

From: MacPherson, Greg [mailto:Greg.MacPherson@scotiabank.com]
Sent: March-13-17 11:48 AM
To: Max Trianto
Cc: Pillar, Barry; Pulver, Scott
Subject: Hogg Fuel

Hi Max,

It is our desire to avoid placing a STOP pymt on the Hogg Fuel payment aswell. We believe it would create more problems then it would save.

Greg MacPherson | Client Solutions Analyst

Scotiabank | Commercial Banking
255 Queens Avenue, Suite 1200,
London, ON N6A5R8 Canada
T 519-642-5031 F 519-642-7355
greg.macpherson@scotiabank.com
www.scotiabank.com
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T: 1-888-855-1234
F: 1-877-909-7038
bsc.tor@scotiabank.com

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Max Trianto

From: Catarra, Anita <anita.catarra@scotiabank.com>
Sent: July 28, 2017 10:58 AM
To: TOR, BSC
Cc: MacPherson, Greg; Pulver, Scott; Max Trianto; rahima@messengerfreight.ca
Subject: FW: STOP PAYMENT Hogg fuel and Supply limited
Attachments: MISC DEBIT-HOGG FUEL AND SUPPLY LIMITED.PNG

Que to BSCTSTP

Please see customer request below and process accordingly.

Thank you,

Anita Catarra | Assistant Manager Lending Services | BSC Lending Services Commercial | Business Service Centre

Scotiabank | Shared Services Group
20 Queen Street W, 4th Floor, Toronto, Ontario, Canada M5H 3R3

T 647 288 1858 ext. 82079 F 1 877 909 7038

anita.catarra@scotiabank.com

scotiabank.com

Scotiabank is a business name used by The Bank of Nova Scotia

Please consider the environment before printing this email

From: Max Trianto [mailto:max@messengerfreight.ca]
Sent: Friday, July 28, 2017 10:18 AM
To: Pulver, Scott <scott.pulver@scotiabank.com>; MacPherson, Greg <Greg.MacPherson@scotiabank.com>
Cc: Catarra, Anita <anita.catarra@scotiabank.com>; rahima@messengerfreight.ca
Subject: STOP PAYMENT Hogg fuel and Supply limited

Good morning,

Can you please put a stop payment for a MISC DEBIT-HOGG FUEL AND SUPPLY LIMITED.

There will be two separate Misc Debit for total of \$ 67,831.29

There is an error on the payment amount . We need this pre authorized withdrawal to not clear our account.

Please see attached image as an example of Misc Debit from Hogg fuel

Thank you very much for your help

Max Trianto
Financial Controller
Messenger Freight System
150 Dennis Road
P.O. Box 100
St. Thomas, ON N5P 0B6
Bus: 519-631-9604
Fax: 519-631-1135

<http://www.messengerfreight.ca>



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Max Trianto

From: Max Trianto <max@messengerfreight.ca>
Sent: July 28, 2017 3:45 PM
To: 'Pereira, Tania'
Subject: RE: STOP Payment CASE094848768

Thanks

From: Pereira, Tania [mailto:rania.pereira@scotiabank.com]
Sent: July 28, 2017 3:40 PM
To: Max Trianto <max@messengerfreight.ca>
Subject: RE: STOP Payment CASE094848768

Going forward you can

Email your request to BSC.TOR@scotiabank.com
Phone: 1888 855 1234
Fax: 18779097038

Tania Pereira | Customer Support Representative | Toronto BSC Processing & Inquiries - Processing | Shared Services, Support Services

Scotiabank | Shared Services Group
4715 Tahoe Boulevard, 3rd Floor, Mississauga, Ontario, Canada L4W 0B4
1-888-855-1234
rania.pereira@scotiabank.com
scotiabank.com
Scotiabank is a business name used by The Bank of Nova Scotia

From: Max Trianto [mailto:max@messengerfreight.ca]
Sent: Friday, July 28, 2017 3:10 PM
To: Pereira, Tania <rania.pereira@scotiabank.com>
Subject: RE: STOP Payment CASE094848768

Yes

Thanks

Max Trianto
Financial Controller
Messenger Freight System
150 Dennis Road
P.O. Box 100
St. Thomas, ON N5P 0B6
Bus: 519-631-9604
Fax: 519-631-1135

<http://www.messengerfreight.ca>



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From: Pereira, Tania [<mailto:rania.pereira@scotiabank.com>]
Sent: July 28, 2017 1:30 PM
To: max@messengerfreight.ca
Subject: STOP Payment CASE094848768

Hello Max,

As Per the phone conversation we had at 13:19, there should be a STOP ALL placed to the Payee "HOGG FUELS AND SUPPLY LIMITED" on the DDA678760302619.

Please confirm.

Regards,

Tania Pereira | Customer Support Representative | Toronto BSC Processing & Inquiries - Processing | Shared Services, Support Services

Scotiabank | Shared Services Group
4715 Tahoe Boulevard, 3rd Floor, Mississauga, Ontario, Canada L4W 0B4
1-888-855-1234
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Max Trianto

From: Max Trianto <max@messengerfreight.ca>
Sent: August 8, 2017 1:48 PM
To: 'Wild, Trevor'
Subject: RE: Remove the Stop payment for Transit Hogg and Transit Petroleum - Reference # 095075843

Correct

Thanks
Max

From: Wild, Trevor [mailto:trevor.wild@scotiabank.com]
Sent: August 8, 2017 1:46 PM
To: Max Trianto <max@messengerfreight.ca>
Subject: RE: Remove the Stop payment for Transit Hogg and Transit Petroleum - Reference #095075843

Hi Max,

My previous e-mail was to confirm the accounts that have the stops.

Please confirm the below stops are the stops you are requesting to be removed.

STOP

| | |
|----------------|------------------------------|
| 1787930 ONTARI | 67876 03026 19 |
| STOP ALL | |
| DATE ENTERED | 2017/07/28 |
| DATE EXPIRED | 2017/10/26 |
| Payee | HOGG FUEL AND SUPPLY LIMITED |
| Type | PRE-AUTH PYMT |

| | |
|----------------|-------------------------------|
| USD ACCOUNT | |
| 1787930 ONTARI | 67876 01420 18 |
| STOP ALL | |
| DATE ENTERED | 2017/05/08 |
| DATE EXPIRED | 2017/08/06 |
| Payee | TRANSIT HOGG FUELS (STOP ALL) |
| Type | PRE-AUTH PYMT |

Best regards,
Trevor Wild | Float Officer, Processing | BSC Processing & Inquiries - Processing | BSC Support

Scotiabank | Shared Services Group
4715 Tahoe Boulevard, 3rd Floor, Mississauga Ontario, L4W 0B4

T 1-888-855-1234 F 1-877-909-7038
Trevor.Wild@scotiabank.com
scotiabank.com
Scotiabank is a business name used by The Bank of Nova Scotia

From: Max Trianto [<mailto:max@messengerfreight.ca>]
Sent: Tuesday, August 8, 2017 1:41 PM
To: Wild, Trevor <trevor.wild@scotiabank.com>
Subject: RE: Remove the Stop payment for Transit Hogg and Transit Petroleum - Reference #095075843

Thanks

From: Wild, Trevor [<mailto:trevor.wild@scotiabank.com>]
Sent: August 8, 2017 1:15 PM
To: max@messengerfreight.ca
Cc: TOR, BSC <bsc.tor@scotiabank.com>
Subject: Remove the Stop payment for Transit Hogg and Transit Petroleum - Reference #095075843

Good afternoon Max,

I received your e-mail requesting the stop payments for Transit Hogg and Transit Petroleum to be removed.

Please advise the account(s) these stop payments have been place and I will promptly remove the stops.

Should you have further questions please do not hesitate to contact us at 1-888-855-1234.

Best regards,
Trevor Wild | Float Officer, Processing | BSC Processing & Inquiries - Processing | BSC Support

Scotiabank | Shared Services Group
4715 Tahoe Boulevard, 3rd Floor, Mississauga Ontario, L4W 0B4

T 1-888-855-1234 F 1-877-909-7038
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http://www.scotiabank.com/email_disclaimer/email_espanol.html

Max Trianto

From: Max Trianto <max@messengerfreight.ca>
Sent: August 8, 2017 1:41 PM
To: 'Wild, Trevor'
Subject: RE: Remove the Stop payment for Transit Hogg and Transit Petroleum - Reference # 095075843

Thanks

From: Wild, Trevor [mailto:trevor.wild@scotiabank.com]
Sent: August 8, 2017 1:15 PM
To: max@messengerfreight.ca
Cc: TOR, BSC <bsc.tor@scotiabank.com>
Subject: Remove the Stop payment for Transit Hogg and Transit Petroleum - Reference #095075843

Good afternoon Max,

I received your e-mail requesting the stop payments for Transit Hogg and Transit Petroleum to be removed.

Please advise the account(s) these stop payments have been place and I will promptly remove the stops.

Should you have further questions please do not hesitate to contact us at 1-888-855-1234.

Best regards,
Trevor Wild | Float Officer, Processing | BSC Processing & Inquiries - Processing | BSC Support

Scotiabank | Shared Services Group
4715 Tahoe Boulevard, 3rd Floor, Mississauga Ontario, L4W 0B4

T 1-888-855-1234 F 1-877-909-7038
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Max Trianto

From: Fontanilla, Elizabeth <elizabeth.fontanilla@scotiabank.com>
Sent: August 2, 2017 8:43 AM
To: max@messengerfreight.ca
Cc: TOR, BSC
Subject: FW: 1787930 Ontario Inc - Case 094922422

Good morning Max,

This is to confirm that I have processed the following pics of \$43,579.09 and \$10,786.07 and credited your account today, as requested, as only 2 items were automatically returned yesterday.

Please let me know if I can be of further assistance.

Regards,

Elizabeth Fontanilla | Customer Support Representative | Business Service Center - Processing & Inquiries - Deposit Services |

Scotiabank | Shared Services Group
4715 Tahoe Blvd., 3rd Floor, Mississauga, ON L4W0B5
T 1-888-855-1234 F 1.877.909.7038
elizabeth.fontanilla@scotiabank.com
scotiabank.com
Scotiabank is a business name used by The Bank of Nova Scotia

From: Fontanilla, Elizabeth
Sent: Tuesday, August 1, 2017 1:35 PM
To: 'max@messengerfreight.ca' <max@messengerfreight.ca>
Cc: TOR, BSC <bsc.tor@scotiabank.com>
Subject: 1787930 Ontario Inc - Case 094922422

Good afternoon Max,

Re: AC 678760302619

Thank you for your email below regarding stopped items which went through your account yesterday. Please be advised that if these items will not be credited back to your account at the end of day today we will returned them manually tomorrow. This is just to ensure that the adjustment will not be duplicated.

I do appreciate your patience and understanding.

Thank you and regards,

=====
From: max@messengerfreight.ca
To: "MacPherson, Greg" <Greg.MacPherson@scotiabank.com>,
"Pulver, Scott" <scott.pulver@scotiabank.com>,
"TOR, BSC" <bsc.tor@scotiabank.com>
Date: 8/1/2017 2:26:36 PM

Subject:FW: STOP PAYMENT Hogg fuel and Supply limited
Good morning,

Attached please find MISC DEBIT from Transit Hogg, who also operate as
Transit Petroleum Inc for Total of \$ 67,831.32

Please reverse the misc debit as per stop payment request for these charges
July 28 as per below e mail

Please confirm

Regards

Max

1787930 ONTARIO INC. 678760302619 Jul 31, 2017 - Aug 01, 2017

| | |
|------------------|---|
| 07/31/2017 23:03 | MISC DEBIT-HOGG FUEL AND SUPPLY LIMITED-000000601664782 |
| 07/31/2017 23:03 | MISC DEBIT-HOGG FUEL AND SUPPLY LIMITED-000000601664783 |
| 07/31/2017 23:03 | MISC DEBIT-TRANSIT PETROLEUM INC.-000000601664805 |
| 07/31/2017 23:03 | MISC DEBIT-TRANSIT PETROLEUM INC.-000000601664806 |

Elizabeth Fontanilla | Customer Support Representative | Business Service Center - Processing & Inquiries - Deposit Services |

Scotiabank | Shared Services Group
4715 Tahoe Blvd., 3rd Floor, Mississauga, ON L4W0B6
T 1-888-855-1234 F 1.877-909.7038
elizabeth.fontanilla@scotiabank.com
scotiabank.com
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TAB "3"

Nathan McDaniel

From: Nathan McDaniel <nathan@messengerfreight.ca>
Sent: July 9, 2018 11:12 AM
To: 'Monique Paul'
Subject: RE: in re: Friday

Calling you in a few minutes ;)

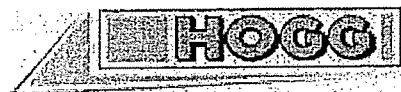
From: Monique Paul [mailto:mpaul@hoggfuel.com]
Sent: July 9, 2018 9:18 AM
To: Nathan McDaniel <nathan@messengerfreight.ca>
Subject: RE: in re: Friday

Nathan,

I just left you a voicemail as well, of you could call me as soon as you are in the office!

Thanks,

Monique Paul
Credit Analyst
Hogg Fuel and Supply Ltd.
Transit Petroleum Inc.
519-579-5330 Ext 1161
mpaul@hoggfuel.com



From: Nathan McDaniel [mailto:nathan@messengerfreight.ca]
Sent: Friday, July 06, 2018 5:50 PM
To: Monique Paul
Subject: in re: Friday

Hi Monique,

My apologies for not reaching out to you today. I will call you on Monday to discuss the PAP amounts going forward. We really appreciate Transit Hogg's patience and understanding of our situation.

Cheers,

Nathan

Nathan McDaniel
Financial Controller
Messenger Freight System

150 Dennis Road
P.O. Box 100
St. Thomas, ON N5P 0B6
Bus: 519-631-9604 x107
Fax: 519-631-1135
<http://www.messengerfreight.ca>



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Nathan McDaniel

From: Monique Paul <mpaul@hoggfuel.com>
Sent: July 9, 2018 3:30 PM
To: Rahima Wahizi
Cc: Nathan McDaniel
Subject: FW: MESSENGER
Attachments: 20180709151254893.pdf

Statement for invoices to June 30, 2018

Thanks,

Monique Paul
Credit Analyst
Hogg Fuel and Supply Ltd.
Transit Petroleum Inc.
519-579-5330 Ext 1161
mpaul@hoggfuel.com

TAB "4"

Court File Numbers: 35-2395487 and 35-2395481
 Estate File Numbers: 35-2395487 and 35-2395481

ONTARIO
 SUPERIOR COURT OF JUSTICE
 IN BANKRUPTCY AND INSOLVENCY

IN THE MATTER OF THE NOTICES OF INTENTION TO MAKE A PROPOSAL OF
 1732427 ONTARIO INC. AND 1787930 ONTARIO INC. BOTH OF THE CITY OF ST. THOMAS, IN THE PROVINCE OF
 ONTARIO

| UNDERTAKINGS REFUSALS AND QUESTIONS TAKEN UNDER ADVISEMENT CROSS EXAMINATION OF NATHAN MCDANIEL ON HIS AFFIDAVIT SWORN SEPTEMBER 18 2018 OCTOBER 15 2018, AND OCTOBER 31 2018 CONDUCTED ON NOVEMBER 12, 2018 | | |
|--|------|--|
| No | Page | Question |
| 4 | 35 | 164 |
| | | Undertakings Under Advise ment: Refusals To look for all email correspondence between Nathan and Trevor Chambers at Transit from June 28, to present |
| | | Response None - all correspondence via phone conversation |

TAB "5"

Michael Ly

From: Nathan McDaniel <nathan@messengerfreight.ca>
Sent: November-21-18 3:51 PM
To: Michael Ly; Bruce Simpson
Cc: louise@messengerfreight.ca
Subject: FW: Libro
Attachments: Stop Payment Order0.pdf

FYI... in relation to UTA.5

Cheers,

Nathan

From: Kimberly De Sousa [mailto:Kimberly.DeSousa@libro.ca]
Sent: November 20, 2018 4:15 PM
To: 'nathan@messengerfreight.ca' <nathan@messengerfreight.ca>
Subject: Libro

Hello Nathan,
Please find attached Stop payment order from July 2018.
The instruction was taken via phone on 11th of July, no signature copy required for this.

Kind Regards,

Kimberly de Sousa
Lending Specialist|Coach

Libro Credit Union
1073 Talbot Street
St. Thomas, Ontario N5P 1G4
T: 519.631.6195 x7303
F: 519.631-6196
kimberly.desousa@libro.ca
www.libro.ca



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STOP PAYMENT ORDER

The undersigned hereby agree(s) to indemnify and hold Libro Credit Union Limited (Libro) harmless for the said amount as well as for all expenses and costs incurred by Libro through its refusal to pay the said cheque. Further, the undersigned agrees that Libro will not be responsible for stopping payment unless my stop payment order is received by Libro within a reasonable time for Libro to act on my order prior to final payment or similar action. I understand that my stop payment order is conditional on and subject to Libro's verification that the item has not already been paid or that some other action to pay the item has not been taken. The undersigned hereby further waive(s) and hold(s) Libro harmless from any claim(s) relating to the payment of the said cheque contrary to this stop payment order, unless the payment is made by reason of wilful misconduct or gross negligence, on the part of Libro. **This stop payment order shall expire 180 days from the effective date unless renewed in writing before that time.**

Credit Union: **Libro Credit Union**

Branch: **St. Thomas**

Account # **2228203**

Sub # **1**

Stop Payment Message stop PAD for Jul 12/18

First & Last Name: **Messenger Freight Systems 1787930 Ontario Inc.**

Effective Date of Stop Payment Order: **Jul 11 2018**

1st Cheque # **PAD**

Last Cheque #

Payable to: **Transit Petrole**

Stop All Cheques

Exact Amount : **\$62639.03**

Cheque #

Date on cheque: **Jul 12 2018**

Expiry Date: **Jan 12 2019**

Reason for stopping payment: **Was for the Wrong amount**

Owner home phone # **(519) 631-9604**

Owner business phone #

I/we certify the above information to be complete and correct and authorize applicable Stop Payment fees to be charged to my/our account. I acknowledge that Stop Payment effectiveness is dependent on exact information being provided.

Authorized Signature(s)

Date

TAB "6"

Nathan McDaniel

From: Nathan McDaniel <nathan@messengerfreight.ca>
Sent: July 10, 2018 12:19 PM
To: 'Don Poort'
Subject: RE: in re: proposal

Hi Don,

I will call you shortly to discuss.

-Nathan

From: Don Poort [mailto:dpoort@hoggfuel.com]
Sent: July 10, 2018 11:35 AM
To: Nathan McDaniel <nathan@messengerfreight.ca>
Subject: RE: in re: proposal
Importance: High

Thank you for your proposal.

Given the current situation, until we have been brought current under the terms described below, effective July 11, 2018, Messenger will be restricted to a daily maximum fuel draw of \$5,000.

Your balance with Transit as at end of business on July 9, 2018 is as follows:

Amounts up to and including July 2:

- Account # 96242510 (Transit Cardlocks): \$ 170,745.30
- For Account # 96246010: (Ultramar Cardlocks): \$ 32,746.52 (estimated for July 1 and July 2 included)
- Total under NOI: \$ 203,491.82

Your balance from July 3 – July 9 is: \$62,989.06

In order to eliminate the daily maximum, Messenger is required to pay the July 3 – July 9th balance above PLUS:

- For Account # 96242510 (Transit Cardlocks): Transit will be executing a PAD pull in the amount of \$12,000. This represents an approximation of daily draw by Messenger.
- For Account # 96246010: (Ultramar Cardlocks): Transit will also be executing a PAD for your Ultramar draw in the amount of \$11,000. This represents an approximation of the weekly draw by Messenger within the Ultramar system.

To be clear, if paid on July 10, 2018, Transit requires a payment in the amount of \$85,989.06 prior to lifting the daily maximum restriction. Each day beyond July 10, 2018, an additional \$12,000 will be required.

From the date of payment forward:

- For Account # 96242510: Each week day morning Transit will inform Messenger of the prior day's fuel purchases and will simultaneously execute a PAD pull for that full amount.
- For Account # 96246010: On Tuesday of each week Transit will inform Messenger of the prior week's fuel purchases through the Ultramar system, and will simultaneously execute a PAD pull for that amount.

For the period in time during which Transit is required to perform these additional administrative services, Messenger will be charged an Administration fee of \$1,000 per week. This amount will be added to each Monday's PAD draw.

Once we are back to normal credit terms, we will require a \$50,000 deposit on the account, and the initial maximum daily limit will be \$15,000 per day.

Thank you

Don Poort, CPA, CA
CFO
Transit Petroleum

From: Nathan McDaniel [<mailto:nathan@messengerfreight.ca>]
Sent: Monday, July 09, 2018 2:43 PM
To: Don Poort <dpoort@hoggfuel.com>
Subject: in re: proposal

Hi Don,

Much thanks for making the time to talk today. With the NOI filed we can commit to the following for payments:

- *Payments of \$12,000 per day billed on Monday, Tuesday, Thursday and Friday for COD fuel purchases.
- *If the amounts received throughout the week are in excess of the invoices for the current week's fuel purchases, the excess would be applied as a credit for future invoices (i.e. no arrears payment applications)
- *If the amounts received throughout the week are deficient to the invoices for the current week's fuel purchases, the deficiency would be covered on the Monday payment.
- *Payment of \$60,000 on Thursday of the current week (7/12/18) [Total payments for the current week would be \$120,000].

I would be fine with the payments being made via PAP starting tomorrow (\$24,000 on 7/10/18). Please let me know if you have any questions.

Cheers,

Nathan

Nathan McDaniel
Financial Controller
Messenger Freight System
150 Dennis Road
P.O. Box 100
St. Thomas, ON N5P 0B6
Bus: 519-631-9604 x107
Fax: 519-631-1135
<http://www.messengerfreight.ca>



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Nathan McDaniel

From: Nathan McDaniel <nathan@messengerfreight.ca>
Sent: July 11, 2018 3:31 PM
To: 'Don Poort'
Subject: RE: in re: proposal

Importance: High

Hi Don,

My apologies for missing your call. Please only execute the PAP that I authorized: \$36,000 for estimated fuel purchases on 7/9/18, 7/10/18 & 7/11/18. I need to talk to you regarding the remaining balance for the week. My cell is 519-319-7086.

Cheers,

Nathan

From: Don Poort [mailto:dpoort@hoggfuel.com]
Sent: July 11, 2018 1:54 PM
To: Nathan McDaniel <nathan@messengerfreight.ca>
Subject: FW: in re: proposal

I am not around much longer this afternoon.

We will be submitting (today) a PAD for \$62,639.03 dated tomorrow (July 12) (\$50,639.03 + \$12,000).

As it turns out, I don't actually get the funds until the end of the day (10pm), so I will take \$24,000 on Friday. That way, as agreed, by Friday night I will have enough to cover fuel draws for Friday plus funds in advance of the following day (in this case, on the weekend and Monday). On Monday, I will be drawing \$12,000 in funds for Tuesday's fuel, etc.

Thanks.

From: Don Poort
Sent: Wednesday, July 11, 2018 12:35 PM
To: 'Nathan McDaniel' <nathan@messengerfreight.ca>
Subject: RE: in re: proposal

Nathan

Please find the information that answers your question (attached). We have gone through a detailed review of your account to ensure that all numbers are accurate and complete with current information up to July 8. I need to have a conversation with you early this afternoon about one more point for our discussion. What time after 1PM can I call you?

Thanks

From: Nathan McDaniel [<mailto:nathan@messengerfreight.ca>]
Sent: Tuesday, July 10, 2018 3:57 PM
To: Don Poort <dpoort@hoggfuel.com>
Subject: RE: in re: proposal

Hi Don,

Much thanks for making the time to talk today. I am fine with the PAD for \$36,000 to come out tomorrow to cover the estimated fuel (i.e. \$12,000/day) for the period July 9, July 10, and July 11. Would you please send me a revised amount owing for the period July 3 – July 8?

Cheers,

Nathan

From: Don Poort [<mailto:dpoort@hoggfuel.com>]
Sent: July 10, 2018 3:03 PM
To: Nathan McDaniel <nathan@messengerfreight.ca>
Subject: RE: in re: proposal

I am here

From: Nathan McDaniel [<mailto:nathan@messengerfreight.ca>]
Sent: Tuesday, July 10, 2018 2:59 PM
To: Don Poort <dpoort@hoggfuel.com>
Subject: RE: in re: proposal

Hi Don,

My apologies for missing your call...I will call you in a few minutes.

Thanks,

Nathan

From: Don Poort [<mailto:dpoort@hoggfuel.com>]
Sent: July 10, 2018 2:16 PM
To: Nathan McDaniel <nathan@messengerfreight.ca>
Subject: RE: in re: proposal

Left you a voicemail.
I am back in the office (519-579-5330) – have me paged.
Thanks.

From: Nathan McDaniel [<mailto:nathan@messengerfreight.ca>]
Sent: Tuesday, July 10, 2018 1:34 PM
To: Don Poort <dpoort@hoggfuel.com>
Subject: RE: in re: proposal

Hi Don,

Thank you for sending your proposal. Would you please give me a call at your earliest convenience?

Cheers,

Nathan

From: Don Poort [<mailto:dpoort@hoggfuel.com>]
Sent: July 10, 2018 11:35 AM
To: Nathan McDaniel <nathan@messengerfreight.ca>
Subject: RE: in re: proposal
Importance: High

Thank you for your proposal.

Given the current situation, until we have been brought current under the terms described below, effective July 11, 2018, Messenger will be restricted to a daily maximum fuel draw of \$5,000.

Your balance with Transit as at end of business on July 9, 2018 is as follows:

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Once we are back to normal credit terms, we will require a \$50,000 deposit on the account, and the initial maximum daily limit will be \$15,000 per day.

Thank you

Don Poort, CPA, CA
CFO
Transit Petroleum

From: Nathan McDaniel [<mailto:nathan@messengerfreight.ca>]
Sent: Monday, July 09, 2018 2:43 PM
To: Don Poort <dpoort@hoggfuel.com>
Subject: in re: proposal

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- *Payments of \$12,000 per day billed on Monday, Tuesday, Thursday and Friday for COD fuel purchases.
- *If the amounts received throughout the week are in excess of the invoices for the current week's fuel purchases, the excess would be applied as a credit for future invoices (i.e. no arrears payment applications)
- *If the amounts received throughout the week are deficient to the invoices for the current week's fuel purchases, the deficiency would be covered on the Monday payment.
- *Payment of \$60,000 on Thursday of the current week (7/12/18) [Total payments for the current week would be \$120,000].

I would be fine with the payments being made via PAP starting tomorrow (\$24,000 on 7/10/18). Please let me know if you have any questions.

Cheers,

Nathan

Nathan McDaniel
Financial Controller
Messenger Freight System
150 Dennis Road
P.O. Box 100
St. Thomas, ON N5P 0B6
Bus: 519-631-9604 x107
Fax: 519-631-1135
<http://www.messengerfreight.ca>



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TAB "7"

Court File Numbers: 35-2395487 and 35-2395481
 Estate File Numbers: 35-2395487 and 35-2395481

ONTARIO
 SUPERIOR COURT OF JUSTICE
 IN BANKRUPTCY AND INSOLVENCY

IN THE MATTER OF THE NOTICES OF INTENTION TO MAKE A PROPOSAL OF
 1732427 ONTARIO INC. AND 1787930 ONTARIO INC. BOTH OF THE CITY OF ST. THOMAS, IN THE PROVINCE OF
 ONTARIO

| UNDERTAKINGS, REFUSALS AND QUESTIONS TAKEN UNDER ADVISEMENT CROSS EXAMINATION OF NATHAN MCDANIEL ON HIS AFFIDAVIT SWORN SEPTEMBER 18, 2018, OCTOBER 15, 2018 AND OCTOBER 31, 2018 CONDUCTED ON NOVEMBER 12, 2018 | | | |
|--|------|----------|--|
| No. | Page | Question | Response |
| 7 | 79 | 351 | To advise as to what date Transit supplied fuel to 178 |
| | | | July 12, 2018 |

TAB "8"

Nathan McDaniel

From: Nathan McDaniel <nathan@messengerfreight.ca>
Sent: July 10, 2018 5:03 PM
To: 'Currie, Michelle'
Subject: RE: in re: re

Importance: High

Hi Michelle,

My apologies for the delayed response. I will have Michelle Azevedo picking up the cards tomorrow; would you please call me when they are available for pick up?

Cheers,

Nathan

From: Currie, Michelle [mailto:mcurrie@suncor.com]
Sent: July 10, 2018 2:28 PM
To: Nathan McDaniel <nathan@messengerfreight.ca>
Subject: RE: in re: re

Hello Nathan

I have just found out that we cannot courier these cards tomorrow. The best case scenario is that I can have them be returned to me and you would have to have someone pick them up .

Please call me .

Thank you,
Michelle.

Michelle Currie
Credit Account Manager.
2489 North Sheridan Way
Mississauga L5K1A8
PH:905-804-3601
Fax: 1-877-804-4879
Email:mcurrie@suncor.com

See your wholesale account online, retrieve invoices, arrange payments, excellent communication tool, no fees. Click on the link below to learn more.

<https://paymybills.petro-canada.ca/>

SuperPass online for your fuel management cards
<http://pubweb/superpass/Sign-In.aspx>



Comité canadien d'organisation olympique



Energy

Suncor Energy is the proud owner of Petro-Canada

From: Nathan McDaniel [<mailto:nathan@messengerfreight.ca>]
Sent: Tuesday, July 10, 2018 2:18 PM
To: Currie, Michelle
Cc: 'Evan Wilson'
Subject: in re: re
Importance: High

Hi Michelle,

Would you please send 80 Petro Pass cards for owner-operators that will be starting with Messenger Freight Systems tomorrow? The restrictions on the cards will all be the same for diesel and DEF only. There will be no name other than Messenger Freight Systems on the cards. Please courier direct to our Cambridge office (690 Fountain St. North Cambridge, ON N3H 0A2) Attention: Evan Wilson. Please let me know if you have any questions. I understand that these will be delivered tomorrow afternoon...is that correct?

Cheers,

Nathan

Nathan McDaniel
Financial Controller
Messenger Freight System
150 Dennis Road
P.O. Box 100
St. Thomas, ON N5P 0B6
Bus: 519-631-9604 x107
Fax: 519-631-1135
<http://www.messengerfreight.ca>



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Nathan McDaniel

From: Nathan McDaniel <nathan@messengerfreight.ca>
Sent: July 23, 2018 1:37 PM
To: 'Sheldon Title'
Cc: 'Louise Vonk'
Subject: RE: in re: Messenger Freight Systems-Suncor agreement

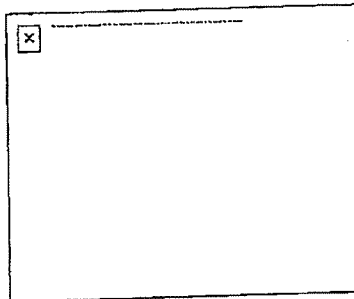
That is mostly correct. The arrangement was made prior to the NOI being filed. Once the NOI was filed, the challenge to address all pressing matters in terms of priorities was put to the top of my list. I contacted Transit Hogg on/about 7/4/18 to request to stop the PAP and was advised that it was too late...this was late in the afternoon. I contacted Libro Credit Union on 7/5/18 at around 9a and learned that the funds already came out. In one of my conversations with their controller, I requested that this amount be applied to post-NOI amounts owing and was refused.

From: Sheldon Title [mailto:Sheldon.Title@mnp.ca]
Sent: July 23, 2018 1:24 PM
To: Nathan McDaniel <nathan@messengerfreight.ca>
Cc: Louise Vonk <louise@messengerfreight.ca>
Subject: Re: in re: Messenger Freight Systems-Suncor agreement

On the issue of Transit/Hogg, I believe it would be inaccurate to say that the July 5th PAP was intended for post-NOI supply. It was inadvertently allowed to clear, but you sought to have it applied to post-NOI supply and Transit refused. Is that more accurate?

Sheldon Title, CPA, CA, CIRP, LIT
SENIOR VICE-PRESIDENT

DIRECT 416.263.6945
FAX 416.323.5240
CELL 416.573.5320
111 Richmond Street West
Suite 300
Toronto, ON
M5H 2G4
sheldon.title@mnp.ca
mnpdebt.ca



Sent from my iPhone

On Jul 23, 2018, at 1:16 PM, Nathan McDaniel <nathan@messengerfreight.ca> wrote:

Firm pending Bill's acceptance; everything in my email was agreed to by Bill.

From: Sheldon Title [mailto:Sheldon.Title@mnp.ca]
Sent: July 23, 2018 1:06 PM
To: Nathan McDaniel <nathan@messengerfreight.ca>
Cc: Louise Vonk <louise@messengerfreight.ca>
Subject: RE: in re: Messenger Freight Systems-Suncor agreement

Nathan,

Is this now firm, or still being negotiated?

Regards,
Sheldon

Sheldon Title, CPA, CA, CIRP, LIT <image003.jpg>
SENIOR VICE-PRESIDENT

DIRECT 416.263.6945
FAX 416.323.5240
CELL 416.573.5320
111 Richmond Street West
Suite 300
Toronto, ON
M5H 2G4
sheldon.title@mnp.ca
mnpdebt.ca

<image005.jpg>

From: Nathan McDaniel <nathan@messengerfreight.ca>
Sent: July 23, 2018 12:08 PM
To: hsenra@suncor.com
Cc: 'Currie, Michelle' <mcurrie@suncor.com>; Sheldon Title <Sheldon.Title@mnp.ca>
Subject: in re: Messenger Freight Systems-Suncor agreement
Importance: High

Good morning Bill,

Thank you for making the time to talk today and on Friday of last week. We appreciate Suncor's support and value the relationship that Messenger Freight Systems has grown with Suncor. To lend assurance and security to our account in this period, Messenger Freight Systems is agreeing to the following:

- Weekly billing to continue with payment for our large account to continue to be on Thursdays
- On Thursday of the current week (7/26/18), Suncor will withdraw \$64,208.88 for fuel purchase for the period 7/12/18 – 7/18/18. Additionally, Suncor will withdraw \$35,000 as security deposit. Total to be withdrawn on Thursday (7/26/18) is \$99,208.88.
- On Thursday of next week (8/2/18), Suncor will withdraw an amount for fuel purchased for the period 7/19/18 – 7/25/18. Additionally, Suncor will withdraw \$35,000 as security deposit. Estimated total to be withdrawn on Thursday (8/2/18) is \$105,000.
- The \$70,000 security deposit will be held by Suncor for a period of three months and on October 25th our account will be assessed to determine if the security deposit could be applied against any balance owing on our account.

Please let me know if this is acceptable. As discussed, our existing account would be closed at a date to be determined with new cards being couriered out at Suncor's earliest convenience.

Cheers,

Nathan

Nathan McDaniel

Financial Controller
Messenger Freight System
150 Dennis Road
P.O. Box 100
St. Thomas, ON N5P 0B6
Bus: 519-631-9604 x107
Fax: 519-631-1135
<http://www.messengerfreight.ca>

<image006.jpg>

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TAB "9"

Nathan McDaniel

From: Sheldon Title <Sheldon.Title@mnp.ca>
Sent: July 11, 2018 6:09 PM
To: Louise Vonk
Cc: Nathan McDaniel; Bruce Simpson
Subject: Re: in re: Transit Petroleum

Bruce,

Hogg is represented by Sherry Kettle of Miller Thomson's London office.

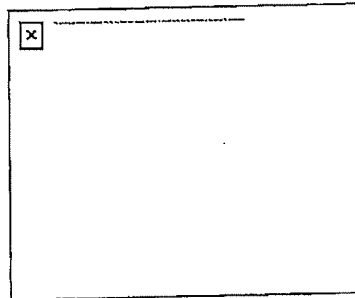
The link to Sherry's contact info is found below:

<http://www.millerthomson.com/en/our-people/sherry-a-kettle/>

Regards,
Sheldon

Sheldon Title, CPA, CA, CIRP, LIT
SENIOR VICE-PRESIDENT

DIRECT 416.263.6945
FAX 416.323.5240
CELL 416.573.5320
111 Richmond Street West
Suite 300
Toronto, ON
M5H 2G4
sheldon.title@mnp.ca
mnpdebt.ca



Sent from my iPhone

On Jul 11, 2018, at 4:01 PM, Louise Vonk <louise@messengerfreight.ca> wrote:

Hi Sheldon

Spoke to Bruce.

He would like the name of Hogg Lawyer.. I told Bruce I only knew the firm of Miller Thompson

Bruce will deal with it in the morning

Thank you
Louise

From: Sheldon Title [<mailto:Sheldon.Title@mnp.ca>]
Sent: Wednesday, July 11, 2018 4:59 PM
To: Nathan McDaniel <nathan@messengerfreight.ca>
Cc: louise@messengerfreight.ca
Subject: Re: in re: Transit Petroleum

Nathan,

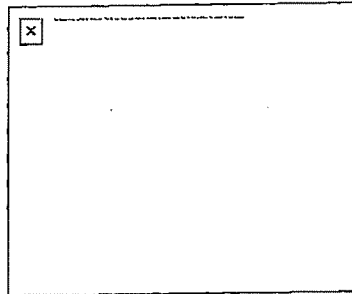
I suggest that you have Bruce Simpson weigh in on this as he may have to advocate for Messenger.

I am pleased to provide Bruce with my two cents on the issue, but I will be unable to speak with him until I land in Toronto. Bruce and I exchanged messages earlier, and I may be able to speak with him after 8 pm today (my plane lands at 7:15).

Regards,
Sheldon

Sheldon Title, CPA, CA, CIRP, LIT
SENIOR VICE-PRESIDENT

DIRECT 416.263.6945
FAX 416.323.5240
CELL 416.573.5320
111 Richmond Street West
Suite 300
Toronto, ON
M5H 2G4
sheldon.title@mnp.ca
mnpdebt.ca



Sent from my iPhone

On Jul 11, 2018, at 2:54 PM, Nathan McDaniel <nathan@messengerfreight.ca> wrote:

Hi Sheldon,

Thank you very much for making the time to talk this afternoon; hopefully you had a safe trip. Unfortunately I was unable to salvage the relationship with Transit Petroleum and the CFO, Don Poort (pronounced "port") is in complete disagreement on the treatment of the amount received by Transit Hogg on 7/5/18 (\$83,734.05 via PAP). I have paid \$36,000 via PAP for estimated fuel used on Monday, Tuesday and Wednesday(today) of the current week. We owe Transit Hogg \$50,639.03 for fuel used between July 3-8. I have advised Don to apply the amount received on 7/5/18 to the \$50,639.03 owing and he said they will not. If he does, we would have a \$33,095.02 balance owing back to Messenger Freight Systems. What would be the best approach to recover this amount?

Cheers,

Nathan

Nathan McDaniel
Financial Controller
Messenger Freight System
150 Dennis Road
P.O. Box 100
St. Thomas, ON N5P 0B6
Bus: 519-631-9604 x107
Fax: 519-631-1135
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<image001.jpg>

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Nathan McDaniel

From: Nathan McDaniel <nathan@messengerfreight.ca>
Sent: July 30, 2018 2:17 PM
To: 'Sheldon Title'; 'Bruce Simpson'
Cc: 'louise@messengerfreight.ca'
Subject: RE: in re: Transit Petroleum

Hi all,

Sorry if there was confusion regarding this account. The detail below should clear things up; as always please let me know if you have any questions.

| | |
|--------------------------------------|----------------------|
| Billing from July 3-8 | \$50,639.03 |
| Billing from July 9-15 | \$33,795.25 |
| Payment for July 9, 10 & 11 | <u>(\$36,000.00)</u> |
| Total owing Transit Hogg | \$48,434.28 |
| Post-NOI payment of Pre-NOI invoices | <u>(\$83,734.05)</u> |
| Total owed to MFS from Hogg | \$35,299.77 |

Cheers,

Nathan

From: Nathan McDaniel [mailto:nathan@messengerfreight.ca]
Sent: July 30, 2018 12:38 PM
To: 'Sheldon Title' <Sheldon.Title@mnp.ca>
Cc: 'louise@messengerfreight.ca' <louise@messengerfreight.ca>; 'Bruce Simpson' <bruce@bruceasimpson.com>
Subject: RE: in re: Transit Petroleum

Hi Sheldon,

Attached are the invoices (4) from 7/9 – 7/15. Total for the four invoices is \$33,795.25.

Cheers,

Nathan

From: Sheldon Title [mailto:Sheldon.Title@mnp.ca]
Sent: July 30, 2018 11:50 AM
To: Nathan McDaniel <nathan@messengerfreight.ca>
Cc: louise@messengerfreight.ca; 'Bruce Simpson' <bruce@bruceasimpson.com>
Subject: RE: in re: Transit Petroleum

Thanks Nathan, do you have the invoices for the July 11-13 period, which you estimate at \$36K?

Sheldon Title, CPA, CA, CIRP, LIT
SENIOR VICE-PRESIDENT

DIRECT 416.263.6945
FAX 416.323.5240
CELL 416.573.5320
111 Richmond Street West
Suite 300
Toronto, ON
M5H 2G4
sheldon.title@mnp.ca
mnpdebt.ca



Member of Praxity, AISA
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GOLD | CANADA



MNP PROUDLY CELEBRATES THE CANADIAN ENTREPRENEURIAL DRIVE

From: Nathan McDaniel <nathan@messengerfreight.ca>
Sent: July 30, 2018 11:45 AM
To: Sheldon Title <Sheldon.Title@mnp.ca>
Cc: louise@messengerfreight.ca; 'Bruce Simpson' <bruce@bruceasimpson.com>
Subject: RE: in re: Transit Petroleum

Hi Sheldon,

The attached email has the supporting documents. Please let me know if you have any questions.

Cheers,

Nathan

From: Sheldon Title [<mailto:Sheldon.Title@mnp.ca>]
Sent: July 30, 2018 11:31 AM
To: Nathan McDaniel <nathan@messengerfreight.ca>
Cc: louise@messengerfreight.ca; 'Bruce Simpson' <bruce@bruceasimpson.com>
Subject: RE: in re: Transit Petroleum

Nathan,

Has Hogg not already provided you with invoices for all post-NOI purchases so that you can determine the overpayment with precision?

Bruce has a phone call with Hogg's lawyer later today and is in Court tomorrow.

Regards,
Sheldon

Sheldon Title, CPA, CA, CIRP, LIT
SENIOR VICE-PRESIDENT

DIRECT 416.263.6945
FAX 416.323.5240
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BESTEMPLOYER
GOLD | CANADA



MNP PROUDLY CELEBRATES THE CANADIAN ENTREPRENEURIAL DRIVE

From: Nathan McDaniel <nathan@messengerfreight.ca>
Sent: July 30, 2018 11:28 AM
To: Sheldon Title <Sheldon.Title@mnp.ca>
Cc: louise@messengerfreight.ca; 'Bruce Simpson' <bruce@bruceasimpson.com>
Subject: RE: in re: Transit Petroleum

Hi Sheldon,

I approved a payment of \$36,000 as an estimate of the fuel purchased for the period July 11, 12 & 13. By my estimation we owe Transit Hogg \$50,639.03 for the period July 3 – July 8.

Cheers,

Nathan

From: Sheldon Title [<mailto:Sheldon.Title@mnp.ca>]
Sent: July 30, 2018 10:49 AM
To: Nathan McDaniel <nathan@messengerfreight.ca>
Cc: louise@messengerfreight.ca; Bruce Simpson <bruce@bruceasimpson.com>
Subject: RE: in re: Transit Petroleum

Nathan,

Please advise whether Messenger paid Hogg for the \$50k fuel used during the period July 3rd to July 8th referenced in your email message.

Regards,
Sheldon

Sheldon Title, CPA, CA, CIRP, LIT
SENIOR VICE-PRESIDENT

DIRECT 416.263.6945
FAX 416.323.5240
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BEST EMPLOYER

GOLD CANADA



MNP PROUDLY CELEBRATES THE CANADIAN ENTREPRENEURIAL DRIVE

From: Nathan McDaniel <nathan@messengerfreight.ca>
Sent: July 11, 2018 4:55 PM
To: Sheldon Title <Sheldon.Title@mnt.ca>
Cc: louise@messengerfreight.ca
Subject: in re: Transit Petroleum
Importance: High

Hi Sheldon,

Thank you very much for making the time to talk this afternoon; hopefully you had a safe trip. Unfortunately I was unable to salvage the relationship with Transit Petroleum and the CFO, Don Poort (pronounced "port") is in complete disagreement on the treatment of the amount received by Transit Hogg on 7/5/18 (\$83,734.05 via PAP). I have paid \$36,000 via PAP for estimated fuel used on Monday, Tuesday and Wednesday(today) of the current week. We owe Transit Hogg \$50,639.03 for fuel used between July 3-8. I have advised Don to apply the amount received on 7/5/18 to the \$50,639.03 owing and he said they will not. If he does, we would have a \$33,095.02 balance owing back to Messenger Freight Systems. What would be the best approach to recover this amount?

Cheers,

Nathan

Nathan McDaniel
Financial Controller
Messenger Freight System
150 Dennis Road
P.O. Box 100
St. Thomas, ON N5P 0B6
Bus: 519-631-9604 x107
Fax: 519-631-1135
<http://www.messengerfreight.ca>



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TAB "10"

Nathan McDaniel

From: Nathan McDaniel <nathan@messengerfreight.ca>
Sent: July 4, 2018 2:37 PM
To: 'louise@messengerfreight.ca'; 'Evan Wilson'; 'blaine@messengerfreight.ca'
Subject: FW: MESSENGER FREIGHT SYSTEMS
Importance: High

All,

I spoke to Trevor Chambers (Fuel Manager) regarding meeting tomorrow. I asked him to put a stay on the PAP scheduled for end of the week. He said he is nervous about our account. I advised that we would like to meet in person to solidify the arrangement.

We should discuss strategy prior to meeting, but I think the broad strokes should be that after much thought the painful decision to file the NOI was made on July 2. We are working with our Trustee to put MFS in a profitable position going forward. Per the law and per our Trustee, we are bound to only pay for goods and services received on/after July 2nd. ALL invoices will be paid before delivery (CBD estimate). It is worth mentioning that the NOI process is not the same as bankruptcy or receivership. As part of the NOI process, MFS is being given an opportunity to restructure the business with the objective of returning to profitability. He will follow up with me by end of day with a time for tomorrow.

Cheers,

Nathan

From: Nathan McDaniel [mailto:nathan@messengerfreight.ca]
Sent: June 29, 2018 4:05 PM
To: 'Monique Paul' <mpaul@hoggfuel.com>
Subject: RE: MESSENGER FREIGHT SYSTEMS
Importance: High

Hi Monique,

My apologies for the delay; I was pulled a several directions today as well as yesterday. Would you please call me on Tuesday when you are back in the office? I just have a few questions regarding the terms...I want to make sure I am on the same page with you.

Cheers,

Nathan

From: Monique Paul [mailto:mpaul@hoggfuel.com]
Sent: June 29, 2018 3:39 PM
To: Nathan McDaniel <nathan@messengerfreight.ca>
Subject: RE: MESSENGER FREIGHT SYSTEMS
Importance: High

Nathan,

It is almost 4pm and we have not heard back from you regarding the information below. Can you please advise?

Thanks,

Monique Paul
Credit Analyst
Hogg Fuel and Supply Ltd.
Transit Petroleum Inc.
519-579-5330 Ext 1161
mpaul@hoggfuel.com



From: Monique Paul
Sent: Thursday, June 28, 2018 8:55 AM
To: 'Nathan McDaniel'
Subject: RE: MESSENGER FREIGHT SYSTEMS
Importance: High

Good Morning Nathan,

I have discussed at length your proposal with Tina Thorne the Credit manager and Trevor Chambers the Fuel Manager and we have all agreed we will accept this proposal, with below stipulations.

| | | |
|---------|---------------------------------|--------------------------------|
| July 5 | \$83,734.05 | (50% of the arrears amount) |
| July 12 | regular amount plus \$27,911.35 | (16.67% of the arrears amount) |
| July 19 | regular amount plus \$27,911.35 | (16.67% of the arrears amount) |
| July 26 | regular amount plus \$27,911.35 | (16.67% of the arrears amount) |

Currently terms are Net 14 with Monday PAD making your invoices 15 days old, if we agree to move your PAD to Thursday we will need to change your terms to Net 7 making your invoices 11 days old, we cannot keep your terms at Net 14 and pull on Thursday as that makes the invoices 19 days old.

We have continuously gone above and beyond to work with Messenger on their financial issues, but going forward we need to be reassured that we will no longer have any problems going forward which is why we are agreeing to the Thursday PAD.

We have already had to pay the fuel purchased and used by Messenger, as our terms are Net 7 with our supplier.

We need to be clear that this will be the last time we can split payments due to the inability to pay your fuel purchases on the agreed upon pull date.

We need the above approved no later than 3pm on Friday June 29, 2018, in order to pull the first payment on Thursday July 5th, 2018.

Thanks,

Monique Paul
Credit Analyst
Hogg Fuel and Supply Ltd.
Transit Petroleum Inc.
519-579-5330 Ext 1161
mpaul@hoggfuel.com



From: Nathan McDaniel [<mailto:nathan@messengerfreight.ca>]
Sent: Wednesday, June 27, 2018 5:40 PM
To: Monique Paul
Subject: RE: MESSENGER FREIGHT SYSTEMS

Good afternoon Monique,

Much thanks for the patience and support that both you and Tina have demonstrated; it means a lot to me. Attached is a scan of a voided cheque from our new checking account; please use this banking information for future billings. With regards to the below-mentioned proposal, I would ask that we adjust is slightly to be more in line with our original conversation. Would you please let me know if my proposal is acceptable?

| | | |
|---------|---------------------------------|--------------------------------|
| July 5 | \$83,734.05 | (50% of the arrears amount) |
| July 12 | regular amount plus \$27,911.35 | (16.67% of the arrears amount) |
| July 19 | regular amount plus \$27,911.35 | (16.67% of the arrears amount) |
| July 26 | regular amount plus \$27,911.35 | (16.67% of the arrears amount) |

With this payment plan, we would effectively have the arrears amount paid up by EOM July.

Cheers,

Nathan

Nathan McDaniel
Financial Controller
Messenger Freight System
150 Dennis Road
P.O. Box 100
St. Thomas, ON N5P 0B6
Bus: 519-631-9604 x107
Fax: 519-631-1135
<http://www.messengerfreight.ca>



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From: Monique Paul [<mailto:mpaul@hoggfuel.com>]
Sent: June 26, 2018 11:55 AM
To: Nathan McDaniel <nathan@messengerfreight.ca>
Subject: RE: MESSENGER FREIGHT SYSTEMS

Good Afternoon Nathan,

Thank you for speaking with Tina and myself!

We are willing to change the PAD to Thursdays from Mondays with the below proposal on getting the account current.

Thursday July 5, 2018 **\$111,645.40**
Thursday July 12, 2018 $\$55,093.51 + \$27,911.35 = \$83,004.86$
Thursday July 19, 2018 regular amount owing + \$27,911.35 (total unknown at this time)
This will then bring your account current.

Thanks,

Monique Paul
Credit Analyst
Hogg Fuel and Supply Ltd.
Transit Petroleum Inc.
519-579-5330 Ext 1161
mpaul@hoggfuel.com



From: Nathan McDaniel [<mailto:nathan@messengerfreight.ca>]
Sent: Monday, June 25, 2018 3:07 PM
To: Monique Paul
Subject: RE: MESSENGER FREIGHT SYSTEMS

Good afternoon Monique,

Thank you for making the time to talk last week. As discussed it was a very challenging week with the compromised account and frozen status. We thoroughly appreciate your patience and understanding. I should have the new banking details ready to relay by middle of this week. Regarding payments, would it be possible to move our PAD date to Friday in lieu of Monday? I am seeing through analysis of Max's cash flow projections that it is a challenge allocating amounts as such on Monday.

Cheers,

Nathan

Nathan McDaniel
Financial Controller
Messenger Freight System
150 Dennis Road
P.O. Box 100
St. Thomas, ON N5P 0B6
Bus: 519-631-9604 x107
Fax: 519-631-1135
<http://www.messengerfreight.ca>



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From: Monique Paul [<mailto:mpaul@hoggfuel.com>]
Sent: June 22, 2018 10:36 AM
To: nathan@messengerfreight.ca
Subject: MESSENGER FREIGHT SYSTEMS
Importance: High

Nathan,

As per our conversation we have received Monday June 18th, 2018 PAD back as Account Frozen
Account # 96246010 \$9,542.21
Account # 96242510 \$49,590.24
Total \$59,132.45

We are also holding this week's PAD Monday June 25th, 2018
Account # 96246010 \$8,976.19
Account # 96242510 \$47,579.43
Total \$56,555.62

Leaving us in arrears of two weeks for **\$115,688.07**

Monday July 2, 2018
Account # 96246010 \$10,707.65
Account # 96242510 \$41,072.37
Total **\$51,780.02**

Total owing as of Monday July 2, 2018 $\$51,780.02 + \$115,688.07 = \$167,468.09$

Below is how you are proposing to pay this
Monday July 2, 2018 **\$83,734.05**
Monday July 9, 2018 regular amount owing + **\$27,911.35**
Monday July 16, 2018 regular amount owing + **\$27,911.35**
Monday July 23, 2018 regular amount owing + **\$27,911.35**

Please confirm this is what you would like us to do and I will go and talk to the fuel manager and see if he will approve this option or not.

I have also attached a new PAD form for you to fill out with the new banking information

Thanks,

Monique Paul
Credit Analyst
Hogg Fuel and Supply Ltd.
Transit Petroleum Inc.
519-579-5330 Ext 1161
mpaul@hoggfuel.com



TAB "11"

ONTARIO
 SUPERIOR COURT OF JUSTICE
 IN BANKRUPTCY AND INSOLVENCY

IN THE MATTER OF THE NOTICES OF INTENTION TO MAKE A PROPOSAL OF
 1732427 ONTARIO INC. AND 1787930 ONTARIO INC. BOTH OF THE CITY OF ST. THOMAS, IN THE PROVINCE OF
 ONTARIO

| UNDERTAKINGS, REFUSALS AND QUESTIONS TAKEN UNDER ADVISEMENT CROSS EXAMINATION OF NATHAN MCDANIEL ON HIS AFFIDAVIT SWORN SEPTEMBER 18, 2018, OCTOBER 15, 2018, AND OCTOBER 31, 2018 CONDUCTED ON NOVEMBER 12, 2018 | | | |
|---|------|--|--------------|
| No | Page | Question | Response |
| 11 | 85 | 382 | See Tab "10" |
| | | Undertakings Under AdviseMENT Refusals | |
| | | To look for any internal emails for or relating to the demand for the return of the agreed payment | |

IN THE MATTER OF THE NOTICES OF INTENTION TO MAKE A PROPOSAL OF 1732427 ONTARIO INC. AND 1787930 ONTARIO INC.
BOTH OF THE CITY OF ST. THOMAS, IN THE PROVINCE OF ONTARIO

Court File Numbers: 35-2395487 and 35-2395481
Estate File Numbers: 35-2395487 and 35-2395481

ONTARIO
SUPERIOR COURT OF JUSTICE
IN BANKRUPTCY AND INSOLVENCY

**ANSWERS TO UNDERTAKINGS
OF NATHAN MCDANIEL**

SWANICK & ASSOCIATES

Barristers and Solicitors
Suite 101

225 Duncan Mill Road

Don Mills, Ontario

M3B 3K9

BRUCE SIMPSON 18977E

(416) 510-1888 - phone

(416) 510-1945 - fax

Lawyers for the 1732427 Ontario Inc. and
1787930 Ontario Inc.

“B”

Court File Numbers: 35-2395487 and 35-2395481
Estate File Numbers: 35-2395487 and 35-2395481

ONTARIO
SUPERIOR COURT OF JUSTICE
IN BANKRUPTCY AND INSOLVENCY

IN THE MATTER OF THE NOTICES OF INTENTION TO MAKE A PROPOSAL OF
1732427 ONTARIO INC. AND 1787930 ONTARIO INC. ("178") BOTH OF THE CITY OF
ST. THOMAS, IN THE PROVINCE OF ONTARIO

| UNDERTAKINGS GIVEN AT THE CROSS EXAMINATION OF MONIQUE PAUL ON BEHALF OF TRANSIT PETROLEUM INC. ("TRANSIT") ON HER AFFIDAVITS SWORN OCTOBER 4, 2018, AND OCTOBER 23, 2018 CONDUCTED ON NOVEMBER 12, 2018 | | | | |
|--|------|----------|---|--|
| No. | Page | Question | Undertakings | Response |
| 1 | | | Monthly statements that Transit sent to 178 between the period January 1, 2018 to June 30, 2018 | <p><u>Statement</u></p> <p>Sherry, who worked at 178, advised Transit that 178 did not want statements sent. During the period January 1, 2018 to June 30, 2018 no statements were sent to 178.</p> <p><u>Invoices</u></p> <p>Invoices were emailed to 178 weekly on Mondays from fuelop@hoggfuel.com.</p> <p><u>PAD Withdrawals</u></p> <p>Amounts and invoice numbers were emailed weekly on Wednesdays from the credit analyst on account. Since November 6, 2017, the credit analyst was Monique Paul at mpaul@hoggfuel.com.</p> |

UNDERTAKINGS GIVEN AT THE CROSS EXAMINATION OF MONIQUE PAUL ON BEHALF OF
 TRANSIT PETROLEUM INC. ("TRANSIT") ON HER AFFIDAVITS SWORN OCTOBER 4, 2018, AND
 OCTOBER 23, 2018
 CONDUCTED ON NOVEMBER 12, 2018

| No. | Page | Question | Undertakings | Response |
|-----|------|----------|---|--|
| 2 | | | <p>The credit limit Transit extends to 178 between the period January 1, 2018 to June 30, 2018, including any changes to the credit limit amount during that period</p> | <p><u>Credit Limit</u></p> <p>The credit limit for Account # 96246010 is \$200,000. That credit limit was established when the account was set-up in May 2011 and has not changed.</p> <p>The credit limit for Account # 96242510 is \$250,000. That credit limit was established when the account was set-up in February 2015 and has not changed.</p> |

IN THE MATTER OF NOTICES OF INTENTION TO MAKE A PROPOSAL OF 1732427
ONTARIO INC. AND 1787930 ONTARIO INC. BOTH OF THE CITY OF ST. THOMAS, IN THE
PROVINCE OF ONTARIO

Court File Nos. 35-2395487 and 35-2395481
Estates File Nos. 35-2395487 and 35-2395481

ONTARIO
SUPERIOR COURT OF JUSTICE
IN BANKRUPTCY AND INSOLVENCY
Proceeding commenced at London

UNDERTAKINGS BRIEF
OF TRANSIT PETROLEUM INC.

MILLER THOMSON LLP
One London Place
255 Queens Avenue, Suite 2010
London, ON Canada N6A 5R8

Sherry A. Kettle, LSO #53561B
Tel: 519.931.3534
Fax: 519.858.8511
Email: skettle@millerthomson.com

Lawyers for Transit Petroleum Inc.