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COURT FILE NUMBER **2003-06728**

COURT COURT OF KING'S BENCH OF ALBERTA

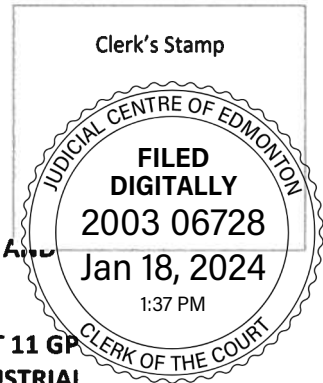
JUDICIAL CENTRE EDMONTON

PLAINTIFFS **ROMSPEN MORTGAGE LIMITED PARTNERSHIP AND
ROMSPEN INVESTMENT 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**

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**

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



COURT FILE NUMBER **1903-21473**

COURT COURT OF KING'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**

DOCUMENT **ORDER: SUMMARY JUDGMENT**

and filed on August 10, 2022, the Second Supplemental Affidavit of Wesley Roitman, sworn on October 28, 2022 and filed on October 29, 2022, the Third Supplemental Affidavit of Wesley Roitman, sworn on December 14, 2022 and filed on December 15, 2022, the Expert Report of John Kane dated November 15, 2022, the Supplemental Expert Report of John Kane dated April 14, 2023, the Affidavit of Stephanie Poirier, sworn on January 18, 2023 and filed on January 18, 2023, the Affidavit of Lynne Moore, sworn on July 7, 2023 and filed on July 12, 2023, the Supplemental Affidavit of Lynne Moore, sworn on July 27, 2023 and filed on July 28, 2023, the Affidavit of Daniel Alexander White, sworn on April 28, 2020 and filed on April 29, 2020, the Affidavit of Daniel Alexander White, sworn on June 30, 2020 and filed on July 2, 2020, the Affidavit of Daniel Alexander White, sworn on October 28, 2020 and filed on November 13, 2020, the Affidavit of Daniel Alexander White, sworn on April 8, 2021 and filed on April 23, 2021, the Affidavit of Daniel Alexander White, sworn on November 13, 2022 and filed on November, 16 2022, the Affidavit of Daniel Alexander White, sworn on January 4, 2023 and filed on January 6, 2023, and other pleadings and documents filed in the within Action;

AND UPON hearing counsel for Romspen Parties, counsel for MNP Ltd., the Court-appointed receiver and manager (the "**Receiver**") of in respect of Lot 11 GP Ltd., Lot 11 Limited Partnership, Eco-Industrial Business Park Inc., Absolute Energy Resources Inc., Absolute Environmental Waste Management Inc. (collectively, the "**Alberta Entities**") and trustee in bankruptcy of Eco-Industrial Business Park Inc., counsel for the Defendant/Plaintiff by Counterclaim, Daniel Alexander White ("**White**"), and non-party Respondent, Dan White Family Trust, and non-party Symmetry Asset Management Inc. and any other counsel or other interested parties present;

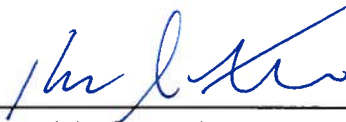
AND UPON having considered the Rule 7.3 of the *Alberta Rules of Court*, AR 124/2010 (the "**Rules**");

AND UPON being satisfied that there is no genuine issue requiring a trial with respect to the Statement of Claim of Romspen and the Counterclaim of the Alberta Entities and White in the within Action;

IT IS ORDERED AND DECLARED THAT:

1. The Application is partially granted.
2. RMLP is granted partial summary judgment against the Alberta Entities and White, jointly and severally, for the amount of USD \$51,495,021.72 which shall be converted to Canadian dollars using the Bank of Canada's exchange rate of 1:1.3273 as of July 5, 2023 for a total of CAD \$68,349,341.96.
3. Pursuant to Rule 7.3(3) of the *Rules*, Romspen is granted leave to contact the Acting Chief Justice for the appointment of a referee for the calculation of the balance of its debt against the Alberta Entities and White, including the calculation of reasonable solicitor-and-own-client (full indemnity) legal costs, reasonable disbursements, property taxes, DIP loan balance, insurance administration fee, receivership charges, and interest, but excluding the USD \$600,000 settlement payment.
4. The amount of the balance of the debt (excluding the USD \$600,000 settlement payment) shall be converted to Canadian dollars as of the date of that judgment.
5. Pursuant to Rule 6.46 of the *Rules*, the referee shall make a report to the Court on the assessment of the debt amount and the Acting Chief Justice will determine whether receipt of that report shall be assigned to another judge of this Court.
6. The Counterclaim filed in the within Action is dismissed.
7. The declaratory relief filed in the within Action is dismissed.

8. In the event that the parties are unable to settle the terms of the Formal Judgment, either group of parties have leave to write to the Honourable Mr. Justice K. Feth within 30 days of the Judgment date to settle the terms.



Justice of the Court of King's Bench of Alberta