

**COURT FILE NUMBER KBG-RG-909-2023**

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

**JUDICIAL CENTRE REGINA**

**APPLICANT AFFINITY CREDIT UNION 2013**

**RESPONDENT F & L CONCRETE SERVICES LTD.**

**IN THE MATTER OF THE RECEIVERSHIP OF F & L CONCRETE SERVICES  
LTD.**

**NOTICE TO RESPONDENT(S)**

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

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

Where Court of King's Bench  
Regina, SK

Date

Time **At such date and time as may be fixed by the Court.**

**Remedy claimed or sought:**

1. An order confirming the Receiver's authority pursuant to the Order of the Honourable Justice P.T. Bergbusch dated August 3, 2023 (the "Initial Order") including, but not limited to, an order directing F & L Concrete Service Ltd. (the "Debtor") and its directors, officers, shareholders, employees and controllers (collectively with the Debtor the "Debtor Parties") to do the following:
  - (a) Provide MNP Ltd. (the "Receiver") with the location and status of all of the Debtor's Property as defined in the Initial Order;

- (b) Provide the Receiver with details of any property disposed of by the Debtor in the preceding twelve months including, but not limited to, bills of sale and details of where the proceeds were paid;
  - (c) Allow the Receiver to manage and carry on the business of the Debtor, as is deemed necessary in the Receiver's sole discretion;
  - (d) To the extent possible, to cooperate with the Receiver in all respects including, but not limited to, the production of all financial information of the Debtor including:
    - (i) Copies of contracts entered into by the Debtor;
    - (ii) Copies of work orders of the Debtor;
    - (iii) Copies of the estimated revenue and expenses of the Debtor; and
    - (iv) Copies of historical and projected cash flow statements of the Debtor; and
  - (e) Provide the Receiver with up-to-date account statements and balances with respect to all Federal and Provincial Crown remittances.
2. An Order that the Debtor Parties shall disclose the location of and deliver to the Receiver all of the Debtor's assets and equipment.
  3. An Order that the Receiver, its agents, employees and bailiffs shall be permitted to attend on and enter any real property owned, leased or controlled by the Debtor Parties for the purposes of locating, inspecting, seizing and controlling any of the assets or equipment of the Debtor.
  4. An Order that, if, in the Receiver's sole discretion, the information referred to in paragraphs 1 to 3 herein, as well as any other information that ought to be supplied in accordance with the Initial Order, is not provided to the satisfaction of the Receiver within 48 hours of the date of this Order, that Kurt Schmidt and Chris

Fichter shall, upon 48 hours notice, attend an examination under oath, a time to be fixed by the Receiver, to be examined on the location, status and whereabouts of the Debtor's assets, equipment and financials.

5. An Order that, subject to the Receiver confirming to the Court that this Order has been complied with to the satisfaction of the Receiver, this matter shall be returned before the Honorable Mr. Justice Bergbusch at such a time as to be fixed at the hearing.
6. MNP Ltd., the Court-appointed Receiver over the Debtor pursuant to the Initial Order, seeks a further order as follows:
  - (a) Approving the First Report of the Receiver dated August 15, 2023 (the "**First Report**"); and
  - (b) Approving the actions, activities and conduct of the Receiver from August 3, 2023 through to and including August 14, 2023 as more particularly described in the First Report.

**Grounds for making this application:**

7. Pursuant to the Initial Order, the Receiver was appointed as the Receiver over all of the Debtor's property, undertakings and operations on August 3, 2023.
8. Since being appointed as the Receiver, and as more particularly outlined in the Receiver's report, the Debtor Parties have not cooperated with the Receiver. More particularly, the Debtor parties have taken active steps to conceal assets and information pertaining to the Debtor's business and have refused provide disclosure with respect to the Debtor's assets and business.
9. Without an accurate summary of the assets of the Debtor, as well as a full reporting on the Debtor's finances, the Receiver is unable to complete the mandate imposed on it by the Initial Order.

10. Paragraphs 4 and 5 of the Initial Order specifically require all parties to cooperate with the Receiver. It is the Receiver's respectful position the Debtor Parties are acting in contravention of this provision.
11. Paragraph 31 of the Initial Order permits any interested party to apply to the Court on not less than seven (7) days notice with respect to the Initial Order.
12. With respect to the approval of the actions of the Receiver, and as more particularly detailed in the First Report the Receiver's mandate has at all times been carried out with efficiency and integrity and with due regard for the interests of all parties.

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

13. This Notice of Application with proof of service;
14. First Report of the Receiver dated August 15, 2023 (Previously Filed);
15. Draft Order; and
16. Pleadings and proceedings had and taken herein.

**Applicable rules:**

17. Nil.

**Applicable Acts and regulations:**

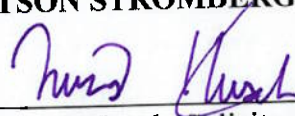
18. *The Queen's Bench Act, 1998*, SS 1998, c Q-1.01.
19. *The Personal Property Act, 1993*, SS 1993, c P-6.2.

20. The *Bankruptcy and Insolvency Act*, RSC 1985, c B-3.

DATED at Saskatoon, Saskatchewan, this 17<sup>th</sup> day of August, 2023.

**ROBERTSON STROMBERG LLP**

Per:

  
Travis K. Kusch, Solicitors for the  
Applicants

**NOTICE**

If you do not come to Court either in person or by your lawyer, the Court may give the applicant(s) what they want in your absence. You will be bound by any order that the Court makes. If you want to take part in this application, you or your lawyer must attend in Court on the date and at the time shown at the beginning of the form. If you intend to rely on an affidavit or other evidence when the application is heard or considered, you must reply by giving reasonable notice of the material to the applicant.

**CONTACT INFO AND ADDRESS FOR SERVICE**

**ROBERTSON STROMBERG LLP**

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