

COURT FILE NUMBER KBG-RG-00909-2023

COURT OF KING'S BENCH FOR SASKATCHEWAN

JUDICIAL CENTRE REGINA

APPLICANT (RESPONDENT) AFFINITY CREDIT UNION 2013

RESPONDENT (APPLICANT) F & L CONCRETE SERVICES LTD.

THIRD PARTY (RESPONDENT) MNP LTD.

NOTICE OF APPLICATION

NOTICE TO RESPONDENTS

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	Regina Court of King's Bench, 2425 Victoria Avenue, Regina SK S4P 4W6
Date	September 29, 2023
Time	1:30 p.m.

(Read the Notice at the end of this document to see what else you can do and when you must do it.)

Remedy claimed or sought:

1. That the Court allows the sale of 101 Clamine Dr, Estevan, Saskatchewan, Canada, S4V 1V5, by MNP. Ltd on behalf of F & L CONCRETE SERVICES LTD to CHRIS FICHTER HOLDINGS LTD;
2. That the Court allows the sale of the various assets and equipment as listed in the Affidavit of Chris Fichter dated September 14, 2023, by MNP. Ltd on behalf of F & L CONCRETE SERVICES LTD to Ritchie Bros. Auctioneers;
3. Such further and other relief as counsel may request and this Honourable Court may allow or deem necessary; and
4. Costs.

Grounds for making this application:

5. Pursuant to the *Bankruptcy and Insolvency Act*, RSC, 1985, c. B-3 (the “BIA”) and Rule 6-5 of the *King’s Bench Rules of Saskatchewan*, the Applicant, with consent of the Respondent, MNP Ltd., is allowed to bring an application for direction from the court.
6. Pursuant to the Receivership Order of the Honourable Justice P.T. Bergbusch dated August 4, 2023, the receiver needs approval from the court for the sale of assets over the amount of \$300,000.

Material or evidence to be relied on:

7. Draft Order;
8. Receivership Order of the Honourable Justice P.T. Bergbusch dated August 4, 2023;
9. Pleadings, proceedings and affidavits had and taken herein to date; and
10. Such other material as this Honourable Court will allow, including other affidavit evidence.

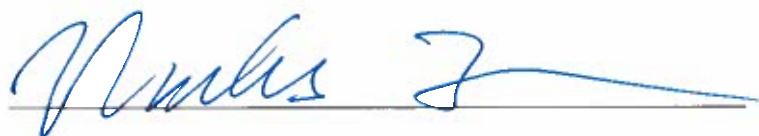
Applicable rules:

11. Rules 1-3; 6-5 of the *King’s Bench Rules of Saskatchewan*;

Applicable Acts and regulations:

12. *The King’s Bench Act*;
13. *Bankruptcy and Insolvency Act*, RSC, 1985, c. B-3

DATED at Regina, Saskatchewan, this 28th day of September 2023.



Kevin C. Mellor, Nicolas Brown and Moira Keijzer-Koops
Barristers and Solicitors for the Plaintiffs

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 INFORMATION AND ADDRESS FOR SERVICE

If prepared by a lawyer for the party:

Name of firm:	NYCHUK & COMPANY
Name of lawyer in charge of file:	Kevin C. Mellor and Nicolas L. Brown
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