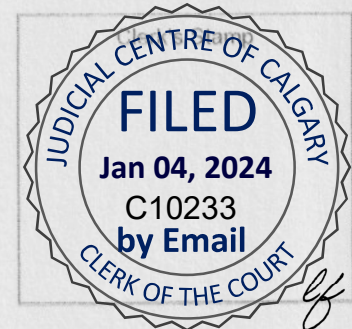


COURT FILE NO. 1801-06199  
COURT COURT OF KING'S BENCH OF ALBERTA  
JUDICIAL CENTRE CALGARY  
PLAINTIFF GOLF PROPERTIES OF FLORIDA, LLC.  
DEFENDANTS LEMKCO FLORIDA INC. A Florida Corporation and  
JAMES T. KAHANYSHYN  
RESPONDENTS HENTOSZ RESOURCES LTD.  
MICHAEL KAHANYSHYN  
MAY KAHANYSHYN  
JANET SHULTZ  
DOCUMENT **AFFIDAVIT**



ADDRESS FOR  
SERVICE AND  
CONTACT  
INFORMATION OF  
PARTY FILING THIS  
DOCUMENT

Jordan Achtymichuk  
Barrister & Solicitor  
Phone: 780.441.4362  
Fax: 780.428.9683  
Email: jachtymichuk@dcllp.com  
File # 452-210440

**DUNCAN CRAIG LLP**  
LAWYERS MEDIATORS  
2800 Rice Howard Place  
10060 Jasper Avenue  
Edmonton, Alberta Canada T5J 3V9

**AFFIDAVIT OF PAUL D'ANNA**  
**SWORN on December 12, 2023**

I, Paul D'Anna, of Shelby Charter Township, Michigan, United States of America, **SWEAR AND SAY THAT:**

1. I am the manager of the Applicant, Golf Properties of Florida, LLC ("**GPF**"), and as such I have personal knowledge of the matters set out in this Affidavit except where stated to be based on information and belief, in which case I do verily believe the same to be true.
2. GPF is a limited liability company with its principal place of business in Hernando County, Florida.
3. On May 30, 2018, GPF obtained judgment in the Circuit Court of the Fifth Judicial Circuit in and for Hernando County, Florida, Civil Division, against the Defendants, Lemkco Florida Inc., a Florida Corporation ("**Lemkco**"), and James T. Kahanyshyn, in the amount of \$4,832,482.00 USD (with interest continuing to accrue at the statutory rate) (the

**"Judgment"**). Attached hereto as **Exhibit "1"** to this my Affidavit is a copy of this Judgment (previously attached as an exhibit to my Affidavit filed November 27, 2019).

4. On February 28, 2019, the Honourable Justice K. D. Nixon granted an Order recognizing and enforcing the Judgment against James T. Kahanyshyn in Alberta, filed March 1, 2019 (the **"Alberta Order"**). Attached hereto and marked as **Exhibit "2"** to this my Affidavit is a copy of the Order (previously attached as an exhibit to my November 27, 2019 Affidavit).
5. The Respondent Hentosz Resources Ltd. (**"Hentosz"**) is a private Alberta corporation with a registered office located at 21 Payne Close, Red Deer, Alberta T4P 1T6 (the **"Registered Office"**). Attached hereto and marked as **Exhibit "3"** to this my Affidavit is a copy of a corporate Search for Hentosz.
6. On my review of the corporate search marked as Exhibit "3" to my Affidavit, James T. Kahanyshyn held ten percent of the voting shares in Hentosz (the **"Debtor's Securities"**).
7. The Respondents, Michael Kahanyshyn, May Kahanyshyn, and Janet Shultz, are directors of Hentosz, and Michael Kahanyshyn and May Kahanyshyn are majority shareholders of Hentosz.

#### **Seizure of Shares in Hentosz**

8. GPF, by its counsel, instructed Allied Shortridge Civil Enforcement Agency (the **"Bailiff"**) to effect a seizure of the Debtor's Securities by attending at the registered office to seize the same. The registered office is the personal residence of the Respondents Michael and May Kahanyshyn.
9. The Bailiff's report dated on July 22, 2019, attached hereto and marked as **Exhibit "4"** to this my Affidavit (previously attached as an exhibit to my November 27, 2019 Affidavit) sets out that the Respondents Michael and May Kahanyshyn were uncooperative and initially unwilling to permit the Bailiff to enter the Registered Office in order to effect a seizure of the Debtor's Securities. The Bailiff contacted the RCMP to assist with enforcing the Order. The RCMP arrived at the Registered Office. Michael Kahanyshyn called his personal lawyer, who instructed Michael Kahanyshyn to immediately cease his uncooperative behaviour and allow the Bailiff to enter the property and escort the Bailiff to the office to search through the files and attempt to find the Share Certificate of James Kahanyshyn. The Bailiff searched a filing cabinet marked "Hentosz Resources Ltd." and saw significant files with various receipts and documents, but was unable to locate shares or a minute book.
10. The Bailiff completed a Notice of Seizure of Securities for the Debtor's Securities and Notice of Seizure of Personal Property and provided the documents to Michael Kahanyshyn. A true copy of the said Notice of Seizure of Securities and Notice of Seizure of Personal Property, along with the PPR Verification Statement evidencing their registration on the PPR, is attached hereto and marked as **Exhibit "5"** to this my Affidavit.

#### **The Respondents' Failure to Provide Information Respecting Hentosz**

11. On or about August 20, 2019, counsel for GPF couriered a demand for corporate records pursuant to Section 58 of the *Civil Enforcement Act*, RSA 2000, c C-15 and Sections 21 and 23 of the *Business Corporations Act*, RSA 2000, c B-9. Attached hereto and marked as **Exhibit "6"** to this my Affidavit is a copy of the correspondence dated August 20, 2019



and proof of delivery (previously attached as an exhibit to my November 27, 2019 Affidavit).

12. This demand went unanswered.
13. As a result, GPF was required to bring an application seeking disclosure of documents from Hentosz in order to realize the value of the Debtor's Securities.
14. The parties attended court on December 20, 2019, and the Honourable Justice Poelman granted an order in favour of GPF, directing that the Respondents search for the following records (the "**December 2019 Order**"):
  - (a) Articles, bylaws, unanimous shareholders agreements and any amendments thereto;
  - (b) minutes of meetings and resolutions of shareholders; copies of resolutions of directors;
  - (c) copies of all notices required by ss. 106 or 113 BCA;
  - (d) a securities register complying with Section 49 BCA;
  - (e) copies of financial statements and annual financial statements from 2017 to present, reports and information referred to in s. 155(1) BCA,
  - (f) copies of 2017-2019 corporate tax returns;
  - (g) notices of assessments or reassessments issued by Federal or Provincial governments for 2017 to present;
  - (h) monthly bank statements from all accounts from 2017 to present;
  - (i) details of any dividend payments from 2017 to present;
  - (j) a list of any real property owned by the corporation;
  - (k) and a list of automobiles owned or leased by the corporation including the name of the principal driver, if any (the "**Hentosz Documents**").
15. The Respondents were to produce copies of the Hentosz Documents by January 27, 2020, or, if any of the Hentosz Documents could not be located, Hentosz was to provide sworn evidence from a director explaining why the Hentosz Documents could not be located or why it could not be found.
16. Attached hereto and marked as **Exhibit "7"** is a copy of the December 2019 Order.
17. On January 27, 2020, the Respondent Michael Kahanyshyn swore an affidavit stating that he did not believe the following documents existed:
  - (a) A minute book;
  - (b) Notices required by sections 106 or 113 BCA;

- (c) Any register for any securities issued;
  - (d) Any financial statements for Hentosz;
  - (e) Any records of dividends having been paid, as Hentosz has never paid any dividends; and
  - (f) Any records of property or automobiles owned by Hentosz, as Hentosz owns no assets beyond the Hentosz Properties.
18. None of the other Hentosz Documents were produced or addressed.
19. As a result, it was again necessary for GPF to bring an application to compel the Respondents to comply with the December 2019 Order.
20. This application was heard on February 27, 2020, before the Honourable Justice Eamon, who granted an Order (the "**February 2020 Order**") that date, directing the Respondents to:
- (a) Provide a further and better affidavit complying with the December 2019 Order,
  - (b) Disclose by affidavit the names and locations of all Hentosz bank accounts, and third party accounts operating the Hentosz Properties;
  - (c) Disclose by affidavit particulars of payment of property taxes, including the identity of the payor, dates of payment, and account information from which funds were paid;
  - (d) Acquire and provide notices of assessment and reassessment information for Hentosz.
21. Attached hereto and marked as **Exhibit "8"** is a copy of the February 2020 Order.
22. Eventually, an unsworn, unfiled document with Michael Kahanyshyn's name on it was provided that attaches two notices of assessment for Hentosz, provides proof of payment of property taxes, and identifies where two bank accounts of Hentosz are located. Attached hereto and marked as **Exhibit "9"** to this my Affidavit is a copy of the unsworn affidavit, which was enclosed as part of an exhibit to his Objection To Notice To Withdrawal As Counsel And Motion to Compel filed February 2, 2023.
23. As of the date I swear my Affidavit, I do not believe that any of the following documents directed to be produced in the December 2019 Order or February 2020 Order have been provided:
- (a) A further and better affidavit complying with paragraph 3 of the December 2019 Order, including, pursuant to rule 5.6(2)(d): records previously under the Respondents' control including the time when and the manner in which those records ceased to be under that party's control; the present location of the records, if known; and that the Respondents do not have any and have never had any other Hentosz Documents under their control;
  - (b) Articles, bylaws, unanimous shareholders agreements and any amendments thereto;



- (c) minutes of meetings and resolutions of shareholders; copies of resolutions of directors;
  - (d) copies of all notices required by ss. 106 or 113 BCA;
  - (e) a securities register complying with Section 49 BCA;
  - (f) copies of financial statements and annual financial statements from 2017 to present, reports and information referred to in s. 155(1) BCA,
  - (g) copies of 2017-2019 corporate tax returns;
  - (h) monthly bank statements from all accounts from 2017 to present;
  - (i) and a list of automobiles owned or leased by Hentosz including the name of the principal driver, if any.
24. Hentosz owns an apartment complex located in Red Deer Alberta, at the municipal address of 37 Oxford Avenue and 21 Oxford Avenue (the "**Hentosz Properties**"). Attached hereto and marked as **Exhibit "10"** to this my Affidavit is a copy of the Land Titles Certificates for the Hentosz Properties.
25. Attached hereto and marked as **Exhibit "11"** to this my Affidavit are copies of property tax certificates for the Hentosz Properties. On my review of the property tax certificates I do believe that the Hentosz properties were assessed to be \$2,311,600.00 and \$2,301,100.00, respectively.

#### **Settling the Terms of the February 2020 Order**

26. Unfortunately, my prior counsel, and prior counsel for the Respondents, were unable to agree to the terms of the February 2020 Order.
27. I believe that as a result of the Covid-19 Pandemic and closure of court operations, it was not initially possible to have the terms of the February 2020 Order settled.
28. Eventually, Eamon J was contacted directly on January 16, 2023 to settle the terms of the February 2020 Order. Attached hereto and marked as **Exhibits "12"** and **"13"** to this my Affidavit are copies of the January 4, 2023 and January 16, 2023 correspondence.
29. Pursuant to discussion between the parties, an Application to settle the terms of the February 2020 Order before Eamon J (the "**Eamon J Application**") was scheduled to be heard March 27, 2023. Attached hereto and marked as **Exhibit "14"** to this my Affidavit is a copy of the February 16, 2023 correspondence between counsel for GPF and Tanya Ring, Judicial Assistant to Eamon J.

#### Cross-Application #1

30. On March 23, 2023, counsel for GPF was contacted by counsel, who advised he had been retained by Michael Kahanyshyn and Hentosz, and that he anticipated that he would be retained by the other two respondents shortly, and as a result, a further adjournment was required to hear the Eamon J Application.

31. On March 24, 2023, counsel for the Respondents advised counsel for GPF that he had received instructions to file a cross-application. Attached hereto and marked as **Exhibit "15"** to this my Affidavit is a copy of the March 24, 2023 email.
32. As a result, the Eamon J Application was again adjourned to June 6, 2023, and specific instructions were that the parties were to file applications, affidavits, response affidavits, cross applications (if any) and concise briefs on or before noon on May 30, 2023. Attached hereto and marked as **Exhibit "16"** to this my Affidavit is a copy of correspondence from Rena Neale, Judicial Assistant to Eamon J.
33. Despite having instructions to file a cross-application on March 24, 2023 at the latest, no cross-application or further unfiled materials were provided to counsel for GPF until May 30, 2023 at 11:00 am, one hour before the deadline. Attached hereto and marked as **Exhibit "17"** to this my Affidavit is an email from Vicki Saunders, legal assistant to counsel for the Respondents, enclosing the unfiled cross-application and affidavit.
34. As a result, I was required to swear and file an affidavit in response to the Respondent's cross-application on May 30, 2023 (the "**May 2023 Affidavit**"), which was provided to counsel for the Respondents on June 1, 2023 at 2:22. Two minutes later, at 2:24, counsel for the Respondents advised that cross-examination on my May 2023 Affidavit would be necessary. Attached hereto and marked as **Exhibit "18"** to this my Affidavit is a copy of the June 1, 2023 correspondence.
35. As a result, in an attempt to avoid further delays, counsel for the Parties executed a consent order setting procedural timelines (the "**Consent Order**"). Attached hereto and marked as **Exhibit "19"** to this my Affidavit is a copy of the Consent Order executed by counsel for GPF and provided to counsel for the Respondents.
36. Unfortunately, the Consent Order was not signed by Eamon J when counsel for the Respondents attended court on June 6, 2023, as the cross-application of the Respondents was beyond the scope of what Eamon J was seized to hear. Attached hereto and marked as **Exhibit "20"** to this my Affidavit is a copy of June 7, 2023 communication from counsel for the Respondents.
37. As a result, both the Eamon J Application to settle the terms of the February 2020 Order and the Respondent's cross-application were adjourned *sine die*.

#### Cross-Application #2

38. Counsel for the Respondents further advised counsel for GPF on June 19, 2023 that he will need to refile the cross-application of the Respondents. Attached hereto and marked as **Exhibit "21"** to this my Affidavit is a copy of the June 19, 2023 email.
39. As a result of the events of June 6, 2023, counsel for GPF again wrote to Eamon J on July 4, 2023 for further dates to have the Application Heard. Attached hereto and marked as **Exhibit "22"** to this my Affidavit is a copy of the July 4, 2023 letter.
40. I am advised by counsel for GPF, and do believe, that on July 7, 2023, counsel for the Respondents advised that a new cross application would be brought, instead of refiling the prior cross-application.



41. The Eamon J Application was rescheduled to September 12, 2023. Attached hereto and marked as **Exhibit "23"** to this my Affidavit is a copy of a virtual courtroom assignment for the Eamon J Application dated August 16, 2023.
42. In order to avoid further delay, counsel for GPF filed Notices of Appointment to Attend Questioning for Michael and May Kahanyshyn on July 31, 2023 and served same, directing them to attend questioning on September 8, 2023. Attached hereto and marked as **Exhibit "24"** to this my Affidavit are copies of the Notices of Appointment to Attend for Questioning.
43. Additionally, a further application to set procedural timelines was filed on July 24, 2023, and the parties subsequently entered into a consent order, filed on August 23, 2023 (the "**Procedural Order**"), attached hereto and marked as **Exhibit "25"** to this my Affidavit.
44. The Procedural Order set out the following:
  - (a) The Respondents must file and serve any applications, cross-applications, affidavits or other written submissions relating to the Application by noon, September 1, 2023.
  - (b) Questioning of each of the Parties, should the Parties choose to do so, shall take place on or before September 8, 2023.
  - (c) Should the Respondents fail to conduct questioning as set out above, the Respondents lose their right to conduct such questioning of the Applicant.
45. On August 23, 2023, counsel for the Respondents contacted counsel for GPF to request dates for me to be questioned, which were provided on August 24, 2023. Attached hereto and marked as **Exhibit "26"** to this my Affidavit is a copy of the August 23-24 correspondence.
46. Pursuant to the terms of the Procedural Order, the Respondents filed their cross application on August 25, 2023 ("**Cross-Application #2**").
47. I swore a response Affidavit on August 31, 2023, an unfiled copy of which was served on September 1, 2023. Attached hereto and marked as **Exhibit "27"** to my Affidavit is a service letter dated September 1, 2023.
48. I am informed by counsel for GPF, and do believe, that no further steps were taken to schedule my questioning by Counsel for the Respondents until September 7, 2023, one day before the ultimate deadline to question me pursuant to the Procedural Order.
49. I am further informed by counsel for GPF, and do believe, that in order to maximally accommodate the Respondents, Michael and May Kahanyshyn were permitted to be questioned virtually, and I made myself available on September 8, 2023 to be questioned, despite only one day's notice.
50. Counsel for the Respondents further advised on September 7, 2023 that Michael Kahanyshyn would not attend questioning, but May Kahanyshyn would. Attached hereto and marked as **Exhibit "28"** to this my Affidavit is a copy of correspondence dated September 7, 2023.

51. I am advised by counsel for GPF, and do believe, that on the basis of this representation, counsel for GPF prepared to question May Kahanyshyn.
52. On September 8, 2023, counsel for GPF was advised by counsel for the Respondent that May Kahanyshyn will not be attending questioning. Attached hereto and marked as **Exhibit "29"** to this my Affidavit is a copy of correspondence dated September 8, 2023.
53. As a result, Certificates of Non-Attendance were created for both Michael and May Kahanyshyn, attached hereto and marked as **Exhibit "30"**.
54. My questioning was limited to my Affidavit sworn August 31, 2023.
55. I have never been questioned with respect to my May 30, 2023 email, despite it being the basis on which an adjournment was granted to settle the terms of the February 2020 Order.
56. It was not until September 12, 2023 that a Consent Order was reached settling the terms of the February 2020 Order.
57. I am further advised by counsel for GPF and do believe that Cross-Application #2 has been adjourned indefinitely as of the date I swear my Affidavit.

#### Proceedings in Florida

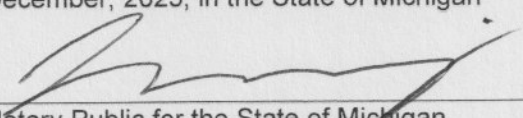
58. On September 11, 2020, the District Court of Appeal of the State of Florida, Fifth District, filed an opinion vacating the Judgment, attached hereto and marked as **Exhibit "31"** to this my Affidavit.
59. On my review of the Appeal Opinion, I believe that Lemkco was the sole appellant.
60. GPF then recommenced its action against Lemkco, and eventually added Michael and May Kahanyshyn as defendants.
61. On November 30, 2023, Judge Vergara of the Circuit Court of the Fifth Judicial Circuit in and for Hernando County, Florida, Civil Division struck the pleadings of Lemkco and Michael and May Kahanyshyn, entered judicial default against them, and granted GPF's motion of sanctions against Michael Kahanyshyn. Attached hereto and marked as **Exhibit "32"** to this my Affidavit is a copy of the Order.
62. On my review of the November 30, 2023 Order, I note the following:
  - (a) Judge Vergara found that Michael Kahanyshyn made false, evasive and incomplete answers during deposition;
  - (b) Judge Vergara found that Michael Kahanyshyn made false testimony intentionally and in bad faith;
  - (c) Judge Vergara found that Michael Kahanyshyn waited to provide answers at deposition until May Kahanyshyn pointed at the specific answer affixed to the wall; and
  - (d) Judge Vergara found that the "misconduct at issue was not spontaneous and, rather, was the result of a calculated and tactical scheme to evade and stymie the

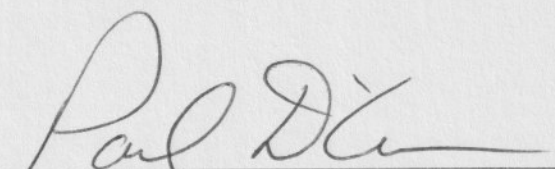


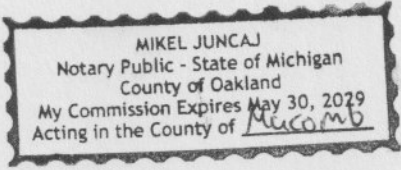
discovery of facts central to the case, in direct subversion of the truth-seeking process" of the Court.

- 63. I believe that it is just and equitable for a receiver to be appointed for Hentosz and for Hentosz to be liquidated.
- 64. I believe that if the application of GPF is not granted, it will not be possible to realize the value of the Debtor's Securities.
- 65. I swear this affidavit in support of an order to realize the value of the Debtor's Securities of Hentosz and appointing a receiver for Hentosz.

SWORN BEFORE ME on the 12 day of )  
December, 2023, in the State of Michigan )

  
\_\_\_\_\_)  
Notary Public for the State of Michigan, )  
County of Macomb )

  
\_\_\_\_\_)  
Paul D'Anna



Filing # 72851979 E-Filed: 05/30/2018 04:47:02 PM

This is Exhibit " 1 " referred to in the Affidavit of

Paul S'Anna IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT  
Sworn before me this 12 day IN AND FOR HERNANDO COUNTY, FLORIDA  
of December 12, 2023 CIVIL DIVISION

This is Exhibit 2 referred to in the Affidavit

Paul S'Anna  
Sworn before me this 25 day of November, 2019

A Commissioner, GOLF PROPERTIES OF FLORIDA, LLC;  
in and for the Province of Florida a Florida limited liability company,

Plaintiff,

Beverly Bobean  
A Notary Public in and for the State of Michigan

Case No.: 17-CA-001040

v.  
LEMKCO FLORIDA, INC., a Florida corporation;  
and JAMES T. KAHANYSHYN individually,

Defendants.

BEVERLY BOBEAN  
Notary Public - State of Michigan  
County of Macomb  
My Commission Expires Jan 31, 2024  
Acting In the County of Macomb

MIKEL JUNCAJ  
Notary Public - State of Michigan  
County of Oakland  
My Commission Expires May 30, 2029  
Acting in the County of Macomb

**FINAL JUDGMENT AGAINST DEFENDANTS,  
LEMKCO FLORIDA, INC. AND JAMES T. KAHANYSHYN**

THIS CAUSE came before the Court as a non-jury trial on May 23, 2018. Testimony and documentary evidence was introduced by Plaintiff, GOLF PROPERTIES OF FLORIDA, LLC ("Plaintiff"). Defendants, JAMES T. KAHANYSHYN ("Kahanyshyn") and LEMKCO FLORIDA, INC. ("Lemkco"), failed to appear after receiving proper notice of trial. After Plaintiff rested, the Court stated its findings of facts and conclusions of law and this Final Judgment sets forth the Court's determinations based on the evidence presented at trial. Based on the evidence presented at trial, it is hereby ORDERED AND ADJUDGED:

1. The relief sought by Plaintiff for fraudulent misrepresentation and inducement in Count I of its Second Amended Verified Complaint ("Complaint"), including compensatory and punitive damages, is hereby GRANTED as set forth herein.
2. Defendants, Kahanyshyn and Lemkco fraudulently induced Plaintiff to enter into a purchase and sale agreement to purchase Seven Hills Golfers Club by intentionally, willfully and deceitfully providing false financial information to Plaintiff, which was relied upon by Plaintiff by entering into the purchase and sale agreement and closing the transaction for the purchase of Seven Hills Golfers Club.
3. The evidence presented at trial proved that Plaintiff is entitled to compensatory damages of \$2,416,241.00 suffered as a direct and proximate result of Defendant's fraudulent



misrepresentations and inducement.

4. The evidence presented based on a clear and convincing evidence standard also proved that Plaintiff is entitled to punitive damages under Florida Statutes §§ 768.72 and 768.73 in an amount equal to the compensatory damages of \$2,416,241.00, resulting in a total final judgment amount of \$4,832,482.00.

5. Defendant Kahanyshyn, individually, and on behalf of Lemko, motivated solely by unreasonable financial gain, intentionally, willfully and deceitfully induced Plaintiff to enter into and close the transaction to purchase Seven Hills Golfers Club based on fraudulently prepared documents, financial statements and misrepresentations. Defendant Kahanyshyn, individually, and on behalf of Lemko, intended to cause Plaintiff harm and the award of punitive damages equal to the amount of compensatory damages is reasonable based on Defendants' conduct and financial evidence available to Plaintiff and presented at trial.

6. All other requests for relief by Defendants are hereby DENIED.

7. The Court shall retain jurisdiction over this matter to amend this judgment or enter further orders that may be necessary to award supplemental relief.

8. Final Judgment is hereby entered in favor of Plaintiff, GOLF PROPERTIES OF FLORIDA, LLC, whose address is 10599 Fairchild Road, Spring Hill, Florida, and against Defendants, JAMES T. KAHANYSHYN ("Kahanyshyn") and LEMKO FLORIDA, INC., on Count 1 Plaintiff's Complaint in the principal amount of \$2,416,241.00, plus punitive damages in the amount of \$2,416,241.00, for a total sum of \$4,832,482.00, which sum shall bear interest at the statutory rate, for which sum let execution issue. The addresses of Defendants are:

LEMKO FLORIDA, INC.  
10328 Fairchild Road  
Spring Hill, FL 34608-8465

JAMES TODD KAHANYSHYN  
10328 Fairchild Road  
Spring Hill, FL 34608-8465

It is hereby further:

ORDERED and ADJUDGED that the Defendants/judgment debtors shall complete, under oath, Florida Rule of Civil Procedure Form 1.977 (Fact Information Sheet), including all required attachments, and serve it on the judgment creditor's attorney, or the judgment creditor, if

the judgment creditor is not represented by an attorney, within 45 days from the date of this final judgment, unless the final judgment is satisfied or post-judgment discovery is stayed.

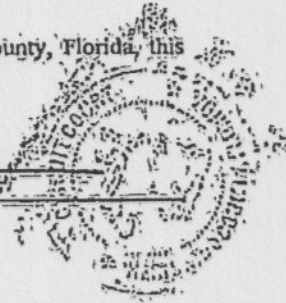
Jurisdiction of this case is retained to enter further orders that are proper to compel the judgment debtors to complete Form 1.977, including all required attachments, and serve it on the judgment creditor's attorney, or the judgment creditor, if the judgment creditor is not represented by counsel.

DONE AND ORDERED in Chambers at Brooksville, Hernando County, Florida, this

30 day of May, 2018.



PETER M. BRIGHAM  
Circuit Judge



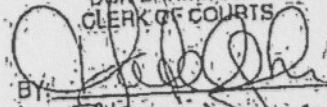
Copies to:

Robert L. Chapman, Esq.

LEMKCO FLORIDA, INC.  
10328 Fairchild Road  
Spring Hill, FL 34608-8465

JAMES TODD KAHANYSHYN  
10328 Fairchild Road  
Spring Hill, FL 34608-8465

CERTIFIED TO BE A TRUE COPY  
DON BARBEE, JR.  
CLERK OF COURTS



BY: [Signature] D.C.  
THIS 8 DAY OF June 2018



CERTIFIED TO BE A TRUE COPY  
DON BARBEE, JR.  
CLERK OF COURTS

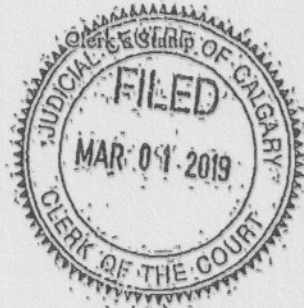


BY: [Signature] D.C.  
THIS 8 DAY OF June 2018





COURT FILE NUMBER: 1801-06199  
 COURT: COURT OF QUEEN'S BENCH OF ALBERTA  
 JUDICIAL CENTRE: CALGARY  
 APPLICANT: GOLF PROPERTIES OF FLORIDA, LLC  
 RESPONDENTS: LEMKCO FLORIDA, INC. a Florida corporation and JAMES T. KAHANYSHYN  
 DOCUMENT: ORDER (Recognition & Enforcement)



I hereby certify this to be a true copy of the original Order  
 Dated this 21 day of March 2019  
 [Signature]

MIKEL JURCAJ  
 Notary Public - State of Michigan  
 County of Oakland  
 My Commission Expires May 30, 2029  
 Acting in the County of Alta. AB

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT

Caron & Partners LLP  
 Suite 2120, 237 - 4<sup>th</sup> Avenue SW  
 Calgary, AB T2P4K3  
 Telephone: 403.262.3000  
 Facsimile: 403.237.0111

This is Exhibit "2" referred to in the Affidavit of

Paul D'Anna  
 Sworn before me this 12 day  
 of December 12, 2018

A Commissioner for Oaths in and for the Province of Alberta

Attention: R.J. Daniel Gilborn and Lucinda Wong

Email: dgilborn@caronpartners.com  
lwong@caronpartners.com

File No. 56065-000

This is Exhibit "3" referred to in the Affidavit.

Paul S. D'Anna  
 Sworn before me this 25 day of November, 2019

Beverly Bobcean  
 A Notary Public in and for the State of Michigan

DATE ON WHICH THE ORDER WAS PRONOUNCED: February 28, 2019

LOCATION OF HEARING: Calgary, Alberta

NAME OF JUDGE WHO MADE THIS ORDER: Justice K.O. Nixon

BEVERLY BOBCEAN  
 Notary Public - State of Michigan  
 County of Macomb  
 My Commission Expires Jan 31, 2024  
 Acting in the County of Macomb

UPON the Application of the Applicant, Golf Properties of Florida, LLC ("GPF") for an Order recognizing and enforcing a final judgment of the Circuit Court of the Fifth Judicial Circuit in and for Hernando County, Florida, Civil Division (the "Florida Court"); UPON having read the

Affidavit of Paul d'Anna, sworn in the within Action on April 30, 2018 (filed); UPON having read the Affidavit No. 2 of Paul d'Anna sworn on July 9, 2018 (filed); UPON having read the Affidavit of Substitutional Service of Bill R. Vanson, sworn on February 15, 2019 (filed); UPON being presented a certified copy of the judgment sought to be recognized and enforced; UPON being provided the calculation as to conversion to Canadian currency as of July 25, 2018 and judgment interest to the date of this Order; AND UPON hearing from counsel to GFP;

**IT IS HEREBY ORDERED AND DECLARED AS FOLLOWS, that:**

1. The time for service of the Amended Originating Application and the material in support thereof is abridged to the time actually given, given the service is hereby validated and deemed good and sufficient and service in any other way or manner is dispensed with, therefore the Amended Originating Application is properly returnable on the date and time set out herein.
2. The Final Judgment Against Defendants Lemko Florida, Inc. and James T. Kahanyshyn, issued on May 30, 2018 by Circuit Judge Peter M. Brigham of the Florida Court, a copy of which is attached hereto as the Appendix (the "Final Judgment"), is hereby recognized by this Court, as against James T. Kahanyshyn and shall be enforced against Lemko Florida, Inc. as though it were a final judgment of this Court.
3. Judgment interest on the Final Judgment shall run at the rate prescribed by Florida statute up to the date of this Order, which is calculated to be \$42,409.33 in US currency which is converted to \$65,007.85 in Canadian currency using same exchange rate set out in paragraph 5 below.
4. From the date of July 25, 2018 (being the date of the Order of Justice C. S. Anderson enforcing the Final Judgment against Lemko Florida, Inc.) onward, judgment interest on the Final Judgment shall run at the rate prescribed by the *Judgment Interest Act*, R.S.A. 2000, c. J-1 (as amended) and shall run in Canadian currency.
5. The amount of the Final Judgment is converted from United States Dollars to Canadian currency using the most recently available prevailing exchange rate published by the Bank of



Canada as at July 25, 2018 (which is 1.3157), which results in the amount of the Final Judgment being \$6,358,096.56 in Canadian currency;

6. Costs of obtaining this Order shall be in the cause.

7. This Court requests the aid and recognition of the all Canadian Superior Courts in every Province, as well as the Federal Courts of Canada, to give effect to this Order, whether through the recognition and enforcement of this Order itself, or the granting of their own Order which has the same or a similar effect.



J.C.C.Q.B.A.

**Appendix**  
**The Final Judgment**



Filing # 72851979 E-Filed 05/30/2018 04:47:02 PM

IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT  
IN AND FOR HERNANDO COUNTY, FLORIDA  
CIVIL DIVISION

GOLF PROPERTIES OF FLORIDA, LLC,  
a Florida limited liability company,

Plaintiff,

v.

Case No.: 17-CA-001040

LEMKCO FLORIDA, INC., a Florida corporation,  
and JAMES T. KAHANYSHYN individually,

Defendants.

FINAL JUDGMENT AGAINST DEFENDANTS,  
LEMKCO FLORIDA, INC. AND JAMES T. KAHANYSHYN

THIS CAUSE came before the Court as a non-jury trial on May 23, 2018. Testimony and documentary evidence was introduced by Plaintiff, GOLF PROPERTIES OF FLORIDA, LLC ("Plaintiff"). Defendants, JAMES T. KAHANYSHYN ("Kahanyshyn") and LEMKCO FLORIDA, INC. ("Lemkco"), failed to appear after receiving proper notice of trial. After Plaintiff rested, the Court stated its findings of facts and conclusions of law and this Final Judgment sets forth the Court's determinations based on the evidence presented at trial. Based on the evidence presented at trial, it is hereby ORDERED AND ADJUDGED:

1. The relief sought by Plaintiff for fraudulent misrepresentation and inducement in Court 1 of its Second Amended Verified Complaint ("Complaint"), including compensatory and punitive damages, is hereby GRANTED as set forth herein.

2. Defendants, Kahanyshyn and Lemkco fraudulently induced Plaintiff to enter into a purchase and sale agreement to purchase Seven Hills Golfers Club by intentionally, willfully and deceitfully providing false financial information to Plaintiff, which was relied upon by Plaintiff by entering into the purchase and sale agreement and closing the transaction for the purchase of Seven Hills Golfers Club.

3. The evidence presented at trial proved that Plaintiff is entitled to compensatory damages of \$2,416,241.00 suffered as a direct and proximate result of Defendant's fraudulent

misrepresentations and inducement.

4. The evidence presented based on a clear and convincing evidence standard also proved that Plaintiff is entitled to punitive damages under Florida Statutes §§ 768.72 and 768.73 in an amount equal to the compensatory damages of \$2,416,241.00, resulting in a total final judgment amount of \$4,832,482.00.

5. Defendant Kahanyshyn, individually, and on behalf of Lemkco, motivated solely by unreasonable financial gain, intentionally, willfully and deceitfully induced Plaintiff to enter into and close the transaction to purchase Seven Hills Golfers Club based on fraudulently prepared documents, financial statements and misrepresentations. Defendant Kahanyshyn, individually, and on behalf of Lemkco, intended to cause Plaintiff harm and the award of punitive damages equal to the amount of compensatory damages is reasonable based on Defendants' conduct and financial evidence available to Plaintiff and presented at trial.

6. All other requests for relief by Defendants are hereby DENIED.

7. The Court shall retain jurisdiction over this matter to amend this judgment or enter further orders that may be necessary to award supplemental relief.

8. Final Judgment is hereby entered in favor of Plaintiff, GOLF PROPERTIES OF FLORIDA, LLC, whose address is 10599 Fairchild Road, Spring Hill, Florida, and against Defendants, JAMES T. KAHANYSHYN ("Kahanyshyn") and LEMKCO FLORIDA, INC., on Count 1 Plaintiff's Complaint in the principal amount of \$2,416,241.00, plus punitive damages in the amount of \$2,416,241.00, for a total sum of \$4,832,482.00, which sum shall bear interest at the statutory rate, for which sum let execution issue. The addresses of Defendants are:

LEMKCO FLORIDA, INC.  
10328 Fairchild Road  
Spring Hill, FL 34608-8465

JAMES TODD KAHANYSHYN  
10328 Fairchild Road  
Spring Hill, FL 34608-8465

It is hereby further:

ORDERED and ADJUDGED that the Defendants/judgment debtors shall complete, under oath, Florida Rule of Civil Procedure Form 1.977 (Fact Information Sheet), including all required attachments, and serve it on the judgment creditor's attorney, or the judgment creditor, if



the judgment creditor is not represented by an attorney, within 45 days from the date of this final judgment, unless the final judgment is satisfied or post-judgment discovery is stayed.

Jurisdiction of this case is retained to enter further orders that are proper to compel the judgment debtors to complete Form 1.977, including all required attachments, and serve it on the judgment creditor's attorney, or the judgment creditor, if the judgment creditor is not represented by counsel.

DONE AND ORDERED in Chambers at Brooksville, Hernando County, Florida, this 30 day of May, 2018.



  
PETER M. BRIGHAM  
Circuit Judge

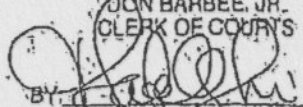
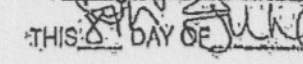
Copies to:

Robert L. Chapman, Esq.

LEMKCO FLORIDA, INC.  
10328 Fairchild Road  
Spring Hill, FL 34608-8465

JAMES TODD KAHANYSHYN  
10328 Fairchild Road  
Spring Hill, FL 34608-8465

CERTIFIED TO BE A TRUE COPY  
DON BARBEE, JR.  
CLERK OF COURTS  
  
BY:  D.C.  
THIS 30 DAY OF June 2018

CERTIFIED TO BE A TRUE COPY  
DON BARBEE, JR.  
CLERK OF COURTS  
  
BY:  D.C.  
THIS 30 DAY OF June 2018

# Government of Alberta ■ Corporation/Non-Profit Search Corporate Registration System

Date of Search: 2022/09/06  
Time of Search: 08:57 AM  
Search provided by: DUNCAN CRAIG LLP - EDMONTON  
Service Request Number: 38231756  
Customer Reference Number: 210440-ja

Corporate Access Number: 203565593  
Business Number:  
Legal Entity Name: HENTOSZ RESOURCES LTD.

Legal Entity Status: Active  
Alberta Corporation Type: Named Alberta Corporation  
Registration Date: 1986/11/14 YYYY/MM/DD

Registered Office:  
Street: 21 PAYNE CLOSE  
City: RED DEER  
Province: ALBERTA  
Postal Code: T4P1T6

Records Address:  
Street: 21 PAYNE CLOSE  
City: RED DEER  
Province: ALBERTA  
Postal Code: T4P1T6

Email Address: MJKAHANYSHYN@SHAW.CA

This is Exhibit " 3 " referred to in the  
Affidavit of  
Paul D'Anna  
Sworn before me this 12 day  
of December 12, 2022  
[Signature]  
A Commissioner for Oaths  
in and for the Province of Alberta

MIKEL JUNCAJ  
Notary Public - State of Michigan  
County of Oakland  
My Commission Expires May 30, 2029  
Acting in the County of Macomb



**Primary Agent for Service:**

Last Name	First Name	Middle Name	Firm Name	Street	City	Province	Postal Code	Email
KAHANYSHYN	MICHAEL			21 PAYNE CL	RED DEER	ALBERTA	T4P1T6	MJKAHANYSHYN@SHAW.CA

**Directors:**

**Last Name:** KAHANYSHYN  
**First Name:** MICHAEL  
**Street/Box Number:** 21 PAYNE CL  
**City:** RED DEER  
**Province:** ALBERTA  
**Postal Code:** T4P1T6

**Last Name:** KAHANYSHYN  
**First Name:** MAY  
**Street/Box Number:** 21 PAYNE CL  
**City:** RED DEER  
**Province:** ALBERTA  
**Postal Code:** T4P1T6

**Last Name:** SCHULTZ  
**First Name:** JANET  
**Street/Box Number:** 5 ROVERS AVE  
**City:** RED DEER  
**Province:** ALBERTA  
**Postal Code:** T4P3K4

**Voting Shareholders:**

**Last Name:** HARRICK  
**First Name:** DONNA  
**Street:** RR4

City: INNISFAIL  
Province: ALBERTA  
Postal Code: T0M1A0  
Percent Of Voting Shares: 10

Last Name: KAHANYSHYN  
First Name: DARREN  
Street: 21 PAYNE CL  
City: RED DEER  
Province: ALBERTA  
Postal Code: T4P1T6  
Percent Of Voting Shares: 10

Last Name: KAHANYSHYN  
First Name: JAMES  
Street: 21 PAYNE CLOSE  
City: RED DEER  
Province: ALBERTA  
Postal Code: T4P1T6  
Percent Of Voting Shares: 10

Last Name: KAHANYSHYN  
First Name: MICHAEL  
Street: 21 PAYNE CL  
City: RED DEER  
Province: ALBERTA  
Postal Code: T4P1T6  
Percent Of Voting Shares: 30

Last Name: KAHANYSHYN  
First Name: MAY  
Street: 21 PAYNE CL  
City: RED DEER  
Province: ALBERTA



Postal Code: T4P1T6

Percent Of Voting Shares: 30

Last Name: SCHULTZ

First Name: JANET

Street: 5 ROVERS AVE

City: RED DEER

Province: ALBERTA

Postal Code: T4P3K4

Percent Of Voting Shares: 10

**Details From Current Articles:**

The information in this legal entity table supersedes equivalent electronic attachments

Share Structure: SEE ATTACHMENT - SCHEDULE "A"

Share Transfers Restrictions: SEE ATTACHMENT - SCHEDULE "B"

Min Number Of Directors: 1

Max Number Of Directors: 7

Business Restricted To: NONE

Business Restricted From: NONE

Other Provisions: SEE ATTACHMENT - SCHEDULE "C"

**Other Information:**

Last Annual Return Filed:

File Year	Date Filed (YYYY/MM/DD)
2021	2021/10/25

**Filing History:**

List Date (YYYY/MM/DD)	Type of Filing
2003/12/29	Name/Structure Change Alberta Corporation
2021/10/25	Enter Annual Returns for Alberta and Extra-Provincial Corp.

**Attachments:**

Attachment Type	Microfilm Bar Code	Date Recorded (YYYY/MM/DD)
Share Structure	ELECTRONIC	2003/12/29
Restrictions on Share Transfers	ELECTRONIC	2003/12/29
Other Rules or Provisions	ELECTRONIC	2003/12/29

The Registrar of Corporations certifies that, as of the date of this search, the above information is an accurate reproduction of data contained in the official public records of Corporate Registry.





BEVERLY BOBCEAN  
Notary Public - State of Michigan  
County of Macomb  
My Commission Expires Jan 31, 2024  
Acting in the County of Macomb

Civil Enforcement Agency File Number  
10390

This is Exhibit 5 referred to in the Affidavit

Paul S. D'Anna

Sworn before me this 05 day of November, 2019

Paul S. D'Anna  
A Notary Public In and for the State of Michigan

**BAILIFF'S REPORT**

CREDITOR	Golf Properties of Florida LLC	
DEBTOR	James T. Kahanyshyn	
Agent Report	<p>On July 22, 2019 at 11:15 am, Agent Kyle Koller arrived at 21 Payne Close Red Deer AB and met with Michael Kahanyshyn and his wife who were confrontational and uncooperative with although the Bailiff was lawfully placed with a Writ of Enforcement Warrant and a Court Ordered Access from Master J. Harrington of the Court of Queens Bench dated July 12, 2019 which was to effect seizure on Share Certificates relating to Hentosz Resources Ltd. which was also located at 21 Payne Close Red Deer AB. Bailiff contacted RCMP to attend, as the persons occupying 21 Payne Close Red Deer were not willing to cooperate and in was unlikely they were going to cooperate at all with this court ordered matter.</p> <p>RCMP arrived at approximately 1:40 am, a copy of the court order was provided to them, a supervisor was also called as it was clear to the RCMP that they were not wanting to cooperate or listen to anything anyone wanted to say. Michael Kahanyshyn entered the residence while his wife kept the RCMP and Bailiff outside, Michael returned approximately 10-12 minutes later, he also called his lawyer who instructed him to immediately cease his behaviour and allow the Bailiff to enter the property and escort the Bailiff to the office so he can look through all the files and attempt to find the record book and shares to which he was there for.</p> <p>Several times the lawyer for Michael Kahanyshyn reminded his client to not obstruct the Bailiff or the Police as there was a court ordered entry to the house. Michael Kahanyshyn entered the residence and the Bailiff followed him upstairs to an office, however upon arriving at the top of the stairs Bailiff Koller noted a filing Cabinet marked Hentosz Resources Ltd. and asked Mister Kahanyshyn if he would mind if the Bailiff looked in this cabinet. Bailiff Koller looked through all filing cabinets and noticed that although there were significant files with various receipts and documents, but no shares, no record book were found. Bailiff looked through all areas of the filing cabinets and office and was unable to find any shares for Hentosz Resources Ltd. or for James Kahanyshyn. Bailiff Koller completed a Notice of seizure of personal property related to the shares of James Kahanyshyn and also a Notice of Seizure of securities, and provided the following documents to Michael Kahanyshyn to provide to his son and the lawyer representing them in this matter.</p> <p>A copy of the Writ of enforcement Warrant, a copy of the</p>	<p>This is Exhibit "4" referred to in the Affidavit of <u>Paul S. D'Anna</u></p> <p>Sworn before me this <u>12</u> day of <u>December</u>, 20<u>19</u></p> <p><u>[Signature]</u> A Commissioner for Oaths in and for the Province of Alberta</p> <p>MIKEL JUNCAJ Notary Public - State of Michigan County of Oakland My Commission Expires May 30, 2029 Acting in the County of <u>Macomb</u></p>

	Court Order for entry into the house, Information for Debtor form, Notice of Objection, Notice of Seizure of Personal Property, Notice of Seizure of Securities, Bailiff left the scene and called the RM with the agency to update him on the file.			
		Yes	No	
	Is there an Addendum attached?	X		
	If yes, Addendum (2) pages attached (Each page forms part of this Report)			
<b>Dated at</b>	Red Deer, Alberta, on July 22, 2019			
	Signature of Bailiff: <i>Y. Koller</i>			
<b>INSTRUCTING PARTY</b>	Caron & Partners LLP			Allied Shortridge Civil Enforcement Inc.
<b>ADDRESS</b>	2120, 237 4 <sup>th</sup> Avenue SW			Suite 126, 1111-6 <sup>th</sup> Avenue SW
<b>CITY/TOWN &amp; POSTAL CODE</b>	Calgary, Alberta T2P 4K3			Calgary Alberta T2P 5M5
			Ph.	(800) 643-3171
			Fax	(800) 462-0712
<b>NOTES</b>				allied.shortridge@shaw.ca



**NOTICE OF SEIZURE OF SECURITIES  
(Duties of the Issuer)**

Date: this 22 <sup>16<sup>th</sup> day</sup> day of March 2019

is Exhibit "5" referred to in the Affidavit of  
Paul D'Anna  
Sworn before me this 12 day  
of December, 20 23  
[Signature]  
A Commissioner for Oaths  
in and for the Province of Alberta

To: **Hentosz Resources Ltd.**  
21 Payne Close  
Red Deer, Alberta T4P 1T6

Re: **Seizure of marketable securities**  
Enforcement Debtor: **James T. Kahanyshyn**  
Enforcement Creditor: **Golf Properties of Florida, LLC**  
Number of Shares  
Type of Shares  
Our File # 10390

MIKEL JUNCAJ  
Notary Public - State of Michigan  
County of Oakland  
My Commission Expires May 30, 2029  
Acting in the County of Macomb

Attached is a copy of a Notice of Seizure of Personal Property wherein **James T. Kahanyshyn** is the registered holder of shares in your company.

The Civil Enforcement Act, specifically section 58, places specific duties upon the issuer. This is you. The Act reads as follows:

58. An Alberta private company that has been served with a notice of seizure regarding a security of which the enforcement debtor is the registered holder shall do the following:

- (a) send to the agency any documents and allow the agency to inspect any records that the enforcement debtor, as the registered holder of the security, is entitled to receive or inspect;
- (b) pay to the agency any dividend or other payment in respect of the security that would otherwise be payable by the Alberta private company to the enforcement debtor;
- (c) comply with any direction given by the agency regarding the seized security where the Alberta private company would be required to comply with the direction if that direction was given by the enforcement debtor while the security was not under seizure.

Failure to comply is specified in the Civil Enforcement Act under section 60. It states:

60. An Alberta private company or intermediary who fails to comply with a duty imposed on it under section 58 or 59 is liable for any pecuniary loss suffered by the enforcement creditors as a result of the failure.

Additionally, the Business Corporations Act, specifically section 23(3) states:

23(3) Creditors of a corporation and their agents and legal representatives may examine the records referred to in section 21(1)(a), (c) and (d), other than a unanimous shareholder agreement or an amendment to a unanimous shareholder agreement, during the usual business hours of the corporation on payment of a reasonable fee and may make copies of those records.

Failure to comply with the above is dealt with in section 23(12) of the Business Corporations Act wherein it states:

23(12) A person who, without reasonable cause, contravenes this section is guilty of an offence and liable to a fine of not more than \$5000 or to imprisonment for a term of not more than 6 months or to both.

The section referred to in 23(3) reads as follows:

21(1) A corporation shall prepare and maintain at its records office records containing

(a) the articles and the bylaws, all amendments to the articles and bylaws, a copy of any unanimous shareholder agreement and any amendment to a unanimous shareholder agreement,

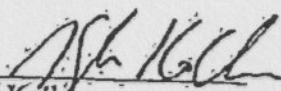
(b) copies of all notices required by section 106 or 113,

(d) a securities register complying with section 49.

Failure to comply with the above is dealt with in section 21(9) of the Business Corporations Act wherein it states:

21(9) A corporation that, without reasonable cause, contravenes this section is guilty of an offence and liable to a fine not exceeding \$5000.

We therefore request that you comply with the above and supply our Civil Enforcement Bailiff's request for documents.



Kyle Koller

Civil Enforcement Bailiff

Allied Shortridge Civil Enforcement Agency Inc.

Suite 126, 1111 - 6 Avenue SW Calgary Alberta T2P 5M5 Tel. 403-237-5468



# Notice of Seizure of Personal Property

Civil Enforcement Agency File Number  
10390

Form 5  
Civil Enforcement Regulation

TO: James T. Kahanyshyn

Name of Debtor

21 Payne Close, Red Deer, Alberta, T4P 1T6

Address of Debtor

Take notice that to satisfy a claim against you for the sum of \$ 6,423,104.41 plus costs and related Writs, if applicable,

Golf Properties of Florida, LLC

Name of Creditor

c/o 2120, 237 - 4 Avenue SW, Calgary, Alberta, T2P 4K3

Address of Creditor

has caused the following personal property, and personal property listed in the addendum, to be seized:

All shares related to James Kahanyshyn  
Issued by Huntosz Resources Ltd.

Addendum attached listing additional property?  Yes  No

Notice of Objection applicable to this seizure?  Yes  No

**STRIKE OUT  
IF NOT  
APPLICABLE**

If you object to the seizure, you must deliver the Notice of Objection to the Civil Enforcement Agency listed below within 15 days from the day that the seizure documents were served.

Dated at

Red Deer

Alberta, on

July 22, 2019

Date

*[Signature]*

Signature of Bailiff

Kyle Köller

Print Name

Civil Enforcement Agency

Allied Shortridge Civil Enforcement Agency Inc.

Name of Civil Enforcement Agency

allied.shortridge@shaw.ca

E-mail Address

(403) 237-5468

(800) 643-3171

(403) 263-7313

(800) 462-0712

Telephone Number

Fax Number

Suite 126, 1111 - 6th Ave SW, Calgary, Alberta, T2P 5M5

Complete mailing address (including postal code)

**NOTE:** If you have concerns about the way that this seizure was conducted, contact the Civil Enforcement Agency listed above. If you are unable to resolve your concerns with the Civil Enforcement Agency, you may contact the Sheriff - Civil Enforcement at 780-422-2481.

Page 1 of 1

Ex. 5 - 005



**BAILIFF'S REPORT**

Civil Enforcement Agency File Number: 10390 (ALLIED)

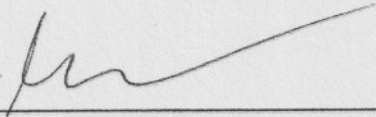
<b>CREDITOR</b>	Golf Properties of Florida, LLC			
<b>DEBTOR</b>	James T. Kahanyshyn			
<b>BAILIFF Report</b>	<p>On March 20, 2019 at 1340 hours, Bailiff Koller attended the address of 21 Payne Close Red Deer Alberta to speak with a complete a Writ of Enforcement with James T. Kahanyshyn. No one appeared to be at the residence, Bailiff found all the lights off inside, no one answered the door and the front sidewalk had not been cleared of ice and snow which lead up to the front door. Bailiff Koller left this card at the front door and called the RM on the file with an update and left the scene. On March 22, 2019 at 0800 am Bailiff Koller re-attended the address of 21 Payne Close Red Deer Alberta and found the business card that had been left still present at the door. The snow and ice leading up to the front door still present and all lights were still off at the residence. Bailiff Koller knocked and rang the door bell and there appeared to be no one at the residence on this second attempt. Bailiff Koller attended the neighbors house and asked if they had seen the neighbors recently at the residence. The neighbors indicated they had seen the owner James drive away from the residence awhile ago... meaning they weren't quite sure; but narrowed it down to over a week ago. The neighbors also indicated that James Kahanyshyn travels to his Florida home but now that he has had a heart attack, didn't think he still travels. Bailiff Koller provided a business card and asked the neighbors to call should James Kahanyshyn return.</p> <p>On March 25, 2019 at 1122 am Bailiff Koller re-attended 21 Payne Close Red Deer Alberta for a third attempt and found the business card he had left on March 20, 2019 still at the front door. Bailiff Koller also found a Fed Ex signature requirement notification on the side door from March 18, 2019 and no one had claimed the notification. The lights were still off, there was no answer at the door and a lone Dodge Ram truck was parked on the driveway. Bailiff Koller noted that two other vehicles were present in the triple car garage, but unknown of whether they had been present from the prior attendance as the garage was very dark. Bailiff Koller left the scene and made the RM aware of the third attempt and would complete a report for his records on the file.</p>			
	Is there an Addendum attached?	Yes	No	
	If yes, Addendum (2) pages attached (Each page forms part of this Report)	X		

	I hereby certify that the information contained in this Report is true and complete. I understand that any false information may lead to changes under the <i>Criminal Code</i> (Canada) and could result in the suspension or cancellation of my appointment as Bailiff.		
Dated at:	Sylvan Lake, Alberta, on March 25, 2019.		
	Signature of Bailiff: <i>W. Kallen</i>		
INSTRUCTING PARTY	Caron & Partners LLP		Civil Enforcement Agency
ADDRESS	2100, 700-2nd Street SW		Allied Shortridge Civil Enforcement Agency Inc.
CITY/TOWN & POSTAL CODE	Calgary, Alberta T2P 2W1		Suite 126, 1111 6 Ave. SW Calgary, AB T2P 5M5
			(403)237-5468 (800)643-3171
			Fax: (403)263-7313 (800)462-0712
NOTES			

- c. copies of resolutions of directors;
- d. copies of all notices required by Section 106 or 113 of the ABCA;
- e. a securities register complying with Section 49 of the ABCA;
- f. copies of its financial statements and annual financial statements from 2017 to present, reports and information referred to in Section 155(1) of the ABCA;
- g. copies of 2017, 2018 and 2019 corporate tax returns;
- h. Notices of Assessments or Reassessment issued by Federal or Provincial governments for 2017 to present;
- i. Monthly bank statements from all accounts from 2017 to present;
- j. details of any dividend payments from 2017 to present;
- k. list of any real property owned by the corporation; and
- l. list of automobiles owned or leased by the corporation including the name of the principal driver, if any.


(collectively, the "Hentosz Documents")

- 2. Hentosz shall produce copies of the Hentosz Documents that are found by January 27, 2020. The Hentosz 2019 corporate tax returns and 2019 Notice of Assessment may be provided 2 weeks after they become available.
- 3. If any one or more of the Hentosz Documents do not exist or cannot be located, Hentosz shall provide sworn evidence from a director explaining why the record cannot be located or why it cannot be found.
- 4. Each party shall bear their own costs of this Application.

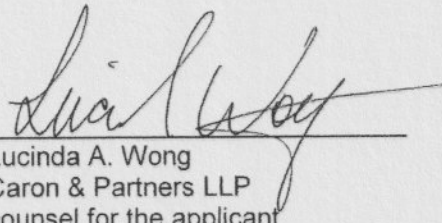
  
\_\_\_\_\_  
Justice G. H. Poelman

APPROVED AS THE ORDER GRANTED:

HENTOSZ RESOURCES LTD.

Per:   
\_\_\_\_\_  
Andrew E. Stead  
McMillan LLP  
counsel for the respondent

GOLF PROPERTIES OF FLORIDA, LLC.

Per:   
\_\_\_\_\_  
Lucinda A. Wong  
Caron & Partners LLP  
counsel for the applicant



Transmitting Party

ALLIED CIVIL ENFORCEMENT AGENCY INC.

#126, 1111 6 AVENUE SW.  
CALGARY, AB T2P 5M5

Party Code: 50083625

Phone #: 403 237 5468

Reference #:

Report of Seizure

Control #: F06014618

Registration Date: 2019-Jul-29

Registration #: 19072938694

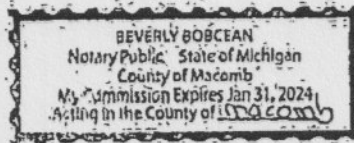
This is Exhibit 6 referred to in the Affidavit.

Paul S. D'Anna

Sworn before me this 25 day of November, 2019

Beverly Bobcean

A Notary Public in and for the State of Michigan



Ex. 6 - 001

**Report of Seizure**

Control #: F06014618

Registration Date: 2019-Jul-29

Registration #: 19072938694

Service Area 3

The Registration Term is Infinity

Property was seized on 2019-Apr-22

**Solicitor/Agent:**

**Block**

1 Caron & Partners LLP  
2120, 237 - 4 Ave SW  
Calgary, AB T2P 4K3  
Phone #: 403.237.1579 Fax #: 403.237.0111

**Civil Enforcement Agent:**

**Block** Party Code: 50083625

1 ALLIED CIVIL ENFORCEMENT AGENCY INC.  
#128, 1111 6 AVENUE SW  
CALGARY, AB T2P 5M5  
Phone #: 403.237.5468 Fax #: 403.263.7313

**Debtor(s)**

**Block**

1 KAHANYSHYN, JAMES  
21 PAYNE CLOSE  
RED DEER, AB T4P 1T6  
Gender: Male Birth Date: 1967-Nov-12

**Creditor(s)**

**Block**

1 GOLF PROPERTIES OF FLORIDA, LLC  
10599 FAIRCHILD ROAD  
SPRING HILL, FL 34608

Collateral: General

Block    Description

1    All shares of Hentosz Resources Ltd. held in the name of James Kahanyshyn at the registered office of 21 Payne Close, Red Deer, Alberta.

Particulars

Block    Additional Information

1    Minute Book was not present at time of seizure and registered office was uncooperative. Registered office was served with seizure documents.

**End of Verification Statement**





Caron & Partners LLP - Lawyers  
 21<sup>st</sup> Floor, Fifth Avenue Place - West Tower  
 2120, 237 - 4<sup>th</sup> Avenue S.W.  
 Calgary, Alberta, T2P 4K3  
 www.caronpartners.com  
 T: 403.262.3000  
 F: 403.237.0111

This is Exhibit "6" referred to in the  
 Affidavit of

SENT VIA COURIER

Paul D'Anna

August 20, 2019

Sworn before me this 12 day  
 of December, 2019

R.J. DANIEL GILBORN  
 Direct Line: (403) 260-1575  
 Email: [dgilborn@caronpartners.com](mailto:dgilborn@caronpartners.com)

HENTOSZ RESOURCES LTD.  
 21 Payne Close  
 Red Deer, Alberta T4P 1T6

[Signature]  
 A Commissioner for Oaths  
 in and for the Province of Alberta

Stella Gong, Legal Assistant  
 Phone: (403) 260-1588  
 Email: [sgong@caronpartners.com](mailto:sgong@caronpartners.com)

MIKEL JUNCAJ  
 Notary Public - State of Michigan  
 County of Oakland  
 My Commission Expires May 30, 2029  
 Acting in the County of Macomb

Attention: Michael Kahanyshyn and May Kahanyshyn

Dear Sir:

Re: Golf Properties of Florida, LLC v. Lemko Florida, Inc. and James T. Kahanyshyn  
 Action No. 1801-06199

Further to the above-noted matter and the enclosed Notice of Seizure of Shares dated July 22, 2019, and pursuant to Section 58 of the Civil Enforcement Act, RSA 2000, c C-15, and Sections 21 and 23 of the Business Corporations Act, RSA 2000, c B-9 (the "ABCA"), you are required to furnish the following documents to Allied Shortridge Civil Enforcement Agency:

1. Certificate of Incorporation;
2. Articles of Incorporation;
3. By-Laws of the Corporation;
4. Financial Statements, Annual Financial Statements, reports and information described under Section 155 of the ABCA;
5. Shareholder Minutes/Resolutions;
6. Securities Register complying with Section 49 of the ABCA; and
7. Register of Disclosures.

Allied Shortridge Civil Enforcement Agency is located at Suite 126, 1111 - 6<sup>th</sup> Ave. SW, Calgary AB, T2P 5M5.

We note that under Section 23(12) of the ABCA, a failure of a person who, without reasonable cause, fails to disclose or allow the requested records to be examined may be liable to a fine of not more than \$5,000.00 or imprisonment for a term of not more than 6 months, or both.

Sincerely,

CARON & PARTNERS LLP

[Signature]  
 R.J. DANIEL GILBORN  
 DG/sg

cc: Andrew Stead (Counsel), via email: [Andrew.Stead@mcmillan.ca](mailto:Andrew.Stead@mcmillan.ca)  
 Janet Schultz (Director), via Registered Mail: 5 Rovers Ave, Red Deer, Alberta, T4P 3K4  
 Allied Shortridge Civil Enforcement Agency, via email: [allied.shortridge@shaw.ca](mailto:allied.shortridge@shaw.ca)



This is Exhibit 7 referred to in the Affidavit

Paul S. D'Anna

Sworn before me this 25 day of November, 2019

Beverly Bobcean

A Notary Public in and for the State of Michigan

BEVERLY BOBCEAN  
Notary Public - State of Michigan  
County of Macomb  
My Commission Expires Jan 31, 2024  
Acting in the County of Macomb

August 22, 2019

Dear Customer:

The following is the proof-of-delivery for tracking number 776046574435.

Delivery Information:

Status:	Delivered	Delivered to:	Residence
Signed for by:	Signature release on file	Delivery location:	21 PAYNE CLOSE RED DEER, AB T4P 1T6
Service type:	FedEx Priority Overnight	Delivery date:	Aug 22, 2019 10:18
Special Handling:	Deliver Weekday Residential Delivery No Signature Required		

NO SIGNATURE REQUIRED  
Proof-of-delivery details appear below; however, no signature is available for this FedEx Express shipment because a signature was not required.

Shipping Information:

Tracking number:	776046574435	Ship date:	Aug 21, 2019
		Weight:	1.0 lbs/0.5 kg

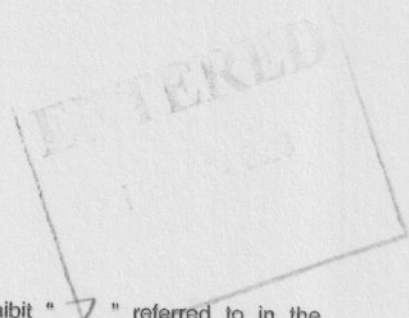
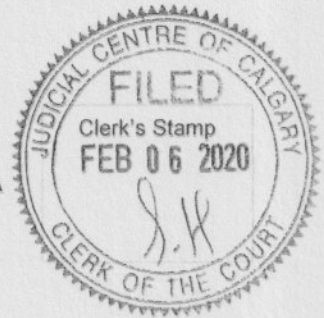
Recipient:  
 Attention: Michael May Kahanyshyn  
 Héritosz Resources Ltd.  
 21 Payne Close  
 RED DEER, AB T4P 1T6 CA  
 Reference

Shipper:  
 Reception  
 Caron & Partners  
 2120, 237 4 Avenue SW  
 CALGARY, AB T2P 4K3 CA  
 56065-000 AM/SG

Thank you for choosing FedEx.

Ex: 7:001

COURT FILE NUMBER 1801-06199  
 COURT COURT OF QUEEN'S BENCH OF ALBERTA  
 JUDICIAL CENTRE CALGARY  
 PLAINTIFF/APPLICANT GOLF PROPERTIES OF FLORIDA, LLC.  
 DEFENDANTS LEMKCO FLORIDA, INC., A Florida corporation  
 and JAMES T. KAHANYSHYN  
 RESPONDENT HENTOSZ RESOURCES LTD.  
 DOCUMENT ORDER  
 ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT  
**Caron & Partners LLP**  
 #2100, 2120 237 4<sup>th</sup> Avenue SW  
 Calgary, AB T2P 4K3

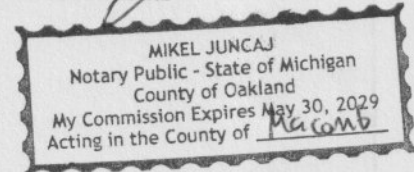


Attention: **R. J. Daniel Gilbon** This is Exhibit "7" referred to in the Affidavit of  
**Lucinda A. Wong**  
 Phone: (403) 260-1579  
 Fax: (403) 237-0111  
 File No. 56065-000

Sworn before me this 12 day  
 of December, 2019

*[Signature]*  
 A Commissioner for Oaths  
 and for the Province of Alberta

DATE ON WHICH ORDER WAS PRONOUNCED: December 20, 2019  
 NAME OF JUSTICE WHO MADE THIS ORDER: Justice G. H. Poelman  
 LOCATION OF HEARING: Calgary Courts Centre



**UPON** the application of the Applicant, Golf Properties of Florida, LLC ("**GPF**"); **UPON** reading the Affidavit of Paul D'Anna filed on November 27, 2019; **AND UPON** hearing submissions from counsel for the Applicant and Counsel for the Respondent;

**IT IS HEREBY ORDERED THAT:**

1. The current directors of the respondent, Hentosz Resources Ltd. ("**Hentosz**"), who are Michael Kahanyshyn, May Kahanyshyn, and Janet Schultz, shall search the following Hentosz records:
  - a. the articles and the bylaws, all amendments to the articles and bylaws if any, a copy of any unanimous shareholder agreement and any amendment to a unanimous shareholder agreement;
  - b. minutes of meetings and resolutions of shareholders;



...this to be a true copy of  
FIAT  
the 12 day of Sept 23  
[Signature]  
Clerk of the Court

CLERK OF THE COURT  
FILED  
SEP 12 2023  
JUDICIAL CENTRE  
OF CALGARY

COURT FILE NO 1801-06199  
COURT Court of King's Bench of Alberta  
JUDICIAL CENTRE Calgary  
PLAINTIFF GOLF PROPERTIES OF FLORIDA, LLC.  
DEFENDANTS LEMKO FLORIDA, INC. A Florida Corporation and  
JAMES T. KAHANYSHYN  
RESPONDENT HENTOSZ RESOURCES LTD.

FIAT: Let this Order be  
filed notwithstanding it is  
more than 3 months  
since it was ordered.  
Justice Eamon  
J.C.K.B.A.

DOCUMENT ORDER

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT	Jordan Achymichuk Barrister & Solicitor Phone: 780.441.4362 Fax: 780.428.9683 File # 452-210440	DUNCAN CRAIG LLP LAWYERS MEDIATORS 2800 Rice Howard Place 10060 Jasper Avenue Edmonton, Alberta Canada T5J 3V9
---	---	--

DATE ON WHICH ORDER WAS PRONOUNCED: February 25, 2020

LOCATION OF HEARING OR TRIAL: Calgary, Alberta

NAME OF MASTER/JUDGE WHO MADE THIS ORDER: Justice J. T. Eamon

UPON THE APPLICATION of the Applicant, GOLF PROPERTIES OF FLORIDA, LLC.;  
AND UPON having heard representations of the Applicant and the Respondent (or upon proof of  
service upon the Respondent);

AND UPON having read the Affidavits of the Applicant, filed:

AND UPON having read the Affidavit of the Respondent, filed;

This is Exhibit " 8 " referred to in the  
Affidavit of  
Paul D'Anna

Sworn before me this 12 day  
of December, 2023

MIKEL JUNCAJ  
Notary Public - State of Michigan  
County of Oakland  
My Commission Expires May 30, 2029  
Acting in the County of Macomb

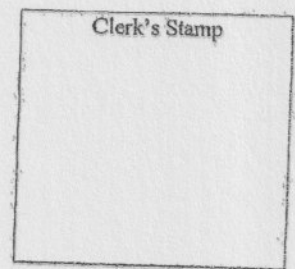
[Signature]  
A Commissioner for Oaths  
in and for the Province of Alberta

IT IS HEREBY ORDERED THAT:

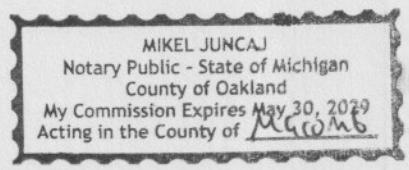
4. The Respondents are to provide a further and better affidavit complying with paragraph 3 of Justice Poelman's Order of December 20, 2019, including without limiting the matters mentioned in Rule 5.6(2)(d);
5. The Respondents are to disclose by affidavit to the Applicant's counsel, the names and branch locations of all bank accounts of Hentosz Resources Ltd. (the "Company") presently and within the last two years. In the event there are accounts of third parties which are operating the two known properties of the Company (the "Properties") they are to provide particulars of those accounts and the locations of those accounts;
6. The Respondents are to disclose by Affidavit the particulars of payment of property taxes for the last two calendar years, including the identity of the payor, dates of payment, and account information from which funds were paid;
7. The Respondents are to obtain from the Canada Revenue Agency the notices of assessments and reassessments (if any) for the Company for fiscal years 2017 and later and in the event returns have been filed without assessment, they are to instead provide the filed return;
8. The foregoing is to be provided to the Applicant's counsel by no later than March 17, 2020;
9. The Application to fix the date of cross-examination will be adjourned to April 10, 2020;
10. The Contempt Application is adjourned sine die; and
11. Costs in the amount of \$750.00 are awarded to the Applicant against the Respondents jointly and severally.

"Justice EDMIN"  
Justice of the Court of King's Bench of Alberta

COURT FILE NO.: 1801-06199  
 COURT COURT OF QUEEN'S BENCH OF ALBERTA  
 JUDICIAL CENTRE CALGARY  
 PLAINTIFF GOLF PROPERTIES OF FLORIDA, LLC  
 DEFENDANTS LEMKCO FLORIDA, INC. a Florida corporation and JAMES T. KAHANYSHYN  
 RESPONDENT HENTOSZ RESOURCES LTD.  
 DOCUMENT AFFIDAVIT  
 ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT  
 McMillan LLP  
 #1700, 421 - 7<sup>th</sup> Avenue SW  
 Calgary, AB T2P 4K9  
 Attention: Andrew E. Stead  
 Phone: (403) 531-4700  
 Fax: (403) 531-4720  
 File No. 264675



This is Exhibit "9" referred to in the Affidavit of Paul D'Anna  
 Sworn before me this 12 day of December, 2023  
 [Signature]  
 A Commissioner for Oaths in and for the Province of Alberta



**AFFIDAVIT OF MICHAEL KAHANYSHYN**  
 Sworn/Affirmed this \_\_\_\_ day of March, 2020

I, Michael Kahanyshyn, of Red Deer, Alberta, Canada, SWEAR AND SAY THAT:

1. I am the President and Director of Hentosz Resources Ltd. ("Hentosz"), and based upon my personal involvement in the matters sworn to herein, I have personal knowledge of the matters hereinafter deposed and where so stated do verily believe the same to be true.
2. I have the authority to swear this affidavit on behalf of Hentosz.
3. Attached hereto and marked as **Exhibit "A"** to this affidavit are copies of Hentosz's last two notices of assessment.
4. Attached hereto and marked as **Exhibit "B"** to this affidavit are proofs of the payment of property taxes relating to the two properties that Hentosz owns.



5. The only bank account Hentosz has, or has had in the last two years, has been with the Toronto Dominion bank, at the branch located at 6320 50 Avenue, in Red Deer, Alberta.
6. I make this affidavit in response to the relief granted by Justice J.T. Eamon on February 25, 2020.

**SWORN BEFORE ME** at the City of Red Deer, in the Province of Alberta, this \_\_\_\_\_ day of March, 2020.

\_\_\_\_\_  
A Commissioner for Oaths in and for the Province of Alberta

\_\_\_\_\_  
MICHAEL KAHANYSHYN

Summerside PE C1N 6A2

0003904

Notice details

Business number [redacted]
Date issued Sep 8, 2019

HENTOSZ RESOURCES LTD
21 PAYNE CLOSE
RED DEER AB T4E 1T6

Corporation income tax assessment

These notice(s) explain the results of our assessment of your T2 Corporation Income Tax Return(s). We assessed your T2 Corporation Income Tax Return(s) and calculated your balances.

The amount you need to pay is \$1,926.33.

To avoid additional interest charges, please pay by September 26, 2019.

Thank you,

Bob Hamilton
Commissioner of Revenue

THIS IS EXHIBIT A REFERRED TO IN THE AFFIDAVIT OF MICHAEL KAHANYSHYN SWORN THE DAY OF 20

A Commissioner for Oaths / Notary Public in and for the Province of Alberta

Account summary

Previous payments may not appear if they have not been processed. If you have already paid the balance owing, please ignore this request.

Total balance: \$1,926.33
Pay by: September 26, 2019

Go paperless!

Get your mail online through My Business Account.

- 1. Log in at canada.ca/my-cra-business-account
2. Select "Notification preferences"



Summerston PE C1N 6A2

HENTOSZ RESOURCES LTD  
21 PAYNE CLOSE  
RED DEER AB T4P 1T6

**Notice details**

Business number	[REDACTED]
Tax year-end	Dec 31, 2018
Date issued	Sep 6, 2019

**Corporation notice of assessment**

**Results**

This notice explains the result of our assessment of your T2 Corporation Income Tax Return. It also explains any changes we may have made. For more information, please see the summary section of this notice.

Description	\$ Amount	CR
Result of this Assessment	1,926.33	
Previous balance	0.00	
<b>Total balance</b>	<b>1,926.33</b>	

If you pay the full amount by September 26, 2019, we will not charge more interest. If a credit becomes available on the same or a related business account, we will apply that credit to any amount you owe.

For more information, please see the summary and explanation of changes and other important information sections of this notice.

Thank you,

Bob Hamilton  
Commissioner of Revenue



HENTOSZ RESOURCES LTD

**Notice details**

Business number	[REDACTED]
Tax year-end	Dec 31, 2018
Date issued	Sep 6, 2019

**Summary**

Description	\$ Reported CR	\$ Assessed CR
Federal tax		
Part I	26,039.00	26,039.00
Total federal tax		<u>26,039.00</u>
Instalment(s) applied		<u>30,000.00 CR</u>
Net balance		1,961.00 CR
Penalties		
Subsection 162(1) failure to file penalty		1,962.73
Interest		
Instalment interest		1,064.57
Instalment penalty		32.28
Arrears interest		<u>827.75</u>
Result of this assessment		<u>1,926.33</u>
Total balance for this tax year-end		<u>1,926.33</u>

**Explanation of changes and other important information**

We disallowed the 50% rule amount on Schedule B, Capital Cost Allowance (CCA) for class 8, because it does not apply after November 20, 2018.

We changed the total payment amount received to match our records. On your return, the total payment amount is \$0.00 while the amount in our records is \$30,000.00.

We charged you a failure-to-file penalty. The penalty is 5% of the unpaid tax at the due date. It also includes a charge of 1% of the unpaid tax for each complete month the return was late, to a maximum of 12 months.

We charged instalment interest because one or more of your instalment payments were late or not enough. You had to make 12 payments of \$2,336.58 based on the reporting period ending December 31, 2018.

We charged arrears interest because you did not pay the amount owing by the due date.

We attached a statement explaining how we calculated interest.

## More information

If you need more information, go to [canada.ca/en/services/taxes](http://canada.ca/en/services/taxes).

To see your latest account information, including payment transactions, go to [canada.ca/my-cra-business-account](http://canada.ca/my-cra-business-account).

If you have new or additional information and want to change your return, go to [canada.ca/t2-return](http://canada.ca/t2-return) and select the topic "After you file your corporation income tax return." For faster service, submit your request electronically.

If you disagree with this assessment, go to [canada.ca/t2-return](http://canada.ca/t2-return) and select the topic "After you file your corporation income tax return," and then "Resolving disputes." You have 90 days from the date of this notice to register your dispute.

## Definitions

CR (credit) is the amount we owe you.

## Help for persons with visual impairments

You can get this notice in braille, large print, or audio format. For more information about other formats, go to [canada.ca/cra-multiple-formats](http://canada.ca/cra-multiple-formats).

## My Business Account

Use My Business Account to see and manage your tax information online. Check your return balances, manage direct deposit and addresses, submit an enquiry, set up online mail, and more. To register for My Business Account, go to [canada.ca/my-cra-business-account](http://canada.ca/my-cra-business-account).



Summerside PE C1N 6A2

0001818

**Notice details**

Business number	[REDACTED]
Date issued	Aug 31, 2018

HENTOSZ RESOURCES LTD  
21 PAYNE CLOSE  
RED DEER AB T4P 1T6

**Corporation income tax assessment**

These notice(s) explain the results of our assessment of your T2 Corporation Income Tax Return(s). We assessed your T2 Corporation Income Tax Return(s) and calculated your balance.

Thank you,

Bob Hamilton  
Commissioner of Revenue

**Account summary**

**Total balance: \$1,481.85 CR**

**Go paperless!**

Get your mail online through My Business Account.

1. Log in at [canada.ca/my-cra-business-account](http://canada.ca/my-cra-business-account)
2. Select "Notification preferences"





Summerside PE C1N 6A2

**Notice details**

Business number	[REDACTED]
Tax year-end	Dec 31, 2017
Date issued	Aug 31, 2018

HENTOSZ RESOURCES LTD  
21 BAYNE CLOSE  
RED DEER AB T4P 1T6

**Corporation notice of reassessment**

**Results**

This notice explains the result of our reassessment of your T2 Corporation Income Tax Return. It also explains any changes we may have made. For more information, please see the summary section of this notice.

Description	\$ Amount CR
Result of this Reassessment	339.96 CR
Previous balance	1,141.89 CR
<b>Total balance</b>	<b>1,481.85 CR</b>

The total balance does not include unapplied credits, which may be used to reduce an outstanding balance not shown on this notice. At a later date, we will issue any refund that remains.

For more information, please see the summary and explanation of changes and other important information sections of this notice.

Thank you,

Bob Hamilton  
Commissioner of Revenue

HENTOSZ RESOURCES LTD

**Notice details**

Business number	[REDACTED]
Tax year end	Dec 31, 2017
Date issued	Aug 31, 2018

**Summary**

Description	\$ Previous CR	\$ Reassessed CR	\$ Adjustment CR
<b>Federal tax</b>			
Part I	28,296.00	28,296.00	0.00
Part I.3	0.00	0.00	0.00
Part II	0.00	0.00	0.00
Part III.1	0.00	0.00	0.00
Part IV	0.00	0.00	0.00
Part IV.1	0.00	0.00	0.00
Part VI	0.00	0.00	0.00
Part VI.1	0.00	0.00	0.00
Part XIII.1	0.00	0.00	0.00
Part XIV	0.00	0.00	0.00
Total federal tax adjustment			0.00
<b>Net balance</b>			0.00
<b>Penalties</b>			
Subsection 162(1) failure to file penalty	288.81	0.00	288.81 CR
<b>Interest</b>			
Arrearage interest			51.15 CR
<b>Result of this reassessment</b>			339.96 CR
<b>Total balance for this tax year-end</b>			1,481.85 CR

**Explanation of changes and other important information**

We have cancelled the failure to file penalty previously assessed under subsection 162(1) of the Income Tax Act.

=====

## More information

If you need more information, go to [canada.ca/en/services/taxes](http://canada.ca/en/services/taxes).

To see your latest account information, including payment transactions, go to [canada.ca/my-cra-business-account](http://canada.ca/my-cra-business-account).

If you have new or additional information and want to change your return, go to [canada.ca/t2-return](http://canada.ca/t2-return) and select the topic "After you file your corporation income tax return." For faster service, submit your request electronically.

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## Definitions

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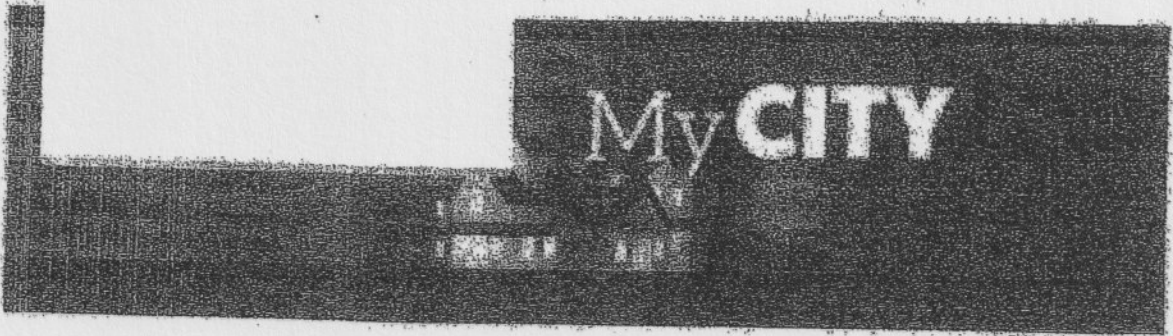
## Help for persons with visual impairments

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## My Business Account

Use My Business Account to see, and manage your tax information online. Check your return balances, manage direct deposit and addresses, submit an enquiry, set up online mail, and more. To register for My Business Account, go to [canada.ca/my-cra-business-account](http://canada.ca/my-cra-business-account).





**Roll Number:**

30001941040

**LINC:**

0014477632

**Property Address:**

21 OXFORD AV

**Legal Description:**

7621978;17;3

**Status:**

Active

THIS IS EXHIBIT B REFERRED  
TO IN THE AFFIDAVIT OF

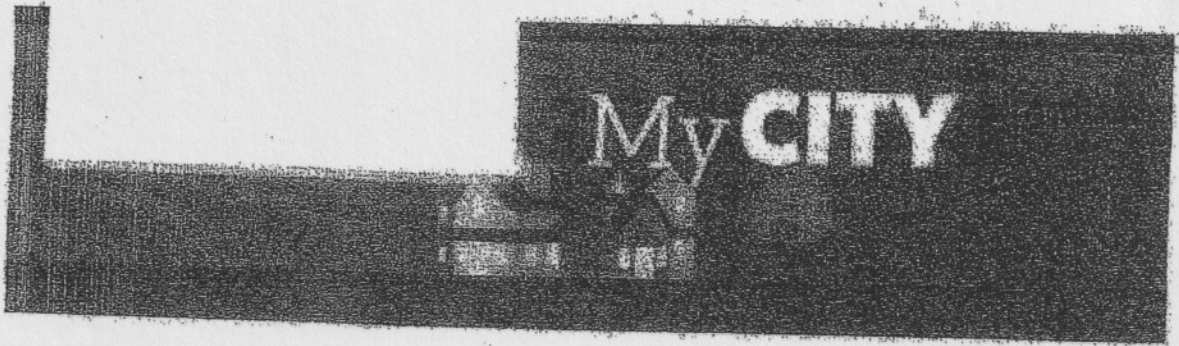
MICHAEL KAHANVSHYN

SWORN THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_

\_\_\_\_\_  
A Commissioner for Oaths / Notary Public  
in and for the Province of Alberta

**2019 Transactions**

Date	Type	Amount	Balance Note
May 06, 2019	LEVY	21,139.29	21,139.29
Jun 28, 2019	PAYMENT	-21,139.29	0.00
	<b>TOTAL</b>	<b>0.00</b>	



**Roll Number:**

30001941035

**LINC:**

0014477624

**Property Address:**

37 OXFORD AV

**Legal Description:**

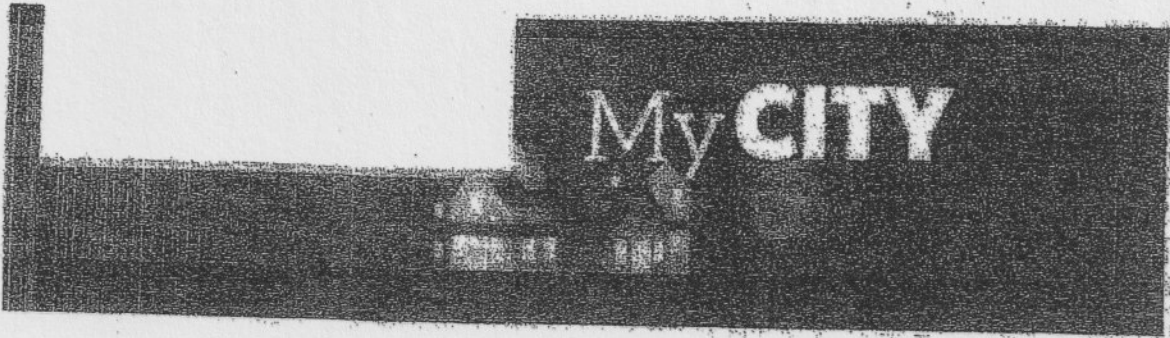
7621978;17;2

**Status:**

Active

2019 Transactions

Date	Type	Amount	Balance Note
May 06, 2019	LEVY	21,014.23	21,014.23
Jun 28, 2019	PAYMENT	-21,014.23	0.00
	<b>TOTAL</b>	<b>0.00</b>	



**Roll Number:**  
30001941040  
**LINC:**  
0014477632  
**Property Address:**  
21 OXFORD AV  
**Legal Description:**  
7621978;17;3  
**Status:**  
Active

2018 Transactions

Date	Type	Amount	Balance Note
May 04, 2018	LEVY	22,746.66	22,746.66
Jun 30, 2018	PAYMENT	-22,746.66	0.00
	<b>TOTAL</b>	<b>0.00</b>	







LAND TITLE CERTIFICATE

S  
LINC                      SHORT LEGAL  
0014 477 632        7621978;17;3

MIKEL JUNCAJ  
Notary Public - State of Michigan  
County of Oakland  
My Commission Expires May 30, 2029  
Acting in the County of Macomb

TITLE NUMBER  
882 263 689

LEGAL DESCRIPTION

PLAN 7621978  
BLOCK 17  
LOT 3  
EXCEPTING THEREOUT ALL MINES AND MINERALS  
AREA: 0.332 HECTARES (0.82 ACRES) MORE OR LESS

This is Exhibit "10" referred to in the  
Affidavit of

Paul D'Anna

Sworn before me this 12 day

of December, 2022

ESTATE: FEE SIMPLE  
ATS REFERENCE: 4;27;38;19;NE

[Signature]  
A Commissioner for Oaths  
in and for the Province of Alberta

MUNICIPALITY: CITY OF RED DEER

REGISTERED OWNER(S)

REGISTRATION	DATE (DMY)	DOCUMENT TYPE	VALUE	CONSIDERATION
882 263 689	03/11/1988			\$636,000

OWNERS

HENTOSZ RESOURCES LTD.  
OF 21 PAYNE CLOSE  
RED DEER  
ALBERTA

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION

NUMBER	DATE (D/M/Y)	PARTICULARS
762 189 172	27/10/1976	UTILITY RIGHT OF WAY GRANTEE - THE CITY OF RED DEER. AS TO PORTION OR PLAN:7621980

TOTAL INSTRUMENTS: 001

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN  
ACCURATE REPRODUCTION OF THE CERTIFICATE OF  
TITLE REPRESENTED HEREIN THIS 19 DAY OF  
OCTOBER, 2023 AT 12:11 P.M.

ORDER NUMBER: 48654757

CUSTOMER FILE NUMBER: 210440



\*END OF CERTIFICATE\*

---

THIS ELECTRONICALLY TRANSMITTED LAND TITLES PRODUCT IS INTENDED  
FOR THE SOLE USE OF THE ORIGINAL PURCHASER, AND NONE OTHER,  
SUBJECT TO WHAT IS SET OUT IN THE PARAGRAPH BELOW.

THE ABOVE PROVISIONS DO NOT PROHIBIT THE ORIGINAL PURCHASER FROM  
INCLUDING THIS UNMODIFIED PRODUCT IN ANY REPORT, OPINION,  
APPRAISAL OR OTHER ADVICE PREPARED BY THE ORIGINAL PURCHASER AS  
PART OF THE ORIGINAL PURCHASER APPLYING PROFESSIONAL, CONSULTING  
OR TECHNICAL EXPERTISE FOR THE BENEFIT OF CLIENT(S).





LAND TITLE CERTIFICATE

S  
LINC                      SHORT LEGAL                      TITLE NUMBER  
0014 477 624            7621978;17;2                      892 095 920

LEGAL DESCRIPTION  
PLAN 7621978  
BLOCK 17  
LOT 2  
EXCEPTING THEREOUT ALL MINES AND MINERALS  
AREA: 0.332 HECTARES (0.82 ACRES) MORE OR LESS

ESTATE: FEE SIMPLE  
ATS REFERENCE: 4;27;38;19;NE

MUNICIPALITY: CITY OF RED DEER

---

REGISTERED OWNER(S)				
REGISTRATION	DATE (DMY)	DOCUMENT TYPE	VALUE	CONSIDERATION
892 095 920	27/04/1989			\$636,000

OWNERS

HENTOSZ RESOURCES LTD.  
OF 21 PAYNE CLOSE  
RED DEER  
ALBERTA

---

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION NUMBER	DATE (D/M/Y)	PARTICULARS
762 189 172	27/10/1976	UTILITY RIGHT OF WAY GRANTEE - THE CITY OF RED DEER. AS TO PORTION OR PLAN:7621980

TOTAL INSTRUMENTS: 001

( CONTINUED )

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN  
ACCURATE REPRODUCTION OF THE CERTIFICATE OF  
TITLE REPRESENTED HEREIN THIS 19 DAY OF  
OCTOBER, 2023 AT 12:11 P.M.

ORDER NUMBER: 48654757

CUSTOMER FILE NUMBER: 210440



\*END OF CERTIFICATE\*

---

THIS ELECTRONICALLY TRANSMITTED LAND TITLES PRODUCT IS INTENDED  
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THE ABOVE PROVISIONS DO NOT PROHIBIT THE ORIGINAL PURCHASER FROM  
INCLUDING THIS UNMODIFIED PRODUCT IN ANY REPORT, OPINION,  
APPRAISAL OR OTHER ADVICE PREPARED BY THE ORIGINAL PURCHASER AS  
PART OF THE ORIGINAL PURCHASER APPLYING PROFESSIONAL, CONSULTING  
OR TECHNICAL EXPERTISE FOR THE BENEFIT OF CLIENT(S).



The City of Red Deer
PROPERTY TAX CERTIFICATE

Box 5008 Red Deer AB T4N 3T4

Phone: 403-342-8126

Email: tax@reddeer.ca

Printed: Oct 19, 2022

Number: 44601

Pursuant to Section 350 of the Municipal Government Act and subject to the conditions noted below, it is hereby certified that taxes and arrears owing with respect to the property described below levied by the City of Red Deer are due in the following amounts:

For DUNCAN & CRAIG BARRISTERS & SOLICITORS
Reference Number: 210440

Property

Roll: 30001941035
Linc: 0014477624
Civic: 37 OXFORD AV
Legal: 7621978;17;2

LTO No.: 892095920

2022 Assessments

Table with 2 columns: Assessment Class, Total. Row: APARTMENT, 2,311,600

Table with 4 columns: 2022 Levy, Property Taxes Owing As At Oct 19, 2022, 2023 Instalments, Total. Rows include Total Levy (23,929.45), Arrears (2021), Current (2022), Penalties, Total Taxes Owing, Payments Made, Interest Earned, Adjustments, Balance as at Oct 19, 2022.

Important Property Comments

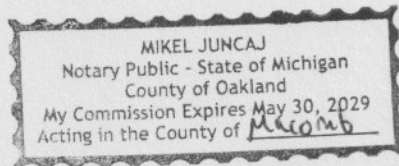
GENERAL

PLEASE NOTE: The property is contingently liable after the date of issue of this Tax Certificate for the following: (i) all rates and charges transferred to the tax account pursuant to any Resolution or Bylaw of the City of Red Deer or Statute of the Province of Alberta; any tax levy calculated on an amended or supplementary assessment; and (ii) all rates and charges transferred to the tax account by reason of a stop payment order or a payment dishonoured by the financial institution on which it is drawn.

\*\*\* PLEASE NOTE: THE ANNUAL DEADLINE TO SIGN UP FOR THE TAX INSTALMENT PLAN (TIP) IS JUNE 15. NO APPLICATIONS FOR THE CURRENT YEAR WILL BE ACCEPTED AFTER THIS DATE. \*\*\*

PLEASE ENSURE ARRANGEMENTS HAVE BEEN MADE TO PAY OUT THE TAX ACCOUNT TO AVOID PENALTIES.

Disclaimer - This summary represents information provided from the current City of Red Deer Assessment & Tax database at the time of printing. The City of Red Deer uses reasonable efforts to supply only current, accurate and complete information, but will not be held responsible for the accuracy of this data. The City of Red Deer is not liable for damages or losses that may result from the use of this document.



This is Exhibit " 11 " referred to in the Affidavit of

Paul D'Anna

Sworn before me this 12 day

of December, 2022

[Signature]
A Commissioner for Oaths
in and for the Province of Alberta





The City of Red Deer  
PROPERTY TAX CERTIFICATE

Box 5008 Red Deer AB T4N 3T4

Phone: 403-342-8126

Email: tax@reddeer.ca

Printed: Oct 19, 2022

Number: 44602

Pursuant to Section 350 of the Municipal Government Act and subject to the conditions noted below, it is hereby certified that taxes and arrears owing with respect to the property described below levied by the City of Red Deer are due in the following amounts:

For DUNCAN & CRAIG BARRISTERS & SOLICITORS  
Reference Number: 210440

Property

Roll: 30001941040  
Linc: 0014477632  
Civic: 21 OXFORD AV  
Legal: 7621978;17;3

LTO No.: 882263689

2022 Assessments

Assessment Class			Total
APARTMENT			2,301,100
2022 Levy		Property Taxes Owing As At Oct 19, 2022	2023 Instalments
Total Levy	23,820.76	Arrears (2021) 0.00 Current (2022) 0.00 Penalties 0.00 Total Taxes Owing 0.00	Payments Made 0.00 Interest Earned 0.00 Adjustments 0.00 Balance as at Oct 19, 2022 0.00

Important Property Comments

GENERAL

PLEASE NOTE: The property is contingently liable after the date of issue of this Tax Certificate for the following:  
(i) all rates and charges transferred to the tax account pursuant to any Resolution or Bylaw of the City of Red Deer or Statute of the Province of Alberta; any tax levy calculated on an amended or supplementary assessment; and  
(ii) all rates and charges transferred to the tax account by reason of a stop payment order or a payment dishonoured by the financial institution on which it is drawn.

\*\*\* PLEASE NOTE: THE ANNUAL DEADLINE TO SIGN UP FOR THE TAX INSTALMENT PLAN (TIP) IS JUNE 15. NO APPLICATIONS FOR THE CURRENT YEAR WILL BE ACCEPTED AFTER THIS DATE. \*\*\*

PLEASE ENSURE ARRANGEMENTS HAVE BEEN MADE TO PAY OUT THE TAX ACCOUNT TO AVOID PENALTIES.

Disclaimer - This summary represents information provided from the current City of Red Deer Assessment & Tax database at the time of printing. The City of Red Deer uses reasonable efforts to supply only current, accurate and complete information, but will not be held responsible for the accuracy of this data. The City of Red Deer is not liable for damages or losses that may result from the use of this document.

**DUNCAN CRAIG** LLP  
LAWYERS MEDIATORS

Our File: 452-210440  
Your File: 264675

Lawyer: Jordan Achtymichuk  
Telephone: 780.441.4362  
Email: jachtymichuk@dcllp.com  
Fax: 780.428.9683

January 4, 2023

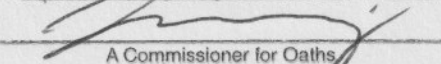
Via Fax: (403) 531-4720

McMillan LLP  
TD Canada Trust Tower, Suite 1700,  
421 7<sup>th</sup> Avenue SW  
Calgary, Alberta T2P 4K9

Attn: Andrew Stead

Dear Sir:

**Re: Golf Properties of Florida, LCC v Lemko Florida, Inc.  
Action No. 1801 06199**

This is Exhibit "12" referred to in the  
Affidavit of  
Paul D'Anna  
Sworn before me this 12 day  
of December, 2022  
  
A Commissioner for Oaths  
in and for the Province of Alberta

MIKEL JUNCAJ  
Notary Public - State of Michigan  
County of Oakland  
My Commission Expires May 30, 2029  
Acting in the County of Macomb

Further to our prior correspondence to you dated December 5, 2022, we have not received any response from your office. Please find attached a further copy of the filed Notice of Change of Representation and a copy of the transcript of the judgment in question.

Pursuant to our prior correspondence, we intend to write to the Honourable Justice Eamon tomorrow to have this matter heard.

Yours truly,

**DUNCAN CRAIG LLP**

Per:

JORDAN ACHTYMICHUK  
JA/  
Enclosures

www.dcllp.com

4150-0291-8467.v1

780.428.6036 • 1.800.782.9409 • Fax: 780.428.9683  
2800 Scotia Place, 10060 Jasper Avenue, Edmonton, Alberta T5J 3V9

**DUNCAN CRAIG LLP**  
LAWYERS MEDIATORS

Our File: 452-210440

Lawyer: Jordan Achtymichuk  
Telephone: 780.441.4362  
Email: jachtymichuk@dcllp.com  
Fax: 780.428.9683

January 16, 2023

By Email to: tanya.ring@albertacourts.ca

The Honourable Justice J. T. Eamon  
c/o Tanya Ring, Judicial Assistant  
Court of King's Bench of Alberta  
Calgary Courts Centre  
601 5<sup>th</sup> Street SW  
Calgary, AB T2P T07

Dear Justice J. T. Eamon,

**Re: Golf Properties of Florida, LLC. V. Lemko Florida, Inc. et al.**  
**(Applicant: Golf Properties of Florida, LLC.**  
**Respondent: Hentosz Resources Ltd.)**  
**Court File No: 1801-06199**

We write to you in relation to an Application which was before you on February 25, 2020 brought by prior counsel for the Applicant. It appears that no agreement could be reached regarding the terms of the ensuing Order. While a review of our file suggests that prior counsel had intended to bring an application to settle the terms of the Order, they encountered substantial issues scheduling same as a result of the Covid-19 Pandemic and no such application was ever brought.

We have obtained both the notes taken by the clerk present at the application as well as a transcript of the decision itself and would now like to settle the terms of your Order given February 25, 2020 and seek a fiat. We have advised counsel for the Respondents that we would be writing to you in this regard. We would be pleased to proceed in settling the terms of your Order as you deem appropriate, either appearing before you in chambers, by written submissions, or by any other method.

Yours respectfully,

**DUNCAN CRAIG LLP**

Per:

JORDAN ACHTYMICHUK

JA/jys

c. Counsel for the Respondent

This is Exhibit "B" referred to in the  
Affidavit of

Paul D'Anna  
Sworn before me this 12 day  
of December, 2023

[Signature]  
A Commissioner for Oaths  
in and for the Province of Alberta

MIKEL JUNCAJ  
Notary Public - State of Michigan  
County of Oakland  
My Commission Expires May 30, 2029  
Acting in the County of Macomb

www.dcllp.com

Tel 780.428.6036 • Toll Free: 1.800.782.9409 • Fax: 780.428.9683  
#2800, 10060 Jasper Ave Edmonton, Alberta T5J 3V9



**Jordan Achtymichuk**

---

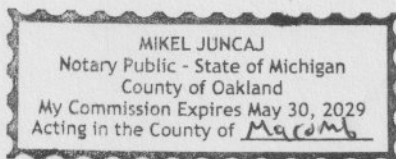
**From:** Tanya Ring <Tanya.Ring@albertacourts.ca>  
**Sent:** February-16-23 4:06 PM  
**To:** Jordan Achtymichuk; Michael Kahanyshyn  
**Subject:** RE: Golf Properties v Lemko Florida 1801-06199 - Scheduling Court Appearance

Justice Eamon would be available on either March 27, 2023 or March 28, 2023, between the times of 12:00 and 1:30 for 30 minutes via WebEx. If 30 minutes is not sufficient time, the next availability will be in late May or early June 2023. Counsel can complete the form found [here](#) to book this matter.

In addition to application forms and affidavits required under the *Rules of Court*, Applicant must file a concise written submission at least 14 days in advance of hearing date, and respondents 7 days after service of applicant's submission. These must be filed with the Clerks, not emailed to a judicial assistant or a judge.

Self represented litigants are recommended to obtain legal advice to ascertain legal elements of the application and necessary or desirable responses to put forward and in what manner, because the Court is not able to provide them advice on the merits of the application, the merits of any response, or the consequences including financial consequences if the application is allowed over their objections or refused.

Thank-you.



This is Exhibit "14" referred to in the Affidavit of

Paul D'Anna

Sworn before me this 12 day

of December, 2023

[Signature]

A Commissioner for Oaths  
in and for the Province of Alberta

**Jordan Achtymichuk**

---

**From:** Harman Toor <harman@lawbt.com>  
**Sent:** March-24-23 9:47 AM  
**To:** Jordan Achtymichuk  
**Cc:** Vicki Saunders  
**Subject:** Re: Golf Properties of Florida, LLC v. Lemko Florida, Inc. et al.  
**Attachments:** Letter to The Honourable Justice J. T. Eamon March 24, 2023 - 4149-9292-1414 v1.docx

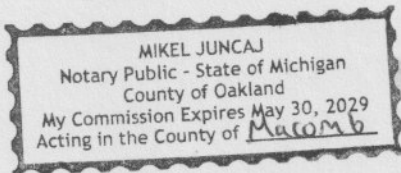
Hi Jordan,

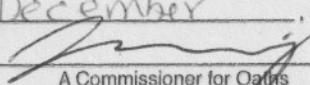
I am not in the office today. I now have instructions to file a cross application. I would suggest we set this down for one hour with Justice Eamon.

I am agreeable to the draft letter being sent.

Thank you

Harman Toor  
Badyal Toor, Lawyers



This is Exhibit "15" referred to in the  
Affidavit of  
Paul D'Anna  
Sworn before me this 15 day  
of December, 2023  
  
A Commissioner for Oaths  
in and for the Province of Alberta

**Jordan Achtymichuk**

---

**From:** Rena Neale <Rena.Neale@albertacourts.ca>  
**Sent:** March-27-23 9:39 AM  
**To:** Jordan Achtymichuk  
**Cc:** harman@lawbt.com; lemkcoflorida@gmail.com; GE\_JusticeSeizedQBCAL; Tanya Ring  
**Subject:** RE: Golf Properties v Lemko Florida 1801-06199 - Rescheduling Court Appearance

Good morning,

Justice Eamon has reviewed your correspondence and advises that the parties and counsel are not required to appear on March 27, 2023. Parties are directed to book the application on **June 6, 2023 at 2 pm** using the following link: <https://albertacourts.ca/kb/court-operations-schedules/scheduling/justice-seized-booking-request-form> . Please advise if WebEx is *needed* for this appearance.

Parties are to file applications, affidavits, response affidavits, cross applications (if any) and concise briefs on or before **noon on May 30, 2023**. If counsel cannot agree on a schedule for submission of these materials, counsel can provide their respective schedules in a single communication by email to Justice Eamon will fix the schedule.

Thank you,



**Court of King's  
Bench of Alberta**

**Rena Neale**  
Judicial Assistant to

Justice J. T. Eamon  
Justice D. A. Labrenz  
Justice C. M. Jones

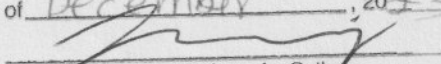
E: [rena.neale@albertacourts.ca](mailto:rena.neale@albertacourts.ca)  
P: 403-592-4735

Court of King's Bench of Alberta  
Calgary Courts Centre  
601 5 Street SW  
Calgary, Alberta T2P 5P7

This is Exhibit "16" referred to in the  
Affidavit of

Paul D'Anna

Sworn before me this 12 day  
of December, 2023

  
A Commissioner for Oaths  
in and for the Province of Alberta

**MIKEL JUNCAJ**  
Notary Public - State of Michigan  
County of Oakland  
My Commission Expires May 30, 2029  
Acting in the County of Macomb

*This email is intended only for the person to whom it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use that a person other than the addressee makes of this communication is prohibited.*

**From:** Jordan Achtymichuk <[jachtymichuk@dcllp.com](mailto:jachtymichuk@dcllp.com)>  
**Sent:** March 24, 2023 09:55 AM  
**To:** Tanya Ring <[Tanya.Ring@albertacourts.ca](mailto:Tanya.Ring@albertacourts.ca)>



**Jen Sell**

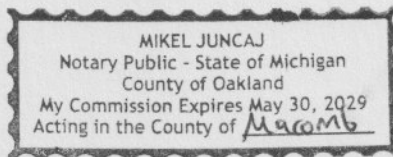
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**From:** Vicki Saunders <Vsaunders@lawbt.com>  
**Sent:** May-30-23 11:00 AM  
**To:** Jordan Achtymichuk  
**Cc:** Harman Toor  
**Subject:** FW: Golf Properties v Lemko Florida 1801-06199 - Rescheduling Court Appearance  
**Attachments:** Application.pdf; Sworn Affidavit.pdf

Good Morning,

Please find enclosed our materials. We have sent the documents for filing and still have not received them back. Upon receipt I will forward the filed copies to your attention.

Thank you



This is Exhibit "17" referred to in the Affidavit of

Paul D'Angelo  
Sworn before me this 12 day  
of December, 2023

[Signature]  
A Commissioner for Oaths  
in and for the Province of Alberta

*Vicki Saunders*



to H. Toor & A. Hasan  
F: (403) 536.9849

BADYAL TOORuntry Hills Landing NW  
Calgary, AB T3K 5P3



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**From:** Rena Neale <Rena.Neale@albertacourts.ca>  
**Date:** March 27, 2023 at 9:39:01 AM MDT  
**Subject:** RE: Golf Properties v Lemko Florida 1801-06199 - Rescheduling Court Appearance

Good morning,

Justice Eamon has reviewed your correspondence and advises that the parties and counsel are not required to appear on March 27, 2023. Parties are directed to book the application on **June 6, 2023 at 2 pm** using the following link: <https://albertacourts.ca/kb/court-operations-schedules/scheduling/justice-seized-booking-request-form> . Please advise if WebEx is *needed* for this appearance.

**Jordan Achtymichuk**

---

**From:** Harman Toor <harman@lawbt.com>  
**Sent:** June-01-23 2:24 PM  
**To:** Jordan Achtymichuk  
**Subject:** RE: Golf Properties v Lemko Florida 1801-06199

Jordan,

I will need to cross-examine your client on this Affidavit. Please provide her available dates.

**Harman Toor**

C B: (403) 910.6001 F: (403) 536.9849  
S (BIT) untry Hills Landing NW  
C (5P3)

BADYAL TOOR

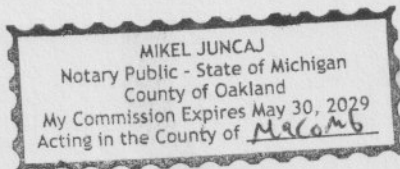
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**Important COVID-19 Notice:** Please note that we remain OPEN FOR BUSINESS but, as a result of COVID-19, our office is closed to the general public and open to clients by appointment only until further notice. With most of our lawyers and staff now working remotely, please continue to contact us by email (preferably), or by phone, but note that there may be delays in checking voice messages remotely. We appreciate your continued business and patience during this unprecedented time.

**From:** Jordan Achtymichuk <jachtymichuk@dcllp.com>  
**Sent:** Thursday, June 1, 2023 2:22 PM  
**To:** Harman Toor <harman@lawbt.com>  
**Subject:** RE: Golf Properties v Lemko Florida 1801-06199

As previously discussed, please find attached our client's filed affidavit.



This is Exhibit "A" referred to in the Affidavit of

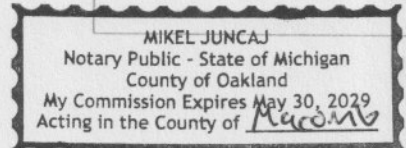
Paul D'Anna  
Sworn before me this 13 day  
of December, 2023

A Commissioner for Oaths  
in and for the Province of Alberta

COURT FILE NO. 1801-06199  
COURT Court of King's Bench of Alberta  
JUDICIAL CENTRE Calgary  
PLAINTIFF GOLF PROPERTIES OF FLORIDA, LLC  
DEFENDANTS LEMKCO FLORIDA, INC. A Florida Corporation and  
JAMES T. KAHANYSHYN  
RESPONDENTS HENTOSZ RESOURCES LTD. MICHAEL KAHANYSHYN, MAY  
KAHANYSHYN and JANET SCHULTZ  
DOCUMENT **CONSENT ORDER**

This is Exhibit "19" referred to in the

Affidavit of  
Paul DiAnna Clerk's Stamp  
Sworn before me this 12 day  
of December, 2023  
A Commissioner for Oaths  
in and for the Province of Alberta



ADDRESS FOR  
SERVICE AND  
CONTACT  
INFORMATION OF  
PARTY FILING THIS  
DOCUMENT

Jordan Achtymichuk  
Barrister & Solicitor  
Phone: 780.441.4362  
Fax: 780.428.9683  
Email: jachtymichuk@dcllp.com  
File # 452-210440

**DUNCAN CRAIG LLP**  
LAWYERS MEDIATORS  
2800 Rice Howard Place  
10060 Jasper Avenue  
Edmonton, Alberta Canada T5J 3V9

**DATE ON WHICH ORDER WAS PRONOUNCED: June 6, 2023**

**LOCATION OF HEARING OR TRIAL: Calgary, Alberta**

**NAME OF APPLICATIONS JUDGE/JUDGE WHO MADE THIS ORDER: Justice J.T. EAMON**

UPON THE APPLICATION of the Applicant, GOLF PROPERTIES OF FLORIDA, LLC;  
AND UPON having heard representations of the Respondents; AND UPON NOTING the consent  
of counsel for the parties;

**IT IS HEREBY ORDERED THAT:**

1. The Application of the Applicant, filed February 27, 2023, and Cross-Application of the Respondents filed May 31, currently scheduled for June 6, 2023 (collectively, the "Application"), are adjourned to be heard \_\_\_\_\_, 2023.
2. All Parties must file and serve all applications or cross-applications relating to the Application by June 9, 2023 at 4:00 pm.



3. All Parties must file and serve all affidavits relating to the Application by June 16, 2023 at 4:00 pm.
4. Questioning of the Parties, should the Parties choose to do so, shall take place on or before July 7, 2023.
5. The Parties may amend this litigation plan by consent.

\_\_\_\_\_  
Justice of the Court of Queen's Bench of Alberta

CONSENTED TO this 5 day of June,  
2023

Counsel for GOLF PROPERTIES OF  
FLORIDA, LLC

Per: \_\_\_\_\_  
Jordan Achtymichuk  
Duncan Craig LLP

CONSENTED TO this \_\_\_\_ day of June, 2023

Counsel for HENTOSZ RESOURCES LTD.,  
MICHAEL KAHANYSHYN, MAY  
KAHANYSHYN and JANET SHULTZ

Per: \_\_\_\_\_  
Harman Toor  
Badyal Toor LLP

**From:** Harman Toor <harman@lawbt.com>  
**Sent:** Wednesday, June 7, 2023 9:44 AM  
**To:** Jordan Achtymichuk <jachtymichuk@dcllp.com>  
**Cc:** Atif Hasan <ahasan@lawbt.com>; Harman Toor <harman@lawbt.com>; Vicki Saunders <Vsaunders@lawbt.com>  
**Subject:** RE: Golf Properties v Lemko Florida 1801-06199 - Rescheduling Court Appearance

Jordan,

Mr. Hasan from my office attended with the hope of having the consent order entered. Mr. Hasan had some knowledge of the matter but not a whole lot.

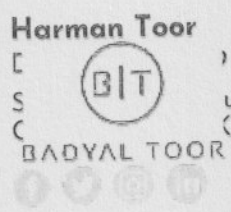
Mr. Hasan had a difficult time understanding the various statements Justice Eamon was making as he continued for approx.. 25 mins. We obtained the clerk's notes (attached).

From what I understand, Justice Eamon did not want to seize himself of the entire matter as it was "way beyond the scope" he wants to hear. He made other statements such as "I am persuaded this should fall outside the system at all", "I just don't have time to hear it", "Go to civil chambers". He also stated he is fully booked until the fall.

The Order is outlined on Page 4 of the Clerk's Notes.

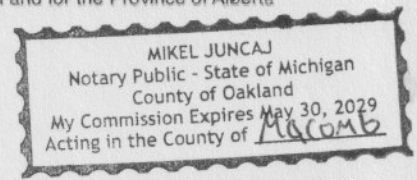
I would be happy to chat over the phone as this appears to be a mess.

This is Exhibit "20" referred to in the Affidavit of  
Paul D'Anna  
Sworn before me this 12 day  
of December, 2023  
[Signature]  
A Commissioner for Oaths  
in and for the Province of Alberta



B: (403) 910.6001 F: (403) 536.9849  
Country Hills Landing NW  
C 5P3

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**Important COVID-19 Notice:** Please note that we remain OPEN FOR BUSINESS but, as a result of COVID-19, our office is closed to the general public and open to clients by appointment only until further notice. With most of our lawyers and staff now working remotely, please continue to contact us by email (preferably), or by phone, but note that there may be delays in checking voice messages remotely. We appreciate your continued business and patience during this unprecedented time.

**From:** Harman Toor <harman@lawbt.com>  
**Sent:** Monday, June 19, 2023 5:01 PM  
**To:** Jordan Achtymichuk <jachtymichuk@dcllp.com>  
**Cc:** Atif Hasan <ahasan@lawbt.com>; Vicki Saunders <Vsaunders@lawbt.com>  
**Subject:** RE: Golf Properties v Lemko Florida 1801-06199 - Rescheduling Court Appearance

Hi Jordan,

It appears that I will have to file my application in morning chambers. I will be refileing an application as I believe it will have to be heard before the Justice Eamon appearance. If my application is not successful, then we will have to appear before Justice Eamon.

Also, have we figured out Justice Eamon's available dates? Perhaps we should obtain his dates first and work backwards?

**Harman Toor**  
L B: (403) 910.6001 F: (403) 536.9849  
S BIT untry Hills Landing NW  
C <5P3  
BADYAL TOOR  
lawbt.com An Association of Independent Law Practices

This message (including any attachments) is confidential and may be privileged. If you have received it by mistake please notify the sender by return e-mail and delete this message including all attachments. Any unauthorized use, disclosure, distribution or copying of this message in whole or in part is strictly prohibited. Please note that e-mails are susceptible to change. Badyal Toor, shall not be liable for the improper or incomplete transmission of the information contained in this communication nor for any delay in its receipt or damage to your system.

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This is Exhibit "21" referred to in the  
Affidavit of  
Paul D. Anna  
Sworn before me this 12 day  
of December, 2023  
[Signature]  
A Commissioner for Oaths  
in and for the Province of Alberta

MIKEL JUNCAJ  
Notary Public - State of Michigan  
County of Oakland  
My Commission Expires May 30, 2029  
Acting in the County of Macomb



**DUNCAN CRAIG**  
LAWYERS MEDIATORS

Our File: 452-210440

Lawyer: Jordan Achtymichuk  
Telephone: 780.441.4362  
Email: jachtymichuk@dcllp.com  
Fax: 780.428.9683

July 4, 2023

The Honourable Justice J. T. Eamon  
c/o Rena Neale, Judicial Assistant  
Court of King's Bench of Alberta  
Calgary Courts Centre  
601 5<sup>th</sup> Street SW  
Calgary, AB T2P T07

Dear Justice J. T. Eamon

By Email to: rena.neale@albertacourts.ca

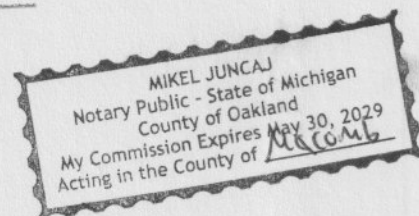
This is Exhibit "22" referred to in the  
Affidavit of

Paul D'Anna

Sworn before me this 12 day  
of December, 2023

[Signature]  
A Commissioner for Oaths  
in and for the Province of Alberta

**Re: Golf Properties of Florida, LLC. V. Lemko Florida, Inc. et al.**  
**(Applicant: Golf Properties of Florida, LLC.**  
**Respondent: Hentosz Resources Ltd.)**  
**Court File No: 1801-06199**



I write to you with respect to the above-mentioned matter, and in particular Ms. Neale's correspondence dated June 12, 2023.

I understand that you are only seized with respect the following matters:

1. Whether the order granted February 25, 2020 should be filed; and
2. Whether the order granted February 25, 2020 should be varied before it is entered, if at all.

It is my further understanding that your next availability to hear this matter in the fall. It would be greatly appreciated if you could provide dates you are available, at which time I will complete the justice seized booking form to have this matter heard with expediency.

www.dcllp.com  
Tel. 780.428.6036 • Toll Free. 1.800.782.9409 • Fax: 780.428.9683  
#2800, 10060 Jasper Ave Edmonton, Alberta T5J 3V9

**Duncan Craig LLP**

July 13, 2023

Page 2

I am happy to address any questions or concerns you may have regarding any of the foregoing.

Yours respectfully,

**DUNCAN CRAIG LLP**

Per:



**JORDAN ACHTYMICHUK**

JA/mh

c. Counsel for the Respondents

**Jordan Achtymichuk**

**From:** RemoteHearings QB <RemoteHearings.QB@albertacourts.ca>  
**Sent:** August-16-23 2:55 PM  
**To:** Jordan Achtymichuk; Harman@lawbt.com  
**Cc:** Rena Neale  
**Subject:** 1801 06199 - GOLF PROPERTIES OF FLORIDA LLC v. LEMKCO FLORIDA INC.;FLORIDA CORP. - Sep 12, 2023 01:00 PM - EAMON, J

EXTERNAL: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Virtual Courtroom 16 has been assigned for the following matter:

Date: Sep 12, 2023 01:00 PM  
Style of Cause: 1801 06199 - GOLF PROPERTIES OF FLORIDA LLC v. LEMKCO FLORIDA INC.;FLORIDA CORP.  
Presiding Justice: EAMON, J

Virtual Courtroom Link:  
<https://albertacourts.webex.com/meet/virtual.courtroom16>

This is Exhibit "B" referred to in the Affidavit of Paul DiAnna  
Sworn before me this 12 day of December, 2023  
A Commissioner for Oaths in and for the Province of Alberta

Instructions for Connecting to the Meeting

1. Click on the link above or open up Chrome or Firefox and cut and paste it into your browser address bar.
2. If you do not have the Cisco Webex application already installed on your device, the site will have a button to install it. Follow installation instructions. Enter your full name and email address when prompted
3. Click on the **Open Cisco Webex Meeting**.
4. You will see a preview screen. Click on **Join Meeting**.

MIKEL JUNCAJ  
Notary Public - State of Michigan  
County of Oakland  
My Commission Expires May 30, 2029  
Acting in the County of Macomb

Key considerations for those attending:

1. Please connect to the courtroom **15 minutes prior** to the start of the hearing.
2. Please ensure that your microphone is muted and remains muted for the duration of the proceeding, unless you are speaking. Ensure that you state your name each time you speak.
3. If bandwidth becomes an issue, some participants may be asked to turn off their video and participate by audio only.
4. **Note: Recording or rebroadcasting of the video is prohibited.**
5. **Note: It is highly recommended you use headphones with a microphone or a headset when using Webex. This prevents feedback.**

For more information relating to Webex protocols and procedures, please visit: <https://www.albertacourts.ca/qb/court-operations-schedules/webex-remote-hearings-protocol>

You can also join the meeting via the "Cisco Webex Meetings" App on your smartphone/tablet or other smart device. You can download this via the App marketplace and join via the link provided above.

**Please note this email is responsible for Webex information only. If you have questions about procedure or concerns with your matter, please contact the appropriate Court Coordinator or Judicial Assistant for further assistance.**

Thank you,



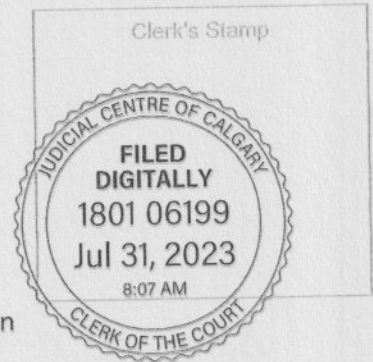


Court of King's  
Bench of Alberta

**Remote Hearings  
Coordinator**  
Court of King's Bench of Alberta

---

COURT FILE NO. 1801 06199  
 COURT COURT OF KING'S BENCH OF ALBERTA  
 JUDICIAL CENTRE CALGARY  
 PLAINTIFF GOLF PROPERTIES OF FLORIDA, LLC  
 DEFENDANTS LEMKCO FLORIDA INC., A Florida Corporation  
 and JAMES T. KAHANYSHYN  
 RESPONDENTS HENTOSZ RESOURCES LTD., MICHAEL KAHANYSHYN,  
 MAY KAHANYSHYN and JANET SCHULTZ



DOCUMENT **NOTICE OF APPOINTMENT FOR QUESTIONING**

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT

**JORDAN ACTHYMICHUK**  
 Barrister and Solicitor  
 Phone: 780.441.4362  
 Fax: 780.428.9683  
 Email: jactymichuk@dcllp.com  
 File No.: 452-210440

**DUNCAN CRAIG LLP**  
 Lawyers Mediators  
 2800 Rice Howard Place  
 10060 Jasper Avenue  
 Edmonton, AB T5J 3V9

**NOTICE TO: The Respondent, Michael Kahanyshyn**

You must attend at the date, time and place and for the period specified below:

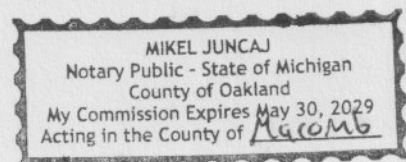
Date: September 8, 2023  
 Time: 10:00 a.m.  
 Place: Comfort Inn & Suites  
 6846 – 66 Street, Red Deer, Alberta  
 Period of Attendance: One day

You must notify the questioning party prior to the date of the appointment regarding any arrangements that are necessary to accommodate your reasonable needs. The questioning party must, to the extent reasonably possible, make arrangements to accommodate those reasonable needs that you identify.

You must also bring any records described below.

You are not required to bring any records.  
 or

This is Exhibit "24" referred to in the Affidavit of  
Paul D'Anna  
 Sworn before me this 12 day  
 of December, 2023  
 \_\_\_\_\_  
 A Commissioner for Oaths  
 in and for the Province of Alberta



You must also bring the following records:

- (a). The Affidavit of Michael Kahanyshyn, sworn January 27, 2020, and filed February 28, 2020;
- (b). The Notice of Objection and Motion to Compel of Michael Kahanyshyn, filed February 2, 2023;
- (c). Articles and bylaws, amendments to the articles and bylaws if any, a copy of any unanimous shareholder agreement and any amendment to a unanimous shareholder agreement for the Respondent Hentosz Resources Ltd. ("Hentosz").
- (d). Minutes of meeting and resolution of shareholders for Hentosz;
- (e). Copies of resolutions of directors for Hentosz;
- (f). Copies of all notices required by Section 106 or 113 of the *Alberta Business Corporations Act* [ABCA] for Hentosz;
- (g). A securities register complying with Section 49 of the ABCA for Hentosz;
- (h). Copies of all financial statements and annual financial statements from 2017 to present, reports and information referred to in Section 155(1) of the ABCA for Hentosz;
- (i). Copies of 2017, 2018 and 2019 corporate tax returns for Hentosz;
- (j). Monthly bank statements from all accounts of Hentosz from 2017 to present;
- (k). Details of any dividend payments for Hentosz from 2017 to present;
- (l). List of any real property owned by Hentosz;
- (m). A list of automobiles owned or leased by Hentosz including the name of the principal driver, if any;
- (n). Bank information for all branch locations and bank accounts of Hentosz. In the event there are accounts of third parties which are operating the two known properties of Hentosz, they are to bring records relating to those accounts and the locations of those accounts;
- (o). Documents relating to payment of property taxes for Hentosz, including the identity of the payor, dates of payment, and account information from which the funds were paid; and
- (p). Notices of Assessment or Reassessment for Hentosz for fiscal years 2017 and later, and in the event returns have been filed without assessment, to instead provide the filed return.

An allowance that is required to be paid to you for attending as a witness accompanies this notice (previously provided). The allowance is calculated as follows:

Allowance payable for each day or part of a day necessarily spent by you as a witness:	\$ 50.00
Meals (lunch)	\$ 11.60
Accommodation	\$
Transportation (7.92 km x \$0.505)	\$ 4.00
TOTAL	\$ 65.60



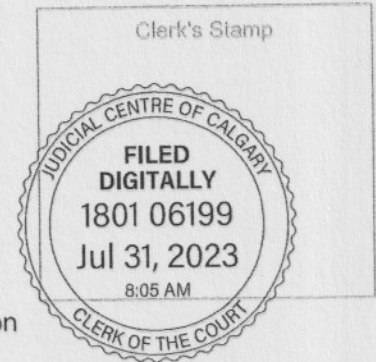
**WARNING:**

The Court may order a person to attend for questioning, at a date, time and place specified by the Court, if the person

- a) is required to be questioned under the Alberta Rules of Court,
- b) was served with a notice of appointment for questioning under the Alberta Rules of Court,
- c) was provided with an allowance, determined in accordance with Schedule B [Court Fees and Witness and Other Allowances] of the Alberta Rules of Court, if so required by the Alberta Rules of Court, and
- d) did not attend the appointment.

The Court may order the person to be questioned to bring records to the questioning that the person could be required to produce at trial.

COURT FILE NO. 1801 06199  
COURT COURT OF KING'S BENCH OF ALBERTA  
JUDICIAL CENTRE CALGARY  
PLAINTIFF GOLF PROPERTIES OF FLORIDA, LLC  
DEFENDANTS LEMKCO FLORIDA INC., A Florida Corporation  
and JAMES T. KAHANYSHYN  
RESPONDENTS HENTOSZ RESOURCES LTD., MICHAEL KAHANYSHYN,  
MAY KAHANYSHYN and JANET SCHULTZ  
DOCUMENT **NOTICE OF APPOINTMENT FOR QUESTIONING**



ADDRESS FOR  
SERVICE AND  
CONTACT  
INFORMATION OF  
PARTY FILING THIS  
DOCUMENT

**JORDAN ACTHYMICHUK**  
Barrister and Solicitor  
Phone: 780.441.4362  
Fax: 780.428.9683  
Email: jactymichuk@dcllp.com  
File No.: 452-210440

**DUNCAN CRAIG LLP**  
Lawyers Mediators  
2800 Rice Howard Place  
10060 Jasper Avenue  
Edmonton, AB T5J 3V9

**NOTICE TO: The Respondent, May Kahanyshyn**

You must attend at the date, time and place and for the period specified below:

Date: September 8, 2023  
Time: 10:00 a.m.  
Place: Comfort Inn & Suites  
6846 – 66 Street, Red Deer, Alberta  
Period of Attendance: One day

You must notify the questioning party prior to the date of the appointment regarding any arrangements that are necessary to accommodate your reasonable needs. The questioning party must, to the extent reasonably possible, make arrangements to accommodate those reasonable needs that you identify.

You must also bring any records described below.

You are not required to bring any records.

or

You must also bring the following records:

- (a). The Affidavit of May Kahanyshyn, sworn May 29, 2023, and filed May 31, 2023;
- (b). Articles and bylaws, amendments to the articles and bylaws if any, a copy of any unanimous shareholder agreement and any amendment to a unanimous shareholder agreement for the Respondent Hentosz Resources Ltd. ("Hentosz").
- (c). Minutes of meeting and resolution of shareholders for Hentosz;
- (d). Copies of resolutions of directors for Hentosz;
- (e). Copies of all notices required by Section 106 or 113 of the *Alberta Business Corporations Act* [ABCA] for Hentosz;
- (f). A securities register complying with Section 49 of the ABCA for Hentosz;
- (g). Copies of all financial statements and annual financial statements from 2017 to present, reports and information referred to in Section 155(1) of the ABCA for Hentosz;
- (h). Copies of 2017, 2018 and 2019 corporate tax returns for Hentosz;
- (i). Monthly bank statements from all accounts of Hentosz from 2017 to present;
- (j). Details of any dividend payments for Hentosz from 2017 to present;
- (k). List of any real property owned by Hentosz;
- (l). A list of automobiles owned or leased by Hentosz including the name of the principal driver, if any;
- (m). Bank information for all branch locations and bank accounts of Hentosz. In the event there are accounts of third parties which are operating the two known properties of Hentosz, they are to bring records relating to those accounts and the locations of those accounts;
- (n). Documents relating to payment of property taxes for Hentosz, including the identity of the payor, dates of payment, and account information from which the funds were paid; and
- (o). Notices of Assessment or Reassessment for Hentosz for fiscal years 2017 and later, and in the event returns have been filed without assessment, to instead provide the filed return.

An allowance that is required to be paid to you for attending as a witness accompanies this notice (previously provided). The allowance is calculated as follows:

Allowance payable for each day or part of a day necessarily spent by you as a witness:	\$ 50.00
Meals (lunch)	\$ 11.60
Accommodation	\$
Transportation (7.92 km x \$0.505)	\$ 4.00
TOTAL	\$ 65.60



**WARNING:**

The Court may order a person to attend for questioning, at a date, time and place specified by the Court, if the person

- a) is required to be questioned under the Alberta Rules of Court,
- b) was served with a notice of appointment for questioning under the Alberta Rules of Court,
- c) was provided with an allowance, determined in accordance with Schedule B [Court Fees and Witness and Other Allowances] of the Alberta Rules of Court, if so required by the Alberta Rules of Court, and
- d) did not attend the appointment.

The Court may order the person to be questioned to bring records to the questioning that the person could be required to produce at trial.

CERTIFIED E. Wheaton  
by the Court Clerk as a true copy of the  
document digitally filed on Aug 23, 2023

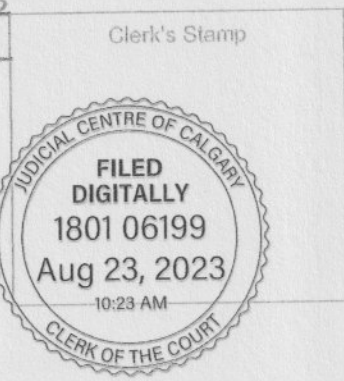
This is Exhibit "25" referred to in the  
Affidavit of

Paul D'Anna  
Sworn before me this 12 day  
of December, 2023

[Signature]  
A Commissioner for Oaths  
in and for the Province of Alberta

MIKEL JUNCAJ  
Notary Public - State of Michigan  
County of Oakland  
My Commission Expires May 30, 2025  
Acting in the County of Maricopa

COURT FILE NO. 1801-06199  
COURT Court of King's Bench of Alberta  
JUDICIAL CENTRE Calgary  
PLAINTIFF GOLF PROPERTIES OF FLORIDA, LLC  
DEFENDANTS LEMKCO FLORIDA, INC. A Florida Corporation and  
JAMES T. KAHANYSHYN  
RESPONDENTS HENTOSZ RESOURCES LTD. MICHAEL KAHANYSHYN, MAY  
KAHANYSHYN and JANET SCHULTZ  
DOCUMENT **CONSENT ORDER**



ADDRESS FOR  
SERVICE AND  
CONTACT  
INFORMATION OF  
PARTY FILING THIS  
DOCUMENT

Jordan Achtymichuk  
Barrister & Solicitor  
Phone: 780.441.4362  
Fax: 780.428.9683  
Email: jachtymichuk@dcllp.com  
File # 452-210440

**DUNCAN CRAIG LLP**  
LAWYERS MEDIATORS  
2800 Rice Howard Place  
10060 Jasper Avenue  
Edmonton, Alberta Canada T5J 3V9

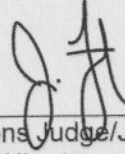
DATE ON WHICH ORDER WAS PRONOUNCED: August 22, 2023  
LOCATION OF HEARING OR TRIAL: Calgary Alberta  
NAME OF APPLICATIONS JUDGE/JUDGE WHO MADE THIS ORDER: J. Farrington

UPON THE APPLICATION of the Applicant, GOLF PROPERTIES OF FLORIDA, LLC;  
AND UPON having heard representations of the Respondents; AND UPON NOTING the consent  
of counsel for the parties;

**IT IS HEREBY ORDERED THAT:**

1. The Respondents must file and serve any applications, cross-applications, affidavits, or other written submissions relating to the Application by noon, September 1, 2023.
2. Questioning of each of the Parties, should the Parties choose to do so, shall take place on or before September 8, 2023.

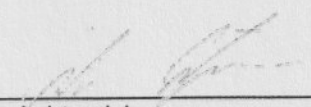
3. Should the Respondents fail to conduct questioning as set out above, the Respondents lose their right to conduct such questioning of the Applicant.
4. The Parties may amend this litigation plan by consent.



\_\_\_\_\_  
Applications Judge/Justice of the Court of King's  
Bench of Alberta

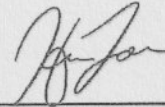
CONSENTED TO this 17 day of August,  
2023

Counsel for GOLF PROPERTIES OF  
FLORIDA, LLC

Per:   
\_\_\_\_\_  
Jordan Achtymichuk  
Duncan Craig LLP

CONSENTED TO this 22 day of August,  
2023

Counsel for HENTOSZ RESOURCES LTD.,  
MICHAEL KAHANYSHYN, MAY  
KAHANYSHYN and JANET SHULTZ

Per:   
\_\_\_\_\_  
Harman Toor  
Badyal Toor LLP



**Jen Sell**

**From:** Jordan Achtymichuk  
**Sent:** August-24-23 9:59 AM  
**To:** 'Harman Toor'  
**Subject:** RE: 1801 06199 Your order has been accepted by the Court of King's Bench – Pending signed order

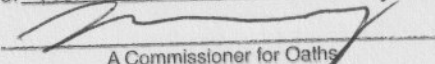
Good morning,

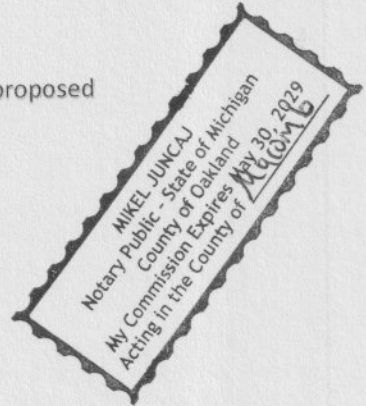
My client is available September 5 and 6. Which affidavit(s) are you intending to question on.

Also, I wanted to confirm your client's position regarding their questioning on September 8. Is the proposed arrangement an issue?

Sincerely,

Jordan Achtymichuk

This is Exhibit "26" referred to in the Affidavit of  
Paul Danna  
Sworn before me this 12 day  
of December, 2023  
  
A Commissioner for Oaths  
in and for the Province of Alberta



**From:** Harman Toor <harman@lawbt.com>  
**Sent:** Wednesday, August 23, 2023 11:13 PM  
**To:** Jordan Achtymichuk <jachtymichuk@dcllp.com>  
**Subject:** RE: 1801 06199 Your order has been accepted by the Court of King's Bench – Pending signed order

Jordan,

Please advise when your client is available for Questioning.

**Harman Toor**

BIT  
B: (403) 910.6001 F: (403) 536.9849  
Country Hills Landing NW  
5P3  
BADYAL TOOR  
lawbt.com An Association of Independent Law Practices

This message (including any attachments) is confidential and may be privileged. If you have received it by mistake please notify the sender by return e-mail and delete this message including all attachments. Any unauthorized use, disclosure, distribution or copying of this message in whole or in part is strictly prohibited. Please note that e-mails are susceptible to change. Badyal Toor, shall not be liable for the improper or incomplete transmission of the information contained in this communication nor for any delay in its receipt or damage to your system.

**Important COVID-19 Notice:** Please note that we remain OPEN FOR BUSINESS but, as a result of COVID-19, our office is closed to the general public and open to clients by appointment only until further notice. With most of our lawyers and staff now working remotely, please continue to contact us by email (preferably), or by phone, but note that there may be delays in checking voice messages remotely. We appreciate your continued business and patience during this unprecedented time.

**From:** Jordan Achtymichuk <jachtymichuk@dcllp.com>  
**Sent:** Tuesday, August 22, 2023 1:18 PM

  
**DUNCAN CRAIG** LLP  
LAWYERS MEDIATORS

Our File: 452-210440  
Your File: unknown

Lawyer: Jordan Achtymichuk  
Telephone: 780-441-4362  
Email: jachtymichuk@dcllp.com  
Fax: 780-428-9683

September 1, 2023

Badyal Toor  
203, 120 Country Hills Landing NW  
Calgary AB T3K 5P3

Via Email to: harman@lawbt.com

**Attention: Harman Toor**

Dear Sir:

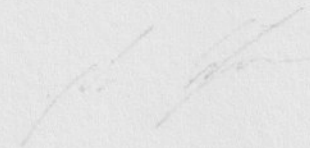
**Re: Golf Properties v. Lemkco Florida**

Please find attached for service upon you an unfiled copy of our client's affidavit sworn August 31, 2023. We will provide you with a filed copy of the affidavit, once filed.

Yours truly,

**DUNCAN CRAIG LLP**

Per:



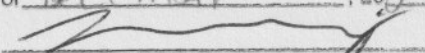
JORDAN ACHTYMICHUK

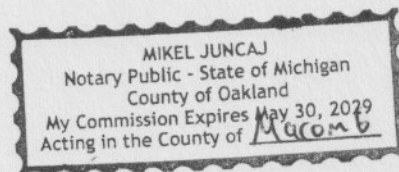
JA/jys

Encls

This is Exhibit 27 " referred to in the  
Affidavit of

Paul D'Anna  
Sworn before me this 12 day  
of December, 2023

  
A Commissioner for Oaths  
in and for the Province of Alberta



www.dcllp.com

Tel: 780.428.6036 • Toll Free: 1.800.782.9409 • Fax: 780.428.9683  
2800 Scotia Place, 10060 Jasper Avenue, Edmonton, Alberta T5J 3V9

4156-7013-1273.v1

-----Original Message-----

From: Harman Toor <harman@lawbt.com>  
Sent: Thursday, September 7, 2023 1:20 PM  
To: Jordan Achtymichuk <jachtymichuk@dcllp.com>  
Subject: Re: 1801 06199

Jordan,

May will be available to be Questioned on her Affidavit filed May 31, 2023. The Questioning will be limited to this Affidavit and the application.

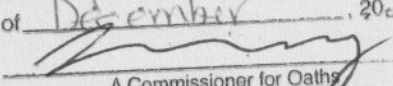
She is available from noon onwards. I would suggest that we book it via zoom at noon. I do not anticipate it to be very long considering it is limited to her Affidavit.

I can then Question your client thereafter on his recently filed Affidavit.

Harman Toor

This is Exhibit "D" referred to in the  
Affidavit of

Paul D'Anna  
Sworn before me this 12 day  
of December, 2023

  
A Commissioner for Oaths  
in and for the Province of Alberta

MIKEL JUNCAJ  
Notary Public - State of Michigan  
County of Oakland  
My Commission Expires May 30, 2029  
Acting in the County of Macomb



**Jordan Achtymichuk**

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**From:** Harman Toor <harman@lawbt.com>  
**Sent:** September-08-23 9:04 AM  
**To:** Jordan Achtymichuk  
**Subject:** Re: 1801 06199

Jordan,

I can confirm that May will not be attending but I have some instructions to proceed with a very limited Questioning of Paul D'anna on his affidavit. I do not believe it will take more than 20minutes.

Harman Toor

> On Sep 8, 2023, at 8:53 AM, Jordan Achtymichuk <jachtymichuk@dcllp.com> wrote:

>  
> Thank you,  
>  
> Can we assume that if you do not have confirmation by 10:00 am today, that we can presume questioning will not occur and inform the court reporter of same?

>  
> Sincerely,

>  
> Jordan Achtymichuk

>  
>  
> Jordan Achtymichuk

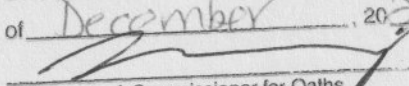
> Associate  
> Duncan Craig LLP  
> 2800 Scotia Place, 10060 Jasper Ave  
> Edmonton, Alberta, T5J 3V9

>  
> Tel: +1 780.441.4362  
> Toll-free: 1.800.782.9409  
> Fax: 780.428.9683  
> Email: jachtymichuk@dcllp.com  
> Web: dcllp.com

>  
>

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> Please note that errors can occur in electronically transmitted materials. We do not accept liability for any such errors. If verification is required please ask for a hard copy.

>

This is Exhibit "29" referred to in the  
Affidavit of  
Paul D'Anna  
Sworn before me this 12 day  
of December, 2023  
  
A Commissioner for Oaths  
in and for the Province of Alberta

MIKEL JUNCAJ  
Notary Public - State of Michigan  
County of Oakland  
My Commission Expires May 30, 2029  
Acting in the County of Macomb

1

2

COURT FILE NO. 1801-06199

3

COURT COURT OF KING'S BENCH OF ALBERTA

4

JUDICIAL CENTRE CALGARY

5

PLAINTIFF GOLF PROPERTIES OF FLORIDA, LLC

6

DEFENDANTS LEMKCO FLORIDA INC., a Florida Corporation and JAMES T. KAHANYSHYN

7

RESPONDENTS HENTOSZ RESOURCES  
MICHAEL KAHANYSHYN  
MAY KAHANYSHYN  
JANET SHULTZ

8

9

10

DOCUMENT CERTIFICATE OF NON-ATTENDANCE

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This is to certify that I, Jordan Achtymichuk, of the firm Duncan Craig LLP, representing my client, the plaintiff, was available for Questioning of May Kahanyshyn, scheduled for 10:00 a.m., via Zoom, the 8th day of September 2023. A court reporter from the firm of Scriba Reporting Ltd. was available for this Questioning.

Due to the non-attendance of May Kahanyshyn, the scheduled Questioning was not held.

This is Exhibit "30" referred to in the Affidavit of

23 Paul D'Anna

Sworn before me this 12 day of December, 2023

25 A Commissioner for Oaths in and for the Province of Alberta

27

*J. Achtymichuk*  
J. Achtymichuk  
Duncan Craig LLP

*Amanda Hegge*  
Amanda Hegge, CSR(A)  
Scriba Reporting Ltd.

MIKEL JUNCAJ  
Notary Public - State of Michigan  
County of Oakland  
My Commission Expires May 30, 2029  
Acting in the County of Macomb



1		
2	COURT FILE NO.	1801-06199
3	COURT	COURT OF KING'S BENCH OF ALBERTA
4	JUDICIAL CENTRE	CALGARY
5	PLAINTIFF	GOLF PROPERTIES OF FLORIDA, LLC
6	DEFENDANTS	LEMKCO FLORIDA INC., a Florida Corporation and JAMES T. KAHANYSHYN
7	RESPONDENTS	HENTOSZ RESOURCES MICHAEL KAHANYSHYN MAY KAHANYSHYN JANET SHULTZ
8		
9		
10	DOCUMENT	CERTIFICATE OF NON-ATTENDANCE

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11

12           This is to certify that I, Jordan Achtymichuk,  
13 of the firm Duncan Craig LLP, representing my  
14 client, the plaintiff, was available for Questioning  
15 of Michael Kahanyshyn, scheduled for 10:00 a.m., via  
16 Zoom, the 8th day of September 2023. A court  
17 reporter from the firm of Scriba Reporting Ltd. was  
18 available for this Questioning.

19           Due to the non-attendance of Michael  
20 Kahanyshyn, the scheduled Questioning was not  
21 held.

22

23

  
\_\_\_\_\_  
J. Achtymichuk  
Duncan Craig LLP

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26

  
\_\_\_\_\_  
Amanda Hegge, CSR(A)  
Scriba Reporting Ltd.

27



IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FIFTH DISTRICT

NOT FINAL UNTIL TIME EXPIRES TO  
FILE MOTION FOR REHEARING AND  
DISPOSITION THEREOF IF FILED

LEMKCO FLORIDA, INC.,  
A FLORIDA CORPORATION, ET AL.,

Appellant,

v.

Case No. 5D18-3928

GOLF PROPERTIES OF FLORIDA, LLC,  
A FLORIDA LIMITED LIABILITY COMPANY,

Appellee.

Opinion filed September 11, 2020

Nonfinal Appeal from the Circuit Court  
for Hernando County,  
Peter M. Brigham, Judge.

Henry Gerome Gyden, of Gyden Law  
Group, P.A., Tampa, and David H.  
Walkowiak, of DHW Law, P.A., Lutz,  
for Appellant.

Robert L. Chapman, of Bush Ross, P.A.,  
Tampa, for Appellee.

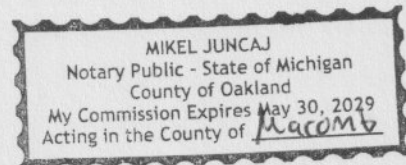
WALLIS, J.

Appellant, Lemkco Florida, Inc., appeals the order denying its motion to set aside the final judgment entered in favor of Appellee, Golf Properties of Florida, LLC. Appellant argues that its due process rights were violated because it received insufficient notice of

This is Exhibit "31" referred to in the  
Affidavit of

Paul D'Anna  
Sworn before me this 12 day  
of December, 2023

[Signature]  
A Commissioner for Oaths  
in and for the Province of Alberta



Appellee's motion to amend the complaint to add a claim of punitive damages and because it received insufficient notice of trial. We agree and reverse.<sup>1</sup>

This case began when Appellant entered into a contract with Appellee for the sale of property. In September 2017, Appellee sued Appellant, alleging causes of action for fraud, negligent misrepresentation, conversion, breach of contract, and unjust enrichment. In February 2018, Appellant's attorney moved to withdraw from the case. On March 5, 2018, the trial court granted the motion to withdraw and ordered that Appellant obtain new counsel by March 19, 2018. One of Appellant's officers filed a request for an extension of time to retain new counsel, but the trial court denied that request.

On March 14, 2018, while Appellant was unrepresented, Appellee filed a Motion to Amend the complaint to add a claim for punitive damages. The same day, Appellee set the Motion to Amend for a hearing on March 20, 2018, and mailed the notice to Appellant's Florida address. The trial court held the hearing on March 20th and granted the Motion to Amend. Appellant did not attend that hearing. Thereafter, Appellee filed its Second Amended Complaint, adding a claim for punitive damages. Approximately two weeks later, the trial court granted Appellee's motion for default and entered a default against Appellant on all counts of Appellee's Second Amended Complaint.

On May 9, 2018, the trial court entered an amended order setting a non-jury trial to determine punitive damages for May 25, 2018. The trial court entered a second amended order setting the case for a non-jury trial, again identifying the trial date as May

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<sup>1</sup> We find no merit to Appellant's claim that the trial court erred in considering the motion to set aside the final judgment without holding an evidentiary hearing.

25th. Several days before the scheduled trial, one of Appellant's officers filed a pro se motion to dismiss the amended order setting the cause for trial. The officer acknowledged receiving the May 9th order, but objected to the court holding the trial because Appellant had been unable to retain counsel and because none of Appellant's officers could attend trial.

The trial court subsequently entered the Final Judgment in favor of Appellee. The Final Judgment specifically stated that a non-jury trial was held on May 23rd and that Appellant failed to appear for trial after receiving proper notice. The Final Judgment awarded Appellee \$4,832,482 in compensatory and punitive damages. In October 2018, Appellant filed its Motion to Set Aside the Final Judgment, claiming its failure to appear was based on excusable neglect and that it should be permitted to defend against the punitive damages claim. The trial court denied that motion.

Appellant argues for the first time on appeal that the trial court committed fundamental error when it failed to comply with the notice requirements set forth in Florida Rule of Civil Procedure 1.440(c). Rule 1.440(c) reads as follows:

**(c) Setting for Trial.** If the court finds the action ready to be set for trial, it shall enter an order fixing a date for trial. Trial shall be set not less than 30 days from the service of the notice for trial. By giving the same notice the court may set an action for trial. In actions in which the damages are not liquidated, the order setting an action for trial shall be served on parties who are in default in accordance with Florida Rule of Judicial Administration 2.516.

Rule 1.440(c) is meant to safeguard a party's procedural due process rights and the failure to follow the requirements set forth in the rule is reversible error. Ciprian-Escapa v. City of Orlando, 172 So. 3d 485, 488 (Fla. 5th DCA 2015); Grossman v. Fla. Power & Light Co., 570 So. 2d 992, 993 (Fla. 2d DCA 1990). A judgment that is entered in violation



of Rule 1.440(c) is void and "may be collaterally attacked at any time." Ciprian-Escapa, 172 So. 3d at 488.

Here, the trial court violated the requirements set forth in Rule 1.440(c) in two respects. First, both of the orders setting trial were served on Appellant less than thirty days from the trial date. Second, both orders erroneously listed the trial date as May 25th instead of May 23rd. We disagree with Appellee that these violations are merely technical violations that do not warrant reversal. Rather, the failure to give Appellant adequate notice and to correctly identify the trial date directly affected Appellant's ability to defend this case and violated its due process rights. See id. at 490 (vacating portion of final judgment awarding appellee unliquidated damages because the trial court failed to follow the notice requirements set forth in Rule 1.440(c)).

Furthermore, Appellant received, at most, six days to retain counsel and to prepare for the hearing on the Motion to Amend to add a claim for punitive damages, which was unreasonable under the circumstances and did not satisfy the requirements of due process. See Torres v. One Stop Maint. & Mgmt., Inc., 178 So. 3d 86, 89 (Fla. 4th DCA 2015) (finding that a few days' notice for a damages trial is unreasonable and violated appellant's due process rights); P&L Fla. Inv., Inc. v. Ferro, 545 So. 2d 448 (Fla. 3d DCA 1989) (holding that attorney's action of mailing a notice of hearing to opposing counsel six days before the hearing on the motion for sanctions was unreasonable). For these reasons, we reverse the order on appeal and vacate the Final Judgment. We also remand for a new hearing on the Motion to Amend and for a new trial.

REVERSED and REMANDED.

ORFINGER and EISNAUGLE, JJ., concur.

IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT  
IN AND FOR HERNANDO COUNTY, FLORIDA  
CIVIL DIVISION

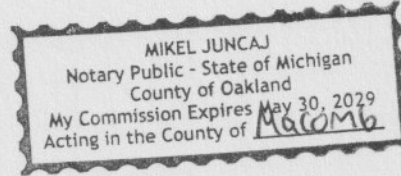
GOLF PROPERTIES OF FLORIDA, LLC,  
a Florida Limited Liability Company,

Plaintiff,

v.

LEMKCO FLORIDA, INC., a Florida  
Corporation, JAMES KAHANYSHYN,  
MICHAEL KAHANYSHYN, and MAY  
KAHANYSHYN,

Defendants.



Case No.: 2017-CA-1040

This is Exhibit "32" referred to in the  
Affidavit of

Paul D'Anna  
Sworn before me this 12 day  
of December, 2023

[Signature]  
A Commissioner for Oaths  
in and for the Province of Alberta

**FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER  
STRIKING DEFENDANTS' PLEADINGS AND FOR ENTRY OF A JUDICIAL  
DEFAULT AGAINST DEFENDANTS**

The above-captioned matter came before the Court for an evidentiary hearing via Zoom on November 15, 2023, on Plaintiff's Motion for Sanctions Against Defendant Michael Kahanyshyn for Violation of this Court's April 26, 2023 Order Compelling his Deposition (Doc 506). Joseph Kenny, Esq., appeared on behalf of Plaintiff Golf Properties of Florida, LLC. C. Philip Cambell, Jr., Esq., appeared on behalf of Defendants Lemkco Florida, Inc., Michael Kahanyshyn, and May Kahanyshyn.

The Court, having carefully and cautiously considered the motion and attached exhibits and the responses thereto, having heard argument from counsel, having viewed video evidence at the hearing, having reviewed the court file, and being otherwise duly advised in the premises, makes the following:

## FINDINGS OF FACT

1. On April 26, 2023, this Court ordered Defendants Michael Kahanyshyn and May Kahanyshyn to attend a deposition and that the failure to comply with the Court's Order may result in sanctions.
2. Michael Kahanyshyn and May Kahanyshyn appeared for a remote deposition on June 8, 2023.
3. Based upon the video evidence at the hearing and a review of the entire deposition transcript, Michael Kahanyshyn repeatedly provided false, evasive, and incomplete answers during the course of his June 8, 2023 deposition.
4. Michael Kahanyshyn's false, evasive, and incomplete answers during the course of his June 8, 2023, deposition were not the result of poor memory or confusion.
5. The deposition transcripts of June 8, 2023 and Michael Kahanyshyn's subsequent deposition on June 30, 2023, are replete with examples of Michael Kahanyshyn displaying behaviors consistent with a person capable of understanding the situation and stakes at hand. For instance, Michael Kahanyshyn, during his June 8th deposition, and in response to a question of whether he wired money between his Canadian bank and the Bank of America, proceeded to ask his counsel whether he needed answer the question. In another example, during his June 30th deposition, Michael Kahanyshyn, in refusing to answer a question regarding how to contact a person with potentially discoverable information, blatantly refused to answer, stating, "This is going way overboard. I need to check this all out, you know. I think you're overstepping your bounds there, buddy." Later, Michael Kahanyshyn answered the question, knowingly providing false testimony, by stating, "Yeah. I don't know where they live."



6. Michael Kahanyshyn's false testimony during his June 8th and June 30th depositions was intentionally and in bad faith.
7. In viewing Michael Kahanyshyn's video response during his June 8th deposition, the Court was able to observe Michael Kahanyshyn clearly reading from something from a person in the room before the camera as he responds to questions about Lemkco's tax returns.
8. The video of the deposition further shows Michael Kahanyshyn staring directly at the wall in front of him, as if he is awaiting for something, prior to answering questions.
9. After being asked to pan the room by Plaintiff's counsel to show who else is with Michael Kahanyshyn, the camera showed cue cards with answers affixed to the wall directly in front of Michael Kahanyshyn.
10. When asked to explain about the cue cards, Michael Kahanyshyn, while still under oath, denied their existence and when he panned the room a second time, the cue cards were no longer fixed to the wall. May Kahanyshyn removed the cue cards in an attempt to hide the evidence of misconduct.
11. In viewing Michael Kahanyshyn's video responses the Court was able to observe Michael Kahanyshyn clearly and unambiguously acknowledging someone else in the room and reading from documents and the cue cards as he responded to questions during his deposition.
12. As Defendants' counsel conceded at the hearing, May Kahanyshyn was present in the room during Michael Kahanyshyn's deposition. Defendants have not provided any evidence of any other person in the room during Michael Kahanyshyn's deposition.
13. May Kahanyshyn participated in Michael Kahanyshyn's misconduct during his deposition. The evidence clearly and convincingly establishes that Michael Kahanyshyn waited to

provide answers until May Kahanyshyn pointed at the specific answer on the affixed to the wall. The evidence clearly and convincingly establishes that May Kahanyshyn provided Michael Kahanyshyn a written answer for him to read regarding Lemko's tax returns.

14. Michael Kahanyshyn and May Kahanyshyn are the sole owners of Defendant Lemko Florida, Inc.
15. Neither Michael Kahanyshyn or May Kahanyshyn presented any mitigating evidence to this Court, nor acknowledged the willful and deliberate misconduct that occurred during Michael Kahanyshyn's June 8th deposition. Both Defendants, by and through counsel, instead continued to deny any misconduct occurred.<sup>1</sup>
16. The evidence clearly and convincingly establishes that Michael Kahanyshyn, with the assistance of May Kahanyshyn, intentionally and deliberately, and in bad faith, provided false, evasive, and misleading testimony and purposely answered questions via given answers through cue cards during his remote deposition.
17. The misconduct at issue was not spontaneous and, rather, was the result of a calculated and tactical scheme to evade and stymie the discovery of facts central to the case, in direct subversion of the truth-seeking process of this Court. Michael Kahanyshyn and May Kahanyshyn's son, James Kahanyshyn, has since went "missing" during the pendency of this lawsuit. Therefore, Michael Kahanyshyn and May Kahanyshyn are the only remaining material witnesses for which Plaintiff can obtain relevant and facts in discovery.
18. The misconduct at issue is not reasonably susceptible to being cured through the use of cross-examination at trial.

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<sup>1</sup> The Court's order below may have been different if Defendants would have at least acknowledged their misconduct. But Defendants decided to double down by asserting to this Court that no misconduct occurred at all.

19. After a careful and cautious consideration of the misconduct at issue, severe sanctions against Defendants Michael Kahanyshyn, May Kahanyshyn, and their company Lemko Florida, Inc. is appropriate and necessary to maintain the integrity of the judicial system and to deter similar misconduct by litigants in the future. That is especially so in light of the “remote litigation” world we now live in.

#### CONCLUSIONS OF LAW

20. This Court has inherent authority to impose sanctions to protect this institution’s dignity, independence, and integrity. *See Tramel v. Bass*, 672 So. 2d 78, 83 (Fla. 1st DCA 1996).
21. “It is well-settled law that a party who has been guilty of fraud or misconduct in the prosecution or defense of a civil proceeding should not be permitted to continue to employ the very institution he has subverted to achieve his ends.” *Jimenez v. Ortega*, 179 So. 3d 483, 489 (Fla. 5th DCA 2015) (quotation omitted) (alteration in original).
22. Based upon the motion before the Court and this Court’s inherent authority, the Court concludes that Michael Kahanyshyn and May Kahanyshyn, by and through their misconduct at the June 8th deposition, have forfeited their right to be heard in this matter. *See Cox v. Burke*, 706 So. 2d 43, 47 (Fla. 5th DCA 1998) (“Nevertheless, Cox clearly has been shown to have given many false or misleading answers in sworn discovery that either appear calculated to evade or stymy discovery on issues central to her case. The integrity of the civil litigation process depends on truthful disclosure of facts. A system that depends on an adversary’s ability to uncover falsehoods is doomed to failure, which is why this kind of conduct must be discouraged in the strongest possible way. Although Cox insists on her constitutional right to have her case heard, she can, by her own conduct, forfeit that right. This is an area where the trial court is and should be vested with discretion to fashion the



apt remedy.”); *see also Horjales v. Loeb*, 291 So.2d 92, 93 (Fla. 3d DCA 1974)(“One who engages in a fraudulent scheme forfeits all right to the prosecution of a lawsuit.”); *Mendez v. Blanco*, 665 So.2d 1149 (Fla. 3d DCA 1996) (affirming dismissal of claim where party repeatedly lied under oath at deposition); *O’Vahey v. Miller*, 644 So.2d 550, 551 (Fla. 3d DCA 1994) (affirming dismissal of claim based where party lied under oath which was found to be serious misconduct and “an obvious affront to the administration of justice”); *Ramey v. Haverty Furniture Companies, Inc.*, 993 So. 2d 1014, 1020–21 (Fla. 2d DCA 2008) (“Tampering with the administration of justice in the manner indisputably shown here involves far more than an injury to a single litigant. It is a wrong against the institutions set up to protect and safeguard the public, institutions in which fraud cannot complacently be tolerated consistently with the good order of society.” (quotation omitted) (alteration in original))).

23. Because Michael Kahanyshyn and May Kahanyshyn are sole owners and representatives of Lemko Florida, Inc., the Court concludes that Lemko Florida, Inc. is equally culpable of the misconduct and also has forfeited its right to be heard in this matter.
24. While acknowledging the severity of such a sanction, the sanction of striking the pleadings of all three Defendants and entering a judicial default against them is the most appropriate sanction based upon the clear and convincing evidence of a calculated and tactical scheme to evade and stymie discovery of facts central to this case by Defendants. *See Perrine v. Henderson*, 85 So. 3d 1210, 1212 (Fla. 5th DCA 2012) (holding that to issue a “death knell” sanction “there must be clear and convincing evidence of a scheme calculated to evade or stymie discovery of facts central to the case.” (quotation omitted)); *see also Ramey*, 993 So. 2d at 1020 (“Although the case law and our discussion in this opinion focus on the sanction

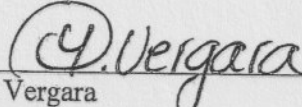
of dismissal against a plaintiff who has perpetrated a fraud on the court, an equally severe sanction—i.e., striking the defendant’s answer and defenses—may be employed against a defendant who has perpetrated a fraud on the court.”); *cf. Wenwei Sun v. Aviles*, 53 So. 3d 1075, 1078 (Fla. 5th DCA 2010) (“The utterly deceitful behavior of the appellants most certainly fits the standard for dismissal of their suit. The deceit was, indeed, sentiently set in motion in order to interfere with the judicial system’s ability to adjudicate the subject case fairly and impartially.”); *Cabrerizo v. Fortune Intern. Realty*, 760 So. 2d 228, 230 (Fla. 3d DCA 2000) (“In this case, Cabrerizo has mindfully undermined the integrity of the courts by creating a mockery of the principles of justice through his deceitful misconduct. Such underhanded tactics in full derogation of our legal processes should be met with swift measures. *Total expulsion from the category of persons who may avail themselves of the benefits of our court system should not be an afterthought, but should instead be the direct result of such egregious misconduct.*” (emphasis added)).

#### **ORDER**

It is hereby **ORDERED** and **ADJUDGED**:

1. Defendant Plaintiff’s Motion for Sanctions Against Defendant, Michael Kahanyshyn, filed August 11, 2023 (Doc. 506), is **GRANTED**.
2. Defendant Michael Kahanyshyn’s pleadings are **STRICKEN**.
3. Based upon this Court’s inherent authority, Defendants May Kahanyshyn and Lemko Florida, Inc.’s pleadings are **STRICKEN**.
4. A judicial default is **ENTERED** against Defendants Michael Kahanyshyn, May Kahanyshyn, and Lemko Florida, Inc.
5. Plaintiff is entitled to recover its expenses, including but not limited to its reasonable attorney’s fees and costs, incurred in taking the continued deposition which was a direct result of Defendants misconduct during the June 8, 2023, deposition, in an amount to be determined by the Court.

**DONE AND ORDERED** in Chambers, Brooksville, Hernando County, Florida, this  
30 day of NOV., 2023.

  
\_\_\_\_\_  
Pam Vergara  
Judge of Circuit Court



Certificate of Service


**THE UNDERSIGNED CERTIFIES** that a true and correct copy of the foregoing has been sent to the following persons by e-service or U.S. mail on November 30, 2023.

Philip Campbell Jr.  
pcampbell@shumaker.com

John Kenny Esq.  
John.kenny@webbercrabb.com

Robert Chapman Esq.  
robert@rlchapmanlaw.com

James Kahanyshyn  
10328 Fairchild Rd.  
Spring Hill, FL 34608

  
\_\_\_\_\_  
Judicial Assistant