



FORM 67 (RULE 16-1(5))

No. S-S-229506
VANCOUVER REGISTRY

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

1351486 B.C. LTD.

PETITIONER

AND:

LIVING BEACHSIDE DEVELOPMENT LIMITED PARTNERSHIP
SUNNY BEACH MOTEL INC.
PORT CAPITAL FARMS (BEACH) INC.
PORTLIVING FARMS (3624 PARKVIEW) INVESTMENTS INC.
PORTLIVING FARMS (3688 PARKVIEW) INVESTMENTS INC.
PORTLIVING FARMS (3648 PARKVIEW) INVESTMENTS INC.
PORT CAPITAL GROUP INC.
PORTLIVING PROPERTIES INC.
MACARIO TEODORO REYES
PORT CAPITAL DEVELOPMENT (FARMS) INC.
1351550 B.C. LTD.

RESPONDENTS

RESPONSE TO PETITION

Filed by: 1341550 B.C. Ltd. (the "Petition Respondent")

THIS IS A RESPONSE TO the Petition filed by 1351486 B.C. Ltd.

Part 1: ORDERS CONSENTED TO

The Petition Respondent consents to the granting of the orders set out in the following paragraphs of Part 1 of the Petition: NIL.

Part 2: ORDERS OPPOSED

The Petition Respondent opposes the granting of the orders set out in the following paragraphs of Part 1 of the Petition: NIL.

Part 3: ORDERS ON WHICH NO POSITION IS TAKEN

The Petition Respondent takes no position on the granting of the orders set out in of Part 1 of the petition NIL

Part 4: FACTUAL BASIS

1. The legal name of the Petition Respondent is 1341550 B.C. Ltd. not 1351550 B.C. Ltd.
2. The Petition Respondent adopts the defined terms as set out in the Petition filed in this action on November 30, 2022.
3. The Petition Respondent holds a Mortgage and Assignment of Rents registered in the Kamloops Land Title Office on March 15, 2022 under Charge Nos. CA9786244 and CA9786245 against the properties described as:

PID: 012-474-983; LOT 1 BLOCK 212 DISTRICT LOT 189 SIMILKAMEEN DIVISION YALE DISTRICT PLAN 397 EXCEPT PLAN 40551

- PID: 011-610-263; LOT A DISTRICT LOT 189 SIMILKAMEEN DIVISION YALE DISTRICT PLAN 1389

- PID: 008-974-462; LOT 1 DISTRICT LOT 189 SIMILKAMEEN DIVISION YALE DISTRICT PLAN 14620

(“Subject Properties”)

4. The Petition Respondent’s mortgage is registered in priority to the 486 Mortgage.
5. The Petition Respondent has site-specific security agreements with respect to the Subject Properties and which are registered in the British Columbia Personal Property Registry in priority to the GSA.
6. On or about March 10, 2022, the Petition Respondent and the Petitioner entered into a priority and standstill agreement (the “**PSA**”) confirming the Petition Respondent’s security priority over the 486 Mortgage and GSA.
7. The PSA was registered against the Subject Properties on March 16, 2022 as CA9788762 and CA9788763.
8. The Borrowers are also in default of loans granted to the Borrowers by the Petition Respondent and the Petition Respondent has filed its own Petition for enforcement of its security.

Part 5: LEGAL BASIS

9. The Petition Respondent holds a registered charge against title to the subject properties.

Part 6: MATERIAL TO BE RELIED ON

1. None at this time.

The petition respondent(s) estimate(s) that the application will take 5 minutes.

Date: December 15, 2022



Signature of GRAHAM D. MACK

petition respondent lawyer for Petition Respondent

Petition respondent's address for service: c/o Fulton & Company LLP, 300-350 Lansdowne Street, Kamloops, BC, V2C 1Y1, File: 77137-1

Email address for service (if any): gmack@fultonco.com

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RESPONDENTS

RESPONSE TO PETITION

FILE NO. 77137-1

GDM/lmt

FULTON & COMPANY LLP

Lawyers & Trade-mark Agents

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Kamloops, B.C.

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