



**1. Remedy claimed or sought:**

- a) An Order discharging the two (2) Builders Liens filed by the Canadian Western Bank's Receiver upon payment into court the entire amount of the two (2) Liens;
- b) An Order declaring the Lien of the Applicant, Landscaping & Lawn Services Ltd. ("Delta Valley"), filed at the Personal Property Registry against the two (2) pieces of equipment, namely, the 1998 CAT 627F Scraper Serial No. 1DL00342, and the 1998 CAP 627F Scraper Serial No. 1DL00532, to be valid;
- c) An Order directing Canadian Western Bank through its Receiver to sell the equipment to the Applicant, Delta Valley;
- d) An Order to set the amount payable by Canadian Western Bank to the Receiver to complete the purchase of the equipment;
- e) Alternatively, for an Order for a mandatory injunction to remove the said two (2) pieces of equipment from the auction scheduled for March 18, 2022;
- f) An Order abridging the time period for notice of this Application;
- g) Costs.

**2. Grounds for making this application:**

- a) Delta Valley has a valid option to purchase the equipment but the parties cannot agree to the actual option price;
- b) The equipment in question has been directed to be sold by public auction;
- c) If the equipment is sold, Delta Valley will suffer irreparable harms and its damages will not be quantifiable.

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

- a) Affidavit of Mark Anderson being filed contemporaneously with this Application.

**4. Applicable rules:**

- a) Part 12 of the *Alberta Rules of Court*.

**5. Applicable Acts and regulations:**

- a) *Builders Lien Act* (RSA 2000), Chapter B-7 and in particular, section 48;
- b) *Personal Property Security Act* (RSA 2000), Chapter P-7.

**6. Any irregularity complained of or objection relied on:**

N/A

7. **How the application is proposed to be heard or considered:**

- a) Court of Queen's Bench, Justice of the Court in Commercial Duty Chambers

**WARNING**

The information that is the subject of this application must not be published before the application is heard without the Court's permission.

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