

IN THE COURT OF QUEEN'S BENCH OF ALBERTA
JUDICIAL DISTRICT OF CALGARY

IN THE MATTER OF THE TRUSTEESHIP OF JOHN
FRANCIS QUINN, A DEPENDENT ADULT

AND IN THE MATTER OF THE JUDICATURE ACT
(ALBERTA) AND THE APPOINTMENT OF A RECEIVER
AND MANAGER OF THE PROPERTY, ASSETS AND
UNDERTAKING OF JOHN FRANCIS QUINN

BETWEEN:

MICHAEL A. CONE, TRUSTEE FOR JOHN FRANCIS
QUINN, A DEPENDENT ADULT

Applicant,

- and -

JOHN FRANCIS QUINN AND
DAWN T. QUINN

Respondents.

NOTICE OF MOTION

TAKE NOTICE that an application will be made on behalf of Hardie & Kelly Inc. (the "Receiver"), Receiver and Manager of the property, assets and undertaking of John Francis Quinn, a dependent adult, before the presiding Master in Chambers, at the Court House, in Calgary, Alberta, on **Thursday, the 13th day of December, 2007**, at the hour of 10:00 o'clock in the forenoon, or so soon thereafter as counsel can be heard, for the following orders and directions:

- (a) An Order approving the sale of the property municipally known as 803 - 104 Avenue S.W., Calgary, Alberta, and legally described as Plan 1163JK, Block 5, Lot 15, Excepting thereout all mines and minerals and the right to work the same (hereinafter the "Property"), to Adrienne Beauchamp and Michael Bladon, or their nominee, on the terms of the Real Estate Purchase Contract dated November 26th, 2007, as amended and accepted by the Receiver, all as more particularly

described in the Affidavit of A. Ronald Hardie sworn on December 6th, 2007, with which this Notice of Motion will be filed and served;

- (b) A vesting order in favour of the Purchasers, and such further and other orders and directions as this Honourable Court may consider necessary or appropriate in the circumstances, for purposes of completing this sale;
- (c) Advice and directions as to the manner in which the sale proceeds shall be distributed, including an authorization to the Receiver to pay Michael Cone, in his capacity as the court-appointed Trustee of the financial affairs of John Francis Quinn, the sum of \$40,000.00 as Mr. Quinn's exempt sale proceeds;
- (d) Advice and directions of this Honourable Court as to the position of Manulife Bank of Canada, given its failure to file a Proof of Claim by November 16th, 2007 (the Claims Bar Date);
- (e) An order authorizing the Receiver to execute an Encroachment Agreement for the Property with the City of Calgary, as more fully described in the said Affidavit of A. Ronald Hardie;
- (f) An order authorizing service of notice of this application on all known creditors, potential creditors and other interested parties by posting copies of the same on the website of Hardie & Kelly Inc. at *www.insolvency.net*;
- (g) An order abridging the time for service of notice of this application as may be required and otherwise deeming service hereof good and sufficient;
- (h) Such further and other orders and relief as counsel may seek and this Honourable Court may consider just and appropriate in the circumstances;
- (i) Costs, to be paid from the non-exempt assets in the receivership.

AND TAKE NOTICE that in support of said application, the Receiver will rely upon the First Report of the Receiver-Manager dated August 9th, 2007; the Affidavit of A. Ronald Hardie sworn on August 10th, 2007, filed; the Affidavit of A. Ronald Hardie sworn on November 5th,

2007, filed, the Affidavit of A. Ronald Hardie sworn on December 6th, 2007, to be filed and served herewith; the proceedings had and taken herein and in Court of Queen's Bench of Alberta (Surrogate Matter) Action No. 10863 (In the Matter of John Francis Quinn, a Dependent Adult) to date; and such further and other materials as counsel may advise and this Honourable Court may permit.

AND TAKE NOTICE that the grounds of this application are fully set out in the Affidavit of A. Ronald Hardie sworn on November 5th, 2007 and include the following:

- (1) Given ongoing insurance, utilities and other expenses, it is important for the Receiver to conclude a sale of the Property quickly;
- (2) The offer to purchase is for the current listing price, with all buyer's conditions removed and an early completion date.

DATED at the City of Calgary, in the Province of Alberta, this 6th day of December, 2007; AND DELIVERED BY MILES DAVISON LLP, Solicitors for the Receiver herein, whose address for service is in care of said solicitors at 1600 Bow Valley Square II, 205 - 5th Avenue S.W., Calgary, Alberta, T2P 2V7.

MILES DAVISON LLP, Solicitors for
Hardie & Kelly Inc., in its capacity as
Receiver and Manager of the property,
assets and undertaking of John Francis
Quinn

Per:


SUSAN L. ROBINSON BURNS, Q.C.

TO: Clerk of the Court
AND TO: Underwood Cherry Gilholme (Attention: Ms. Leanne Cherry)
Solicitors for Michael Cone, Susan M. MacAdam and Dawn Quinn
AND TO: Vickers & Associates (Attention: Mr. Harold Vickers)
Solicitors for Manulife Bank of Canada
AND TO: Creditors and Other Interested Persons pursuant to paragraph (e) above
AND TO: Sutton Group Canwest - Vista, Attention: Mr. Glenn Metz

ACTION NO. 0701-04154

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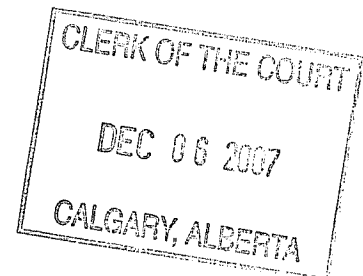
- and -

JOHN FRANCIS QUINN AND
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Respondents.

NOTICE OF MOTION

MILES DAVISON LLP
Barristers and Solicitors
1600 Bow Valley Square II
205 - 5 Avenue S.W.
Calgary, Alberta
T2P 2V7
Telephone: (403) 298-0333
Fax: (403) 263-6840



Attention: Susan L. Robinson Burns, Q.C.

Our File: 21664 SLB