

CLERK OF THE COURT

FILED

Clerk's stamp: **JUL 31 2017**

JUDICIAL CENTRE
OF CALGARY

COURT FILE NUMBER 1701-07807

COURT OF QUEEN'S BENCH OF ALBERTA

JUDICIAL CENTRE

CALGARY

**IN THE MATTER OF THE COMPANIES ACT, RSA
2000, c C-21.**

AND

**IN THE MATTER OF THE JUDICATURE ACT, RSA
2000, c J-2.**

AND

**IN THE MATTER OF SHEPHERD'S VILLAGE
MINISTRIES LTD.**

APPLICANT

**KPMG INC., in its capacity as liquidator of
SHEPHERD'S VILLAGE MINISTRIES LTD.**

DOCUMENT

APPLICATION

ADDRESS FOR SERVICE AND CONTACT
INFORMATION OF PARTY FILING THIS
DOCUMENT

Dentons Canada LLP
Bankers Court
15th Floor, 850 - 2nd Street S.W.
Calgary, Alberta T2P 0R8

Attention: David Mann / Afshan Naveed
Ph. (403) 268-7097 / 7015 Fx. (403) 268-3100
File No.: 533650-8

NOTICE TO THE RESPONDENT(S) – SEE ATTACHED SERVICE LIST

This application is made against you. You are a respondent.

You have the right to state your side of this matter before the Court.

To do so, you must be in Court when the application is heard as shown below:

Date	August 9, 2017
Time	10:00 a.m.
Where	Calgary Courts Centre, 601, 5 th Street SW
Before	The Honourable Justice G.A. Campbell (Commercial List)

Go to the end of this document to see what else you can do and when you must do it.

Remedy claimed or sought:

1. An Order, in substantially the same form as attached hereto as Schedule "A", granting the following relief and directions:
 - 1.1 approving the actions of KPMG Inc. ("KPMG"), in its capacity as liquidator (the "**Liquidator**") of Shepherd's Village Ministries Ltd. ("**SVM**"), as described in the First Report of the Liquidator, dated July 31, 2017, (the "**First Report**"); and
 - 1.2 leave to report back to this Honourable Court at such time as the Liquidator deems appropriate, on notice as this Honourable Court may direct, to seek such further and other relief as may be appropriate.
2. An Order, in substantially the form as attached hereto as Schedule "B", amending the Order appointing the Liquidator, granted by this Court on June 8, 2017, such that it may be registered against the real property of SVM at Alberta Land Registries.
3. Such further and other relief, advice and directions as counsel may advise and this Honourable Court may deem just and appropriate.

Grounds for making this Application:

4. SVM is a not-for-profit company incorporated pursuant to Part 9 of the *Companies Act*, RSA 2000, c C-21, as amended. On June 8, 2017, KPMG was appointed the Liquidator of SVM pursuant to an *ex parte* Order granted by The Honourable Justice G.A. Campbell (the "**Order**").
5. The Order was made on limited notice as there were considerable uncertainties surrounding SVM. Accordingly, paragraph 31 was inserted into the Order as a general "come-back" provision to allow for the Liquidator to: (i) report on its initial findings; and (ii) determine who the stakeholders of the liquidation are.
6. In order for the Order to be registered against title to lands held by SVM, the Registrar of Alberta Land Titles requires the details of the legal land descriptions be inserted into the Order. Accordingly, an amending order is necessary in order to outline the legal land descriptions for Alberta Registries.
7. Such further and other grounds as counsel may advise and this Honourable Court may permit.

Material or evidence to be relied on:

8. All pleadings and proceedings filed in the within action.
9. The First Report of the Liquidator, filed.
10. The proposed forms of Order attached as Schedules "A" and "B" to this Application.
11. Such further and other material and evidence as counsel may advise and this Honourable Court may permit.

Applicable rules:

12. Part 6, Divisions 1 and 4, of the *Alberta Rules of Court*, Alta. Reg. 124/2010.

Applicable Acts and regulations:

13. Part 10 of the *Companies Act*, RSA 2000, c C-21, as amended.
14. *Alberta Rules of Court*, Alta Reg. 124/2010.
15. Such further and other acts and regulations as counsel may advise and this Honourable Court may permit.

Any irregularity complained of or objection relied on:

16. None.

How the Application is proposed to be heard or considered:

17. Orally, before the presiding Justice sitting on the Commercial List.

WARNING

If you do not come to Court either in person or by your lawyer, the Court may give the Applicant(s) what they want in your absence. You will be bound by any order that the Court makes. If you want to take part in this Application, you or your lawyer must attend in Court on the date and at the time shown at the beginning of the form. If you intend to rely on an affidavit or other evidence when the Application is heard or considered, you must reply by giving reasonable notice of the materials to the Applicant.

**IN THE MATTER OF THE COMPANIES ACT, RSA
2000, c C-21**

AND

**IN THE MATTER OF THE JUDICATURE ACT, RSA
2000, c J-2**

AND

**IN THE MATTER OF THE WINDING UP OF
SHEPHERD'S VILLAGES MINISTRIES LTD.**

Action No. 1701-07807

File: 533650-8

(as at July 31, 2017)

<i>Service Recipient</i>	<i>Recipient Status</i>
Dentons Canada LLP 15 Flr-850 2 Street SW Calgary AB T2P 0R8 Attention: David Mann / Afshan Naveed Email: david.mann@dentons.com afshan.naveed@dentons.com	Counsel to KPMG
Mathieu Hryniuk LLP 10012 – 101 Street P.O. Box 6210 Peace River, AB T8S 1S2 Attention: Robin D. Erickson, Q.C. Email: reickson@mhllp.ca	Counsel for some Life Lease holders
Town of Valleyview c/o Brownlee LLP 2200, 10155 -102 Street Edmonton, AB T5J 4G9 Attention: Michael Coombs Email: mcoombs@brownleelaw.com	Caveat

<i>Service Recipient</i>	<i>Recipient Status</i>
James A. Joelson & Fjola A. Joelson Box 450 111 Shepherds Way Valleyview, AB T0H 3N0 Email: james6@telus.net	Life Lease Holder
Rose Mary Tollefson Box 1252 Valleyview, AB T0H 3N0	Life Lease Holder
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Russell J. & Gladys Cote Box 832, 102 Shepherds Way Valleyview, AB T0H 3N0	Life Lease Holder

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James Edgar Warren & Elizabeth Warren Box 233 211 Meadows Lane Valleyview, AB T0H 3N0	Life Lease Holder
Catherine Marie Comeau Box 2253 Valleyview, AB T0H 3N0	Life Lease Holder
Lynne Reichert Box 2317 Valleyview, AB T0H 3N0 Email: lynnegb21@hotmail.com	Life Lease Holder
Executrixes for Myrna Lloyd Valerie Lloyd/Audrey Maron 7028 – 190 Street Edmonton, AB T5T 5E5 Email: valloyd1114@gmail.com	Life Lease Holders
Viola Evelyn Gliege & Edward Richard Gliege Box 2251 Valleyview, AB T0H 3N0	Life Lease Holders
Ella Martha Steinke c/o Apartment 11 10102 – 103 Avenue Grande Prairie, AB T8V 1C1	Life Lease Holder for 203 Meadows Lane, Valleyview, AB T0H 3N0

<i>Service Recipient</i>	<i>Recipient Status</i>
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Clara Emma Neilson Box 476 Valleyview, AB T0H 3N0 Email: ohgee@telus.net catspaw84@gmail.com	Life Lease Holder
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Geneva Arlene Hick Box 125, 112 Shepherds Way Valleyview, AB, T0H 3N0	Life Lease Holder
Louise Celestine Doucette Box 96, 110 Shepherds Way Valleyview, AB T0H 3N0	Life Lease Holder
June Anne Hardman Box 812, 107 Shepherds Way Valleyview, AB T0H 3N0	Life Lease Holder
Jessie Burke Box 425, #1, 101 Shepherds Way Valleyview, AB T0H 3N0	Life Lease Holder
Clara Emma Neilson Box 476 Valleyview, AB T0H 3N0	Life Lease Holder
Irene Ruth Riding Box 2481, 106 Shepherds Way Valleyview, AB T0H 3N0	Life Lease Holder
David Wesley Popp Box 1358 Valleyview, AB T0H 3N0	Life Lease Holder

<i>Service Recipient</i>	<i>Recipient Status</i>
Catherine Marie Comeau Box 2253 Valleyview, AB T0H 3N0	Life Lease Holder
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Charles Roy Witty & Laurina Angeline Louise Witty Box 904 114 Shepherds Way Valleyview, AB T0H 3N0	Life Lease Holder
Emma Juanita Knight Box 461, 202 Meadows Lane Valleyview, AB T0H 3N0	Life Lease Holder
Elsie Iris Tollefson Box 1539 Valleyview, AB T0H 3N0	Life Lease Holder
Hulda Valborg Perron Box 1899 Valleyview, AB T0H 3N0	Life Lease Holder
John Vincent Adams & Esther Ruth Adams Box 2335 201 Meadows Lane Valleyview, AB T0H 3N0	Life Lease Holder
Francis John Kramps & Betty Maxine Kramps Box 1109 207 Meadows Lane Valleyview, AB T0H 3N0	Life Lease Holder
Norman Henry Adolphson & Yutta Rita Adolphson Box 6 216 Meadows Lane Valleyview, AB T0H 3N0	Life Lease Holder

<i>Service Recipient</i>	<i>Recipient Status</i>
Ruby Lorane Dumont & John Lucien Dumont Box 2554 212 Meadows Lane Valleyview, AB T0H 3N0	Life Lease Holder
William Alfred Young & Beverly Lynn Young Box 1052 210 Meadows Lane Valleyview, AB T0H 3N0	Life Lease Holder
Laurel Robert Hyatt & Maxine Ruth Hyatt Box 141 Valleyview, AB T0H 3N0	Life Lease Holder
Irene Stasow Box 2224 306 Still Waters Close Valleyview, AB T0H 3N0	Life Lease Holder
Donald Charles McDonald & Marlene Beverly McDonald Box 505 308 Still Waters Close Valleyview, AB T0H 3N0	Life Lease Holder
INTERESTED PARTIES	
Marvin Mutschler 438 Prospect Drive S.W. Medicine Hat, AB T1A 4C1 Email: mlmutschler@shaw.ca	Re: CCAA Proceedings
ClaimsPro Special Risk Division 101, 5083 Windermere Blvd. S.W. Edmonton, AB T6W 0J5 Attention: Myron Zaharia Email: myron.zaharia@scm.ca	Adjustor for Insurer

<i>Service Recipient</i>	<i>Recipient Status</i>
Jensen Shawa Solomon Duguid Hawkes LLP 800, 304 – 8 Avenue S.W. Calgary, AB T2P 1C2 Attention: Christa Nicholson Email: nicholsonc@jssbarristers.ca	Counsel for Francis Taman and Bishop & McKenzie LLP
Alan Garber Professional Corporation Suite 108, 17707 – 105 Avenue N.W. Edmonton, AB T5S 1T1 Attention : Allan Garber Email: allan@garberlaw.ca	Counsel in Class Action Proceedings in Alberta & British Columbia
Cassels Brock & Blackwell LLP Suite 1250, 440 – 2 nd Avenue S.W. Calgary, AB T2P 5E9 Attention: Jeffrey Oliver Email: joliver@casselsbrock.com Attention: Vanessa Allen, Deloitte Restructuring Inc. Email: vanallen@deloitte.ca	Counsel to Deloitte Restructuring Inc. (Monitor)
Lutheran Church-Canada, The Alberta-British Columbia District 7040 Ada Blvd. Edmonton, AB T5B 4E3 Attention: Janice Ruf Email: jruf@lccabc.ca Attention: Rev. Dr. Glenn Schaeffer Email: gschaeffer@lccabc.ca	On behalf of the Directors and Officers named in the Action (List to be kept Confidential)

SCHEDULE "A"

DRAFT

Clerk's stamp:

COURT FILE NUMBER 1701-07807

COURT OF QUEEN'S BENCH OF ALBERTA

JUDICIAL CENTRE CALGARY

IN THE MATTER OF THE *COMPANIES ACT*, RSA
2000, c C-21.

AND

IN THE MATTER OF THE *JUDICATURE ACT*, RSA
2000, c J-2.

AND

IN THE MATTER OF SHEPHERD'S VILLAGE
MINISTRIES LTD.

APPLICANT **KPMG INC., in its capacity as liquidator of
SHEPHERD'S VILLAGE MINISTRIES LTD.**

DOCUMENT **ORDER**

ADDRESS FOR SERVICE AND CONTACT
INFORMATION OF PARTY FILING THIS
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Dentons Canada LLP
Bankers Court
15th Floor, 850 - 2nd Street S.W.
Calgary, Alberta T2P 0R8

Attention: David Mann / Afshan Naveed
Ph. (403) 268-7097 / 7015 Fx. (403) 268-3100
File No.: 533650-8

DATE ON WHICH ORDER WAS
PRONOUNCED:

August 9, 2017

LOCATION WHERE ORDER WAS
PRONOUNCED:

Calgary, Alberta

NAME OF JUDGE / MASTER WHO MADE
THIS ORDER:

The Honourable Justice G.A. Campbell

ORDER

UPON the application, of KPMG Inc. in its capacity as the Court-appointed liquidator of the undertaking, property and assets of Shepherd's Village Ministries Ltd. (the "**Liquidator**"); AND UPON HAVING READ

the First Report of the Liquidator, dated July 31, 2017 (the "**First Report**"); AND UPON hearing submissions from counsel for the Liquidator; AND UPON hearing from any interested parties present;

IT IS HEREBY ORDERED THAT:

1. The actions, conduct and activities of the Liquidator to date, as outlined in the First Report, are hereby authorized and approved.
2. Leave is granted to the Liquidator to report back to this Honourable Court at such time as the Liquidator deems appropriate, on such notice as this Honourable Court may direct, to seek such further and other relief as may be appropriate.
3. Service of this Order may be effected in accordance with Appendix E of the First Report and by means of posting on the Liquidator's website with respect to these proceedings.

Justice of the Court of Queen's Bench of Alberta

SCHEDULE "B"

DRAFT

Clerk's stamp:

COURT FILE NUMBER 1701-07807

COURT OF QUEEN'S BENCH OF ALBERTA

JUDICIAL CENTRE

CALGARY

IN THE MATTER OF THE *COMPANIES ACT*, RSA
2000, c C-21.

AND

IN THE MATTER OF THE *JUDICATURE ACT*, RSA
2000, c J-2.

AND

IN THE MATTER OF SHEPHERD'S VILLAGE
MINISTRIES LTD.

APPLICANT

KPMG INC., in its capacity as liquidator of
SHEPHERD'S VILLAGE MINISTRIES LTD.

DOCUMENT

AMENDING ORDER

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Dentons Canada LLP
Bankers Court
15th Floor, 850 - 2nd Street S.W.
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THIS ORDER:

The Honourable Justice G.A. Campbell

AMENDING ORDER

UPON the application, of KPMG Inc. in its capacity as the Court-appointed liquidator of the undertaking, property and assets of Shepherd's Village Ministries Ltd. (the "**Liquidator**"); AND UPON HAVING READ

the First Report of the Liquidator, dated July 31, 2017 (the "**First Report**"); AND UPON hearing submissions from counsel for the Liquidator; AND UPON hearing from any interested parties present;

IT IS HEREBY ORDERED THAT:

1. The Order granted, in the within proceedings, by Justice G.A. Campbell on June 8, 2017 (the "**Liquidation Order**"), be and is amended as follows:
 - (a) the current paragraph 2 (o) of the Liquidation Order states:

"(o) to direct the Registrar of Land Titles of Alberta, or any other applicable government authority, to register a copy of this Order in respect of the Property against title to any of the Property notwithstanding Section 191 of the *Land Titles Act* (Alberta)."

It shall be struck out and replaced in its entirety with the following:

"(o) to direct the Registrar of Land Titles of Alberta, or any other applicable government authority, to register a copy of this Order in respect of the Property against title to the Property, as more particularly described in Schedule "B" attached hereto, notwithstanding Section 191 of the *Land Titles Act* (Alberta);"
 - (b) A new Schedule "B" shall be added to the Liquidation Order in the form attached hereto as Schedule "A".
2. Service of this Order is hereby dispensed with.

Justice of the Court of Queen's Bench of Alberta

SCHEDULE "A"

SCHEDULE "B"

SHEPHERD'S VILLAGE MINISTRIES LTD.

	LEGAL DESCRIPTION
	CONDOMINIUM PLAN 0020672
1.	Condominium Plan 0020672 Unit 1 And 87 Undivided One Ten Thousandth Shares in the Common Property Excepting Thereout all Mines and Minerals
2.	Condominium Plan 0020672 Unit 2 And 60 Undivided One Ten Thousandth Shares in the Common Property Excepting Thereout all Mines and Minerals
3.	Condominium Plan 0020672 Unit 3 And 100 Undivided One Ten Thousandth Shares in the Common Property Excepting Thereout all Mines and Minerals
4.	Condominium Plan 0020672 Unit 5 And 100 Undivided One Ten Thousandth Shares in the Common Property Excepting Thereout all Mines and Minerals
5.	Condominium Plan 0020672 Unit 6 And 103 Undivided One Ten Thousandth Shares in the Common Property Excepting Thereout all Mines and Minerals
6.	Condominium Plan 0020672 Unit 7 And 97 Undivided One Ten Thousandth Shares in the Common Property Excepting Thereout all Mines and Minerals

7.	Condominium Plan 0020672 Unit 8 And 24 Undivided One Ten Thousandth Shares in the Common Property Excepting Thereout all Mines and Minerals
8.	Condominium Plan 0020672 Unit 9 And 24 Undivided One Ten Thousandth Shares in the Common Property Excepting Thereout all Mines and Minerals
9.	Condominium Plan 0020672 Unit 10 And 24 Undivided One Ten Thousandth Shares in the Common Property Excepting Thereout all Mines and Minerals
10.	Condominium Plan 0020672 Unit 11 And 29 Undivided One Ten Thousandth Shares in the Common Property Excepting Thereout all Mines and Minerals
11.	Condominium Plan 0020672 Unit 12 And 29 Undivided One Ten Thousandth Shares in the Common Property Excepting Thereout all Mines and Minerals
12.	Condominium Plan 0020672 Unit 13 And 24 Undivided One Ten Thousandth Shares in the Common Property Excepting Thereout all Mines and Minerals
13.	Condominium Plan 0020672 Unit 14 And 24 Undivided One Ten Thousandth Shares in the Common Property Excepting Thereout all Mines and Minerals
14.	Condominium Plan 0020672 Unit 15 And 24 Undivided One Ten Thousandth Shares in the Common Property Excepting Thereout all Mines and Minerals
	CONDOMINIUM PLAN 0221044

15.	Condominium Plan 0221044 Unit 17 And 98 Undivided One Ten Thousandth Shares in the Common Property Excepting Thereout all Mines and Minerals
16.	Condominium Plan 0221044 Unit 18 And 61 Undivided One Ten Thousandth Shares in the Common Property Excepting Thereout all Mines and Minerals
17.	Condominium Plan 0221044 Unit 19 And 100 Undivided One Ten Thousandth Shares in the Common Property Excepting Thereout all Mines and Minerals
18.	Condominium Plan 0221044 Unit 20 And 96 Undivided One Ten Thousandth Shares in the Common Property Excepting Thereout all Mines and Minerals
19.	Condominium Plan 0221044 Unit 21 And 61 Undivided One Ten Thousandth Shares in the Common Property Excepting Thereout all Mines and Minerals
20.	Condominium Plan 0221044 Unit 22 And 103 Undivided One Ten Thousandth Shares in the Common Property Excepting Thereout all Mines and Minerals
21.	Condominium Plan 0221044 Unit 23 And 116 Undivided One Ten Thousandth Shares in the Common Property Excepting Thereout all Mines and Minerals
22.	Condominium Plan 0221044 Unit 24 And 94 Undivided One Ten Thousandth Shares in the Common Property Excepting Thereout all Mines and Minerals
23.	Condominium Plan 0221044 Unit 25 And 67 Undivided One Ten Thousandth Shares in the Common Property Excepting Thereout all Mines and Minerals
24.	Condominium Plan 0221044 Unit 26 And 87 Undivided One Ten Thousandth Shares in the Common Property

	Excepting Thereout all Mines and Minerals
	CONDOMINIUM PLAN 0620433
25.	Condominium Plan 0620433 Unit 28 And 86 Undivided One Ten Thousandth Shares in the Common Property Excepting Thereout all Mines and Minerals
26.	Condominium Plan 0620433 Unit 29 And 67 Undivided One Ten Thousandth Shares in the Common Property Excepting Thereout all Mines and Minerals
27.	Condominium Plan 0620433 Unit 30 And 119 Undivided One Ten Thousandth Shares in the Common Property Excepting Thereout all Mines and Minerals
28.	Condominium Plan 0620433 Unit 31 And 139 Undivided One Ten Thousandth Shares in the Common Property Excepting Thereout all Mines and Minerals
	CONDOMINIUM PLAN 0925762
29.	Condominium Plan 0925762 Unit 33 And 96 Undivided One Ten Thousandth Shares in the Common Property Excepting Thereout all Mines and Minerals
30.	Condominium Plan 0925762 Unit 34 And 72 Undivided One Ten Thousandth Shares in the Common Property Excepting Thereout all Mines and Minerals
31.	Condominium Plan 0925762 Unit 35 And 91 Undivided One Ten Thousandth Shares in the Common Property Excepting Thereout all Mines and Minerals
32.	Condominium Plan 0925762 Unit 36

	And 94 Undivided One Ten Thousandth Shares in the Common Property Excepting Thereout all Mines and Minerals
33.	Condominium Plan 0925762 Unit 37 And 72 Undivided One Ten Thousandth Shares in the Common Property Excepting Thereout all Mines and Minerals
34.	Condominium Plan 0925762 Unit 38 And 81 Undivided One Ten Thousandth Shares in the Common Property Excepting Thereout all Mines and Minerals
35.	Condominium Plan 0925762 Unit 39 And 103 Undivided One Ten Thousandth Shares in the Common Property Excepting Thereout all Mines and Minerals
36.	Condominium Plan 0925762 Unit 40 And 84 Undivided One Ten Thousandth Shares in the Common Property Excepting Thereout all Mines and Minerals
37.	Condominium Plan 0925762 Unit 41 And 68 Undivided One Ten Thousandth Shares in the Common Property Excepting Thereout all Mines and Minerals
38.	Condominium Plan 0925762 Unit 42 And 81 Undivided One Ten Thousandth Shares in the Common Property Excepting Thereout all Mines and Minerals
39.	Condominium Plan 0925762 Unit 43 And 91 Undivided One Ten Thousandth Shares in the Common Property Excepting Thereout all Mines and Minerals
40.	Condominium Plan 0925762 Unit 44

	And 90 Undivided One Ten Thousandth Shares in the Common Property Excepting Thereout all Mines and Minerals
41.	Condominium Plan 0925762 Unit 45 And 79 Undivided One Ten Thousandth Shares in the Common Property Excepting Thereout all Mines and Minerals
42.	Condominium Plan 0925762 Unit 46 And 67 Undivided One Ten Thousandth Shares in the Common Property Excepting Thereout all Mines and Minerals
43.	Condominium Plan 0925762 Unit 47 And 89 Undivided One Ten Thousandth Shares in the Common Property Excepting Thereout all Mines and Minerals
44.	Condominium Plan 0925762 Unit 48 And 86 Undivided One Ten Thousandth Shares in the Common Property Excepting Thereout all Mines and Minerals
45.	Condominium Plan 0925762 Unit 49 And 58 Undivided One Ten Thousandth Shares in the Common Property Excepting Thereout all Mines and Minerals
46.	Condominium Plan 0925762 Unit 50 And 68 Undivided One Ten Thousandth Shares in the Common Property Excepting Thereout all Mines and Minerals
47.	Condominium Plan 0925762 Unit 51 And 75 Undivided One Ten Thousandth Shares in the Common Property Excepting Thereout all Mines and Minerals

48.	Condominium Plan 0925762 Unit 52 And 6412 Undivided One Ten Thousandth Shares in the Common Property Excepting Thereout all Mines and Minerals
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NON-CONDOMINIUM PROPERTY

49.	PLAN VALLEYVIEW 7820986 BLOCK (A) CONTAINING 14.2 HECTARES (34.99 ACRES) MORE OR LESS EXCEPTING THEREOUT: HECTARES (ACRES) MORE OR LESS A) PLAN 8020251 - SUBDIVISION 6.29 15.5 B) PLAN 8622650 - SUBDIVISION 2.25 5.56 C) PLAN 0020670 - SUBDIVISION 4.755 11.75 EXCEPTING THEREOUT ALL MINES AND MINERALS
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