

Entered



COURT FILE NUMBER 9401-15941

COURT COURT OF QUEEN'S BENCH OF ALBERTA

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Aug 3 2022

JUDICIAL CENTRE CALGARY

PLAINTIFFS CHUN HUNG LAWRENCE HO, KWONG YUN CHEE CHAN, TING CHING CHAN, PING LEUNG LAU, SHUI HAN GRACE WONG, CHUI YAN KO, MING LEUNG FONG, CHUN KWOK WILLIAM LEE, LING SAN YEUNG, FOOK KWONG CHAI, YET YUONG CHAI, LO YEE LOUISE CHAN, SHU HAN CHRISTINE TSE, SYLVIA TAK WING TANG, YUN MAN FUNG, HOR YUNG WONG, YUEN MAN MARINA CHAN, MUN YIN GRACE NG, MING KAI NG, YUK CHING TSE, LAM SHUN YING CHAN, SHUI KEE CHAN, KAM WAH STEWART YAO, STEPHEN YAO, KA YI CHEUNG, CHUN LAN WEN, YEUN PING TAM, MEI LING MILLIE CHUN, WAI MING LEUNG, MAN LAI NG, KWOK WAI CHU, LAI KAM HELEN FOK, MAN YIU LEE, YEE WA LAM, CHING HAN SIU, TAK CHEUNG HUI, KWOK FAI WAN, SUM NING CHENG, SUN MAN SHERIFA ALI TUET, CHING HAN YEUNG, CHING CHI YEUNG, SIU SHEUNG SUSANNA WONG, WAI MAN WONG, SUK HING AU, LAI BING ADELA LEE SIN, SHIU WAH BETTY YAO, YVONNE YAO, WAI SHING ARTHUR TO, LAI KWAN SINDY TO, BIG HAR GRACE TAI, KWOK WING CHAN, CHI FUN WONG, SAU LEE SHIRLEY KAM, BING WANG HO, YUK MING TSE, LO YEE LOUISE CHAN, LAI MUI CHAN, KA MEI CHUNG, SAI KEUNG WONG, MAN YUNG CHENG, SUI MAN MARY WONG, LAM CHI WONG, TAI KUN LAM, CHANG CONSTANCE CHUN HSI JEN, SHU TONG JEN, YUK LIN LI, KAM YUK JENNIFER LI, SING WING TSANG, KIT YING JUANITA CHOW, TAK WAH CHAN, FUNG KING AU, WING WAH AU, SUK YEE WONG, WING YEE WONG, KIN LEE KWAN, KIT YEE WONG, CHIN WING WONG, HUNG KAY SHUM, CHI SANG YEUNG, MUI HA CHU, MAN CHI LAI, YUEN BILL MOK, KAR WAI LEE, PUI LEE LEE, KAM YIN CHAN, KAM SHING CHENG, LAI NGAN LEE, PO KING ELAINE CHAN, WUN CHEN, GRACE AU-YEUNG, CHEONG MING SHUM, SHU PUI LAM, WING HONG TAM, SUK YEE EILEEN CHAN, LI KA HONG, MUI TAI IVY SUM, KAM HUNG LO, KIN TAT SHUM, KA YAN LEE, PO SIU ELLEN SIU, PAK MING SIU, KWOK KEI AU, LAI HING WONG, KIT FOON LAM, SING YEUNG, LAI MING LIZA PUN, WAI KA CHIU, YUEN YEE LEE, SIU CHING LAI, KA HONG LI, PUI KUEN MAK, CHI MAN FOK

DEFENDANT AMIGA INVESTMENT AND PROPERTY MANAGEMENT INC.

DOCUMENT APPLICATION
(DISCHARGE OF RECEIVER AND DISTRIBUTION OF FUNDS)

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT Parlee McLaws LLP
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NOTICE TO RESPONDENT(S):

This application is made against you. You are a respondent. You have the right to state your side of this matter before the justice.

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

Date: **AUGUST 3, 2022**
Time: **2:00 P.M.**
Where: **Via Video Conference or Telephone Conference [Details to be provided]**
Before Whom: **JUSTICE C.M. JONES**

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

Remedy claimed or sought:

This Application is made on behalf of KPMG Inc. (the "Receiver"), in its capacity as Court appointed Receiver of Amiga Investment and Property Management Inc. for an Order:

1. Declaring service of this Application and Second Report of the Receiver good and sufficient;
2. Approving the activities of the Receiver, as outlined in the Second Report of the Receiver;
3. Approving the Receiver's Statement of Receipts and Disbursements;
4. Approving the fees and disbursements charged by the Receiver and its legal counsel, without the need for formal taxation or a passing of accounts;
5. Approving the distribution of funds to the unitholders as set out in the Second Report of the Receiver and forwarding the remainder of unclaimed funds to the Alberta Tax and Revenue Administration;
6. Discharging the Receiver; and
7. Such further or other relief as to this Honourable Court may deem appropriate

Grounds for making this application:

1. Pursuant to the Receivership Order dated November 21, 1994, KPMG Peat Marwick Thorne Inc. ("KPMG") was appointed receiver and manager (the "Receiver") of all of the rentals due and accruing now or hereinafter from certain units in Condominium Plan 9010203, referred to as Gladstone Park.

2. KPMG's activities as Manager continued until October 4, 1995 at which time KPMG was discharged by the Court (the "**Discharge Order**") from its duties as Manager of the Plaintiffs' Units and replaced with a third-party property manager.
3. KPMG continued to act as the Receiver with respect to the receivership estate funds held in trust and retained the powers of the Receiver as set out in the Receivership Order.
4. On November 24, 2021, the Honourable Justice C.M. Jones granted an Order authorizing the Receiver to follow certain steps in order to attempt to locate the Unitholders in furtherance of the distribution of surplus funds held by the Receiver;
5. The Receiver has now undertaken the steps to attempt to locate the Unitholders in accordance with the Order of Justice C.M. Jones.
6. The Receiver outlines in the Second Report of the Receiver all of the steps it has taken in respect of this Receivership and seeks approval of same.
7. The Receiver has completed all obligations under the Receivership and now seeks authorization to make a final distribution and to be discharged as Receiver.
8. Such further and other grounds as counsel may advise and this Honourable Court permit.

Material or evidence to be relied on:

9. Receivership Order granted by Justice J.D. Rooke November 21, 1994
10. First Report of Receiver, filed November 19, 2021;
11. Order granted by Justice Jones, filed November 26, 2021;
12. Second Report of the Receiver, filed; and
13. Such further and other material as counsel may advise of and this Honourable Court may permit.

Applicable rules:

14. Part 6 of the Alberta Rules of Court

Applicable Acts and regulations:

15. *Bankruptcy and Insolvency Act RSC 1985, c. B-3*, as amended
16. *The Judicature Act, R.S.A. 2000, c. J-2*;
17. Such other Acts and regulations that counsel may advise and this Honourable Court may allow.

Any irregularity complained of or objection relied on:

18. None.

How the application is proposed to be heard or considered:

19. In person or via WebEx video conference.

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 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.