

COURT FILE NUMBER 1901-05010  
COURT COURT OF QUEEN'S BENCH OF ALBERTA  
JUDICIAL CENTRE CALGARY  
PLAINTIFF 1056420 ALBERTA LTD.  
DEFENDANT HEAVY NORTH CONSTRUCTION LTD.  
DOCUMENT



**AMENDED ORDER**  
**(Distribution Order, Approval of Receiver's Accounts and Activities)**

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT

OSLER, HOSKIN & HARCOURT LLP  
2500, 450 – 1<sup>st</sup> Street SW  
Calgary, AB T2P 5H1  
Attn: Randal Van de Mosselaer  
Telephone: 403-260-7060  
Facsimile: 403-260-7024  
E-mail: rvandemosselaer@osler.com

I hereby certify this to be a true copy of the original Amended order

Dated this 19 day of Dec. 2019

\_\_\_\_\_  
for Clerk of the Court

**DATE ON WHICH ORDER WAS PRONOUNCED:** November 25, 2019

**LOCATION WHERE ORDER WAS PRONOUNCED:** Calgary, Alberta

**NAME OF JUSTICE WHO MADE THIS ORDER:** Madam Justice K.M. Horner

**UPON THE APPLICATION** of KPMG Inc. in its capacity as Court-appointed receiver (the "**Receiver**") of the assets, properties and undertakings of Heavy North Construction Ltd. ("**Heavy North**") for an order, among other things, authorizing and directing the Receiver to make an interim distribution to Alberta Treasury Branches ("**ATB**") in satisfaction of ATB's secured claim; **AND UPON** having reviewed the Receivership Order granted in these proceedings by the Honourable Madam Justice G.A. Campbell on April 16, 2019 and the Second Report of the Receiver, dated November 18, 2019 (the "**Second Report**"); **AND UPON** hearing the submissions of counsel for the Receiver, and counsel for NPA Ltd., and no one appearing for any other person on the service list, although properly served as appears from the Affidavit of Service, filed;

**IT IS HEREBY ORDERED AND DECLARED THAT:**

1. Service of notice of this Application and supporting materials is hereby declared to be good and sufficient and time for service of this Application is abridged to that actually given.
2. The Receiver is authorized and directed to distribute \$3,550,076.14 of estate funds to ATB in full satisfaction of ATB's secured claim.
3. Pacesetter Equipment Ltd. ("**Pacesetter**") and Team Ford ("**Team Ford**") are hereby directed provide the Receiver, within 10 days of receipt of a copy of this Order, with copies of the following information in accordance with section 18 of the *Personal Property Security Act*, RSA 2000, c P-7:

- a. all security documents relating to the following registrations (the "**PPR Registrations**");

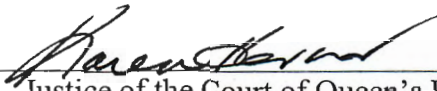
<i>Pacesetter</i>			
<b>Block</b>	<b>Serial Number</b>	<b>Year</b>	<b>Make and Model</b>
8	PNW01487	2014	Cat 324E Hyd. Excavator
10	ZJT00899	2014	Cat 314E Hyd. Excavator
11	TFF00346	2014	Cat 730C Articulated Rock
2	10054	2017	Komatsu HM300-5 Truck
<i>Team Ford</i>			
<b>Block</b>	<b>Serial Number</b>	<b>Year</b>	<b>Make and Model</b>
1	1FTFW1EF8EFB90372	2014	FORD F-150
4	1FT8W3B61EEB04169	2014	FORD F-350
6	1 FT7W2B63EEB71393	2014	FORD F-250
10	1 FTFW1 EF5EFC53668	2014	FORD F-150

<i>Pacesetter</i>			
<b>Latest Registration Number</b>	<b>Type</b>	<b>Current Debtor</b>	<b>Current Secured Party</b>
19020432029	Security Agreement	Heavy North Construction Ltd.	Pacesetter Equipment Ltd.

- b. a statement in writing of the outstanding indebtedness owing by Heavy North in relation to each of the PPR Registrations.
4. Pacesetter and Team Ford shall send the information required by paragraph 3 hereof to counsel for the Receiver by email to [epaplowski@osler.com](mailto:epaplowski@osler.com) and concurrently in hard copy to: Osler, Hoskin & Harcourt LLP, Suite 2500, TransCanada Tower, 450 – 1 Street SW, Calgary, AB, T2P 5H1, attention: Emily Paplawski within 10 days of being provided with

a copy of this Order, failing which the respective claims of Pacesetter and Team Ford shall be declared to be unsecured claims in these proceedings.

5. The Receiver's Interim Statement of Receipts and Disbursements, as set out in the Second Report, is hereby approved.
6. The Receiver's accounts and the accounts of its independent counsel, Osler Hoskin & Harcourt LLP, as set out in the Second Report, are hereby approved.
7. The actions, conduct and activities of the Receiver, as set out in the Second Report, are hereby approved.
8. The Receiver shall serve by courier, fax transmission, email transmission or ordinary post, a copy of this Order on all parties present at this Application and on all parties who are presently on the service list established in these proceedings and such service shall be deemed good and sufficient for all purposes.

  
Justice of the Court of Queen's Bench of Alberta

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JUDICIAL CENTRE CALGARY  
PLAINTIFF 1056420 ALBERTA LTD.  
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Facsimile: 403-260-7024  
E-mail: rvandemosselaer@osler.com

DATE ON WHICH ORDER WAS PRONOUNCED: November 25, 2019

LOCATION WHERE ORDER WAS PRONOUNCED: Calgary, Alberta

NAME OF JUSTICE WHO MADE THIS ORDER: Madam Justice K.M. Horner

I hereby certify this to be a true copy of the original order dated this 26<sup>th</sup> day of Nov 2019  
*[Signature]*  
for Clerk of the Court

UPON THE APPLICATION of KPMG Inc. in its capacity as Court-appointed receiver (the "Receiver") of the assets, properties and undertakings of Heavy North Construction Ltd. ("Heavy North") for an order, among other things, authorizing and directing the Receiver to make an interim distribution to Alberta Treasury Branches ("ATB") in satisfaction of ATB's secured claim; AND UPON having reviewed the Receivership Order granted in these proceedings by the Honourable Madam Justice G.A. Campbell on April 16, 2019 and the Second Report of the Receiver, dated November 18, 2019 (the "Second Report"); AND UPON hearing the submissions of counsel for the Receiver, and ~~names of other parties appearing~~ <sup>K<sup>th</sup> Counsel for NPA w/td K<sup>th</sup></sup> and no one appearing for any other person on the service list, although properly served as appears from the Affidavit of Service, filed;

**IT IS HEREBY ORDERED AND DECLARED THAT:**



1. Service of notice of this Application and supporting materials is hereby declared to be good and sufficient, ~~and no other person is required to have been served with notice of this Application,~~ and time for service of this Application is abridged to that actually given.
2. The Receiver is authorized and directed to distribute \$3,353,616 of estate funds to ATB in full satisfaction of ATB's secured claim.
3. Pacesetter Equipment Ltd. ("**Pacesetter**") and Team Ford ("**Team Ford**") are hereby directed provide the Receiver, within 10 days of receipt of a copy of this Order, with copies of the following information in accordance with section 18 of the *Personal Property Security Act*, RSA 2000, c P-7:
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Justice of the Court of Queen's Bench of Alberta