

ACTION NO: 0901 - 18396

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

BETWEEN:

LOIS V SIDORSKY

Plaintiff

~ and ~

ARCUS DEVELOPMENTS INC.

WILLIAM KNOX, DIANNA LYNNE WIDNEY, DEBRA L WIEGERS, BARBARA PERKINS, JASON STRUDWICK, C YVONNE MARR, JAMES MORSON, PATRICIA MORSON, DARREN MORSON, PRISCILLA ASAMOAH, JOHN P DONOVAN, CHERYL DONOVAN, CANHAM HOLDINGS LTD., HOWARD WAYE, STEPHANIE MORSON, SHANE MORSON, CHEVIOT ROAD CORP., 624309 SASKATCHEWAN LTD., GERALD E GREENWALL, LYNN GREENWALL, E DWIGHT CYMBALIUK, BARRY CHUGG, ROSLYN HANSON, WOWZER INC., JENNIFER REDING, BRANT REDING, MOLLY MAK, CARLA LINES, MADISON AVENUE PROPERTIES INC., TOM DONAGHY, DEBRA ISAAC, JAMES WAYNE WARNICA, SWN HOLDINGS LTD., STEPHEN TRIMBLE, SUSAN TRIMBLE, STEVE CASEY, ROSE CASEY, SHANE FIELD, AQUILA HOLDINGS LTD., CLIFF WIEGERS, MONIKA BERDUSCO, KARAL HOLDINGS LTD., TREVOR SMITH, GISELE DURAND SMITH, COLIN COULOMBE, GAYLE LINDBERG, 995128 ALBERTA LTD., GORDON FROST, HEATHER MCKAY, GERRIT KLOET, ANNA-MARIE CUGLIETTA, JAMES BLAIR, LAURA CUGLIETTA, LYLE MICHELSON, JANET ANDERSON, DANIELLE ROLINE, MARGE PIERZCHAJLO, TIMOTHY ANDERSON, BRENT BAILEY, MICHAEL BROUGH, PATRICIA DONNELLY, CANDEN RESOURCES LTD., JANIS M KIMBALL, BARRY M J KIMBALL, HOWARD CHEW, PAUL RADOSTITS, AMANDA C FLEMMER, VINAY MORKER, DAVID ALEXANDER BYRON, FRANCIS DEVEREUX DUFFIN, RONALD EDWARD JONES, POLMED RESEARCH INC., WENDY CATHERINE MANNING, 1230987 ALBERTA INC., ADAM MILLS, KELLY DODDS, QUENTIN FAUTH, DAVID JOHN HERTZ, JAMES FOX, GARY WALDRON, DIANNE WALDRON, DWIGHT H VAN MIDDLESWORTH, SHARON F VAN MIDDLESWORTH, BRETT W KRYSKOW, ART A MARCHE, ROBERT SKINNER, NORMAN EATON, MICHAEL LAMBROS, BRENDA LAMBROS, MYLES TRAWICK, BRYCE G BONNEVILLE, NICOLE MIKIC, SARAH UNDERHILL, ROCHELLE UNDERHILL, TERRI COOKE-KINSELLA, MARGARET NEMETH, VIC GUPTA, JAMES MCINTYRE, DAWN MCINTYRE, CHAYNNA HAY, ADELE ZUCHETTO, DEAN ZUCHETTO, TIM MCGOVERN, KENNETH F. MCGOVERN, AUDREY MCGOVERN, CONTEMPORARY KEY INVESTMENTS INC., DAREN WESLEY WILLEMS, ARLEEN DELORES WILLEMS, MARK REIS, ELIZABETH SYLVESTRE, LOUISE KNIGHT, MIKE KERTESZ, WISSAM NOUR, TYLER WAYE, ALISON ROGERS, GEOFF ROGERS, CAROL PLOEN-HOEGOOD, KRISTEN VOGT, BRYCE G BONNEVILLE PROFESSIONAL CORPORATION, KARL WILDENHOFF, ROB STEPHANSON, ALLISON STEPHANSON, MOOREA PARTNERCO LTD., SPRING PARTNERCO LTD., JIM JONES and DONNA JONES

Defendants

NOTICE OF MOTION

TAKE NOTICE that an application will be made by counsel for the Plaintiff, Lois V. Sidorsky, before the presiding Master in Chambers at the Calgary Courts Centre, in the City of Calgary, in the Province of Alberta, on Monday, the 27 day of September, 2010, at the hour of 10:00 o'clock in the forenoon, or so soon thereafter as counsel may be heard, for an Order for the following relief:

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1. Summary judgment against the following Defendants:

- (a) Arcus Developments Inc.;
- (b) Janice Kimball, Barry Kimball;
- (c) Margaret Nemeth, Howard Chew, Polmed Research Inc.;
- (d) Debra L. Wieggers, Barbara Perkins, C Yvonne Marr, James Morson, Patricia Morson, Darren Morson, Priscilla Asamoah, John P Donovan, Cheryl Donovan, Canham Loldings Ltd., Howard Wayne, Stephanie Morson, Shane Morson, Cheviot Road Corp., 624309 Saskatchewan Ltd., Gerald E Greenwall, Lynn Greenwall, E Dwight Cymbaliuk, Barry Chugg, Roslyn Hanson, Wowzer Inc., Molly Mak, Carla Lines, Madison Avenue Properties Inc., SWN Holdings Ltd., Stephen Trimble, Susan Trimble, Steve Casey, Rose Casey, Shane Field, Aquila Holdings Ltd., Cliff Wieggers, Karal Holdings Ltd., Trevor Smith, Gisele Durand Smith, Gayle Lindberg, 995128 Alberta Ltd., Gordon Frost, Heather McKay, Gerrit Kloet, Anna-Marie Cuglietta, Laura Cuglietta, Lyle Michelson, Janet Anderson, Danielle Roline, Marge Pierzchajlo, Brent Bailey, Michael Brough, Patricia Donnelly, Camden Resources Ltd., Paul Radostits, Amanda C Flemmer, Vinay Morker, David Alexander Byron, Ronald Edward Jones, 1230987 Alberta Inc., Adam Mills, Kelly Dodds, Quentin Fauth, David John Hertz, Gary Waldron, Dianne Waldron, Dwight H van Middlesworth, Sharon F van Middlesworth, Brett W Kryskow, Robert Skinner, Norman Eaton, Myles Trawick, Bryce G Bonneville, Nicole Mikic, Sarah Underhill, Rochelle Underhill, Terri Cooke-Kinsella, Vic Gupta, Chayna Hay, Adele Zuchetto, Dean Zuchetto, Daren Wesley Willems, Arleen Delores Willems, Mark Reis, Elizabeth Sylvestre, Louise Knight, Mike Kertesz, Tyler Wayne, Carol Ploen-Hosegood, Kristen Vogt, Bryce G Bonneville Professional Corporation, Karl Wildenhoff, Rob Stephanson, Allison Stephanson, Moorea Partnerco Ltd., Spring Partnerco Ltd.; and
- (e) Kenneth McGovern, Tim McGovern, Audrey McGovern and Brant Reding;

2. The entry of judgment against the balance of Defendants, all of whom have been noted in default;

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3. A declaration that the Mortgage is valid and enforceable and a declaration of the amount owing;
4. An Order Nisi/Order for Sale setting the redemption period to one day, followed by a judicial listing period of 90 days of the Lands, or for such other period as this Honourable Court may deem just;
5. Declaring that in default of payment of all sums due, the Lands be offered for sale as follows:
  - (a) pursuant to Part 37 of the Alberta Rules of Court by listing with a licensed real estate agent of the Plaintiff's choosing;
  - (b) in the alternative, by a posting on the Court bulletin board or by tender; or
  - (c) in such other manner as the Court may direct.
6. Directing that, if the Lands are offered for sale, the Defendants or anyone in possession of the Lands or any part thereof, shall co-operate with the listing agent appointed by the Court and shall permit access to the Lands at all reasonable times to enable the listing agent to show the Lands to prospective purchasers;
7. Allowing the Plaintiff, its servants or agents, to enter upon or unto the Lands and make all inspections and do all things necessary to preserve the Lands;
8. Declaring that all Defendants and all subsequent encumbrancers, if any, may be served with a copy of the Order pursuant to Rule 686 of the Alberta Rules of Court and any subsequent documents by registered mail or courier to the Defendants and subsequent encumbrancers, if any, at their last known address;
9. Granting costs on a solicitor and his own client basis, pursuant to the terms of the Mortgage and all costs and commissions incurred or owing to any listing agent;
10. Abridging the time for service and deeming good and sufficient service; and
11. Such other relief as this Honourable Court may deem just.

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AND FURTHER TAKE NOTICE THAT in support of the said application will be read the pleadings and proceedings filed in this Action, the Affidavit of Default, verifying the Plaintiff's claim, the Affidavit of Value, as to the value of the said Properties, Certified Copies of Title to the Lands, all filed, and such further and other material as Counsel may advise.

AND FURTHER TAKE NOTICE that the grounds upon which the Plaintiff will rely are as follows:

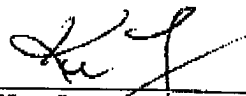
- (a) Parts 10 and 49 of the *Alberta Rules of Court* and Rules 159, 162 and 495 to 497;
- (b) Part 5 of the *Law of Property Act*, R.S.A. 2000, c. L-7, as amended;
- (c) the Statements of Defence filed by the Defendants in the within Action disclose no genuine issue for trial and the defences raised by the Defendants have no real chance of success; and
- (d) such further and other grounds as counsel may advise and this Honourable Court may permit.

AND FURTHER TAKE NOTICE that if you do not appear in person or be represented by Counsel at the time and place mentioned in this Notice of Motion, such Order may be made in your absence as the said Master in Chambers may deem fit.

DATED at the City of Calgary, in the Province of Alberta, this 20 day of September, 2010.

BENNETT JONES LLP

Per:

  
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Ken Lenz  
Solicitors for the Plaintiff,  
Lois V. Sidorsky

TO: Clerk of the Court  
AND TO: Billington Barristers  
Attn: Richard N. Billington Q.C.  
Kirwin LLP  
Attn: Mark Kirwin  
Wilson Laycraft LLP  
Attn: Glen Hickerson

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MORKER, DAVID ALEXANDER BYRON, FRANCIS  
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NORMAN EATON, MICHAEL LAMBROS, BRENDA LAMBROS, MYLES TRAWICK, BRYCE G BONNEVILLE, NICOLE MIKIC, SARAH UNDERHILL, ROCHELLE UNDERHILL, TERRI COOKE-KINSELLA, MARGARET NEMETH, VIC GUPTA, JAMES MCINTYRE, DAWN MCINTYRE, CHAYNNA HAY, ADELE ZUCHETTO, DEAN ZUCHETTO, TIM MCGOVERN, KENNETH F. MCGOVERN, AUDREY MCGOVERN, CONTEMPORARY KEY INVESTMENTS INC., DAREN WESLEY WILLEMS, ARLEEN DELORES WILLEMS, MARK REIS, ELIZABETH SYLVESTRE, LOUISE KNIGHT, MIKE KERTESZ, WISSAM NOUR, TYLER WAYE, ALISON ROGERS, GEOFF ROGERS, CAROL PLOEN-HOSEOOD, KRISTEN VOGT, BRYCE G BONNEVILLE PROFESSIONAL CORPORATION, KARL WILDENHOFF, ROB STEPHANSON, ALLISON STEPHANSON, MOOREA PARTNERCO LTD., SPRING PARTNERCO LTD., JIM JONES and DONNA JONES

Defendants

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**BENNETT JONES LLP**  
Barristers and Solicitors  
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**Ken Lenz**

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Our File No.: 65586 - 1

CLERK OF THE COURT  
SEP 20 2010  
CALGARY, ALBERTA