

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

BETWEEN:

GARY STEVENS, LINDA STEVENS and 1174365 ALBERTA LTD.

Applicants

– and –

TANYA HUTCHENS

Respondent

**APPLICATION RECORD
(VOLUME 2 of 2)**

April 10, 2019

**NECPAL LITIGATION PROFESSIONAL
CORPORATION**
171 John Street, Suite 101
Toronto, Ontario
M5T 1X3

Justin Necpal (LSO#: 56126J)
Tel: 416.646.2920
Fax: 1.866.495.8389
justin@necpal.com

Anisah Hassan (LSO#: 65919L)
Tel: 416.646.1018
ahassan@necpal.com

Lawyers for the Applicants

TO: **MASON CAPLAN ROTI LLP**

350 Bay Street
Suite 600
Toronto, ON M5H 2S6

Gary M. Caplan

Tel: (416) 596-7796

Fax: (855) 880-6271

gcaplan@mcr.law

Lawyers for Sandy Hutchens

AND TO: **DONNELLY MURPHY LAWYERS P.C.**

18 Courthouse Square
Goderich, ON N7A 1M3

Phil J. Smith

Tel: (519) 524-2154 ext. 310

Fax: (905) 523-5878

psmith@dmlaw.ca

Lawyers for Tanya Hutchens

AND TO: **MILLER THOMSON LLP**

100 New Park Place, Suite 700
Vaughan, ON L4K 0H9

Fax: (905) 660-0139

Bobby Sachdeva

Tel: (905) 532-6670

bsachdeva@millერთhompson.com

James Zibarras

Tel: (416) 595-2998

jzibarras@millერთhompson.com

Lawyers for JBD Hutchens Family Holdings Inc. aka JBD Hutchens Family Holdings Inc., 29 Laren Street Inc., 3415 Errington Avenue Inc., 367-369 Howey Drive Inc., 3419 Errington Avenue Inc., 17 Serpentine Street Inc., 720 Cambrian Heights Inc., 331 Regent Street Inc., 789 Lawson Street Inc., 110-114 Pine Street Inc., 15-16 Keziah Court Inc., 193 Mountain Street Inc., 625 Ash Street Inc., 364 Morris Street Inc., and 146 Whittaker Street Inc.

AND TO: **NAYMARK LAW**
171 John Street
Suite 1800
Toronto ON M5T 1X3

Fax: (647) 660-5060

Daniel Naymark

Tel: (416) 640-6078

dnaymark@naymarklaw.com

Terrence Liu

Tel: (416) 640-2256

tliu@naymarklaw.com

Lawyers for A. Farber & Partners Inc., the Court-Appointed Interim-Receiver

AND TO: **A. FARBER & PARTNERS INC.**
150 York Street, Suite 1600
Toronto, ON M5H 3S5

Fax: (416) 496-3839

Hylton Levy

Tel: (416) 496-3070

hlevy@farbergroup.com

Paul J. Denton

Tel: (416) 496-3773

pdenton@farbergroup.com

*Court Appointed Interim Receiver of Hutchens et al. And Not In Its Personal Or
Corporate Capacity*

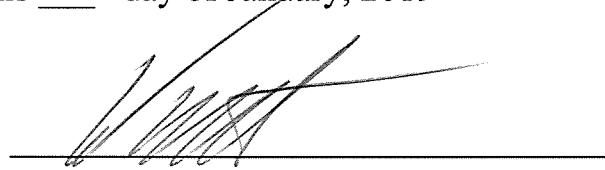
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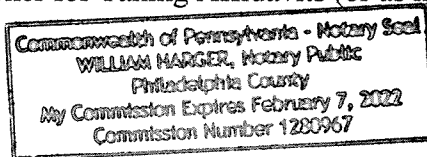
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TAB 20

This is **Exhibit 20** referred to in the
Affidavit of Howard Langer, sworn before me,
this 4th day of January, 2019



Commissioner for Taking Affidavits (or as may be)



**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 11-cv-01012-RBJ

CGC HOLDING COMPANY, LLC, a Colorado limited liability company,
HARLEM ALGONQUIN LLC, an Illinois limited liability company, and
JAMES T. MEDICK, on behalf of themselves and all others similarly situated,

Plaintiffs,

v.

SANDY HUTCHENS, a/k/a Fred Hayes, a/k/a Moishe Alexander, a/k/a Moshe Ben Avraham,
TANYA HUTCHENS, and
JENNIFER HUTCHENS,

Defendants.

JUDGMENT

In accordance with the orders filed during the pendency of this case, and pursuant to Fed. R. Civ. P. 58(a), the following Partial Judgment is hereby entered.

This action was tried before a jury of six after illness of a seventh juror, duly sworn to try the issues herein with U.S. District Judge R. Brooke Jackson presiding, and the jury has rendered a verdict. The jury rendered verdicts in favor of the plaintiffs (meaning the named plaintiffs and members of the certified plaintiff class) and against defendants Sandy Hutchens, Tanya Hutchens and Jennifer Hutchens, finding as to each defendant that he or she violated both 18 U.S.C. § 1962(c) and 18 U.S.C. § 1962(d), and awarding damages in the total amount of \$8,421,367.00. Pursuant to 18 U.S.C. § 1964(c), those damages are trebled. After trebling, the amount of pretrial settlements is deducted. Accordingly, it is

ORDERED that judgment is entered on behalf of the plaintiffs, CGC HOLDING COMPANY, LLC, a Colorado limited liability company, HARLEM ALGONQUIN LLC, an Illinois limited liability company, JAMES T. MEDICK and class members, and against the defendants, SANDY HUTCHENS, a/k/a Fred Hayes, a/k/a Moishe Alexander, a/k/a Moshe Ben Avraham, TANYA HUTCHENS and JENNIFER HUTCHENS, jointly and severally, with compensatory damages in the amount of \$8,421,367, trebled, minus pretrial settlements in the amount of \$1,025,000, for a total of **\$24,239,101**. It is

FURTHER ORDERED that a constructive trust is imposed on certain Ontario, Canada properties owned by Sandy Hutchens, or Tanya Hutchens, or Jennifer Hutchens, or any other family member of any of Sandy, Tanya or Jennifer Hutchens, which properties are known as

1. 29 Laren Street Inc.
2. 3415 Errington Avenue Inc.
3. 3419 Errington Avenue Inc.
4. 331 Regent Street Inc.
5. 110-114 Pine Street Inc.
6. 15-16 Keziah Court Inc.
7. 193 Mountain Street Inc.
8. 625 Ash Street Inc.
9. 101 Service Road Inc.
10. 146 Whittaker Street Inc.
11. 1779 Cross Street, Innisfil, Ontario
12. Sea Doo boat

The constructive trust includes monies resulting directly or indirectly from the use, lease or sale of the properties regardless of the title to the properties and is for the full amount of the Judgment entered by the Court. It is

FURTHER ORDERED that the Court awards attorney's fees, costs and interest in favor of the plaintiffs and against Sandy Hutchens, Tanya Hutchens and Jennifer Hutchens, jointly and severally, in amounts to be determined.

Dated at Denver, Colorado this 26th day of September, 2017.

FOR THE COURT:
JEFFREY P. COLWELL, CLERK

By: s/ J. Dynes

J. DYNES
Deputy Clerk

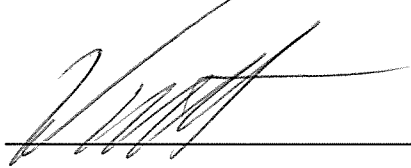
APPROVED BY THE COURT:

s/ R. Brooke Jackson

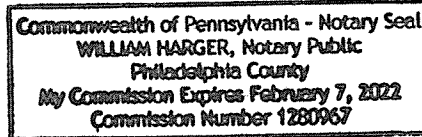
United States District Judge

TAB 21

This is **Exhibit 21** referred to in the
Affidavit of Howard Langer, sworn before me,
this 8th day of January, 2019



Commissioner for Taking Affidavits (or as may be)



IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge R. Brooke Jackson

Civil Action No. 11-cv-01012-RBJ-KLM

CGC HOLDING COMPANY, LLC, a Colorado limited liability company;
HARLEM ALGONQUIN LLC, an Illinois limited liability company; and
JAMES T. MEDICK; on behalf of themselves and all others similarly situated,

Plaintiffs,

v.

SANDY HUTCHENS, a/k/a Fred Hayes, a/k/a Moishe Alexander,
a/k/a Moshe Ben Avraham, et al,

Defendants.

RULINGS ON POST-TRIAL MOTIONS

This case was tried to a jury over the course of 10 days, i.e., May 1-4, 8-12 and 15, 2017. Plaintiffs, a class of businesses and individuals,¹ alleged that they were victimized by an advance fee loan fraud scheme organized by defendant Sandy Hutchens in which Mr. Hutchens' wife, Tanya Hutchens, and his daughter, Jennifer Hutchens, also participated. Plaintiffs asserted claims under two sections of the Racketeer Influenced and Corrupt Practices Act ("RICO"), 18 U.S.C. §§ 1962(c) and 1962(d). At the conclusion of the trial the jury rendered its verdict in favor of the plaintiffs and against all three defendants under both sections of RICO and awarded damages in the amount of \$8,421,367. ECF Nos. 830 (unredacted), 831 (jurors' names redacted). Three post-trial motions are pending and will be addressed in turn.

¹ In this order "plaintiffs" refers to the named plaintiffs and members of the class.

A. Plaintiffs' Motion for Entry of Partial Judgment Awarding Treble Damages

Upon Jury Verdict.

Plaintiffs ask the Court to treble the jury's award to \$25,264,101 as mandated by 18 U.S.C. § 1964(c); then to offset \$1,025,000 to account for pre-trial settlements with other named defendants; and finally to enter a partial judgment in favor of the plaintiffs in the amount of \$24,239,101. ECF No. 834 at 1-2. Plaintiffs indicated that they would forthwith file a separate motion of costs, attorney's fees and prejudgment interest. *Id.* at 3.²

Defendants respond that two members of the class whose claimed damages are included in the \$8,421,367 awarded by the jury had opted out of the class such that their claimed damages must be deducted before trebling: Washington Loop, LLC, \$346,627; and OCD Telluride LLC, \$201,450. ECF No. 835 at 1. Plaintiffs have replied. ECF No. 836.

The Court finds that Washington Loop through its assignee, Lovina Lehr, opted out of the pre-trial settlement with Blaney McMurtry but not as to the remainder of the case. *See* ECF Nos. 452 and 458 at 2 (¶6). The Court finds that although OCD Telluride LLC did opt out per a November 5, 2015 letter from its counsel, it withdrew its request to opt out on November 18, 2015, again per its counsel. *See* ECF Nos. 585 and 599. Accordingly, the Court finds that there is no basis to exclude Washington Loop or OCD Telluride LLC from the class.

The Court grants the motion and directs that a judgment be entered in favor of plaintiffs and against Sandy Hutchens, Tanya Hutchens and Jennifer Hutchens, jointly and severally, in the amount of **\$24,239,101**.

² No motion for costs, attorney's fees or prejudgment interest has been filed to the date of this order.

B. Defendants' Motion to Decertify the Class Against Tanya Hutchens and Amend the Class Definition to Reflect Evidence of Class-Directed Activities.

Defendants argue that the trial record contains no evidence that Tanya Hutchens was involved in preparing any document provided to any class member and no evidence that she received the net proceeds of the advance loan fees other than a few specific exceptions. ECF No. 837 at 2. Plaintiffs respond that the motion is procedurally defective in that it is untimely and does not address the specific requirements of Rule 23; and that the evidence presented at trial does support the jury's verdict with respect to Tanya Hutchens. ECF No 840 at 4-17. Defendants' reply addresses the alleged procedural defects. ECF No. 844.

This Court certified a class for reasons set forth in an order issued March 4, 2013. ECF No. 406 at 22-30. The Tenth Circuit affirmed class certification for reasons set forth in its order of December 8, 2014. *CGC Holding Co., LLC. v. Broad and Cassel*, 773 F.3d 1076, 1084-96 (10th Cir. 2014). The Court has the discretion to decertify a class due to subsequent developments in the litigation. *Gen'l Tel. C. of S.W. v. Falcon*, 457 U.S. 147, 160 (1982). But defendants did not again challenge class certification before or during the trial. Obviously, the fact that the jury found against Tanya Hutchens is not a reason to decertify the class after trial.

The change in circumstances on which defendants rely is the asserted lack of sufficient evidence to support the jury's finding that Tanya Hutchens was a co-conspirator with Sandy Hutchens in the fraudulent scheme that was the subject as to which a class was certified. This is not the first time defendants have made the same arguments. The Court denied a Rule 50(a) motion made on behalf of Tanya Hutchens (and a renewed motion to dismiss the claims against her for lack of personal jurisdiction) during the trial. *See* ECF No. 838 (excerpt of proceedings,

day six of trial) at 21-22, 24-25 and ECF No. 852 (excerpt of proceedings, day seven of trial) at 3-13.

The Court again rejects the same arguments. I bear in mind that the class that was certified consisted of all U.S. residents or domiciled entities that were issued loan commitments between January 1, 2005 and April 7, 2013 by entities controlled by Sandy Hutchens, including Canadian Funding Corporation, 308 Elgin Street Inc., and First Central Mortgage Funding, Inc., among others. *See* ECF No. 406 at 22-23.

Randy Guzar was an Ontario mortgage broker who testified by videotaped deposition, and the citations to his testimony are therefore citations to that deposition which is part of the record. According to Mr. Guzar, he worked closely, apparently almost daily, with Sandy and Tanya Hutchens during an approximate two and one-half year period, roughly from late 2004 to early 2007. This was the period when Sandy Hutchens created Canadian Funding Corporation, 308 Elgin, and First Central Mortgage Funding. Mr. Guzar testified, “I just saw Mr. and Mrs. Hutchens as Canadian Funding Corporation . . . it took both of them to do whatever they were doing.” Guzar depo. at 30. He worked with them on 87 loan transactions, albeit none of which were the loan transactions with the plaintiffs. He saw Tanya “typing and printing letters of intents and . . . commitment letters.” *Id.* at 32. He described Tanya as an “equal partner in the business” and as someone who participated in discussions about “deals and the structuring of deals” and was active in conversations with brokers and borrowers. *Id.* at 35, 45. Mr. Guzar confirmed that Sandy and Tanya Hutchens purchased numerous properties in Ontario, of which Sandy was an officer and director. *Id.* at 37-38. He also testified that Tanya assisted Mr. Hutchens with banking matters. *Id.* at 45-48.

Plaintiffs also call the Court's attention to Trial Exhibit No. 134, a June 15, 2009 letter from Sandy Hutchens (using the alias Moishe Alexander) to his attorney Alvin Meisels, well after the beginning of the loan proposals to members of the plaintiff class, which suggested that Tanya was involved in setting up the Internet website for First Central Mortgage Company, which issued more than \$300 million in loan commitments to U.S. borrowers between August 2009 and October 2010. *See* ECF No. 840 at 12.

Perhaps most damning, however, was evidence that funds that were received from the plaintiffs in the advance fee loan scheme were transferred to Tanya and used by her to invest in various properties in Ontario. This is discussed in more detail in relation to plaintiffs' motion for the imposition of a constructive trust against Sandy, Tanya and Jennifer Hutchens and their properties. *See* ECF No. 842, discussed below. The Court finds that the jury reasonably could have found, and presumably did find, that Tanya's and Sandy's testimony suggesting that the plaintiffs' funds that were transferred to her were in payment of separation payments legitimately owed by Sandy to Tanya was not credible.

In short, the Court finds that the jury could have inferred from the direct evidence, and presumably did infer, that Tanya Hutchens continued after the period in which Mr. Guzar was involved to be an active participant in Sandy Hutchens' businesses, including the businesses through which they perpetrated the advance fee loan fraud on the plaintiffs. Frankly, the Court found Tanya's testimony to the effect that she was not involved with any of the illicit activity that made up the fraudulent scheme to be incredible, just as it found Sandy's testimony, in large part, to be incredible. The jury could have, and presumably did, reach the same conclusion.

C. Plaintiffs' Motion for Imposition of a Constructive Trust Against Defendants

Sandy Hutchens, Tanya Hutchens, and Jennifer Hutchens.

Plaintiffs ask the Court to impose a constructive trust on properties acquired by Sandy Hutchens, Tanya Hutchens and/or Jennifer Hutchens using or traceable to funds obtained from the plaintiffs by means of the advance fee loan fraud. ECF No. 842. Defendants respond that RICO does not authorize equitable remedies to collect a judgment; that plaintiffs do not qualify for a common-law constructive trust; and that plaintiffs cannot trace specific funds to the purchase of specific properties. ECF No. 855. This motion became ripe upon the filing of plaintiffs' reply. ECF No. 858.

“A constructive trust is an equitable remedy that is imposed for the recovery of wrongfully-held property.” *United States Department of Energy v. Seneca Oil Co. (In re Seneca Oil Co.)*, 906 F.2d 1445, 1450 (10th Cir. 1990). “It is a property remedy when a recipient acquired property by defrauding the claimant.” *United States v. Andrews*, 530 F.3d 1232, 1237 (10th Cir. 2008). It is a “flexible equitable remedy that may be imposed to prevent unjust enrichment.” *ECCO Plains, LLC v. United States*, 728 F.3d 1190, 1202 n.16 (10th Cir. 2013) (quoting *Lawry v. Palm*, 192 P.3d 550, 562 (Colo. App. 2008)). However, a constructive trust is not simply an alternative means of collecting a money judgment. Rather, “[a] constructive trust is generally imposed upon specific assets.” *Id.* “Typically, when a party can trace its assets, that party is entitled to seek a constructive trust or equitable lien on its portion of those funds that remain.” *United States v. Durham*, 86 F.3d 70, 72 (5th Cir. 1996).

Defendants interpret § 1964 of RICO concerning “civil remedies” as precluding the imposition of a constructive trust. ECF No. 855 at 3-5. The statute states,

(a) The district courts of the United States shall have jurisdiction *to prevent and restrain violations of section 1962 of this chapter by issuing appropriate orders*, including but not limited to: ordering any person to divest himself of any interest, direct or indirect, in any enterprise; imposing reasonable restrictions on the future activities or investments of any person, including, but not limited to, prohibition any person from engaging in the same type of endeavor as the enterprise engaged in, the activities of which affect interstate or foreign commerce; or ordering dissolution or reorganization of any enterprise, making due provision for the rights of innocent persons.

(b) The Attorney General may institute proceedings under this section. Pending final determination thereof, the court may at any time enter such restraining orders or prohibitions, or take such actions, including the acceptance of satisfactory performance bonds, as it shall deem proper.

(c) Any person injured in his business or property by reason of a violation of section 1962 of this chapter may sue therefor in any appropriate United States district court and shall recover threefold the damages he sustains and the cost of the suit, including a reasonable attorney's fee

18 U.S.C. § 1964 (emphasis added by defendants).

Some courts have interpreted this language as precluding backward-looking remedies such as disgorgement. *See, e.g., U.S. v. Philip Morris USA, Inc.*, 396 F.3d 1190, 1197-1200 (D.C. Cir. 2005). Others have not found that language to be so limiting. *See, e.g., Chevron Corp. v. Donziger*, 833 F.3d 74, 137 (2d Cir. 2016) (“We conclude that a federal court is authorized to grant equitable relief to a private plaintiff who has proven injury to its business or property by reason of a defendant’s violation of § 1962, largely for the reasons state by the Seventh Circuit in *NOW I*.”)³ Neither the Tenth Circuit nor the United States Supreme Court has directly addressed the issue to date.

In *Reves v. Ernst & Young*, 507 U.S. 170 (1993), the Court noted Congress’ direction that RICO be “liberally construed to effectuate its remedial purpose.” *Id.* at 183. However, while this directive sought to avoid “an overly narrow reading of the statute, it is not an invitation to

³ *National Organization for Women, Inc. v. Scheidler*, 267 F.3d 687, 695 (7th Cir. 2001), *rev’d on other grounds*, 537 U.S. 393 (2003).

apply RICO to new purposes that Congress never intended.” *Id.* Rather, the meaning of specific clauses “must be gleaned from the statute through the normal means of interpretation.” *Id.* at 184.

Section 1964(a) states that district courts have jurisdiction “to prevent and restrain violations of section 1962.” To accomplish that broad objective courts can issue appropriate orders “including, *but not limited to*” ordering a person to “to divest himself of any interest, direct or indirect, in any enterprise,” and imposing “reasonable restrictions on the future activities or investments of any person, including, *but not limited to*, prohibiting any person from engaging in the same type of endeavor as the enterprise engaged in.” 18 U.S.C. § 1964(a) (emphasis added). A constructive trust in appropriate circumstances could promote the objectives of subsection (a) because it limits the violator’s ability to retain or conceal property traceable to monies extracted from the victim by fraud.

Nor am I persuaded by defendants’ alternative argument that the Court’s order of April 29, 2016 in which the Court deemed plaintiffs’ Fourth (Constructive Trust) and Fifth (Unjust Enrichment) claims abandoned and granted summary judgment dismissing them without prejudice, ECF No. 693 at 8, precludes imposition of a constructive trust. A constructive trust claim “is not an independent basis for liability but instead seeks an equitable remedy for the underlying RICO violation.” *Empress Casino Joliet Corp. v. Blagojevich*, 638 F.3d 519, 539 (7th Cir. 2011).

Finally, as to whether plaintiffs’ funds can be traced to defendants’ properties, plaintiffs list 23 specific properties, referred to by plaintiffs as either the “Transferee Properties” or the “Hutchens Properties,” which were acquired by Sandy or Tanya Hutchens during the class period. *See* ECF No. 842 at 2-3. They add that certain other properties, including the Hutchens’

principal residence in Thornhill, Ontario and lakefront cottage in Innisfil, Ontario were also acquired during the class period, and that collectively, these properties were said to have a market value exceeding \$16 million in a separation agreement executed in January 2011 (three months before this lawsuit was filed). *Id.* at 3-4.

Plaintiffs state that the testimony of former Hutchens accountant Martin Lapedus, current Hutchens accountant Maury Posner, and Tanya and Sandy Hutchens themselves, showed that millions of dollars of plaintiffs' advance loan fees were diverted by Sandy to himself, Tanya, Tanya's mother, the Hutchens' minor children, and the Transferee/Hutchens Properties. The mechanism, per the same witnesses and admitted financial statements, was that plaintiffs' fees flowed through entities owned and controlled by Sandy Hutchens and were distributed to Sandy, Tanya, her mother, the children, and the Transferee/Hutchens properties via purported "shareholders' advances" or "advances [to] affiliated companies." *Id.* at 4, 6.

Defendants respond that plaintiffs' motion

lumps all of the funds that plaintiffs tendered to lenders together, and treats all of these funds as having been transferred to the entities over whom plaintiffs indirectly seek a constructive trust. Although Plaintiffs acknowledge at least three times that a constructive trust applies only to proceeds traced to wrongfully acquired property, they do not trace specific funds that Plaintiffs paid to a specific lender to any particular property or entity, as Colorado requires to support a constructive trust.

ECF No. 855 at 12.

Defendants add that plaintiffs did not dispute Tanya Hutchens' testimony that the properties were acquired with her own funds that she contributed to the entities. *Id.* at 13. Finally, defendants argue that any property purchased before March 2008, when class members first paid advance fees to the lenders, couldn't have been purchased with plaintiffs' funds. *Id.* Defendants point out that plaintiffs did not cite evidence as to when the properties were acquired.

Id. Defendants provide some of that information in a discovery response which they attach as “Exhibit C.” ECF No. 855-3.

The Court finds that there was evidence establishing that either Sandy or Tanya Hutchens set up a series of companies owned by Tanya or by other family members. At least some of these identified Sandy as either an officer or director. These companies each own or owned a separate rental property. Tanya testified that she bought these properties with her own funds. The Court did not find Tanya’s testimony to be credible. But even if one assumes the truth of that testimony, the question is how she obtained the funds.

Sandy Hutchens did not deny that money that came from plaintiffs’ advance loan fees was transferred to Tanya or other family members, either through one of Sandy’s companies or directly. The purported explanation was that these transfers were in repayment of loans made by Tanya to Sandy and payment of sums to which Sandy committed in the 2011 separation agreement (the parties have never divorced). The Court did not find those explanations to be credible. Rather, the Court finds that the transfers, in whole or in part, and the use of the transferred funds to purchase real property in the name of Tanya, the children, or other parties related to the family, was essentially a cover for getting plaintiffs’ funds out of the hands of Sandy Hutchens and his companies and into the potentially safer hands of Tanya and other family members.

I note that Tanya testified that if there was anything illegal or unlawful about the monies she received from Sandy, she is willing to “give it back happily.” If she did this, then the constructive trust remedy would be moot. But not a single dollar has ever been returned to the plaintiffs by any of the Hutchens.

Nevertheless, given the limited circumstances under which a constructive trust is an appropriate remedy, the Court will not simply assume that all of the 23 properties identified by the plaintiffs were purchased with plaintiffs' money. There must be evidence from which the Court can make that finding.

The Court has reviewed the reporter's notes of the testimony of Maury Posner, the Hutchens' current accountant; and the reporter's notes of the testimony of Tanya Hutchens. The Court has, to date, been unable to review the testimony of the Hutchens' former accountant, Martin Lapedus, because his testimony was presented in the form of a video deposition, and the Court has no copy of it. The Court anticipated that plaintiffs' reply on the constructive trust motion would include specific citations to evidence in the record that would support their tracing contention, but the reply did not contain such citations.

Based on what I have reviewed, I am comfortable at this time finding that the following properties were probably purchased in whole or in part by Sandy or Tanya Hutchens or entities owned by or other family members using funds provided by plaintiffs in advance loan fees:⁴

1. 29 Laren Street Inc.
2. 3415 Errington Avenue Inc.
3. 3419 Errington Avenue Inc.
4. 331 Regent Street Inc.
5. 110-114 Pine Street Inc.

⁴ I am using the parties' shorthand identification of the properties in the absence of more complete descriptions of them. There are probably other properties that were purchased with funds originating from the plaintiffs. As examples only, I note 146 Whittaker Street Inc., described in defendants' Exhibit C, ECF No. 855-3, as having been sold in approximately March 2008, and three properties owned by Tanya but purportedly transferred into a trust for her children (33 Theodore Place, described as Tanya's residence; 1479 Maple Street, a cottage; and 1790 Cross street, another cottage). The Court is open to adding, subtracting or otherwise modifying the list if either party can provide citations to appropriate evidence.

6. 15-16 Keziah Court Inc.
7. 193 Mountain Street Inc.
8. 625 Ash Street Inc.
9. 101 Service Road Inc.⁵
10. 146 Whittaker Street Inc.⁶
11. 1779 Cross Street, Innisfil, Ontario (purportedly transferred in the names of Tanya's children or a trust on behalf of the children)
12. Sea Doo boat

The Court will impose a constructive trust on these 12 properties and monies resulting directly or indirectly from the use, lease or sale of the properties regardless of the title to the properties. *See Lyons v. Jefferson Bank & Trust*, 793 F. Supp. 981, 986 (D. Colo. 1992) (“Legal title notwithstanding, the very function of a constructive trust is to pierce the ‘legal’ façade to do equity under the circumstances),” *aff’d in part, rev’d in part on other grounds*, 994 F.2d 716 (10th Cir. 1993).

ORDER

1. Plaintiffs’ Motion for Entry of Partial Judgment Awarding Treble Damages Upon Jury Verdict, ECF No. 834, is GRANTED. The Court directs that judgment be entered in favor of plaintiffs and against Sandy Hutchens, Tanya Hutchens and Jennifer Hutchens, jointly and severally, in the amount of **\$24,239,101**, plus reasonable attorney’s fees, costs and prejudgment interest in amounts to be determined.

⁵ There was evidence that funds from Sandy Hutchens’ company, 308 Elgin Street, were transferred to 101 Service Road, one of Sandy’s properties. Whether the transfer occurred before or after Sandy’s companies began receiving plaintiffs’ funds is unclear. Defendants’ Exhibit C, ECF No. 855-3, claims that this property was sold in approximately March 2008.


⁶ See footnote 4.

2. Defendants' Motion to Decertify the Class Against Tanya Hutchens and Amend the Class Definition to Reflect Evidence of Class-Directed Activities, ECF No. 837, is DENIED.

3. Plaintiffs' Motion for Imposition of a Constructive Trust Against Defendants Sandy Hutchens, Tanya Hutchens, and Jennifer Hutchens, ECF No. 842, is GRANTED IN PART AND DENIED IN PART.

DATED this 26th day of September, 2017.

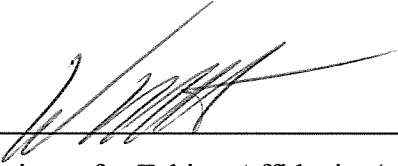
BY THE COURT:



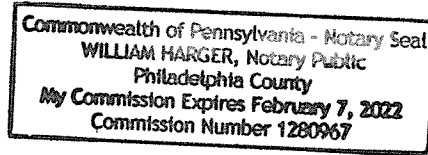
R. Brooke Jackson
United States District Judge

TAB 22

This is **Exhibit 22** referred to in the
Affidavit of Howard Langer, sworn before me,
this 8th day of January, 2019



Commissioner for Taking Affidavits (or as may be)



**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 11-cv-01012-RBJ

CGC HOLDING COMPANY, LLC, a Colorado limited liability company,
HARLEM ALGONQUIN LLC, an Illinois limited liability company, and
JAMES T. MEDICK, on behalf of themselves and all others similarly situated,

Plaintiffs,

v.

SANDY HUTCHENS, a/k/a Fred Hayes, a/k/a Moishe Alexander, a/k/a Moshe Ben Avraham,
TANYA HUTCHENS, and
JENNIFER HUTCHENS,

Defendants.

AMENDED and FINAL JUDGMENT

In accordance with the orders filed during the pendency of this case, and pursuant to Fed. R. Civ. P. 58(a), the following Amended and Final Judgment is hereby entered.

This action was tried before a jury of six after illness of a seventh juror, duly sworn to try the issues herein with U.S. District Judge R. Brooke Jackson presiding, and the jury has rendered a verdict. The jury rendered verdicts in favor of the plaintiffs (meaning the named plaintiffs and members of the certified plaintiff class) and against defendants Sandy Hutchens, Tanya Hutchens and Jennifer Hutchens, finding as to each defendant that he or she violated both 18 U.S.C. § 1962(c) and 18 U.S.C. § 1962(d), and awarding damages in the total amount of \$8,421,367.00. Pursuant to 18 U.S.C. § 1964(c), those damages are trebled. After trebling, the amount of pretrial settlements is deducted. Accordingly, it is

ORDERED that judgment is entered on behalf of the plaintiffs, CGC HOLDING COMPANY, LLC, a Colorado limited liability company, HARLEM ALGONQUIN LLC, an Illinois limited liability company, JAMES T. MEDICK, and class members, and against the defendants, SANDY HUTCHENS, a/k/a Fred Hayes, a/k/a Moishe Alexander, a/k/a Moshe Ben Avraham, TANYA HUTCHENS and JENNIFER HUTCHENS, jointly and severally, with compensatory damages in the amount of \$8,421,367, trebled, minus pretrial settlements in the amount of \$1,025,000, for a total of **\$24,239,101**. It is

FURTHER ORDERED that a constructive trust is imposed on certain Ontario, Canada properties owned by Sandy Hutchens, or Tanya Hutchens, or Jennifer Hutchens, or any other family member of any of Sandy, Tanya or Jennifer Hutchens, which properties are known as

1. 29 Laren Street Inc.
2. 3415 Errington Avenue Inc.
3. 3419 Errington Avenue Inc.
4. 331 Regent Street Inc.
5. 110-114 Pine Street Inc.
6. 15-16 Keziah Court Inc.
7. 193 Mountain Street Inc.
8. 625 Ash Street Inc.
9. 101 Service Road Inc.
10. 146 Whittaker Street Inc.
11. 1779 Cross Street, Innisfil, Ontario.
12. Sea Doo boat. At least \$21,000 (of plaintiffs' advance loan fees) is traceable to this asset.

13. Estate of Hutchens. At least \$615,000 appears to be traceable to this asset.
14. 364 Morris Street Inc. At least \$4,000 is traceable to this asset.
15. 367-369 Howey Drive Inc. At least \$4,000 is traceable to this asset.
16. 720 Cambrian Heights Inc. At least \$1,500 is traceable to this asset.
17. 33 Theodore Place. At least \$379,968 appears to be traceable to this asset.
18. JBD Holding and/or JBD Family. At least \$400,000 is traceable to this asset.

The constructive trust includes all monies resulting directly or indirectly from the use, lease or sale of the properties regardless of the title to the properties and is for the full amount of the Judgment entered by the Court. The burden is on the plaintiffs to trace their application fees to specific properties. It is

FURTHER ORDERED that the Court awards attorney's fees to the plaintiffs of one-third of the amounts collected on the common fund created by this Amended and Final Judgment (\$24,239,101 plus interest), to be taken proportionately out of funds as they are collected so that counsel and clients share the collections contemporaneously and proportionately as they are received. It is

FURTHER ORDERED that pursuant to 18 U.S.C. § 1964(c), Fed. R. Civ. P. 54(d)(1) and D.C.COLO.LCivR 54.1, plaintiff are awarded costs against Sandy Hutchens, Tanya Hutchens and Jennifer Hutchens, jointly and severally, in the amount of **\$33,237.89**. It is

FURTHER ORDERED that plaintiffs are awarded prejudgment interest on \$8,421,367 at the rate of 1.31% compounded annually from April 15, 2011 through September 26, 2017 against Sandy Hutchens, Tanya Hutchens and Jennifer Hutchens, jointly and severally, in the total amount of **\$737,911.68**. It is

FURTHER ORDERED that post-judgment interest at the federal rate of 1.31% will run on the unsatisfied portion of the judgment from September 27, 2017 until the judgment is satisfied.

Dated at Denver, Colorado this 18th day of December, 2017.

FOR THE COURT:
JEFFREY P. COLWELL, CLERK

By: s/ J. Dynes

J. DYNES
Deputy Clerk

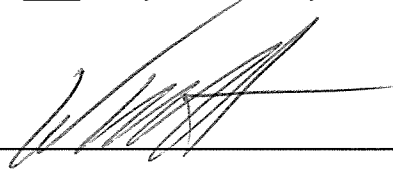
APPROVED BY THE COURT:

s/ R. Brooke Jackson

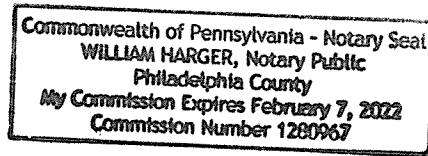
United States District Judge

TAB 23

This is **Exhibit 23** referred to in the
Affidavit of Howard Langer, sworn before me,
this 8 th day of January, 2019



Commissioner for Taking Affidavits (or as may be)



IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge R. Brooke Jackson

Civil Action No. 11-cv-01012-RBJ-KLM

CGC HOLDING COMPANY, LLC, a Colorado limited liability company;
HARLEM ALGONQUIN LLC, an Illinois limited liability company; and
JAMES T. MEDICK; on behalf of themselves and all others similarly situated,

Plaintiffs,

v.

SANDY HUTCHENS, a/k/a Fred Hayes, a/k/a Moishe Alexander,
a/k/a Moshe Ben Avraham, et al,

Defendants.

RULINGS ON ADDITIONAL POST-TRIAL MOTIONS

On September 26, 2017 this Court entered a partial judgment in favor of the named plaintiffs and class members (hereafter “ plaintiffs”) in the amount of \$24,239,101, jointly and severally against Sandy, Tanya and Jennifer Hutchens (the Hutchens defendants). The Court also imposed a constructive trust on certain properties and awarded attorney’s fees, costs and interest to the plaintiffs. ECF No. 860. On the same day the Court issued rulings on post-trial motions. ECF No. 859. This order addresses additional motions that have been filed since that time and directs the entry of an Amended and Final Judgment.

I. PLAINTIFFS’ MOTION FOR COSTS, ECF NO. 865.

This motion has three parts: attorney’s fees, costs and prejudgment interest.

A. Attorney’s Fees.

The partial judgment awarded attorney’s fees as provided by RICO, 18 U.S.C. § 1964(c), but no amount was specified at that time. Attorney’s fees in common-fund cases are determined

either by a percentage of the fund or by the lodestar approach. *Chieftain Royalty Co. v. Enervest Energy Institutional Fund XIII-WIB, L.P.*, 861 F.3d 1182, 1185-86 (10th Cir. 2017). I will consider both methods in evaluating plaintiffs' specific fee request.

1. The percentage of common fund method.

Plaintiffs' lawyers have informed the Court that they agreed to represent the plaintiffs on a contingency fee basis. They request an award of one-third of the common fund, i.e., the judgment entered against the Hutchens' defendants to the extent it is collected. A percentage of the fund is generally the preferred method in cases like this one. *Chieftain Royalty*, 861 F.3d at 1186.

The Hutchens defendants have made several objections to the fee application. *See* ECF No. 879. But while I have considered defendants' objections and used them to test my own thinking, in reality the defendants do not have a "dog in this hunt." The fee will be taken out of whatever amount is collected, and it will not add to the defendants' burden.

Plaintiffs' counsel do not seek to be paid before, or disproportionately to, their clients. Rather, every dollar collected on the judgment will be apportioned between counsel and client, so that the clients will benefit from the recoveries simultaneously and proportionately to the benefit realized by counsel. Accordingly, the common fund method is appropriate, and the question is whether one-third is reasonable.

2. Lodestar.

The "lodestar" is the product of hours reasonably expended times a reasonable hourly rate, and it is presumed to be a reasonable fee. *Robinson v. City of Edmund*, 160 F.3d 1275, 1281 (10th Cir. 1998). After calculating the lodestar courts consider several other factors in determining whether to award the lodestar or some variation up or down from it. In *Johnson v.*

Georgia Highway Express, Inc., 488 F. 2d 714 (5th Cir. 1974) the court provided what has become an oft-cited list of factors that courts can consider.¹ The Colorado Rules of Professional Conduct provide a similar list of relevant factors.²

Plaintiffs' counsel represent that the lodestar in this case totals \$4,200,554. Defendants complain that plaintiffs have not produced itemized billing records, but as I have said, they essentially have no stake in the percentage of the amounts collected on the judgment that goes to the lawyers. Plaintiffs offer to produce their itemized billing records for *in camera* inspection by the Court. I always expect lawyers to keep track of their time, and I require production of itemized billings in most cases. For the reasons set forth next, however, I do not find that it is necessary to produce the billing records in this instance.

Plaintiffs' present lawyers, Scott R. Shepherd and Kevin P. Roddy, stepped into this case when, for reasons I will explain later, it arguably was on life support. They resurrected the case, managed to obtain significant settlements from defendants other than the Hutchens defendants, and ultimately obtained a very large verdict at trial against the Hutchens defendants. The named plaintiffs have expressed their satisfaction and appreciation for their work. The Court has not

¹ *Johnson* begins with the lodestar and lists 12 factors or guidelines for courts then to consider in determining reasonableness: (1) the time and labor required; (2) the novelty and difficulty of the questions; (3) the skill required; (4) preclusion of other employment; (5) the customary fee in the community; (6) whether the fee is fixed or contingent; (7) time limitations imposed by the client or the circumstances; (8) the amount involved and the results obtained; (9) the experience, reputation and ability of the attorney's; (10) the undesirability of the case; (11) the nature and relationship of the professional relationship with the client; and (12) awards in similar cases. *Id.* at 717-19.

² The Colorado Rules of Professional Conduct are found as an Appendix to Chapters 18 to 20, COLORADO COURT RULES – STATE (2015). These factors identified in Rule 1.5 are (1) time and labor required, (2) likelihood of preclusion of other employment, (3) fee customarily charged in the locality, (4) amount involved and results obtained, (5) time limitations imposed by the client or circumstances, (6) nature and length of the professional relationship, (7) experience, reputation, and ability of the lawyer(s), and (8) whether the fee is fixed or contingent.

heard a word of discontent from any class member, nor would I expect to in view of the results obtained.

Mr. Shepherd and Mr. Roddy have represented to the Court, as officers of the Court, that they and their associates recorded time on a daily basis in the same manner as they do for clients who are billed on an hourly basis. They have represented that they have reviewed the time entries and excluded “unjustified” time, including all paralegal time other than that rendered by the original plaintiffs’ attorney, John Head (more on that later), again as they would do for hourly billing clients. Each of them has used a \$500 per hour billing rate which is the rate approved by Magistrate Judge Mix in imposing sanctions on the Hutchens defendants for discovery violations, rather than their regular hourly rates which range between \$700 and \$800 per hour. The work of junior attorneys has also been calculated at rates below their regular rates. *See* Shepherd Affidavit, ECF No. 865-1, at ¶¶4, 7-9; Roddy Affidavit, ECF No. 865-2, at ¶¶4, 8-10.

Included in the total lodestar are 1,828 hours at \$475 per hour recorded by attorney John Head, the original plaintiffs’ attorney in the case, and an additional 1,415.70 hours recorded by Mr. Head at a paralegal rate of \$85 per hour while Mr. Head was working for Mr. Shepherd and Mr. Roddy (again, more on that later).

In sum, I am satisfied that the hours submitted and rates used were reasonable, that \$4,200,554 is the lodestar, and that it provides a reasonable point of beginning in evaluating the fee requested.

3. The *Johnson* factors.

The *Johnson* factors are relevant whether the percentage of common fund or lodestar method is used. I turn to them next.

a. Time and Labor Required.

It is implicit in my conclusion that the time recorded was reasonable that the hours were necessary. By way of further explanation, this was a difficult case on many levels. In terms of facts, fraud is difficult to prove. Figuring out the roles not only of the three Hutchens defendants but also related entities, lawyers, accountants and realtors was difficult. Discovery was an enormous challenge, in part because of the number of depositions and volume of documents involved, in part because of its international nature (the majority of the defendants and others involved in the fraudulent acts were Canadians), and in part because of the Hutchens defendants' failure and refusal to respond fully to appropriate discovery. Discovery disputes required multiple rulings by this Court and by Magistrate Judge Mix who ultimately imposed substantial monetary sanctions on the defendants (a sanction that had not been paid as of the trial date). As indicated, counsel participated in successful settlement negotiations with several other defendants and successfully prosecuted a two-week jury trial.

The legal issues were also challenging. RICO cases are difficult. At the beginning of the case defendants raised interesting and novel issues concerning the reach of RICO, i.e., jurisdictional and service challenges that were vigorously asserted and briefed. Class certification is always time-intensive and difficult. Once this Court certified the class, an interlocutory appeal was filed which ultimately resulted in a lengthy order affirming the certification. *CGC Holding Co., LLC v. Broad and Cassel*, 773 F.3d 1076 (10th Cir. 2014). The Hutchens defendants unsuccessfully sought interlocutory appeals on several other issues as well.

On August 14, 2014 attorney John Head, who filed the case and alone prosecuted it for the first three years of its existence, moved to withdraw. ECF No. 503. The grounds were that

he had been suspended from the practice of law based on matters unrelated to this case. *Id.* His motion was granted, ECF No. 504, leaving the plaintiffs unrepresented.

Fortunately for the plaintiffs, very little was happening in the case at that time, because the case was stayed while appellate proceedings concerning this Court's class action certification ran their course. The Tenth Circuit's ruling came down on December 8, 2014, approximately four months after Mr. Head withdrew. ECF No. 506. The mandate issued on December 30, 2015. ECF No. 509. The very next day, December 31, 2015, defendant Alvin Meisels filed a motion to lift the stay and for an order to show cause why the class claims should not be dismissed if plaintiffs could not secure new and adequate counsel within 30 days. ECF No. 508. At that point I thought it unlikely that plaintiffs would be able find new counsel who would be willing and able to take over a case of this magnitude on a contingent fee.

To my surprise, on January 22, 2015 Mr. Shepherd and Mr. Roddy filed notices of appearance on behalf of plaintiffs and the class. ECF Nos. 511 and 512. They presumably had spent time investigating whether to become involved, and they had to get up to speed on what had happened during what was by then nearly four years of litigation. But before long they begin the process of negotiating settlements with the remaining defendants other than the Hutchens defendants. Back in 2013 Mr. Head had negotiated a settlement that enabled him to pay expenses and keep going. By the end of 2015 Mr. Shepherd and Mr. Roddy had negotiated just over \$1,000,000 in additional settlements. But that was many months, many motions, many hearings, and many hours logged by plaintiffs' counsel before the case was finally brought to trial against the Hutchens defendants in May, 2017.

Finally, I note that it is difficult to understate the degree of opposition that plaintiffs' counsel faced and ultimately overcame in this case. The Hutchens defendants were represented

by at least five different law firms along the way. The case set new records for me in terms of motions, hearings, orders, appeals, and scorched earth litigation. The Hutchens defendants were filing notices of appeal up to almost literally the day of trial. *See* ECF Nos. 752, 775, 776, 789. The trial was moved from April 17, 2017 to May 1, 2017 while one of their appeals was still pending. *See* ECF No. 783. One need only look at the docket entries, numbering 889 entries as of December 15, 2017, to know why so many hours have been required to prosecute (and defend) this case.

b. Novelty and Difficulty.

RICO is a difficult statute to understand and to apply. As I have said, many of the early motions addressed relatively novel issues, particularly concerning the application of RICO to frauds initiated by foreign citizens but perpetrated in the United States. The Hutchens defendants were still raising RICO-related issues in a flurry of motions and appeals filed in the spring of 2017 as the trial date was looming. The issues surrounding class certification were not necessarily novel, but they were difficult as is indicated by the length and depth of the Tenth Circuit's opinion on the subject. The fact issues, particularly the hurdles facing the plaintiffs in the discovery process, were difficult as well. This was a complex, intensely litigated, and difficult case.

c. The Skill Required.

Mr. Head put the basic pieces of the case together, and worked hard and long to do so. His was a vital role, and he demonstrated a reasonable degree of experience and skill in getting the case off the ground. However, the case (number of defendants, number of motions, number of issues needing briefing, massive discovery, negotiating settlements, organizing the case for trial) was too much for one man to handle.

Mr. Shepherd and Mr. Roddy brought skills and experience in large class action litigation that were sorely needed. Mr. Shepherd informs the Court that he has specialized in representing primarily plaintiffs in complex cases including class actions and derivative actions since his graduation in 1985 from the University of Chicago Law School. He is the first named partner in a Pennsylvania-based firm which specializes in such work. *See* ECF No. 865-1 at 2 and *passim*. Mr. Roddy informs the Court he has specialized in representing parties, typically plaintiffs, in complex cases including class actions since 1987. He is a partner in a large New Jersey-based firm that does such work among other specialties. *See* ECF No. 865-2 at 2 and *passim*.

Perhaps of most importance, Mr. Shepherd and Mr. Roddy brought “finishing” skills to the case. They and their associates pulled it all together, focused on preparing the case for trial, and displayed trial skills that only comes from years of experience. All in all, they did an excellent job.

d. Preclusion of Other Employment.

Mr. Shepherd and Mr. Roddy have not identified specific clients or projects that they could not take on after they jumped into this case in January 2015, but obviously a case involving this many hours of work impacts the involved lawyers’ ability to work on other cases.

e. The Customary Fee in the Community.

In *John Vaszlavik v. Storage Technology Corp.*, No. 95-B-2525, 2000 WL 1268824 (D. Colo. Mar. 9, 2000), Judge Babcock observed that “[c]ourts have applied one of two methods for determining attorney’s fee awards in common fund cases: (1) by a ‘percentage of the fund,’ or (2) by the ‘lodestar plus multiplier’ or ‘enhanced lodestar,’ which multiplies the reasonable hours expended by a reasonable hourly rate, and finally by an additional percentage to compensate for risk.” *Id.* at 1. He added that in his experience with common fund fee awards, 30 % of the fund

created by a settlement is typical, and he awarded 30 % in that case. *Id.* at **2, 4. In contrast with the present case, the *Vaszlavik* case was settled, not tried, and there was no indication that the plaintiffs would have difficulty collecting the judgment.

In *Lucken Family Limited Partnership, LLLP v. Ultra Resources, Inc.*, No. 09-cv-01543-REB-KMT, 2010 WL 5387559 (D. Colo. Dec. 22, 2010) Judge Blackburn stated that “[t]he customary fee awarded to class counsel in a common fund settlement is approximately one third of the total economic benefit bestowed on the class.” *Id.* at *5. In that case the fee requested and approved was 11.68% of the common fund but 33 1/3% of the payments to the two classes, net of expenses. *Id.* at *3. It represented a lodestar multiplier of 1.82 times regular hourly rates, which the court stated was much lower than lodestar multipliers that federal courts have “consistently approved in other class action cases.” *Id.* Again, this was a settlement, not a trial verdict where collection was in serious question.

I add that, as Judges Babcock and Blackburn noted, a lodestar multiplier makes sense in such cases. There is obvious risk involved in any case taken on a contingent fee, and the multiplier accounts for the risk and compensates to some extent for other cases that are lost, and no fee is received.

f. Fixed or Contingent

The fee was contingent, as I have discussed. No more need be said here.

g. Time Limitations Imposed by the Client or the Circumstances.

The members of the class were applicants for loans at a time when many of them were desperately in need of funds but the economy was such that commercial loans were hard to come by. Ultimately, for various reasons, the applicants probably would not have qualified for the loans they sought from legitimate lenders, and they so stipulated. The problem was that the

Hutchens defendants fraudulently extracted approximately more than \$8 million in “non-refundable” loan application fees from these applicants. Undoubtedly the fees represented money that the applicants were in no position to lose. But the Court is unaware of any time limitations placed on counsel by the clients, and the absurd length of this litigation belies any such urgency in any event.

Plaintiffs’ counsel point out that they often had to work under difficult time limitations. However, I do not regard this case as substantially different from most complex litigation in that regard.

h. The Results Obtained.

The settlements, all together in the range of \$1.3 million, were themselves a quite favorable result. A \$24 million verdict, achieved at little if any out of pocket cost to the clients (thanks to the settlements) would be a spectacular result if it (or even a significant part of it) is collected. That remains to be seen, but I do not doubt that Mr. Shepherd and Mr. Roddy will doggedly pursue collection on behalf of the plaintiffs as well as themselves.

i. Experience, Reputation and Ability of the Attorneys.

I discussed Mr. Shepherd’s and Mr. Roddy’s credentials earlier in this order. My observation was that their legal work was excellent.

j. The Undesirability of the Case.

This is not a case that involves an unpopular client or that would expose counsel to criticism in the media. Moreover, it follows from the fact that Mr. Head, Mr. Shepherd and Mr. Roddy undertook the case on a contingent fee that they did not find it to be undesirable to become involved. If they collect the judgment it will prove to have been incredibly desirable for clients and lawyers alike. But they took a huge risk when they signed on, both in terms of time

and out-of-pocket expenses, and they face more risk on appeal and in efforts to collect the judgment.

k. The Professional Relationship with the Client.

To the best of my knowledge, there was no relationship between lawyers and clients before this case. This is not a factor in my evaluation.

l. Awards in Similar Cases.

In addition to the cases discussed above from the Tenth Circuit and this district, plaintiffs cite a number of cases from other jurisdictions indicating that fees in the range of 30 to 40 % are frequently approved in class action cases. ECF No. 865 at 8-9.

4. Conclusion Regarding Attorney's Fees.

I conclude that one-third of the amounts collected on the judgment is a reasonable fee. If the entire judgment is collected, and therefore one-third of the whole amount is taken as an attorney's fee, it would represent an enhancement of approximately 1.9 times the lodestar. In the circumstances, particularly where the plaintiffs still have to overcome a potential appeal and collect the judgment, no easy task, that enhancement is entirely fair and appropriate.

B. Costs.

Plaintiffs are entitled to an award of costs pursuant to 18 U.S.C. 1964(c); Fed. R. Civ. P. 54(d)(1); and D.C.COLO.LCivR 54.1. Accordingly, the Court included an award of costs in its judgment. ECF No. 860 at 3. Plaintiffs then submitted their bill of costs. ECF No. 863. The Hutchens defendants did not oppose the request, and on December 6, 2017 the Clerk taxed costs in the amount of \$33,237.89 against the Hutchens defendants. This amount will be included in an Amended and Final Judgment.

C. Prejudgment Interest.

The Court included an award of interest in the judgment without specifying either the rate or whether the interest award included prejudgment as well as postjudgment interest. Plaintiffs request an award of prejudgment interest on the entire verdict amount at the Colorado statutory rate of 8% compounded annually. ECF No. 865 at 17-19.

The Hutchens defendants argue that any prejudgment interest is inappropriate because “[t]he trebled damages that the court awarded under RICO already more than compensate plaintiffs for the time value of their funds.” ECF No. 879 at 7. That argument misses the mark. The trebling feature is not compensatory but is a statutory penalty for engaging in fraud in violation of RICO. Defendants alternatively suggest that prejudgment interest should not be awarded on the trebled component of plaintiffs’ damages, because to that extent, at least, plaintiffs never had and thus never lost those funds, and interest on them would not be compensatory. *Id.* I agree.

An award of prejudgment interest in a RICO case is discretionary. *See, e.g., Abou-Khadra v. Mahshie*, 4 F.3d 1071, 1084 (2d Cir. 1993 (“Since the RICO statute does not contain any provisions regarding the award of prejudgment interest, the district court had discretion as to whether to award such interest.”). In the Tenth Circuit, prejudgment interest is awarded, if at all, if the award would compensate the injured party. *White v. Chafin*, 862 F.3d 1065, 1067-68 (10th Cir. 2017). If the award would be compensatory, “the district court ‘must still determine whether the equities would preclude the award of prejudgment interest.’” *Caldwell v. Life Ins. Co. of N. Am.*, 287 F.3d 1276, 1286 (10th Cir. 2002) (quoting *Eastman Kodak Co. v. Westway Motor Freight, Inc.*, 949 F.2d 317, 321 (10th Cir. 1991)).

Here, the jury awarded \$8,421,367 in compensatory damages representing plaintiffs' forfeited application fees. They would have had the use of those funds had they not been fraudulently obtained from them. Prejudgment interest on that amount would be compensatory, and I find that there is no inequity in making the perpetrators of the fraud pay prejudgment interest to that extent. Prejudgment interest trebled portion of the judgment would not be compensatory.

The remaining questions are what rate to use and from what starting date. Plaintiffs ask the Court to apply § 5-12-102 of the Colorado Revised Statutes in setting the rate. I find that to be inappropriate in this case. First, this was a case brought in a federal court under a federal statute. Second, the Colorado statute is designed to extract the gain or benefit realized by the defendant who wrongfully withheld money to which the plaintiff was entitled. *Id.* at subsection (1)(a). If there is no evidence of the gain or benefit realized, then 8% compounded annually is the default rate. Thus, the focus is not to compensate the victim, as such, but to deny the wrongdoer the benefit of his wrongdoing.

As I noted last year in another case, "district courts are afforded discretion in determining an applicable interest rate." *Chiddix Excavating, Inc. v. Colorado Springs Utilities*, No. 14-cv-03355-RBJ, 2016 WL 6777829, at *8 (D. Colo. Nov. 7, 2016). I also noted there that "a number of circuit courts have held that the federal postjudgment rate is appropriate for fixing the prejudgment rate unless the equities of a particular case require a different rate." *Id.* I do not find that the equities require a different rate in this case. While the trebling was an appropriate penalty, nevertheless, from an equitable standpoint, it decreases the need to depart from the federal rate.

I take judicial notice that the federal postjudgment rate, set pursuant to 28 U.S.C. § 1961, was 1.31% on September 26, 2017, the date of this Court's partial judgment. The plaintiffs and class members delivered their application fees to the Hutchens defendants on many different dates, and it would be impractical to attempt to calculate individual amounts of prejudgment interest, indeed impossible on the record available to me. Accordingly, the Court deems the date of the filing of the suit as the date from which prejudgment interest will be calculated.

Accordingly, the Amended and Final Judgment will include an award of prejudgment interest at 1.31% on \$8,421,367 compounded annually from April 15, 2011 through September 26, 2017. I have calculated the amount to be \$737,911.68 as explained in the following chart:

8,421,367	x .0131 =	110,319.91	4/15/11 to 4/15/12
8,531,868.91	x .0131 =	111,765.10	4/15/12 to 4/15/13
8,643,634.01	x .0131 =	113,231.61	4/15/13 to 4/15/14
8,756,865.62	x .0131 =	114,714.94	4/15/14 to 4/15/15
8,871,580.56	x .0131 =	116,217.71	4/15/15 to 4/15/16
8,987,798.27	x .0131 =	117,740.16	4/15/16 to 4/15/17
9,105,538.43	x .0131 x 165/365	53,922.25	4/15/17 to 9/26/17
	TOTAL	\$737,911.68	

Post judgment interest on the unsatisfied portion of the full judgment amount will run at the same 1.31% rate, compounded annually, September 27, 2017 until the judgment is satisfied.

II. TANYA HUTCHENS' MOTION FOR ENTRY OF JUDGMENT AS A MATTER OF LAW UNDER F.R.C.P. 50(b) OR, ALTERNATIVELY, FOR A NEW TRIAL UNDER F.R.C.P. 59(A)(1)(a), ECF No. 866.

I addressed Tanya Hutchens' arguments when I ruled on pretrial motions, again in denying her Rule motions at trial, and again in ruling on Tanya Hutchens' motion to decertify the class as against her. ECF No. 859. Repetition has not changed my mind. The motion is denied.

**III. SANDY HUTCHENS' MOTION FOR ENTRY OF JUDGMENT AS A
MATTER OF LAW UNDER F.R.C.P. 50(b), ECF No. 867.**

Mr. Hutchens renews his motion for entry of judgment as a matter of law based on the “distinctiveness” requirement of § 1962(c) of RICO. The statute provides,

It shall be unlawful for any *person* employed by or associated with any *enterprise* engaged in, or the activities of which affect, interstate or foreign commerce, to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity or collection of unlawful debt.

18 U.S.C. § 1962(c) (emphasis added). In *Cedric Kushner Promotions, Ltd. v. King*, 533 U.S. 158 (2001) the Court noted that the “person” must be distinct from the “enterprise,” i.e., the enterprise cannot be the same person by a different name. *Id.* at 161. The Court held in that case that the president and sole shareholder of a closely held corporation was sufficiently distinct from the corporation for this purpose because the corporation was a separate legal entity. *Id.* at 163-66. Mr. Hutchens argues that the requisite distinctiveness does not exist here.

The “person” with respect to this motion is Sandy Hutchens, and the “enterprise” is a group of four or five companies associated with him. His argument is that because plaintiffs alleged in this case that the companies were alter egos of Mr. Hutchens, the requisite distinctiveness is missing. He made the same argument in a motion for judgment on the pleadings shortly before trial, which I denied as untimely. But he made a Rule 50(a) motion based on the same argument at the close of plaintiffs' evidence, and a Rule 50(b) motion based on the same argument after the verdict was announced. I denied both motions.

In support of the now renewed Rule 50(b) motion counsel attaches a transcript of the oral motion made at the conclusion of plaintiffs' evidence and a portion of my ruling denying the motion. ECF No. 867-1. Counsel there acknowledged that the five companies are each separate legal entities, much like in *Kushner*. The difference, she argued, is that plaintiffs here alleged

that they were Sandy Hutchens' alter egos. Mr. Hutchens argues that he can take advantage of plaintiffs' allegation to distinguish *Kushner*. *See id.* at 3-4.

I did not agree then, and I do not agree now. Whether the corporate veil could have been pierced or not, the fact remains that the five entities were separate legal entities. They acted as lenders. They had addresses, letterheads, phone numbers, and at least purportedly, employees. Most importantly, they were corporations with their own legal existence. I concluded that the reasoning of *Kushner* applied, and I cited other cases that supported my conclusion. *Id.* at 11-15. Finally, I concluded that this interpretation of the distinctiveness requirement fit the purpose of RICO, i.e., "to protect[] the public from those who would unlawfully use an 'enterprise' (whether legitimate or illegitimate) as a vehicle through which 'unlawful activity is committed.'" *Id.* at 15-17 (quoting *Kushner*, 533 U.S. at 164).

Mr. Hutchens wishes to take advantage of plaintiffs' alter ego allegation. Plaintiffs could as easily wish to take advantage of Mr. Hutchens' denial that the companies were his alter egos. In the end, however, it is not the parties' respective litigation positions but the actual facts that drive the decision. These were separate legal entities. In their response brief plaintiffs update the research, citing additional cases that they contend support this Court's denial of Mr. Hutchens' Rule 50(b) motion. ECF No. 873 at 8-9. I agree with those authorities, stand by my analysis, and once again deny Mr. Hutchens' motion.

**IV. DEFENDANTS' F.R.C.P. 59(e) MOTION TO ALTER OR AMEND
JUDGMENT IMPOSING CONSTRUCTIVE TRUST, ECF No. 868.**

The Court granted plaintiffs' post-trial motion for imposition of a constructive trust on certain of defendants' properties. ECF No. 859 at 6-12. The Court's judgment incorporated this ruling. ECF No. 860 at 2-3.

The first argument in the present motion essentially asks the Court to reconsider that ruling and decline to impose a constructive trust at all. ECF No. 868. I considered the parties' respective briefs on the constructive trust issue, made my decision, and explained my reasoning in the previous order. I have been given no good reason to change my analysis now.

The second argument is that the Court did not give the Hutchens defendants an opportunity to assert an "unclean hands" defense. Not so. Defendants asserted "unclean hands" along with a myriad of other affirmative defenses in their Answer to the Amended Complaint. *See* ECF No 185 at 13-16, specifically at ¶148 ("Plaintiffs claims are barred by the doctrine of unclean hands."). It is true that in ruling on summary judgment issues before trial the Court deemed plaintiffs' fourth and fifth claims (constructive trust and unjust enrichment) to have been abandoned as independent claims for relief and dismissed them. ECF No. 693 at 7-9. But plaintiffs requested the imposition of a constructive trust after trial as a post-trial remedy. ECF No. 842. Defendants' response did raise and argue the "unclean hands" issue. *See* ECF No. 855 at 6-10. The Court was not persuaded then or now.

Defendants' third argument suggests that the partial judgment was unclear as to which property interests were subject to the constructive trust, first because it did not distinguish between the entities that own the property and the property itself, and, second, because the majority of the listed properties are not owned by the Hutchens defendants but instead by separate entities as to which the Court has no jurisdiction. ECF No. 868 at 8-9. The Court used the best identifier available to it to describe the properties subject to the constructive trust. If that was the identification of the entity that owns the property, the trust nevertheless binds the actual property. As for ownership by other than the Hutchens defendants, the partial judgment stated that "[t]he constructive trust includes monies resulting directly or indirectly from the use, lease

or sale of the properties regardless of the title to the properties.” ECF No. 860 at 3. Put another way, a constructive trust is imposed on monies or properties derived from the application fees obtained from the plaintiffs by fraud, regardless of present ownership. It would not surprise me to learn that the Hutchens defendants have transferred some of the fruits of their fraud to other persons or entities. Plaintiffs nevertheless have a constructive trust on the assets if they can trace their funds to them, no matter how many times they have been transferred, where they are, or by whom they are now held.

Finally, the Hutchens defendants argue that the Court erred in imposing a constructive trust for the full amount of the verdict rather than the amounts plaintiffs can trace. ECF No. 868 at 10-13. This mixes apples and oranges. The trust only is imposed on assets traceable from the plaintiffs’ loan application fees. That was clearly stated in the order imposing the trust. *See* ECF No. 859 at 6-12. But traceable assets are included up to the full extent of the judgment.

In my order imposing the constructive trust I noted that the list of properties was probably incomplete, particularly because I did not have the trial testimony (by video deposition) of the Hutchens’ former accountant, Martin Lapedus, available to me when I wrote the order. I indicated that I would be “open to adding, subtracting or otherwise modifying the list if either party can provide citations to appropriate evidence.” ECF Nol. 859 at 11 n.4. The plaintiffs provided additional evidence for the Lapedus testimony and trial exhibits related to it. *See* ECF No. 861. In response, the Hutchens defendants primarily reassert the same arguments opposing the imposition of a constructive trust. *See* ECF No. 875 at 1-6.

Defendants do respond to plaintiffs’ claims that advance loan fees that were paid to 308 Elgin (one of the five entities that comprised the RICO enterprise) were passed through to the Hutchens home at 33 Theodore (\$379,968 and to the Estate of Hutchens (\$615,000). They

inform the Court that in “a related Canadian action” Mr. Lapedus testified that funds received by 308 Elgin from an entity related to an Oxley-related entity were passed through to 33 Theodore Place. In addition, bank records, as explained in a declaration of Moishe Alexander, show that Oxley funds were passed through to both 33 Theodore Place and the Estate of Hutchens. *Id.* at 6-8.

At a minimum these arguments confirm that application fees were diverted to the Hutchens’ home and the Estate of Hutchens. As I understand it, Paul Oxley and/or entities related to him applied for a loan or loans and paid advance application fees. My understanding is that Mr. Oxley and his entities opted out of the class. Moreover, the fact that Oxley money went to 33 Theodore Place and the Estate of Hutchens does not prove that plaintiffs’ figures are wrong. Plaintiffs claim that \$994,968 of their fees went through 308 Elgin to the two properties. But Mr. Lapedus testified that \$1,050,317 of advance loan fees were received and taken into income by 308 Elgin in 2008, and that \$1,850,000 in fees were received but not taken into income in that year. ECF No. 861-2 (Tr. pp. 75-76). In 2009 \$626,227 in advance fees were received and booked as income by 308 Elgin. *Id.* at 23 (Tr. p. 78). It appears that advance fees provided by the plaintiffs and Oxley might have been paid to 308 Elgin and passed through to the two properties.

The only other entity that the Hutchens defendants single out is 1779 Cross Street, Innisfil, Ontario. They inform the Court that that property is not owned by the Hutchens defendants; rather, it is held in trust for the Hutchens children and has been since 2006. But if any of the plaintiffs’ funds can be traced to that property, then those traced funds would be subject to the constructive trust.

Defendants attempt to supplement their opposition to a constructive trust with a declaration of Sandy Hutchens (to whom they still refer as "Moishe Alexander"). ECF No. 883. Suffice it to say this Court does not find Mr. Hutchens' declaration to be credible. He was the mastermind of the fraudulent scheme, and the Court found his trial testimony concerning what he and the other defendants did or did not do to be incredible. His declaration, not subject to cross-examination, is also not credible.

The Hutchens defendants' motion to alter or amend the judgment regarding the constructive trust is denied. The Court will amend the judgment in light of the supplemental evidence provided.

V. PLAINTIFFS' AND CLASS MEMBERS' MOTION TO STRIKE THE HUTCHENS DEFENDANTS' UNTIMELY RESPONSE [DE 879] TO PLAINTIFFS' AND CLASS MEMBERS [SIC] MOTION FOR AN AWARD OF THE COSTS OF THE SUIT, INCLUDING ATTORNEY [SIC] FEES, AND PRE-JUDGMENT INTEREST [DE 865], ECF No. 881.

As I noted above, the defendants essentially lacked standing to dispute the method of determining attorney's fees because the fees will be taken out of the common fund owed by the Hutchens defendants to the plaintiffs, not added to it. The Court nevertheless elected to consider defendants' positions on attorneys' fees and prejudgment interest as an aid to the Court's exercise of its discretion. The motion is denied.

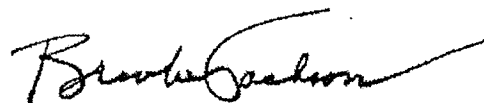
ORDER

1. Plaintiffs' and Class Members' Motion for an Award of the Cost of the Suit, Including Attorneys' Fees, and Pre-Judgment Interest, ECF No. 865, is GRANTED IN PART AND DENIED IN PART, as discussed in the body of this order.

2. Tanya Hutchens' Motion for Entry of Judgment, etc., ECF No. 866, is DENIED.
3. Sandy Hutchens' Motion for Entry of Judgment as a Matter of Law, ECF No. 867, is DENIED.
4. Defendants' Motion to Alter or Amend the Judgment, ECF No. 868, is DENIED. The Court will amend the judgment to clarify the list of properties subject to the constructive trust.
5. Plaintiffs' Motion to Strike Defendants' Untimely Response, etc., ECF No. 881, is DENIED.

DATED this 18th day of December, 2017.

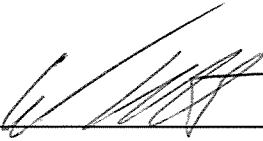
BY THE COURT:



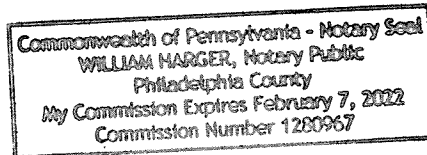
R. Brooke Jackson
United States District Judge

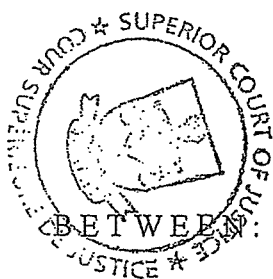
TAB 24

This is **Exhibit 24** referred to in the
Affidavit of Howard Langer, sworn before me,
this 8th day of January, 2019



Commissioner for Taking Affidavits (or as may be)





Court File No.: 2651/17

**ONTARIO
SUPERIOR COURT OF JUSTICE**

CGC HOLDING COMPANY, LLC, HARLEM ALGONQUIN LLC,
and JAMES T. MEDICK

Plaintiffs

- and -

SANDY HUTCHENS, also known as CRAIG (SANDY) HUTCHENS, MOSHIE ALEXANDER, MOISHE ALEXANDER, CRAIG HUTCHENS, SANDY CRAIG HUTCHENS, S. CRAIG HUTCHENS, MOISHE HUTCHENS, CRAIG ALEXANDER, MOSHE ALEXANDER, MOISHE BEN AVRAHAM, MOISHE BEN AVROHOM, MOSHE BEN AVROHOM, BEN AVRAHAM, FRED HAYES, ALEXANDER MACDONALD, ED RYAN, AND MATHEW KOVCE, TANYA HUTCHENS, also known as TATIANA BRIK, TATIANA HUTCHENS, and TANYA BRIK-HUTCHENS, JENNIFER HUTCHENS, also known as JENNIFER ARAUJO, JBD HUTCHENS FAMILY HOLDINGS INC. aka JBD HUTCHENS FAMILY HOLDINGS INC., JBD HOLDINGS INC., THE ESTATE OF JUDITH HUTCHENS, 29 LAREN STREET INC., 3415 ERRINGTON AVENUE INC., 367-369 HOWEY DRIVE INC., 3419 ERRINGTON AVENUE INC., 17 SERPENTINE STREET INC., 720 CAMBRIAN HEIGHTS INC., 331 REGENT STREET INC., 789 LAWSON STREET INC., 110-114 PINE STREET INC., 15-16 KEZIAH COURT INC., 193 MOUNTAIN STREET INC., 625 ASH STREET INC., 364 MORRIS STREET INC., 146 WHITTAKER STREET INC. and ADROIT ADVOCATES, LLC, A COLORADO LIMITED LIABILITY COMPANY, dba KLENDIA GESSLER & BLUE LLC

Defendants

STATEMENT OF CLAIM

TO THE DEFENDANTS:

A LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the plaintiff. The claim made against you is set out in the following pages.

IF YOU WISH TO DEFEND THIS PROCEEDING, you or an Ontario lawyer acting for you must prepare a statement of defence in Form 18A prescribed by the *Rules of Civil Procedure*, serve it on the plaintiff's lawyer or, where the plaintiff does not have a lawyer, serve it on the plaintiff, and file it, with proof of service, in this court office, WITHIN TWENTY DAYS after this statement of claim is served on you, if you are served in Ontario.

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If you are served in another province or territory of Canada or in the United States of America, the period for serving and filing your statement of defence is forty days. If you are served outside Canada and the United States of America, the period is sixty days.

Instead of serving and filing a statement of defence, you may serve and file a notice of intent to defend in Form 18B prescribed by the *Rules of Civil Procedure*. This will entitle you to ten more days within which to serve and file your statement of defence.

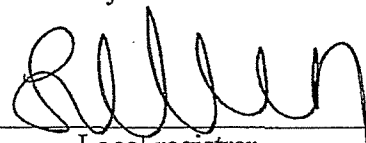
IF YOU FAIL TO DEFEND THIS PROCEEDING, JUDGMENT MAY BE GIVEN AGAINST YOU IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU. IF YOU WISH TO DEFEND THIS PROCEEDING BUT ARE UNABLE TO PAY LEGAL FEES, LEGAL AID MAY BE AVAILABLE TO YOU BY CONTACTING A LOCAL LEGAL AID OFFICE.

IF YOU PAY THE PLAINTIFF'S CLAIM, and \$5,000 for costs, within the time for serving and filing your statement of defence, you may move to have this proceeding dismissed by the court. If you believe the amount claimed for costs is excessive, you may pay the plaintiff's claim and \$400.00 for costs and have the costs assessed by the court.

TAKE NOTICE: THIS ACTION WILL AUTOMATICALLY BE DISMISSED if it has not been set down for trial or terminated by any means within five years after the action was commenced unless otherwise ordered by the court.

Date: November 24, 2017

Issued by



Local registrar

Address of 80 Dundas Street
court office London, Ontario

TO: SANDY HUTCHENS, also known as CRAIG (SANDY) HUTCHENS,
MOSHIE ALEXANDER, MOISHE ALEXANDER, CRAIG HUTCHENS,
SANDY CRAIG HUTCHENS, S. CRAIG HUTCHENS, MOISHE
HUTCHENS, CRAIG ALEXANDER, MOSHE ALEXANDER, MOISHE BEN
AVRAHAM, MOISHE BEN AVROHOM, MOSHE BEN AVROHOM, BEN
AVRAHAM, FRED HAYES, ALEXANDER MACDONALD, ED RYAN and
MATHEW KOVCE
33 Theodore Place
Thornhill, ON L4J 8E2

AND TO: TANYA HUTCHENS, also known as TATIANA BRIK, TATIANA
HUTCHENS, and TANYA BRIK-HUTCHENS
33 Theodore Place
Thornhill, ON L4J 8E2

- 3 -

AND TO: JENNIFER HUTCHENS, also known as JENNIFER ARAUJO
33 Theodore Place
Thornhill, ON L4J 8E2

AND TO: JBD HUTCHENS FAMILY HOLDINGS INC. aka JBD HUTCHENS
FAMILY HOLDINGS INC.
33 Theodore Place
Thornhill, ON L4J 8E2

AND TO: JBD HOLDINGS INC.
120 Sandcherry Court
Pickering, ON L1V 6V8

AND TO: JBD HUTCHENS FAMILY HOLDINGS INC.
33 Theodore Place
Thornhill, ON L4J 8E2

AND TO: THE ESTATE OF JUDITH HUTCHENS
33 Theodore Place
Thornhill, ON L4J 8E2

AND TO: 29 LAREN STREET INC.
33 Theodore Place
Thornhill, ON L4J 8E2

AND TO: 3415 ERRINGTON AVENUE INC.
33 Theodore Place
Thornhill, ON L4J 8E2

AND TO: 367-369 HOWEY DRIVE INC.
33 Theodore Place
Thornhill, ON L4J 8E2

AND TO: 3419 ERRINGTON AVENUE INC.
33 Theodore Place
Thornhill, ON L4J 8E2

AND TO: 17 SERPENTINE STREET INC.
33 Theodore Place
Thornhill, ON L4J 8E2

AND TO: 720 CAMBRIAN HEIGHTS INC.
33 Theodore Place
Thornhill, ON L4J 8E2

- 4 -

AND TO: 331 REGENT STREET INC.
33 Theodore Place
Thornhill, ON L4J 8E2

AND TO: 789 LAWSON STREET INC.
33 Theodore Place
Thornhill, ON L4J 8E2

AND TO: 110-114 PINE STREET INC.
33 Theodore Place
Thornhill, ON L4J 8E2

AND TO: 15-16 KEZIAH COURT INC.
33 Theodore Place
Thornhill, ON L4J 8E2

AND TO: 193 MOUNTAIN STREET INC.
33 Theodore Place
Thornhill, ON L4J 8E2

AND TO: 625 ASH STREET INC.
33 Theodore Place
Thornhill, ON L4J 8E2

AND TO: 364 MORRIS STREET INC.
125 Durham Street
2nd Floor
Sudbury, ON P3E 3M9

AND TO: 146 WHITTAKER STREET INC.
33 Theodore Place
Thornhill, ON L4J 8E2

AND TO: ADROIT ADVOCATES, LLC, A COLORADO LIMITED LIABILITY
COMPANY, dba KLENDIA GESSLER & BLUE LLC
1624 Market Street, Suite 202
Denver, Colorado, U.S.A.

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CLAIM

1. The Plaintiffs claim, with respect to all the Defendants except Advocates, LLC, A Colorado Limited Liability Company, dba Klenda Gessler & Blue LLC (“Advocates”), the following:
 - (a) An Order for the recognition and enforcement of the Judgment issued in the United States District Court for the District of Colorado (“Colorado Court”), dated September 26, 2017 (“Colorado Judgment”), and such further Orders as issued by the Colorado Court in furtherance of the Colorado Judgment;
 - (b) Payment of a sum in Canadian currency sufficient to purchase the sum of USD\$24,239,101.00 at a bank in Ontario listed in Schedule 1 to the *Bank Act* (Canada) at the close of business on the first day on which the bank quotes a Canadian dollar rate for the purchase of US dollars before the day payment of the obligation is received by the Plaintiffs, pursuant to the Colorado Judgment;
 - (c) Payment of such further and other amounts for attorney fees and interest as may be Ordered by the Colorado Court;
 - (d) An interim and interlocutory Mareva injunction restraining the Defendants, or any one of them, from dealing with or disposing of real property, personal property and/or other assets;
 - (e) An Order authorizing the issuance of certificates of pending litigation pursuant to the *Courts of Justice Act*, RSO 1990, C. 43, s. 103, against title to the properties legally described in Schedule "A" hereto;

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- (f) An Order authorizing the registration of any interlocutory Order made in this proceeding against title to the properties legally described in Schedule "A" hereto;
- (g) A declaration that the Plaintiffs hold a constructive trust over certain properties as described in Schedule "A" hereto;
- (h) A declaration that any real or personal property or any other asset purchased by the Defendants, or any one of them, with funds provided by the Plaintiffs, or any class member, are imposed with a constructive trust in favour of the Plaintiffs;
- (i) A declaration that the personal Defendants are the legal and beneficial owners of all the shares, property and assets of the corporate Defendants;
- (j) A declaration that the personal Defendants are the legal and beneficial owners of all of the real property registered in their names (or either of them), or of the real property registered on their behalf (or either of them);
- (k) A declaration that the Colorado Judgment takes priority over the mortgages that any of the Defendants hold against any of the properties listed in Schedule "A" hereto;
- (l) A tracing order to determine the ultimate recipients of all the funds that originated with the Plaintiffs and were provided to the Defendants;
- (m) An order that upon execution of the tracing order, the Plaintiffs may, in respect of any amounts awarded to, in each instance, elect in whole or in part

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- between (1) the imposition of a constructive trust and/or equitable lien, and (2) a personal remedy against the party or parties liable;
- (n) An accounting of all moneys received by the Defendants, or any of them, directly or indirectly from the Plaintiffs;
 - (o) An Order requiring the Defendants to disgorge to the Plaintiffs, any and all profits, income or money obtained by the Defendants as a result of the Defendants' unlawful misappropriation of the Plaintiffs funds as described below;
 - (p) A declaration that the Plaintiffs' claim, plus interest and costs, falls within Section 178(1) of the *Bankruptcy and Insolvency Act* and that any Order of discharge does not release the Defendants, Sandy Hutchens, Tanya Hutchens, or Jennifer Hutchens, from liability to the Plaintiffs for the amounts owed herein;
 - (q) If necessary, an Order requesting the assistance of the Courts of the Courts of the United States of America and any other jurisdiction to provide aid and assistance to recognize and enforce this Order and all Orders rendered pursuant to this action and any motions contained therein;
 - (r) An interim, interlocutory, and permanent Order appointing a Receiver to preserve all of the Defendants' real property, personal property and any other assets for the benefit of the Plaintiffs;
 - (s) An interim, interlocutory, and permanent Order, prohibiting and restraining the Defendants, including their servants, employees, agents, assigns, officers,

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directors, legal representatives and/or anyone else acting on their behalf or in conjunction with any of them, and any and all persons with notice of this injunction, and any corporations which the individual Defendants own or control, are restrained from directly or indirectly, by any means whatsoever:

- (i) selling, removing, dissipating, alienating, transferring, assigning, encumbering, or similarly dealing with any assets of the Defendants, wherever situate, including but not limited to the assets and accounts listed in Schedule "A" hereto;
 - (ii) instructing, requesting, counselling, demanding, or encouraging any other person to do so; and
 - (iii) facilitating, assisting in, aiding, abetting, or participating in any acts the effect of which is to do so.
- (t) Such further interim, interlocutory, and permanent injunctive or mandatory Orders as may be necessary or appropriate in order to give effect the relief claimed in paragraphs 1(a) to 1(r) above or as may be necessary or appropriate;
- (u) Pre-judgment and post-judgment interest at the rate(s) imposed by the District Court of Colorado, or alternatively, at the rates prescribed by the *Courts of Justice Act*;
- (v) Costs of this action; and
- (w) Such further and other relief as this Honourable Court deems just.

2. The Plaintiffs claim as against Advocates:
 - (a) A declaration that the mortgages registered by Advocates against several of the Defendants properties on or about October 4, 2017 in the amount of \$2,000,000 (the "**Advocates Mortgages**") was made in an attempt to defeat, hinder or defraud creditors of the other Defendants and is therefore void, voidable and/or unenforceable as against the Plaintiffs;
 - (b) In the alternative, a declaration that the Colorado Judgment takes priority over the Advocates Mortgages;
 - (c) In the further alternative, damages against Advocates in the amount of \$2,000,000;
 - (d) Costs of this action; and
 - (e) Such further and other relief as this Honourable Court deems just.

THE PARTIES

3. The Plaintiffs are the class representatives of approximately 124 borrowers (businesses and individuals) who applied to receive real estate loans from certain defendants/entities controlled by the defendants (the "**Loan Scheme**") in an action commenced in the United States District Court for the District of Colorado as Court file no. 11-CV-01012-RBJ on or about April 11, 2011 ("**Colorado Action**"). More specifically:
 - (a) CGC Holding Company, LLC, is a Colorado limited liability company with its principal place of business located in Parker, Colorado. It was previously engaged in the development of a golf course and residential community near

Parker, Colorado, in the course of which it sought financing from one or more of the defendants in the Colorado Action;

(b) Harlem Algonquin LLC, is an Illinois limited liability company with its principal place of business located in Lincolnshire, Illinois. It had previously contracted to buy a shopping centre in Lincolnshire, in the course of which it sought financing from one or more of the defendants in the Colorado Action; and

(c) James T. Medick, is an individual who resides in Las Vegas, Nevada. He had previously contracted to buy a house in California, in the course of which he sought financing from one or more of the defendants in the Colorado Action.

4. The fourth named plaintiff in the Colorado Action was Crescent Sound Yacht Club, LLC. It was not certified as a representative of the class, is not named in the Colorado Judgment and is not a named Plaintiff in this Action but it is a member of the Class in the Colorado Action.
5. The Defendant, Sandy Hutchens (“Sandy”) is a resident of Toronto, Ontario and a Canadian citizen. Sandy has been known to use at least eight different aliases, including Fred Hayes, Moishe Alexander, Fred Merchant, Moishe Ben Avraham, Alexander MacDonald, Mathew Kovce, Mosh Ben Avraham, and Ed Ryan. In the Colorado Action, the Jury found that Sandy operated, participated in, and profited from the Loan Scheme and conspired with Defendants Tanya and Jennifer (as defined below) to do so.

6. The Defendant, Tanya Hutchens (“**Tanya**”) is a resident of Toronto, Ontario and a Canadian citizen. She is the spouse (or former spouse) of Sandy and was held to have participated in and/or profited from the Loan Scheme along with Sandy and Jennifer. Tanya has also been known to use several aliases, such as Tatiana Hutchens, Tatiana Brik, Tanya Brik-Hutches and Tania Hutchens.
7. The Defendant, Jennifer Hutchens (“**Jennifer**”), is a resident of Toronto, Ontario and a Canadian citizen. She is the adult daughter of Sandy and was held to have participated in and/or profited from the Loan Scheme along with Sandy and Tanya. Jennifer is also known as "Jennifer Araujo".
8. Sandy, Tanya and Jennifer are hereinafter collectively referred to as the "**Hutchens Defendants**".
9. The Defendants, 29 Laren Street Inc., 3415 Errington Avenue Inc., 3419 Errington Avenue Inc., 367-369 Howey Drive Inc., 17 Serpentine Street Inc., 720 Cambrian Heights Inc., 331 Regent Street Inc., 789 Lawson Street Inc., 110-114 Pine Street Inc., 15-16 Keziah Court Inc., 193 Mountain Street Inc., 625 Ash Street Inc., 364 Morris Street Inc., and 146 Whittaker Street Inc., are Ontario corporations which are owned and/or controlled by Sandy and/or Tanya and are or were the registered owners of real property in Ontario (the "**Hutchens Property Defendants**"). The Hutchens Entities were incorporated between October 27, 2006 and October 30, 2013 for the purpose of holding real estate and other assets for the benefit of the Hutchens Defendants in Ontario. The real property was purchased and/or financed (either wholly or partly), operated and/or maintained using funds from the Loan Scheme.

10. The Defendants, JBD Holdings Inc., JBD Hutchens Family Holdings Inc., and JBD Hutchens Family Holdings Inc. are Ontario corporations which are owned and/or controlled by Sandy and/or Tanya which appear to have (or had) assets in Ontario and which participated in, or profited from, the Loan Scheme. These Defendants are also referred to as the Hutchens Property Defendants.
11. The Defendant, the Estate of Judith Hutchens, is a registered owner of 42 Clemow Avenue, Sudbury, Ontario together with Sandy. The Estate of Judith Hutchens has received proceeds from the Loan Scheme. These Defendants are also referred to as the Hutchens Property Defendants.
12. Advocates is the Hutchens Defendants' lawyer in the Colorado Action. Adroit Advocates registered mortgages against several properties which are owned or controlled by the Hutchens Defendants on October 4, 2017 after the Colorado Judgment was issued. A constructive trust was applied by the Colorado Court on September 26, 2017 against 8 of the properties for which Advocates registered its mortgage against. In the Statement of Claim, the Plaintiffs request an Order to declare the Adroit Mortgages as void, voidable and/or unenforceable, or alternatively a declaration that such mortgages do not take priority over the Colorado Judgment.
13. The Hutchens Property Defendants were used by the Hutchens Defendants to purchase, finance, operate and/or maintain real estate and/or other assets in Ontario using the Advance Fees (defined below) that they obtained through the Loan Scheme. The Hutchens Defendants created various companies, including the Hutchens Entities and Property Defendants for the purpose of holding the proceeds from the Loan Scheme in an effort to defeat, hinder and/or defraud creditors.

14. As stated in the Colorado Action, the Hutchens Defendants formed and used various corporations to perpetrate the Loan Scheme, including First Central Mortgage Funding Inc., Canadian Funding Corporation, 308 Elgin Street Inc., Northern Capital Investments Ltd., and Great Eastern Investment Fund, LLC (collectively referred to as the “**Hutchens Entities (Lenders)**” or “**Lenders**”), all of which are Ontario corporations (except for Great Eastern which is a Delaware corporation). The Hutchens Entities (Lenders) are not Defendants to this Action.

THE COLORADO ACTION

The Complaint/ Claim

15. In the Colorado Action, the Plaintiffs claimed that:
- (a) The Hutchens Defendants committed the Loan Scheme by promoting loans to potential U.S. borrowers either directly or indirectly through loan brokers. The Hutchens Defendants then made loan commitments to those U.S. borrowers. A condition of closing was that the U.S. borrower must provide substantial fees in advance (“**Advance Fees**”). These Advance Fees were described as “lenders legal fees”, “lenders administrative fees”, “inspection fees” or “brokerage fees”. In each case the loans were not advanced allegedly due to the U.S. borrower not satisfying certain requirements. The Hutchens Defendants and the Hutchens Entities (Lenders) never intended to close the loans. They did not have the funds, nor access to the funds, to close the loans they had committed to funding;

- (b) The Hutchens Defendants/Lending Entities made loan commitments to the Plaintiffs and Class Members in excess of \$3.27 billion;
- (c) The Class Members paid Advance Fees of approximately USD\$8,421,367 to the Defendants between the period of 2008 to 2013;
- (d) The communications, the use of professionals, the use of aliases, the incorporation of companies, and all of the activity that was generated surrounding promoting the loans and the loan commitments was done to disguise the fact that the entire exercise was for the purpose of creating and maintaining an image of competence, legitimacy, and capability for the purpose of deceiving the U.S. borrowers;
- (e) Failure to disclose Sandy's true identity and criminal history in support of the Loan Scheme. Further, the Hutchens Defendants disguised Sandy's true identity through a number of different aliases and the use of the different companies as shell corporations; and
- (f) The Plaintiffs would not have paid the Advance Fees had they known that the Hutchens Entities (Lenders) would not and could not fund the mortgage commitments.

The Procedural History

16. On or about March 4, 2013, the Colorado Court certified the Colorado Action as a nationwide class proceeding.

17. On or about December 8, 2014, the U.S. Court of Appeals for the Tenth Circuit affirmed the Colorado Court's decision to certify the Colorado Action as a class action.
18. The Hutchens Defendants were represented by the same counsel for the majority and/or the entirety of the Colorado Action.
19. The Colorado Action was vigorously defended.
20. The Hutchens Defendants challenged the jurisdiction of the Colorado Court; however, their jurisdictional challenge was rejected by the Colorado Court.
21. The court proceedings and judicial filings related to this matter have been extensive. Between the Plaintiffs, the Hutchens Defendants, as well as other defendants whose claims were resolved prior to trial, there have been at least 875 docket entries filed with the Colorado Court (a docket entry represents something filed with the court).

The Jury Finding and Decision

22. A 10-day jury trial of the Colorado Action occurred on May 1-4, 8-12, and 15, 2017.
23. On or about May 15, 2017, the jury reached a unanimous verdict after less than two hours of deliberations and found that the Hutchens Defendants were liable pursuant to Section 1962 (c – d) of the *Racketeer Influenced and Corrupt Organizations Act*, 18 U.S.C. (“RICO”). The jury found that the damages were USD\$8,421,367, that being the amount of Advance Fees that the Plaintiffs had provided to the Hutchens Defendants.
24. On September 26, 2017, the Colorado Court ordered (defined above as the Colorado Judgment), *inter alia*, that:

- (a) the damages of USD\$8,421,367 be trebled pursuant to RICO such that the Hutchens Defendants are required to pay the Plaintiffs the sum of USD\$24,239,101.00 (after deducting pre-trial settlements in the amount of USD\$1,025,000); and
 - (b) a constructive trust be imposed on certain Ontario, Canada properties owned by Sandy, Tanya, and/or Jennifer, as identified at paragraph 48 herein.
25. Since the Colorado Judgment was issued, the Plaintiffs have filed a further motion for attorney fees and pre-judgment interest, at the Colorado statutory rate of 8%, compounded annually.
26. On or about October 24, 2017, the Hutchens Defendants brought a motion to the Colorado Court seeking to alter/amend the Colorado Judgment imposing the constructive trust. No other motions or appeals have been made with respect to the Colorado Judgment.
27. The Hutchens Defendants have not requested that Judge Jackson stay the enforcement of the Judgment and they have not posted the *supersedeas* bond that would be necessary in the event that they requested a stay of enforcement.

THE TORONTO ACTION

28. The Plaintiffs brought an action in the Ontario Superior Court of Justice at Toronto (Court File No.CV-11-428713) (the "**Toronto Action**") on or about June 15, 2011 for the purpose of preserving the assets of the Defendants (including additional defendants not included in this Action) pending the outcome of the Colorado Action.

29. On or about June 15, 2011, the Plaintiffs (within the Toronto Action) gave notice of a motion for a Norwich Pharmacal order and a Mareva injunction.
30. On or about November 21, 2011, the Toronto Injunction Motion was stayed *sine die*, without prejudice.
31. In or about January 2012, the Plaintiffs brought an urgent motion for the registration of certificates of pending litigation.
32. A settlement was reached relating to the Plaintiffs January 2012 motion which included, *inter alia*, the following terms:
 - (a) The Hutchens Defendants would undertake that neither they, nor any of the entities they control, would take steps to encumber or otherwise dispose of any of the properties listed at Schedule "A" hereto until a judgment was granted in the Colorado Action;
 - (b) The Hutchens Defendants would provide an undertaking that they did not own or control further real property other than the Properties (as defined therein). If they did, they would provide particulars of same and such properties would be subject to the undertaking referred to above;
 - (c) The settlement was without prejudice to the Plaintiffs' right, in the event judgment was granted in the Colorado Action, to conduct examinations in aid of execution or to perform tracing of accounts, or such other steps as required to enforce a Colorado judgment;
 - (d) The settlement was without prejudice to the Hutchens Defendants' right to bring its motion for security for costs back on if the Plaintiffs brought their

motions for a Mareva injunction and Norwich Pharmacal order or motion seeking a certificates of pending litigation;

- (e) Reasonable notice would be provided to the Plaintiffs before any steps were taken to dispose of or otherwise encumber any of the properties; and
 - (f) The Plaintiffs would post \$25,000 as security for costs with Bennett Jones LLP within 30 days of execution of the settlement agreement.
33. The Plaintiffs state that the Hutchens Defendants refused to execute minutes of settlement relating to the January 2012 motion (as summarized above).
34. The Plaintiffs plead that to resolve the settlement issue, Tanya provided an oral and later written undertaking not to dispose of or encumber any properties that she owned or controlled without providing the Plaintiffs' counsel with reasonable notice (the "**Undertaking**").
35. The Plaintiffs plead that the Toronto Action was stayed on May 4, 2015.
36. The Plaintiffs commenced this fresh action instead of seeking to lift the stay in the Toronto Action because:
- (a) The parties have changed (there are now only three Plaintiffs and 20 defendants (Advocates was not named as a defendant in the Toronto Action));
 - (b) The relief requested has changed (ie. the Plaintiffs are now seeking to recognize and enforce a judgment/order made in a foreign jurisdiction);
 - (c) The original claim and the defence filed in the Toronto Action would require substantial amendments;

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- (d) No affidavits of documents were exchanged in the Toronto Action and discoveries were not held;
- (e) A motion to lift the stay, substitute/delete parties and to amend the entire claim would need to be made on notice to the Defendants;
- (f) Fresh motions and supporting evidence for a Mareva injunction and certificates of pending litigation would be required due to the passage of time, changes in circumstances, outcome of the Colorado Action and various transfers/encumbrances;
- (g) London, Ontario, is a more convenient forum for the adjudication of this dispute; and
- (h) The Toronto Action has become redundant upon the commencement of this Action.

BREACH OF UNDERTAKING, DISPOSITION AND ENCUMBRANCES

37. The Hutchens Defendants have sold, encumbered, or dealt with certain real properties in Ontario as follows:

- (a) Granted a mortgage in the amount of \$2,000,000 on or about October 4, 2017 (after the Colorado Judgment was issued and the constructive trust was imposed on September 26, 2017), in favour of Adroit Advocates, LLC, a Colorado Limited Liability Company, dba Klenda Gessler & Blue LLC (the Hutchens Defendants' legal representatives in the Colorado Action) against the following properties:
 - (i) 29 Laren Street, Wahnapite (six PINs) as instrument no. SD344634;

- (ii) 3415 Errington Avenue, Sudbury as instrument no. SD344631;
 - (iii) 3419 Errington Avenue, Sudbury as instrument no. SD344632;
 - (iv) 110 Pine Street, Sudbury as instrument no. SD344633;
 - (v) 331 Regent Street, Sudbury as instrument no. SD344635; and
 - (vi) 17 Serpentine Street, Copper Cliffe as instrument no. SD344630.
- (b) Sold the property municipally known as 720 Cambrian Heights, Sudbury, Ontario, to a third party on September 15, 2017, for \$3,100,000; and
 - (c) Sold the property municipally known as 364 Morris Street, Sudbury, Ontario, to a third party for \$900,000 on or about February 25, 2016.
38. The Plaintiffs plead that the Hutchens Defendants did not provide notice of the foregoing dispositions and/or encumbrances in breach of the Undertaking.

Other Acquisitions, Dispositions and Encumbrances

39. Since the Colorado Action was commenced on or about April 11, 2011, the Hutchens Defendants made a number of transfers and otherwise encumbered, purchased or dealt with real properties in Ontario, in addition to what is stated in the paragraph 37 herein, as follows:
- (a) Purchased 175 Hilda, Unit 1015, Toronto, Ontario, for \$259,000 and obtained a mortgage from CIBC for \$207,200 on or about June 10, 2011;
 - (b) Obtained a mortgage from Catherine Atchison on or about March 29, 2012 in the amount of \$303,000 against 193 Mountain Street, 15 Keziah Court, 16 Keziah Court, and 625 Ash Street, Sudbury. Catherine Atchison subsequently

sold the following properties under power of sale in November 2015 for a total of \$825,000:

- (i) 625 Ash Street to Eric McKay on or about November 6, 2015, for \$225,000;
 - (ii) 15 Keziah Court to 2363404 Ontario Inc. for \$150,000 on or about November 9, 2015; and
 - (iii) 16 Keziah Court to Brites on \$450,000 on or about November 9, 2015 (subsequently sold by Brites to 2363404 Ontario Inc. for \$650,000 on or about October 11, 2016).
- (c) 789 Lawson Street, Sudbury, was transferred to third parties on or about March 30, 2012, for the sum of \$350,000;
- (d) Obtained a new first mortgage against 1479 Maple Road, Innisfil, from Meridian Credit on or about April 26, 2012, for \$200,000;
- (e) Obtained a mortgage from Dina Brik (Tanya's mother) on or about February 10, 2012, against 1790 Cross Street, Innisfil, in the amount of \$80,750 (subsequently postponed in favour of the Meridian mortgage referred to below);
- (f) Obtained a new first mortgage against 1790 Cross Street, Innisfil, in favour of Meridian Credit on or about April 26, 2012, for \$85,000;
- (g) Obtained a new first mortgage against 1889 Simcoe Blvd., Innisfil, in favour of Meridian Credit on or about April 26, 2012, for \$200,000;

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- (h) Obtained a new first mortgage against 33 Theodore Place, Thornhill, in favour of Meridian Credit on or about June 27, 2012, for \$350,000;
 - (i) Obtained a new first mortgage against 1779 Cross Street, Innisfil, in favour of Meridian Credit on or about April 8, 2013, in the amount of \$300,000;
 - (j) Obtained a new mortgage against 367-369 Howey Drive, Sudbury, on or about June 3, 2013, in favour of Bank of Montreal in the amount of \$915,000;
 - (k) Purchased 1760 Cross Street, Innisfil, on or about June 28, 2013, for \$228,000 – no mortgage; and
 - (l) Took an assignment of the mortgage from Solid Rock Mortgages against 331 Regent Street, Sudbury on, or about February 14, 2014, in the amount of \$99,000.
 - (m) Purchased 1573 Houston Street, Innisfil, Ontario, on May 27, 2016 for \$760,000 (no mortgage registered against title); and
 - (n) Granted new first mortgages in favour of Dina Brik, the mother of Tanya (who is also known as Tatiana Brik), against 3415 Errington Avenue and 3419 Errington Avenue on or about April 30, 2015, in the amount of \$150,000 each (for a total of \$300,000);
40. Tanya also took an assignment of the following mortgages registered against certain real properties as follows:

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- (a) From the Bank of Montreal against the 29 Laren Street Properties (6 PINs) in the amount of \$597,180 on or about March 24, 2016. Tanya is now the first mortgagee;
 - (b) From Lapell Management against 17 Serpentine Street, Sudbury, in the amount of \$51,000 on January 7, 2016;
 - (c) From Canadian Western Trust against 110-114 Pine Street for the sum of \$602,000 on or about March 27, 2017, and Barbara Carpenter on August 19, 2017, for \$114,000 such that Tanya holds the first and second mortgages against this property;
 - (d) From Canadian Western Trust against 17 Serpentine Street, Sudbury, in the amount of \$200,000 on or about March 27, 2017; and
 - (e) From Bank of Montreal against 367-369 Howey Drive, Sudbury, on September 20, 2017 in the amount of \$464,192.75.
41. The Plaintiffs state that the amounts awarded pursuant to the Colorado Judgment, and any related Orders, ought to take priority over the Advocates Mortgages and any non-arms length mortgages registered against any real property owned by any of the Defendants (excluding Advocates).
42. The Plaintiffs state that Advocates knew, or ought to have known, that the Plaintiffs' were seeking to enforce the Colorado Judgment as against the properties which are subject to the Advocates Mortgages. The Advocates Mortgages were registered after the Colorado Judgment was issued and constructive trusts were applied in favour of the Plaintiffs.

PIERCING THE CORPORATE VEIL

43. The Hutchens Defendants created the Hutchens Property Defendants to hold the proceeds from the Advance Fees for the benefit of the Hutchens Defendants.
44. The Property Defendants and Hutchens Entities were created and used for the purpose of hindering, defeating and/or defrauding the Plaintiffs and/or other creditors.

CONSTRUCTIVE TRUST AND UNJUST ENRICHMENT

45. The Plaintiffs claim a constructive trust against each of the real properties listed in Schedule "A" hereto.
46. The Hutchens Defendants used funds from the Loan Scheme to purchase and/or pay for various real estate, personal property, other assets and/or investments.
47. The Hutchens Defendants acquired and/or maintained at least 14 real properties in Ontario during the time period of the Loan Scheme (2008 to 2013), personally and/or through companies that they incorporated for the purpose of holding title.
48. The Plaintiffs plead that such real estate, personal property, other assets and/or investments that were purchased using the Advance Fees are impressed with a constructive trust in favour of the Plaintiffs.
49. The Plaintiffs state that the Defendants were unjustly enriched as a result of the Loan Scheme and Advance Fees paid by the Plaintiffs.
50. Pursuant to the Colorado Judgment, the Colorado Court granted the Plaintiffs a constructive trust against:

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- (a) 29 Laren Street Inc.;
- (b) 3415 Errington Avenue Inc.;
- (c) 3419 Errington Avenue Inc.;
- (d) 331 Regent Street Inc.;
- (e) 110-114 Pine Street Inc.;
- (f) 15-16 Keziah Court Inc.;
- (g) 193 Mountain Street Inc.;
- (h) 625 Ash Street Inc.;
- (i) 101 Service Road Inc.;
- (j) 146 Whittaker Street Inc.; and
- (k) 1779 Cross Street, Innisfil, Ontario; and
- (l) Sea Doo Boat.

51. The Plaintiffs made further submissions in the Colorado Action for a constructive trust against the following (no decision has been rendered as at the time of pleading):

- (a) The Estate of Hutchens;
- (b) 364 Morris Street Inc.;
- (c) 367-369 Howey Drive Inc.;
- (d) 720 Cambrian Heights Inc.;
- (e) 33 Theodore Place;
- (f) JBD Holding; and

(g) JBD Family.

**THE RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS ACT, 18
U.S.C. ("RICO")**

52. The jury found the Hutchens Defendants liable to the Plaintiffs for breach of section 1962 (c-d) of RICO for:

- (a) Knowingly conspiring to and participating in a pattern of racketeering activity (in particular, wire fraud) that affected interstate or foreign commerce; and
- (b) Participating in unlawful activity of predicate acts in an effort to issue loan commitments in order to fraudulently acquire funds from persons desiring to obtain financing for real estate.

53. Subsections 1962 (c) and (d) of RICO state that:

(c) It shall be unlawful for any person employed by or associated with any enterprise engaged in, or the activities of which affect, interstate or foreign commerce, to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity or collection of unlawful debt.

(d) It shall be unlawful for any person to conspire to violate any of the provisions of subsection (a), (b), or (c) of this section.

54. Section 1962 of RICO does not permit claims against corporations, only individuals. As such, the Plaintiffs only obtained Judgment for breach of 1962 of RICO against

the Hutchens Defendants. The RICO claim was dismissed as against the corporate defendants with prejudice.

55. RICO is a well-established federal statute. It was enacted by the United States Congress in 1970 and signed into law by President Richard M. Nixon in October 1970. RICO is codified in Sections 1961-1968 of Title 18 of the United States Code.
56. RICO is designed to combat organized crime through criminal prosecution and civil penalties for racketeering activity performed as part of the conduct of an ongoing "enterprise."
57. Section 1964(c) of RICO states, in part, that: *"Any person injured in his business or property by reason of a violation of section 1962 of this chapter may sue therefor in any appropriate United States district court and shall recover threefold the damages he sustains and the cost of the suit, including a reasonable attorney's fee...."*
58. Treble damages were awarded to the Plaintiffs pursuant to section 1964(c) above.
59. The United States Supreme Court has issued over twenty decisions regarding the interpretation of RICO. That Court, along with the lower courts below it, have uniformly held that RICO's civil provisions, including its mandatory provision for trebling damages, are compensatory/remedial and are neither punitive and/or penal in nature.

SERVICE OF STATEMENT OF CLAIM IN COLORADO

60. The Plaintiffs are entitled to serve this Statement of Claim outside Ontario, upon Advocates in Denver, Colorado, United States of America, without a court order

pursuant to the following rules of the *Rules of Civil Procedure*, R.R.O. 1990, Reg. 194 because:

- (a) Rule 17.02(a) - the claim relates to real property in Ontario; and
 - (b) Rule 17.02(e) - the claim relates to mortgages on real property in Ontario.
61. The Plaintiffs plead and rely upon the *Courts of Justice Act*, S.O. 1990, c C-43, *Assignments and Preferences Act*, RSO 1990, c A.33, *Fraudulent Conveyances Act*, RSO 1990, c F.29, *Business Corporations Act*, RSO 1990, c B.16, and the doctrine of knowing assistance and knowing receipt in support of the relief sought herein.
62. The Plaintiffs propose that this action be tried in the City of London, Province of Ontario.

November 24, 2017

Siskinds LLP
Barristers & Solicitors
680 Waterloo Street
P.O. Box 2520
London, ON N6A 3V8

Daniel J. MacKeigan LSUC#: 42564R
Tel: (519) 660-7852
Fax: (519) 660-7853

Cole S. C. Vegso LSUC#: 65389G
Tel: (519) 660-7755
Fax: (519) 660-7756

Lawyers for the Plaintiffs

Schedule "A"

PROPERTY CHART

A. DEFENDANT PROPERTIES THAT WERE IMPOSED WITH A CONSTRUCTIVE TRUST – COLORADO JUDGMENT DATED SEPTEMBER 26, 2017
 (Not including Properties that were sold before the Constructive Trust was applied in Colorado Action)

	Property Address	Owner	Mortgages	Officers/ Directors (if corporate)
1.	1779 Cross Street, Innisfil, Ontario; (Simcoe LRO#51) PIN #58069-0150 (LT); PT N 1/2 LT 25 CON 6 INNISFIL AS IN R01093173; ST R01093173; INNISFIL (Search dated November 23, 2017)	Tanya Hutchens – 2006/07/28 - \$400,000	Meridian Credit – \$300,000 on 2013/04/08	N/A
2.	193 Mountain Street, Sudbury, Ontario; (Sudbury LRO#53) PIN #02132-0942 (LT); PCLS 2388, 3113 AND 21292 SEC SES LTI PLAN M28B EXCEPT COMM AT THE S ELY ANGLE OF LTI; THENCE S 37 DEG 16' W ALONG THE SLY LIMIT OF LTI A DISTANCE OF 42FT 3INCHES TO THE SLY ANGLE OF SAID LTI; THENCE S 73 DEG 04' W ALONG THE SLY LIMIT OF SAID LTI A DISTANCE OF 10FT, 6INCHES TO THE SW ANGLE OF LTI; THENCE N 52DEG 10' W ALONG THE W LIMIT OF LTI A DISTANCE OF 10FT, 6INCHES TO A POINT; THENCE N 64DEG 29'E A DISTANCE OF 11 FT MORE OR LESS TO A	193 Mountain Street Inc. 2007/07/09 - \$435,000	First National – \$440,700 on 2008/11/10 Catherine Atchison – \$303,000 on 2012/03/29 Notice of Security Interest from 1627596 Ontario Inc. registered on 2017/08/03 for \$1,415	Directors: S. Craig Hutchens – Date Began: 2007/07/04 Tanya Hutchens – Date Began: 2007/07/04 Officers: Tanya Hutchens – Date Began: 2007/07/04 (Secretary; Treasurer) Tanya Hutchens – Date Began: 2011/01/01 (President)

Property Address	Owner	Mortgages	Officers/ Directors (if corporate)
<p>POINT BEING 11.0FT N 25DEG 31'W OF THE SLY ANGLE OF LT1; THENCE N 52 DEG 00' E A DISTANCE OF 38FT MORE OR LESS TO THE POC, PLAN ATTACHED IN 33273, NOW PCL 5776 SES; LT2 PLAN M28B EXCEPT COMMENCING AT THE S ELY ANGLE OF LT2, THENCE S 73 DEGREES 04'W ALONG THE SLY LIMIT OF LT2 A DISTANCE OF 63'2" TO THE S WLY ANGLE OF LT2, THEN N64 DEGREES 29' EA DISTANCE OF 62' MORE OR LESS TO A POINT ON THE ELY LIMIT OF LT2, THENCE S 52 DEGREES E ALONG THE ELY LIMIT OF LT2 A DISTANCE OF 10'6" MORE OR LESS TO THE POC; PLAN ATTACHED IN 33273, NOW PLC 5776 SES; EXCEPT COMM AT A POINT IN THE S WESTERN LIMIT OF SAID LT2 DISTANT 95.0FT FROM THE MOST SLY ANGLE OF SAID LT; THENCE N 45DEG 23'W TO A POINT IN THE HIGHWATER MARK OF THE EASTERN BANK OF JUNCTION CREEK; THENCE S WLY FOLLOWING ALONG SAID HIGHWATER MARK TO THE MOST WLY ANGLE OF SAID LT; THENCE S 54DEG 42'E ALONG THE AFORESAID S WESTERN LIMIT 95.0 FT MORE OR LESS TO THE POC, NOW PCL 21291 SES; EXCEPT PT1 53R8264; PT LT3 PLAN M28B</p>			

Property Address	Owner	Mortgages	Officers/ Directors (if corporate)
<p>COMM AT TA POINT IN THE N ELY ANGLE; THENCE S 70 DEG 32' W ALONG THE S EASTERN LIMIT OF SAID LT 18.0FT; THENCE N 45DEG 23' W TO THE POC; EXCEPT PT 2 53R8264 SUBJECT TO 25265S/T LT868119 PART 6&7 ON PLAN 53R-16220 CITY OF SUDBURY (Search dated November 23, 2017)</p>	<p>110-114 Pine Street Inc. 2005/05/23 - \$860,000</p>	<p>1st Mtge: B2B Trust Assigned to Canadian Western Trust Assigned to Tanya Hutchens on 03/27/2017 (Consideration: \$602,000) 2nd Mtge; Barbara Carpenter Assigned to Tatiana Hutchens on 08/19/2017 (Consideration: \$114,000) 3rd - Adroit Advocates, LLC, A Colorado Limited Liability Company, dba Klenda Gessler & Blue LLC - \$2,000,000 - 10/04/2017</p>	<p>Directors: Tanya Hutchens – Date Began: 2011/01/04 Officers: Tanya Hutchens – Date Began: 2011/01/01 (President; Secretary; Treasurer)</p>
<p>3. 110-114 Pine Street, Sudbury, Ontario; (Sudbury LRO#53) PIN #02135-0246 (LT); LTS 48, 49, PT LT 50, BLK B PLAN 3SA; PTS 2, 4, 5, 6 53R11500 SUBJECT TO S94352 CITY OF SUDBURY (Search dated November 23, 2017)</p>	<p>29 Laren Street Inc. 2008/06/30 - \$925,000 (all 6 PINs)</p>	<p>1st Mtge (+Assignment of Rents) was held by BMO (\$800,000) and Assigned to</p>	<p>Directors: S. Craig Hutchens – Date Began: 2007/07/04</p>
<p>4. 29 Laren Street, Sudbury (Wahnapiitae) (Sudbury LRO#53) PIN #73481-0001 (LT);</p>			

	Property Address	Owner	Mortgages	Officers/ Directors (if corporate)
	<p>PCL 12042 SEC SES; PT LT 31 BLK B PL M9 DRYDEN & PT LT 32 BLK B PL M9 DRYDEN AS IN LT67718; PT LT 33 PL M9 DRYDEN PT 1 53R64589; GREATER SUDBURY (Search dated November 23, 2017)</p>		<p>Tanya Hutchens March 24, 2016 (Consideration: \$597,180) 2nd -146 Whittaker Street Inc. - \$210,000 on 2010/02/26 3rd - Adroit Advocates, LLC, A Colorado Limited Liability Company, dba Klenda Gessler & Blue LLC - \$2,000,000 – 10/04/2017</p>	<p>Tanya Hutchens – Date Began: 2007/07/04 Officers: Tanya Hutchens – Date Began: 2007/07/04 (Secretary; Treasurer) Tanya Hutchens – Date Began: 2011/01/01 (President)</p>
<p>5.</p>	<p>29 Laren Street, Sudbury (Wahnapiatae) (Sudbury LRO#53) PIN #73481-0006 (LT); PCL 12115 SEC SES; LT 30 BLK B PL M9 DRYDEN; GREATER SUDBURY (Search dated November 23, 2017)</p>	<p>29 Laren Street Inc. 2008/06/30 - \$925,000 (all 6 PINs)</p>	<p>1st Mfge (+Assignment of Rents) was held by BMO (\$800,000) and Assigned to Tanya Hutchens March 24, 2016 (Consideration: \$597,180) 2nd -146 Whittaker Street Inc. - \$210,000 on 2010/02/26 3rd - Adroit Advocates, LLC, A Colorado Limited Liability Company, dba Klenda Gessler & Blue LLC</p>	<p>Directors: S. Craig Hutchens – Date Began: 2007/07/04 Tanya Hutchens – Date Began: 2007/07/04 Officers: Tanya Hutchens – Date Began: 2007/07/04 (Secretary; Treasurer) Tanya Hutchens – Date Began: 2011/01/01 (President)</p>

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Property Address	Owner	Mortgages	Officers/ Directors (if corporate)
<p>6. 29 Laren Street, Sudbury (Wahnapiatae) (Sudbury LRO#53)</p> <p>PIN #73481-0008 (LT); PLC 12201 SEC SES; LT 29 BLK B PL M9 DRYDEN; PT PINE ST PL M9 DRYDEN; PT LANE PL PL M9 DRYDEN (NOW CLOSED) PARTS 3-5, 53R9050 SAVE & EXPECTING THEREFROM THE CANADIAN PACIFIC RAILWAY COMPANY PROPERTY, & THAT PORTION OF THE WAHNAPIATAE RIVER; S/T LT567345; GREATER SUDBURY (Search dated November 23, 2017)</p>	<p>29 Laren Street Inc. 2008/06/30 - \$925,000 (all 6 PINs)</p>	<p>- \$2,000,000 – 10/04/2017</p> <p>1st Mtge (+Assignment of Rents) was held by BMO (\$800,000) and Assigned to Tanya Hutchens March 24, 2016 (Consideration: \$597,180)</p> <p>2nd -146 Whittaker Street Inc. - \$210,000 on 2010/02/26</p> <p>3rd - Adroit Advocates, LLC, A Colorado Limited Liability Company, dba Klenda Gessler & Blue LLC -\$2,000,000 – 10/04/2017</p>	<p>Directors: S. Craig Hutchens – Date Began: 2007/07/04 Tanya Hutchens – Date Began: 2007/07/04</p> <p>Officers: Tanya Hutchens – Date Began: 2007/07/04 (Secretary; Treasurer) Tanya Hutchens – Date Began: 2011/01/01 (President)</p>
<p>7. 29 Laren Street, Sudbury (Wahnapiatae) (Sudbury LRO#53)</p> <p>PIN #71481-0493 (LT); PCL 3816 SEC SES; LT 5-6 BLK B PL M9 DRYDEN; S/T LT567345; GREATER SUDBURY (Search dated November 23, 2017)</p>	<p>29 Laren Street Inc. 2008/06/30 - \$925,000 (all 6 PINs)</p>	<p>1st Mtge (+Assignment of Rents) was held by BMO (\$800,000) and Assigned to Tanya Hutchens March 24, 2016 (Consideration: \$597,180)</p> <p>2nd -146 Whittaker Street Inc. - \$210,000 on 2010/02/26</p>	<p>Directors: S. Craig Hutchens – Date Began: 2007/07/04 Tanya Hutchens – Date Began: 2007/07/04</p> <p>Officers: Tanya Hutchens – Date Began: 2007/07/04 (Secretary; Treasurer) Tanya Hutchens – Date Began: 2011/01/01</p>

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- 6 -

	Property Address	Owner	Mortgages	Officers/ Directors (if corporate)
8.	<p>29 Laren Street, Sudbury (Wahnapiatae) (Sudbury LRO#53)</p> <p>PIN #73481-0446 (LT); PCL 12386 SEC SES; LT 1-3 BLK B PL M9 DRYDEN; GREATER SUDBURY (Search dated November 23, 2017)</p>	<p>29 Laren Street Inc. 2008/06/30 - \$925,000 (all 6 PINs)</p>	<p>3rd - Adroit Advocates, LLC, A Colorado Limited Liability Company, dba Klenda Gessler & Blue LLC -\$2,000,000 – 10/04/2017</p> <p>1st Mtge (+Assignment of Rents) was held by BMO (\$800,000) and Assigned to Tanya Hutchens March 24, 2016 (Consideration: \$597,180)</p> <p>2nd -146 Whittaker Street Inc. - \$210,000 on 2010/02/26</p> <p>3rd - Adroit Advocates, LLC, A Colorado Limited Liability Company, dba Klenda Gessler & Blue LLC -\$2,000,000 – 10/04/2017</p>	<p>(President)</p> <p>Directors: S. Craig Hutchens – Date Began: 2007/07/04 Tanya Hutchens – Date Began: 2007/07/04 Officers: Tanya Hutchens – Date Began: 2007/07/04 (Secretary; Treasurer) Tanya Hutchens – Date Began: 2011/01/01 (President)</p>
9.	<p>29 Laren Street, Sudbury (Wahnapiatae) (Sudbury LRO#53)</p> <p>PIN #73481-0512 (LT); PLC 198 SEC SES; LT 4 BLK B PL M9 DRYDEN; GREATER SUDBURY</p>	<p>29 Laren Street Inc. 2008/06/30 - \$925,000 (all 6 PINs)</p>	<p>1st Mtge (+Assignment of Rents) was held by BMO (\$800,000) and Assigned to Tanya Hutchens March 24, 2016 (Consideration: \$597,180)</p>	<p>Directors: S. Craig Hutchens – Date Began: 2007/07/04 Tanya Hutchens – Date Began: 2007/07/04 Officers: Tanya Hutchens – Date</p>

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Property Address	Owner	Mortgages	Officers/ Directors (if corporate)
(Search dated November 23, 2017)		<p>2nd - 146 Whittaker Street Inc. - \$210,000 on 2010/02/26</p> <p>3rd - Adroit Advocates, LLC, A Colorado Limited Liability Company, dba Klenda Gessler & Blue LLC - \$2,000,000 - 10/04/2017</p>	<p>Began: 2007/07/04 (Secretary; Treasurer) Tanya Hutchens - Date Began: 2011/01/01 (President)</p>
<p>10. 3415 Errington Avenue, Sudbury (Sudbury LRO#53)</p> <p>PIN: 73349-1569 (LT) PCL 10618 SEC SWS; LT 215 BLK 6 PL M91 BALFOUR; GREATER SUDBURY</p> <p>(Search dated November 23, 2017)</p>	<p>3415 Errington Avenue Inc. 2007/03/16 - \$150,000</p>	<p>1st - Dina Brik - \$150,000 on 04/30/2015</p> <p>2nd - Adroit Advocates, LLC, A Colorado Limited Liability Company, dba Klenda Gessler & Blue LLC - \$2,000,000 - 10/04/2017</p>	<p>Directors: S. Craig Hutchens - Date Began: 2007/03/09 Tatiana Hutchens - Date Began: 2007/03/09 Tanya Hutchens - Date Began: 2007/03/09</p> <p>Officers: Tatiana Hutchens - Date Began: 2007/03/09 (Secretary; Treasurer) Tanya Hutchens - Date Began: 2007/03/09 (Secretary; Treasurer) Tanya Hutchens - Date Began: 2011/01/01 (President)</p>

Property Address	Owner	Mortgages	Officers/ Directors (if corporate)
11. 3419 Errington Avenue, Sudbury (Sudbury LRO#53) PIN: 73349-0720 (LT) PCL 21629 SEC SWS; LT 222 BLK 6 PL M91 BALFOUR; GREATER SUDBURY (Search dated November 23, 2017)	3419 Errington Avenue Inc. 2007/03/16 - \$150,000	1 st - Dina Brik - \$150,000 on 04/30/2015 2 nd - Adroit Advocates, LLC, A Colorado Limited Liability Company, dba Klenda Gessler & Blue LLC - \$2,000,000 - 10/04/2017	Directors: Tanya Hutchens - Date Began: 2007/03/09 S. Craig Hutchens - Date Began: 2007/03/09 Tatiana Hutchens - Date Began: 2007/03/09 Officers: Tatiana Hutchens - Date Began: 2007/03/07 (Secretary; Treasurer) Tatiana Hutchens - Date Began: 2011/01/01 (President)

B. OTHER PROPERTIES OWNED BY THE DEFENDANTS BUT CURRENTLY NOT SUBJECT TO A CONSTRUCTIVE TRUST

(Note: This list includes two properties where supplemental submissions for a constructive trust have been made but the Colorado Court has not rendered a decision)

Property Address	Owner	Mortgages	Officers/ Directors (if corporate)
12. 33 Theodore Place, Thornhill (York Region LRO#65) PIN #03251-0304 (LT); PCL 89-1, SEC 65M2941; LT 89, PL	Tatiana Hutchens purchased on 04/08/2008 for \$760,000	Meridian Credit - \$535,000 on 06/27/2012	

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	Property Address	Owner	Mortgages	Officers/ Directors (if corporate)
	65M2941, S/T LT746593; Vaughan *Supplemental Submissions to apply constructive trust in Colorado Action made on Oct. 9, 2017. (Search dated November 23, 2017)			
13.	175 Hilda, Unit 1015, Toronto (Toronto LRO#64/66) PIN #11102-0149 (LT); UNIT 15, LEVEL 10, YORK CONDOMINIUM PLAN NO. 102, PTS OF BLKS 9, P & T PLAN 6955 AS DESCRIBED IN SCHEDULE A OF DECLARATION 8364075; TWP OF YORK/NORTH YORK, CITY OF TORONTO	Tatiana Hutchens purchased on 06/10/2011 for \$259,000	None CIBC -\$207,200 on 06/10/2011 - paid out and discharged on 2017/07/05	
14.	1479 Maple Road, Innisfil (Simcoe LRO#51) PIN #58068-0102 (LT); LT 6 PL 642, INNISFIL (Search dated November 23, 2017)	Tatiana Hutchens 06/23/2009 - \$422,000	Meridian Credit - 04/26/2012 - \$200,000 Dina Brik- 02/10/2012 - \$200,000 (Postponement for Meridian)	
15.	1889 Simcoe Blvd., Innisfil (Simcoe LRO#51) PIN #58072-0299 (LT); LT 31, PL 657, INNISFIL (Search dated November 23, 2017)	Tatiana Hutchens 09/02/2008 - \$350,000	Meridian Credit - 2013/04/08 - \$200,000	

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	Property Address	Owner	Mortgages	Officers/ Directors (if corporate)
16.	1790 Cross Street, Innisfil (Simcoe LRO#51) PIN #58069-0103 (LT); LT 1 PL 978 INNISFIL; INNISFIL (Search dated November 23, 2017)	Tatiana Hutchens 03/31/2009 - \$161,500	Meridian Credit -- 04/26/2012 - \$85,000 Dina Brik -- 02/10/2012 - \$80,750 (postponed in favour of Meridian)	
17.	1760 Cross Street, Innisfil (Simcoe LRO#51) PIN #58069-0121 (LT); LT 73 PL 881 INNISFIL; INNISFIL (Search dated November 23, 2017)	Tatiana Hutchens -- 06/28/2013 - \$228,000	No Mtgee	
18.	1573 Houston Street, Innisfil (Simcoe LRO#51) PIN: 58070-0327 LT 14 AND PT LT 15 PL 591 PT 2 51R37515; TOWN OF INNISFIL (Search dated November 23, 2017)	Tatiana Hutchens - 2016/05/27 - \$760,000	No Mtgee	
19.	331 Regent Street, Sudbury (Sudbury LRO#53) PIN #73586-0638 (LT) LT 297 PL 4SC MCKIM; GREATER SUDBURY	331 Regent Street Inc. - 2007/02/09 - \$245,000	Tanya Hutchens - \$99,000 -- assigned from Solid Rock Mortgages, Wayne and Jane Gater on 2014/02/14 Ronald & Angie Hache -- 2007/02/09 - \$100,000	Directors: Tanya Hutchens -- Date Began: 2007/02/06 Officers: Tanya Hutchens -- Date Began: 2007/02/06 (Secretary; Treasurer)

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	Property Address	Owner	Mortgages	Officers/ Directors (if corporate)
	(Search dated November 23, 2017)		Adroit Advocates, LLC, A Colorado Limited Liability Company, dba Klenda Gessler & Blue LLC - \$2,000,000 - 10/04/2017	Tanya Hutchens - Date Began: 2011/01/01 (President)
20.	17 Serpentine Street, Sudbury (Sudbury LRO#53) PIN 73599-0157 (LT); PLC 40961 SEC SES SRO; LT 95 PL M1025 MCKIM; S/T LT 387652, LT387654; GREATER SUDBURY (Search dated November 23, 2017)	17 Serpentine Street Inc. - 2006/10/31 - \$210,000	1 st Mtge: B2B Trust Assigned to Canadian Western Trust - Assigned to Tanya Hutchens - \$200,000 on 2017/03/27 2 nd Mtge; Lapell Management - 012/01/30 - Assigned to Tatiana Hutchens on 2016/01/07 - \$51,000 3 rd Mtge; 146 Whittaker - 2010/03/09 - \$56,000 3 rd mtge - Adroit Advocates, LLC, A Colorado Limited Liability Company, dba Klenda Gessler & Blue LLC - \$2,000,000 - 10/04/2017	Directors: Tanya Hutchens - Date Began: 2011/01/01 Officers: Tanya Hutchens - Date Began: 2011/01/01 (President; Secretary)
21.	367-369 Howey Drive, Sudbury (Sudbury LRO#53) PIN #73583-0400 (LT); LT 1-2 BLK A PL 5SA MCKIM S/T & T/W S112782; S/T INTEREST IN S112782; GREATER SUDBURY	367-369 Howey Drive Inc. - 2008/04/21 - \$720,000	Transfer of BMO Charge to Tanya Hutchens on 2017/09/20 and Assignment of Rents - \$464,192.75	Directors: Paul Ferguson - Date Began: 2008/04/07 S. Craig Hutchens - Date Began: 2006/10/27 Tanya Hutchens - Date Began: 2011/01/01

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	Property Address	Owner	Mortgages	Officers/ Directors (if corporate)
	<p>(Search dated November 23, 2017)</p> <p>*Supplemental Submissions to apply constructive trust in Colorado Action made on Oct. 9, 2017</p>			<p>Officers: Paul Ferguson – Date Began: 2008/04/07 (Secretary; Treasurer) S. Craig Hutchens – Date Began: 2006/10/27 (President; Secretary) Tanya Hutchens – Date Began: 2011/01/01 (President)</p>
22.	<p>42 Clemow Avenue, Sudbury (Sudbury LRO#53)</p> <p>PIN #73588-0383 (LT) PCL 7614 SEC SES; LT 278 PL M128 MCKIM; GREATER SUDBURY</p> <p>(Search dated November 23, 2017)</p>	<p>Sandy Hutchens (2005) bought for \$60,000 – Estate of Judith Anne Hutchens added by Order in 2007 –12/06/2012</p>	<p>Ronald Henderson - \$100,000 on 2006/10/11</p>	

CGC Holding Company, LLC, et al v. Sandy Hutchens, et al

Court File No.: 2651/17

**ONTARIO
SUPERIOR COURT OF JUSTICE**

Proceeding commenced at London

STATEMENT OF CLAIM

Siskinds LLP
Barristers & Solicitors
680 Waterloo Street
P.O. Box 2520
London, ON N6A 3V8

Daniel J. MacKeigan LSUC#: 42564R
Tel: (519) 660-7852
Fax: (519) 660-7853

Cole S. C. Vegso LSUC#: 65389G
Tel: (519) 660-7755
Fax: (519) 660-7756

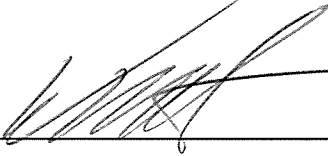
Lawyers for the Plaintiffs

Our File No. 848613

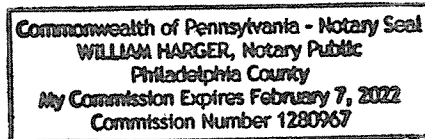
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TAB 25

This is **Exhibit 25** referred to in the
Affidavit of Howard Langer, sworn before me,
this 8th day of January, 2019



Commissioner for Taking Affidavits (or as may be)



TIME RECEIVED
October 9, 2018 at 2:16:36 PM EDT

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DURATION
94

PAGES
6

STATUS
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Mason Caplan Roti LLP

Court File No. 2651/17

**ONTARIO
SUPERIOR COURT OF JUSTICE**

B E T W E E N:

**CGC HOLDINGS COMPANY, LLC, HARLEM ALGONQUIN LLC, and
JAMES T. MEDICK**

Plaintiffs

and

**SANDY HUTCHENS, also known as CRAIG (SANDY) HUTCHENS, MOSHIE
ALEXANDER, MOISHE ALEXANDER, CRAIG HUTCHENS, SANDY CRAIG
HUTCHENS, S. CRAIG HUTCHENS, MOISHE HUTCHENS, CRAIG ALEXANDER,
MOSHE ALEXANDER, MOISHE BEN AVRAHAM, MOISHE BEN AVROHOM, MOSHE BEN
AVROHOM, BEN AVRAHAM, FRED HAYES, ALEXANDER MACDONALD, ED RYAN, AND
MATHEW KOVCE, TANYA HUTCHENS, also known as TATIANA BRIK, TATIANA
HUTCHENS, and TANYA BRIK-HUTCHENS, JENNIFER HUTCHENS, also known as
JENNIFER ARAUJO, JBD HUTCHENS FAMILY HOLDINGS INC. aka JBD HUTCHENS
FAMILY HOLDINGS INC. JBD HOLDINGS INC., THE ESTATE OF JUDITH HUTCHENS, 29
LAREN STREET INC., 3415 ERRINGTON AVENUE INC., 367-369 HOWEY DRIVE INC., 3419
ERRINGTON AVENUE INC., 17 SERPENTINE STREET INC., 720 CAMBRIAN HEIGHTS INC.,
331 REGENT STREET INC., 789 LAWSON STREET INC., 110-114 PINE STREET INC., 15-16
KEZIAH COURT INC., 193 MOUNTAIN STREET INC., 625 ASH STREET INC., 364 MORRIS
STREET INC., 146 WHITTAKER STREET INC., and ADROIT ADVOCATES, LLC, A.
COLORADO LIMITED LIABILITY COMPANY, dba KLEND A GESSLER & BLUE LLC**

Defendants

STATEMENT OF DEFENCE OF THE DEFENDANT TANYA HUTCHENS

1. The defendant Tanya Hutchens admits the allegations contained in paragraphs 6 except to the extent that the pleading alleges "aliases"; 16, 17, 18, 35 of the Statement of Claim;
2. The said defendant denies each and every other allegation in the Statement of Claim.
3. This defendant says and the fact is that each of the properties referred to in the Statement of Claim is owned, beneficially, by a legally constituted trust a fact known by the plaintiffs since 2012.

-2-

4. This defendant denies that she engaged in any conspiracy or illegal conduct as alleged or at all. The Colorado Judgment is under appeal as of the date of this pleading and until it is resolved, there can be no recognition of the Colorado Judgment in Ontario.

5. In any event, this defendant denies that the Colorado Judgment cannot be recognized by the Ontario courts has it purports to imposed a constructive trust, the determination of which can only be made by an Ontario court. Moreover, the Ontario Courts will not recognize treble damages under RICO as a matter of public policy.

6. This defendant denies that she breached the undertaking as alleged in the Statement of Claim or at all. This defendant says that at all material times, she complied with her undertaking and any transactions involving the property arose out of her duties as trustee for the beneficial owners of the properties and in the ordinary course of business.

7. This defendant therefore pleads that this action be dismissed with costs on a substantial indemnity scale.

October 9, 2018

MASON CAPLAN ROTI LLP
350 Bay St., Suite 600
Toronto ON M5H 2S6

Gary Michael Caplan (19805G)

Tel: 416-596-7796 (Direct)
Fax: 855-880-6271
Email: GCaplan@mcr.law

Lawyers for the Defendants,
Tanya Hutchens, also known as Tatiana Brik,
Tatiana Hutchens and Tanya Brik-Hutchens

-3-

TO: SISKINDS LLP
Barristers & Solicitors
680 Waterloo Street
P.O. Box 2520
London, ON N6A 3V8

Daniel J. MacKeigan (65389G)
Tel: 519-660-7852
Fax: 519-660-7853

Cole S.C. Vegso (65389G)
Tel: 519-660-7755
Fax: 519-6607756

Lawyers for the Plaintiffs
CGC Holding Company, LLC Harlem Algonquin LLC
and James T. Medick

AND TO: DONNELLY, MURPHY LAWYERS
Professional Corporation
18 Court House Square
Goderich, ON N7A 3Y7

Philip J. Smith (58444U)
Tel: 519-524-2154
Fax: 519-524-8550
Email: psmith@dmilaw.ca

Solicitors for the Defendants,
Sandy Hutchens also known as Craig (Sandy) Hutchens
and 146 Whittaker Street Inc.

AND TO: BRAUTI, THORNING, ZIBARRAS
Barristers & Solicitors
161 Bay Street,
Suite 2900,
Toronto, ON M5J 2S1

James Zibarras
Tel: 416-362-4567
Fax: 416-362-8410
Email: jzibarras@btzlaw.ca

Solicitors for the Defendants,

-4-

JBD Hutchens Family Holdings Inc. aka JBD Hutchens Family Holdings Inc., 29 Laren Street Inc., 3415 Errington Avenue Inc., 367-369 Howey Drive Inc., 3419 Errington Avenue Inc., 17 Serpentine Street Inc., 720 Cambrian Heights Inc., 331 Regent Street Inc., 789 Lawson Street Inc., 110-114 Pine Street Inc., 15-16 Keziah Court Inc., 193 Mountain Street Inc., 625 Ash Street Inc., and 364 Morris Street Inc.

CGC HOLDINGS COMPANY LLC et al.
Plaintiffs

-and- SANDY HUTCHENS et al.
Defendants

Court File No. 2651/17

ONTARIO
SUPERIOR COURT OF JUSTICE
PROCEEDING COMMENCED AT
LONDON

STATEMENT OF DEFENCE

MASON CAPLAN ROTI LLP
350 Bay St., Suite 600
Toronto ON M5H 2S6

Gary Michael Caplan (19805G)

Tel: 416-596-7796

Fax: 855-880-6271

Email: GCaplan@mcr.law

Lawyers for the Defendant

File Number: 17-0572



Gary Michael Caplan
Email: GCaplan@mcr.law
Phone: 416-596-7796 (Direct)
Fax: 855-880-6271

Our File Number: 18-0072

October 9, 2018

VIA FACSIMILE

Daniel J. MacKeigan
Cole S.C. Vegso
SISKINDS LLP
Barristers & Solicitors
680 Waterloo Street
P.O. Box 2520
London, ON N6A 3V8

Philip J. Smith
DONNELLY, MURPHY LAWYERS
Professional Corporation
18 Courthouse Square
Goderich, ON N7A 3Y7

James Zibarras
BRAUTI, THORNING, ZIBARRAS
Barristers & Solicitors
161 Bay Street, Suite 2900,
Toronto, ON M5J 2S1

Dear Counsel:

Re: Tanya Hutchens et al & CGC Holdings Company et al
Court File No.: 2651/17

Please find enclosed our Statement of Defence, which is served upon you pursuant to the *Rules of Civil Procedure*.

Yours very truly,

Mason Caplan Roti LLP

A handwritten signature in black ink that reads 'Gary M. Caplan'.

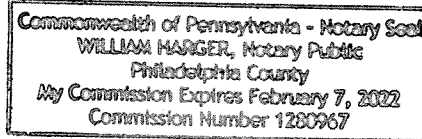
Gary M. Caplan
GMC/gd
Encl.

TAB 26

This is **Exhibit 26** referred to in the
Affidavit of Howard Langer, sworn before me,
this 8th day of January, 2019



Commissioner for Taking Affidavits (or as may be)



Court File No. 2651/17

**ONTARIO
SUPERIOR COURT OF JUSTICE**

B E T W E E N:

CGC HOLDINGS COMPANY, LLC, HARLEM ALGONQUIN LLC, and
JAMES T. MEDICK

Plaintiffs

- and -

SANDY HUTCHENS, also known as CRAIG (SANDY) HUTCHENS, MOSHIE
ALEXANDER, MOISHE ALEXANDER, CRAIG HUTCHENS, SANDY CRAIG
HUTCHENS, S. CRAIG HUTCHENS, MOISHE HUTCHENS, CRAIG ALEXANDER,
MOSHE ALEXANDER, MOISHE BEN AVRAHAM, MOISHE BEN AVROHOM, MOSHE BEN
AVROHOM, BEN AVRAHAM, FRED HAYES, ALEXANDER MACDONALD, ED RYAN, AND
MATHEW KOVCE, TANYA HUTCHENS, also known as TATIANA BRIK, TATIANA
HUTCHENS, and TANYA BRIK-HUTCHENS, JENNIFER HUTCHENS, also known as
JENNIFER ARAUJO, JBD HUTCHENS FAMILY HOLDINGS INC. aka JBD HUTCHENS
FAMILY HOLDINGS INC. JBD HOLDINGS INC., THE ESTATE OF JUDITH HUTCHENS, 29
LAREN STREET INC., 3415 ERRINGTON AVENUE INC., 367-369 HOWEY DRIVE INC., 3419
ERRINGTON AVENUE INC., 17 SERPENTINE STREET INC., 720 CAMBRIAN HEIGHTS
INC., 331 REGENT STREET INC., 789 LAWSON STREET INC., 110-114 PINE STREET INC.,
15-16 KEZIAH COURT INC., 193 MOUNTAIN STREET INC., 625 ASH STREET INC., 364
MORRIS STREET INC., 146 WHITTAKER STREET INC., and ADROIT ADVOCATES, LLC, A.
COLORADO LIMITED LIABILITY COMPANY, dba KLEND A GESSLER & BLUE LLC

Defendants

**STATEMENT OF DEFENCE OF THE DEFENDANTS,
JBD HUTCHENS FAMILY HOLDINGS INC., A.K.A. JBD HUTCHENS
FAMILY HOLDINGS INC., 29 LAREN STREET INC., 3415 ERRINGTON
AVENUE INC., 367-369 HOWEY DRIVE INC., 3419 ERRINGTON AVENUE
INC., 17 SERPENTINE STREET INC., 720 CAMBRIAN HEIGHTS INC., 331
REGENT STREET INC., 789 LAWSON STREET INC., 110-114 PINE STREET
INC., 15-16 KEZIAH COURT INC., 193 MOUNTAIN STREET INC., 625 ASH
STREET INC. AND 364 MORRIS STREET INC.**

-2-

1. The defendants, JBD Hutchens Family Holdings Inc., a.k.a. JBD Hutchens Family Holdings Inc., 29 Laren Street Inc., 3415 Errington Avenue Inc., 367-369 Howey Drive Inc., 3419 Errington Avenue Inc., 17 Serpentine Street Inc., 720 Cambrian Heights Inc., 331 Regent Street Inc., 789 Lawson Street Inc., 110-114 Pine Street Inc., 15-16 Keziah Court Inc., 193 Mountain Street Inc., 625 Ash Street Inc. and 364 Morris Street Inc. (the “**Corporate Defendants**”) deny each and every allegation in the Statement of Claim (the “**Claim**”) and put the Plaintiffs to the strict proof thereof.
2. In answer to the whole of the Claim, the Corporate Defendants plead, and the truth is, that each of the real properties listed in Schedule “A” to the Claim (the “**Properties**”) are beneficially owned by legally constituted trusts, a fact known by the plaintiffs since 2012.
3. The Corporate Defendants deny that the Plaintiffs have any claim to the Properties.
4. The Corporate Defendants deny that they were created or used for the purpose of hindering, defeating and/or defrauding the Plaintiffs and put the Plaintiffs to the strict proof thereof.
5. The Corporate Defendants deny that funds from the Loan Scheme (as defined in the Claim) were used to purchase or pay for the Properties.
6. The Corporate Defendants deny that Advance Fees (as defined in the Claim) were used to purchase or pay for the Properties.
7. The Corporate Defendants deny that any funds from the Loan Scheme or the Advance Fees were, or can be, traced into the Properties.
8. The Corporate Defendants deny that a constructive trust, which is an equitable remedy, can be imposed in a RICO action. As such, the terms of the Colorado Judgment exceeded the trial judge’s

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jurisdiction, are contrary to Canadian notions of natural justice, are contrary to Canadian public policy, and are unenforceable by Ontario Courts.

9. The Corporate Defendants plead that the Plaintiffs in the Colorado Action abandoned their class-certified constructive trust claims. As such, the terms of the Colorado Judgment exceeded the trial judge's jurisdiction, are contrary to Canadian notions of natural justice, are contrary to Canadian public policy, and are unenforceable by Ontario Courts.

10. The Corporate Defendants plead that the Colorado Judgment purports to impose a constructive trust over assets held by entities that were not parties to the Colorado Action. As such, the terms of the Colorado Judgment exceeded the trial judge's jurisdiction, are contrary to Canadian notions of natural justice, are contrary to Canadian public policy, and are unenforceable by Ontario Courts.

11. The Corporate Defendants plead that the Colorado Judgment awards treble damages under RICO. As such, the terms of the Colorado Judgment are contrary to Canadian notions of natural justice, are contrary to Canadian public policy, and are unenforceable by Ontario Courts.

12. The Colorado Judgment is under appeal as of the date of this pleading and until it is resolved, there can be no recognition of the Colorado Judgment in Ontario.

13. The Corporate Defendants therefore plead that this action be dismissed with costs on a substantial indemnity scale.

-4-

October 9, 2018

BRAUTI THORNING ZIBARRAS LLP

161 Bay Street, Suite 2900

Toronto, ON M5J 2S1

P. James Zibarras**LSO No. 48856F**

jzibarras@btzlaw.ca

Tel: 416.362.4567

Fax: 416.362.8410

Solicitors for the Defendants,

JBD Hutchens Family Holdings Inc. aka JBD

Hutchens Family Holdings Inc., 29 Laren

Street Inc., 3415 Errington Avenue Inc., 367-

369 Howey Drive Inc., 3419 Errington

Avenue Inc., 17 Serpentine Street Inc., 720

Cambrian Heights Inc., 331 Regent Street

Inc., 789 Lawson Street Inc., 110-114 Pine

Street Inc., 15-16 Keziah Court Inc., 193

Mountain Street Inc., 625 Ash Street Inc. and

364 Morris Street Inc.

-5-

TO: **SISKINDS LLP**
Barristers & Solicitors
680 Waterloo Street, P.O. Box 2520
London, ON N6A 3V8

Daniel J. MacKeigan (65389G)
Tel: 519-660-7852
Fax: 519-660-7853

Cole S.C. Vegso (65389G)
Tel: 519-660-7755
Fax: 519-660-7756

Lawyers for the Plaintiffs
CGC Holding Company, LLC, Harlem Algonquin LLC and James T. Medick

AND TO: **DONNELLY, MURPHY LAWYERS**
Professional Corporation
18 Court House Square
Goderich, ON N7A 3Y7

Philip J. Smith (58444U)

Tel: 519-524-2154
Fax: 519-524-8550
Email: psmith@dmlaw.ca

Solicitors for the Defendants,
Sandy Hutchens also known as Craig (Sandy) Hutchens and 146 Whittaker Street Inc.

AND TO: **MASON CAPLAN ROTI LLP**
350 Bay Street, Suite 600
Toronto, ON M5H 2S6

Gary Michael Caplan (19805G)
Tel: 416-596-7796 (Direct)
Fax: 855-880-6271
Email: GCaplan@mcr.law

Lawyers for the Defendants,
Tanya Hutchens, also known as Tatiana Brik, Tatiana Hutchens and Tanya Brik-Hutchens

Court File No.: 2651/17

CGC HOLDING COMPANY, LLC et al.

-and-

SANDY HUTCHENS ALSO KNOWN AS CRAIG (SANDY)
HUTCHENS et al.

Plaintiffs

Defendants

ONTARIO
SUPERIOR COURT OF JUSTICE
Proceeding Commenced at London

STATEMENT OF DEFENCE

BRAUTI THORNING ZIBARRAS LLP

161 Bay Street, Suite 2900
Toronto ON M5J 2S1

P. James Zibarras
LSO No. 48856F
jzibarras@btzlaw.ca

Tel: 416.362.4567
Fax: 416.362.8410

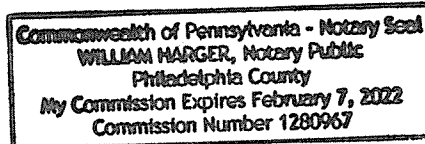
Lawyers for the Defendants,
JBD Hutchens Family Holdings Inc., a.k.a. JBD Hutchens Family Holdings Inc.,
29 Laren Street Inc., 3415 Errington Avenue Inc., 367-369 Howey Drive Inc.,
3419 Errington Avenue Inc., 17 Serpentine Street Inc., 720 Cambrian Heights
Inc., 331 Regent Street Inc., 789 Lawson Street Inc., 110-114 Pine Street Inc.,
15-16 Keziah Court Inc., 193 Mountain Street Inc., 625 Ash Street Inc., 364
Morris Street Inc.

TAB 27

This is **Exhibit 27** referred to in the
Affidavit of Howard Langer, sworn before me,
this 8th day of January, 2019



Commissioner for Taking Affidavits (or as may be)



Court File No. 2651/17

ONTARIO
SUPERIOR COURT OF JUSTICE

B E T W E E N:

CGC HOLDINGS COMPANY, LLC, HARLEM ALGONQUIN LLC, and
JAMES T. MEDICK

Plaintiffs

and

SANDY HUTCHENS, also known as CRAIG (SANDY) HUTCHENS, MOSHIE
ALEXANDER, MOISHE ALEXANDER, CRAIG HUTCHENS, SANDY
CRAIG HUTCHENS, S. CRAIG HUTCHENS, MOISHE HUTCHENS, CRAIG
ALEXANDER, MOSHE ALEXANDER, MOISHE BEN AVRAHAM, MOISHE
BEN AVRAHOM, MOSHE BEN AVROHOM, BEN AVRAHAM, FRED
HAYES, ALEXANDER MACDONALD, ED RYAN, and MATHEW KOVCE,
TANYA HUTCHENS, also known as TATIANA BRIK, TATIANA HUTCHENS,
and TANYA BRIK-HUTCHENS, JENNIFER HUTCHENS, also known as
JENNIFER ARAUJO, JBD HUTCHENS FAMILY HOLDINGS INC. aka JBD
HUTCHENS FAMILY HOLDINGS INC., JBD HOLDINGS INC., THE ESTATE
OF JUDITH HUTCHENS, 29 LAREN STREET INC., 3415 ERRINGTON
AVENUE INC., 367-369 HOWEY DRIVE INC., 3419 ERRINGTON AVENUE
INC., 17 SERPENTINE STREET INC., 720 CAMBRIAN HEIGHTS INC., 331
REGENT STREET INC., 789 LAWSON STREET INC., 110-114 PINE STREET
INC., 15-16 KEZIAH COURT INC., 193 MOUNTAIN STREET INC., 625 ASH
STREET INC., 364 MORRIS STREET INC., 146 WHITTAKER STREET INC.
and ADROIT ADVOCATES, LLC, A COLORADO LIMITED LIABILITY
COMPANY, dba KLENDIA GESSLER & BLUE LLC

Defendants

STATEMENT OF DEFENCE OF
SANDY HUTCHENS (AND OTHER ALIASES), 146 WHITTAKER STREET
INC., AND THE ESTATE OF JUDITH HUTCHENS

1. The Sandy Hutchens, 146 Whittaker Street Inc., and the Estate of Judith Hutchens, deny all allegations contained in the Statement of Claim, unless explicitly admitted below.
2. The Defendant, Sandy Hutchens, is an individual who resides in the City of Vaughan, Ontario. His legal name is Sandy Craig Hutchens. He became an adherent of Orthodox

-2-

Judaism in or about April 2004 and, shortly thereafter, assumed the Hebrew name “Moishe Alexander Ben Avrohom”. “Moishe Alexander Ben Avraham” and “Moshe Alexander Ben Avrohom” are also anglicized variations of the same.

3. 146 Whittaker Street Inc. is a corporation incorporated under the law of Ontario, which owned and operated a property in Sudbury at 146 Whittaker Street, but the property has since been sold. It had no involvement in the transactions with the Plaintiffs nor is it in receipt of any of the Plaintiffs’ moneys.
4. The Estate of Judith Hutchens is Sandy Hutchens’s sister’s estate. Mr. Hutchens is the estate’s executor. The estate had no involvement in the transactions with the Plaintiffs nor is it in receipt of any of the Plaintiffs’ moneys.

NO FRAUD OR VIOLATIONS OF THE RICO ACT

5. These Defendants deny that they have committed any fraud or activities contrary to the United States *Racketeer Influenced and Corrupt Organizations Act*, 18 U.S.C. § 1961, and put the Plaintiffs to the strict proof thereof.
6. These Defendants further deny that Sandy Hutchens improperly converted to his own use monies paid by the Plaintiffs

THE PLAINTIFFS SOUGHT OUT HUTCHENS TO SOLICIT FINANCING

7. At all material times Sandy Hutchens was in the business of arranging for mortgage financing. Mr. Hutchens provided mortgage financing to borrowers both alone, through his companies, and with colenders.

-3-

8. The mortgage financing was, and the Plaintiffs always knew that the mortgage financing was, contingent on the Plaintiffs satisfying various reasonable conditions precedent of the respective lending agreements.

ADMINISTRATION AND OTHER FEES

9. Sandy Hutchens and the corporations he controlled spent significant time and money, including legal expenses, to conduct their due diligence with respect to the respective transactions as well as taking steps to arrange the mortgage financing. As such, they required the Plaintiffs to pay administration and other fees to compensate them.
10. Provided that the Plaintiffs satisfied the terms and conditions of their respective agreements, the Plaintiffs could at their sole discretion decide not to close the transactions and require the return of the administrative fees (less third party expenses and reasonable legal fees incurred).
11. The Plaintiffs knew or ought to have been aware at the time of entering into the agreements, and at the time of advancing the funds, that the administration and other fees were non-refundable in the event that the Plaintiffs failed to satisfy the terms and conditions of their respective agreements.
12. As stated above, the Plaintiffs failed to satisfy the terms and conditions of their respective agreements. As such, these Defendants deny that the Plaintiffs are entitled to the return of the administration and other fees.

NO CONSTRUCTIVE OR INVOLUNTARY TRUST OR UNJUST ENRICHMENT

-4-

13. None of the properties owned by these Defendants have any connection with the transactions with the Plaintiffs. These Defendants deny that any of the fees paid by the Plaintiffs were contributed to the property assets of these Defendants, and these Defendants put the Plaintiffs to the strict proof thereof.
14. These Defendants deny that they were unjustly enriched at the expense of the Plaintiffs. As such, there is no basis for imposing a constructive trust on the Defendants' property.
15. These Defendants deny that any of the properties owned or administered by these Defendants are impressed with a constructive trust in favour of the Plaintiffs. These Defendants further deny that the Plaintiffs are entitled to a tracing order with respect to these properties.
16. These Defendants plead, and the fact is, that the Colorado Judgment is currently under Appeal, with a hearing of the same expected to be heard in the near future.
17. These Defendants plead that the Plaintiff's action against them should be dismissed, with costs.

-5-

October 8, 2018

**DONNELLY MURPHY LAWYERS
PROFESSIONAL CORPORATION**18 The Square
Goderich ON N7A 3Y7Philip J. Smith (58444U)
psmith@dmlaw.ca
Tel: 519-524-2154
Fax: 519-524-8550Lawyers for the Defendants,
Sandy Hutchens, 146 Whittaker Street Inc.,
and The Estate of Judith HutchensTO: **SISKINDS LLP**
Barristers & Solicitors
680 Waterloo Street
P.O. Box 2520
London ON N6A 3V8Daniel J. MacKeigan (42564R)
Tel: (519) 660-7852
Fax: (519) 660-7853Cole S. C. Vegso (65389G)
Tel: (519) 660-7755
Fax: (519) 660-7756

Lawyers for the Plaintiffs

RCP-E 18B (July 1, 2007)

CGC HOLDINGS COMPANY, LLC, et al.
Plaintiffs

-and- SANDY HUTCHENS, et al.
Defendants

Court File No. 2651/17

ONTARIO
SUPERIOR COURT OF JUSTICE

PROCEEDING COMMENCED AT
LONDON

STATEMENT OF DEFENCE

DONNELLY MURPHY LAWYERS
PROFESSIONAL CORPORATION

18 The Square
Goderich ON N7A 3Y7

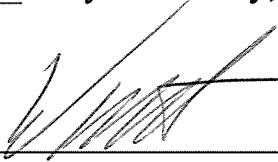
Philip J. Smith (58444U)
psmith@dmlaw.ca
Tel: 519-524-2154
Fax: 519-524-8550

Lawyers for the Defendants,
Sandy Hutchens, 146 Whittaker Street Inc. and the Estate of
Judith Hutchens

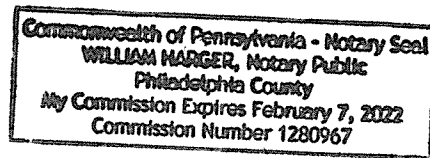
RCP-E 4C (July 1, 2007)

TAB 28

This is **Exhibit 28** referred to in the
Affidavit of Howard Langer, sworn before me,
this 8th day of January, 2019



Commissioner for Taking Affidavits (or as may be)



Moldaver || Barristers

Fax Coversheet

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To:	Cole S. C. Vegso	From:	Brett D. Moldaver
Co:	SISKINDS LLP	Co:	Moldaver Barristers
Fax:	(519) 660-7853	Pages:	15 (incl. cover)
Phone:	(519) 660-7852	Date:	November 30, 2018
Re:	CGC Holding Company, LLC, et al. v. Sandy Hutchens, et al.	CC:	
Your file#	848613	Our file#	18-19

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Comments: Enclosed please find Mr. Moldaver's correspondence of today's date and Statement of Defence for Defendant Klenda Gessler and Blue LLC.

Moldaver || Barristers

Brett D. Moldaver
brett@moldaverbarristers.com
(416) 238-2953

November 30, 2018

File No.18-19

Delivered by Facsimile

SISKINDS LLP
Barristers and Solicitors
Mr. Cole S. C. Vegso
680 Waterloo Street
P.O. Box 2520
London, Ontario
N6A 3V8

Dear Counsel,

RE: CGC Holding Company, LLC, et al. v. Sandy Hutchens et al.
Court File No.: 2651/17

Enclosed please find our client's Statement of Defence served upon you pursuant to the *Rules of Civil Procedure*.

Thank you.

Regards,

Brett D. Moldaver
(computer generated signature)

Brett D. Moldaver
BDM/sz

Encl.

Court File No.: 2651/17

**ONTARIO
SUPERIOR COURT OF JUSTICE**

BETWEEN:

**CGC HOLDING COMPANY, LLC, HARLEM ALGONQUIN LLC,
and JAMES T. MEDICK**

Plaintiffs

-and-

**SANDY HUTCHENS, also known as CRAIG (SANDY) HUTCHENS, MOSHIE
ALEXANDER, MOISHE ALEXANDER, CRAIG HUTCHENS, SANDY CRAIG
HUTCHENS, S. CRAIG HUTCHENS, MOISHE HUTCHENS, CRAIG ALEXANDER,
MOSHE ALEXANDER, MOISHE BEN AVRAHAM, MOISHE BEN AVROHOM,
MOSHE BEN AVROHOM, BEN AVRAHAM, FRED HAYES, ALEXANDER
MACDONALD, ED RYAN, AND MATHEW KOVCE, TANYA HUTCHENS, also known
as TATIANA BRIK, TATIANA HUTCHENS, and TANYA BRIK-HUTCHENS,
JENNIFER HUTCHENS, also known as JENNIFER ARAUJO, JBD HUTCHENS
FAMILY HOLDINGS INC. aka JBD HUTCHENS FAMILY HOLDINGS INC., JBD
HOLDINGS INC., THE ESTATE OF JUDITH HUTCHENS, 29 LAREN STREET INC.,
3415 ERRINGTON AVENUE INC., 367-369 HOWEY DRIVE INC., 3419 ERRINGTON
AVENUE INC., 17 SERPENTINE STREET INC., 720 CAMBRIAN HEIGHTS INC., 331
REGENT STREET INC., 789 LAWSON STREET INC., 110-114 PINE STREET INC., 15-
16 KEZIAH COURT INC., 193 MOUNTAIN STREET INC., 625 ASH STREET INC.,
364 MORRIS STREET INC., 146 WHITTAKER STREET INC. and ADROIT
ADVOCATES, LLC, A COLORADO LIMITED LIABILITY COMPANY,
dba KLEND GESSLER & BLUE LLC**

Defendants

**STATEMENT OF DEFENCE OF THE DEFENDANT ADROIT ADVOCATES, LLC, A COLORADO
LIMITED LIABILITY COMPANY, dba KLEND GESSLER & BLUE LLC**

1. The Defendant Klenda Gessler & Blue LLC (Advocates) denies all the allegations in the Statement of Claim (Claim) save as expressly set out herein.

2. Advocates admit the allegations in paragraphs 8, 16, 17, 19, 21, 22, 25, 27, 53, 55, 56, and 57 of the Claim save as set out herein.
3. Advocates has no or insufficient knowledge of the allegations in paragraphs 29, 30, 31, 32, 32(a)-32(f), 34, 35, 36, 36(a)-36(h), 37(b)-37(c), 38, 39, 39(a)-39(n), 40, 40(a)-40(e), 59, and 60 of the Claim. Advocates puts the plaintiffs to the strict proof of those allegations.
4. Advocates pleads that each of the real properties against which it registered its mortgages against are or at the time of registration were beneficially owned by legally constituted trusts, known to the plaintiffs prior to registration. Advocates denies that the plaintiffs' claims, to the extent they have any, in said properties, take priority to Advocates Mortgages (as defined).
5. Advocates denies that Advance Fees or funds from the Loan Scheme (as defined in the Claim) were used to purchase or pay for or were or can be traced into properties against which it registered its mortgages.
6. Advocates pleads that the plaintiffs, in the Colorado Action withdrew or abandoned their class-certified constructive trust claims and denies that a constructive trust can be imposed in a RICO action. Moreover, the Colorado Judgment to the extent it purports to impose a constructive trust over assets held by non-parties to the Colorado Action, including the properties subject to the Advocates Mortgages. Accordingly, the Colorado Judgment, in each of these respects, exceeded the trial judge's jurisdiction, is inconsistent with natural justice, public policy and unenforceable in the Province of Ontario.
7. The plaintiffs plead, that the Colorado Judgment awards treble damages under RICO which are not recoverable in the Province of Ontario.

8. The Colorado Judgment is under appeal and no date for oral hearing has been set as of the date of pleading.
9. Advocates otherwise denies the plaintiffs' claims with respect to all other defendants, including that the Colorado Judgment includes, provides for or otherwise permits a claim for a constructive trust over certain properties described in Schedule A to the Claim or all the real property registered in the defendants' or any of their names, or in the alternative, that the Colorado Judgment ranks or ought to rank in priority over Advocates' mortgage, all as set out in paragraph 1 of the Claim.

Parties

10. The plaintiffs, CGC Holding Company, LLC (**CGC**), Harlem Algonquin, LLC (**Harlem**), and James T. Medick (**Medick**), are class representatives in the class proceeding that was determined by the United States District Court for the District of Colorado (**Colorado Action**).
11. By way of background, the class maintained that the defendant Sandy Hutchens (and the other Hutchens defendants) engaged in a loan fraud scheme designed to extract monies from persons in the United States of America. The class alleged that loans were not advanced despite the payment of substantial loan processing fees which were not refunded.
12. The plaintiffs each applied to receive real estate loans from non-parties to this proceeding, being certain entities that at material times were controlled by Sandy Hutchens (**Lenders**).

13. Sandy Hutchens is a Canadian citizen who resides in Toronto, Canada. He is also known by Advocates as, Moishe Ben Avraham Alexander, and shorter variants thereof, Moishe Alexander and Moise Ben Avraham. The jury in the Colorado Action returned a verdict against him. He has appealed this verdict to the United States Court of Appeals for the 10th Circuit. This appeal is pending. The 10th Circuit has not yet set oral argument.
14. Tanya Hutchens is a Canadian citizen who resides in Toronto, Canada. She is married to Sandy Hutchens but legally separated from him. Her maiden name is Brik. The jury in the Colorado Action also returned a verdict against her. She is appealing this verdict to the United States Court of Appeals for the 10th Circuit and is to be heard with Sandy Hutchens' appeal.
15. Jennifer Hutchens is a Canadian citizen who resides in or near Toronto, Canada. She is Sandy's daughter. The jury in the Colorado action returned a verdict against her. Jennifer is appealing this verdict to the United States Court of Appeal for the 10th Circuit and it is to be heard with Sandy Hutchens' appeal.
16. While the Hutchens defendants were found liable at trial, that decision, as noted above, is under appeal and at the time the Advocates Mortgages were registered the appeal was contemplated by Advocates. The appeal was not issued until January 8, 2018 on account of the need to address post-trial and post-Colorado Judgment issues/motions.
17. The corporate defendants as set out in paragraph 9 of the Claim (Property Companies) are Ontario corporations. The Property Companies purchased, financed, operated, and/or maintained real estate and/or other assets in Ontario. They hold or at one time held real properties with the corresponding street addresses in trust for one or more of the

Hutchens' children, which is the purpose for which they were incorporated. None of the said properties were purchased, financed, operated, or maintained, in whole or in part with class funds.

18. The District Court dismissed the claims as against all the Property Companies. With perhaps one exception, the Property Companies were incorporated and held title to the relevant properties long before any class member tendered any funds to any Lender. In fact, after non-class funds were accounted for, the class traced only \$9,500 to any Property Companies.
19. JBD Holdings Inc., JBD Hutchens Family Holdings Inc., and JBD Hutchens Family Holdings, Ontario corporations, were defendants to the Colorado Action, the District Court dismissed the claim against these defendants.
20. The Estate of Judith Hutchens owns 42 Clemow Avenue, Sudbury, Ontario, in trust for its beneficial owners, Joshua Hutchens and Daniel Hutchens. Sandy Hutchens is not an owner of this property.
21. Advocates is the Hutchens Defendants' counsel in the Colorado Action. Advocates registered mortgages against one or more of the real properties held by the Property Companies on or about October 4, 2017 (**Advocates Mortgages**).

The Advocates Mortgages

22. The Advocates Mortgages were registered by Advocates as security for legal fees incurred and to be incurred. At the time of registration the legal fees incurred approximated

\$2,000,000 (Canadian). Since registration further legal fees have been incurred and will be incurred in connection with the Colorado Judgment and the appeal therefrom.

23. The Advocates Mortgages are registered against title to properties that are beneficially owned legally constituted trusts. This was known to the plaintiffs before registration.
24. The Colorado Judgment is not recognized in Ontario, having not been registered, and cannot be registered until any and all pending appeals with respect to same have been exhausted. In this regard, Advocates relies on the *Reciprocal Enforcement of Judgments Act*, R.S.O. 1990, c. R.5, including sections 3 (a), (e), (f) and (g) thereof.
25. The Colorado Judgment to the extent it purports to impose (which is denied) a constructive trust against the properties subject to the Advocates Mortgages cannot be recognized in Ontario as the determination of such a trust may only be made by an Ontario Court.
26. The Colorado Judgment – under the RICO legislation – was trebled by the District Court and this is not recognized by courts of the Province of Ontario.
27. The Colorado Judgment is *ultra vires* to the extent it imposed a constructive trust over any of the properties as this or any other equitable remedy not available in a RICO proceeding (as a remedy to a breach of same).
28. Advocates denies that the Advocates Mortgages, registered on or around October 4, 2017 in the amount of \$2,000,000 was made in an attempt to defeat, hinder or defraud creditors of the other defendants as spuriously alleged by the plaintiffs. Advocates did not secure its mortgages against properties subject to the claims of any creditors of the other defendants as alleged.

29. The Advocates Mortgages are registered against the seven properties as set out in paragraph 37(a) of the Claim. These properties are owned or controlled by the Hutchens Defendants by way of a trust. The constructive trust applied by the District Court on September 26, 2017 is not against eight of these properties as alleged by the plaintiffs. In the alternative and in any event the constructive trust – whatever its ambit – is subject to the pending appeals. Advocates had no knowledge of the alleged undertaking given by Tanya Hutchens and if valid deny it is valid as against Advocates.
30. A constructive trust, under Colorado law is an *in personam* remedy and does not as such attach to the properties in issue. Upon the dismissal of the claims as against the Property Companies the remedy only applied to the Hutchens personally, *i.e.* only the Property Company related assets subject to the constructive trust for the individual Hutchens ownership interests in a property company or any of them. Accordingly the constructive trust does not extend or apply to any Canadian real property. The Property Companies or any of them were not parties to the proceeding when the court imposed the constructive trust. The constructive trust awarded to the plaintiffs is a constructive trust on the Property Companies assets provided they can trace their funds (loan application fees) to them and only to the extent of same.
31. Thus, to the extent that the District Court had jurisdiction to impose any constructive trust over Canadian real property held by Canadian non-parties, the trust extends only to \$9,500.00 of such property.
32. The plaintiffs seek to obtain relief from the Ontario Courts that was not sought or in the alternative was not available to them in the Colorado Courts.

33. Advocates denies in the alternative, or in any event, that the Colorado Judgment takes priority over the Advocates Mortgages. Advocates denies in the further alternative and in any event that the plaintiffs are entitled to damages in the amount of \$2,000,000. There is no pleaded basis for this claim.

Other Defences

34. The Lenders solicited loan applications through U.S. loan brokers. The loan broker who was the source of most of the Lenders' U.S. loan applications, Jill Evans, was later indicted and convicted of mortgage fraud. The Lenders relied on borrowers' representations to determine whether to issue a loan commitment, which required a borrower to pay an advance fee, various inspection, legal, or other administrative fees, and to support the various financial, property-valuation, and other representations that their loan applications contained. The plaintiffs repeatedly did not qualify for the loans that they sought, stipulating in the Colorado Action that they had no ability to obtain financing, the loans should not have been made and there were legitimate reasons to have declined to fund each of the loans. Advocates pleads that an equitable remedy is not available to the plaintiffs in the circumstances.

35. The Hutchens Defendants retained Advocates to appeal the District Court's class-certification ruling. Advocates has represented the Hutchens Defendants since shortly after the District Court certified the class, through the interlocutory appeal of class certification, through the Colorado Action's conclusion.

36. The jury entered a unanimous verdict on or about May 15, 2017. The jury awarded plaintiffs damages of \$8,421,367. On September 27, 2017, the District Court trebled the damages that the jury awarded to Plaintiffs and entered judgment for the amount of \$24,239,101.00. The District Court's order of the same date purported to impose a constructive trust on funds that Plaintiffs had traced to the Property Companies.
37. On or about September 26, 2018, the Hutchens defendants moved to amend the Colorado Judgment to impose an extra-jurisdictional constructive that requires piercing the corporate veils of non-party corporations to recover funds that plaintiffs had failed to trace to these non-parties. The order was granted. The Hutchens Defendants appeal of the judgment against them to the 10th Circuit Court of Appeals is pending.
38. Before commencing this proceeding, the Plaintiffs brought an action in the Ontario Superior Court of Justice at Toronto (Court File No.CV-11-428713) (First Toronto Action) on or about June 15, 2011. Advocates was not privy to the settlement (as alleged) referred to in the Claim including at paragraph 32 of the Claim. The First Toronto Action was stayed on May 4, 2015. There has been no motion to lift the stay.
39. In substance and effect, the plaintiffs are attempting to obtain from this court relief that they failed to pursue or to present sufficient evidence to obtain in the District Court, and to use this court as a means to avoid the consequences of an adverse result in the Hutchens defendants' pending appeal to the 10th Circuit Court of Appeals.
40. Advocates denies that Colorado Judgment applies to, or could lawfully apply to Canadian real property, held by Canadian corporations, and to which Plaintiffs had traced only *de minimus* if any, funds.

41. Advocates denies that it either knew or ought to have known that plaintiffs' were seeking to enforce the Colorado judgment, when Plaintiffs took no action to do so in Canada in the over four months since the jury returned its judgment, despite the pendency of the Original Toronto Action.
42. The priority of the Advocates Mortgages is the result of plaintiffs' delay or inaction with respect the Toronto Action and their own judgment from the Colorado Action.
43. The Property Companies were not and never should have been defendants in the Colorado Action. After the plaintiffs presented their case, the District Court dismissed all entities except for the Lenders as defendants. As noted above, with perhaps one exception, these entities were incorporated long before any class member tendered any funds to any Lender.
44. The plaintiffs are attempting to obtain from this court relief that they failed to pursue or to present sufficient evidence to obtain in the District Court. Advocates pleads and relies, as such, on the principles of *res judicata*, issue estoppel and abuse of process.
45. Advocates denies that the defendants were unjustly enriched and in the alternative denied that such a claim may be asserted by the plaintiffs. There is no enrichment that corresponds to any deprivation.
46. While the jury in the Colorado action returned a verdict against the Hutchens defendants for violating sections 1962 (c) and (d) of RICO; the District Court dismissed the claim as against all the defendants save for the Lenders as defendants as being the RICO "enterprise".

47. The RICO legislation cannot be summarized completely as the plaintiffs attempt to do in the Claim. The primary purpose of the legislation was to protect *innocent* victims not penal as suggested by the plaintiffs. Moreover non-qualifying borrowers are not *innocent* victims under the legislation. The plaintiffs did not qualify for the loans that they sought. The plaintiffs' loan applications omitted material details with respect to their creditworthiness. The failures of disclosure were intentional with the purpose of inducing loans from the said lenders.
48. The equitable relief sought by the plaintiffs should not be recognized or in the alternative granted by this honourable Court in the circumstances.
49. Advocates submits this action be dismissed as against it with costs payable to it by the plaintiffs.

November 30, 2018

MOLDAVER BARRISTERS
365 Bloor Street East, Suite 1608
Toronto, Ontario
M4W 3L4

Brett D. Moldaver (LSUC# 44191E)
brett@moldaverbarristers.com

Tel. (416) 238-4123
Fax. (416) 929-9604

Lawyers for the Defendant: Klenda Gessler &
Blue LLC

TO: **SISKINDS LLP**
Barristers & Solicitors
680 Waterloo Street

P.O. Box 2520
London, Ontario
N6A 3V8

Daniel J. MacKeigan (LSUC# 42564R)
Tel. (519) 660-7755
Fax. (519) 660-7756

Cole S. C. Vegso (LSUC 65389G)
Tel. (519) 660-7755
Fax. (519) 660-7756

Lawyers for the Plaintiffs

CGC HOLDING COMPANY, LLC, et al.
Plaintiffs

v.

SANDY HUTCHENS, et al.
Defendants

Court File No.: 2651/17

ONTARIO
SUPERIOR COURT OF JUSTICE

Proceeding commenced at
LONDON

STATEMENT OF DEFENCE

MOLDAVER BARRISTERS
365 Bloor Street East, Suite 1608
Toronto, Ontario
M4W 3L4

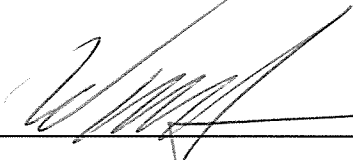
Brett D. Moldaver
LSUC Registration #44191E

Tel. (416) 238-4123
Fax (416) 929-9604

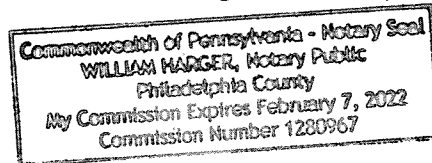
Lawyers for the Defendant Klenda
Gessler & Blue LLC

TAB 29

This is **Exhibit 29** referred to in the
Affidavit of Howard Langer, sworn before me,
this 8th day of January, 2019



Commissioner for Taking Affidavits (or as may be)



Request ID: 022344993
 Transaction ID: 69882986
 Category ID: UN/E

Province of Ontario
 Ministry of Government Services

Date Report Produced: 2018/11/09
 Time Report Produced: 10:08:50
 Page: 1

CORPORATION PROFILE REPORT

Ontario Corp Number	Corporation Name	Incorporation Date
2141250	29 LAREN STREET INC.	2007/07/04
		Jurisdiction
		ONTARIO
Corporation Type	Corporation Status	Former Jurisdiction
ONTARIO BUSINESS CORP.	ACTIVE	NOT APPLICABLE
Registered Office Address		Date Amalgamated
33 THEODORE PLACE		NOT APPLICABLE
		Amalgamation Ind.
		NOT APPLICABLE
		New Amal. Number
		NOT APPLICABLE
		Notice Date
		NOT APPLICABLE
		Letter Date
		NOT APPLICABLE
Mailing Address		Revival Date
33 THEODORE PLACE		NOT APPLICABLE
		Continuation Date
		NOT APPLICABLE
		Transferred Out Date
		NOT APPLICABLE
		Cancel/Inactive Date
		NOT APPLICABLE
		EP Licence Eff.Date
		NOT APPLICABLE
		EP Licence Term.Date
		NOT APPLICABLE
		Date Commenced in Ontario
		NOT APPLICABLE
		Date Ceased in Ontario
		NOT APPLICABLE
Activity Classification	Number of Directors	
NOT AVAILABLE	Minimum	Maximum
	00001	00010

Request ID: 022344993
 Transaction ID: 69882986
 Category ID: UN/E

Province of Ontario
 Ministry of Government Services

Date Report Produced: 2018/11/09
 Time Report Produced: 10:08:50
 Page: 2

CORPORATION PROFILE REPORT

Ontario Corp Number	Corporation Name
2141250	29 LAREN STREET INC.

Corporate Name History	Effective Date
29 LAREN STREET INC.	2008/06/17
525 KATHLEEN STREET INC.	2007/07/04

Current Business Name(s) Exist:	NO
Expired Business Name(s) Exist:	NO

Administrator: Name (Individual / Corporation)	Address
S. CRAIG HUTCHENS	47 PICO CRESCENT THORNHILL ONTARIO CANADA L4J 8P4

Date Began	First Director	
2007/07/04	YES	
Designation	Officer Type	Resident Canadian
DIRECTOR		Y

Request ID: 022344993
 Transaction ID: 69882986
 Category ID: UN/E

Province of Ontario
 Ministry of Government Services

Date Report Produced: 2018/11/09
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CORPORATION PROFILE REPORT

Ontario Corp Number

2141250

Corporation Name

29 LAREN STREET INC.

**Administrator:
 Name (Individual / Corporation)**

TANYA
 HUTCHENS

Address

33 THEODORE PLACE

 THORNHILL
 ONTARIO
 CANADA L4J 8E2

Date Began

2007/07/04

First Director

NOT APPLICABLE

Designation

DIRECTOR

Officer Type

Resident Canadian

Y

**Administrator:
 Name (Individual / Corporation)**

TANYA
 HUTCHENS

Address

33 THEODORE PLACE

 THORNHILL
 ONTARIO
 CANADA L4J 8E2

Date Began

2007/07/04

First Director

NOT APPLICABLE

Designation

OFFICER

Officer Type

SECRETARY

Resident Canadian

Y

Request ID: 022344993
 Transaction ID: 69882986
 Category ID: UN/E

Province of Ontario
 Ministry of Government Services

Date Report Produced: 2018/11/09
 Time Report Produced: 10:08:50
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CORPORATION PROFILE REPORT

Ontario Corp Number

2141250

Corporation Name

29 LAREN STREET INC.

**Administrator:
 Name (Individual / Corporation)**

TANYA
 HUTCHENS

Address

33 THEODORE PLACE

 THORNHILL
 ONTARIO
 CANADA L4J 8E2

Date Began

2007/07/04

First Director

NOT APPLICABLE

Designation

OFFICER

Officer Type

TREASURER

Resident Canadian

Y

**Administrator:
 Name (Individual / Corporation)**

TANYA
 HUTCHENS

Address

33 THEODORE PLACE

 THORNHILL
 ONTARIO
 CANADA L4J 8E2

Date Began

2011/01/01

First Director

NOT APPLICABLE

Designation

OFFICER

Officer Type

PRESIDENT

Resident Canadian

Y

Request ID: 022344993
Transaction ID: 69882986
Category ID: UN/E

Province of Ontario
Ministry of Government Services

Date Report Produced: 2018/11/09
Time Report Produced: 10:08:50
Page: 5

CORPORATION PROFILE REPORT

Ontario Corp Number

2141250

Corporation Name

29 LAREN STREET INC.

Last Document Recorded

Act/Code	Description	Form	Date
CIA	ANNUAL RETURN 2011	1C	2012/12/08

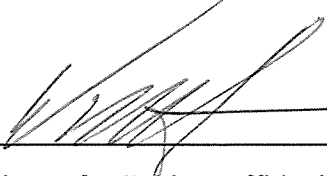
THIS REPORT SETS OUT THE MOST RECENT INFORMATION FILED BY THE CORPORATION ON OR AFTER JUNE 27, 1992, AND RECORDED IN THE ONTARIO BUSINESS INFORMATION SYSTEM AS AT THE DATE AND TIME OF PRINTING. ALL PERSONS WHO ARE RECORDED AS CURRENT DIRECTORS OR OFFICERS ARE INCLUDED IN THE LIST OF ADMINISTRATORS.

ADDITIONAL HISTORICAL INFORMATION MAY EXIST ON MICROFICHE.

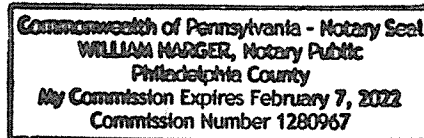
The issuance of this report in electronic form is authorized by the Director of Companies and Personal Property Security Branch.

TAB 30

This is **Exhibit 30** referred to in the
Affidavit of Howard Langer, sworn before me,
this 7 th day of January, 2019



Commissioner for Taking Affidavits (or as may be)



Request ID: 022345001
 Transaction ID: 69883002
 Category ID: UN/E

Province of Ontario
 Ministry of Government Services

Date Report Produced: 2018/11/09
 Time Report Produced: 10:09:07
 Page: 1

CORPORATION PROFILE REPORT

Ontario Corp Number	Corporation Name	Incorporation Date
2129974	3415 ERRINGTON AVENUE INC.	2007/03/09
		Jurisdiction
		ONTARIO
Corporation Type	Corporation Status	Former Jurisdiction
ONTARIO BUSINESS CORP.	ACTIVE	NOT APPLICABLE
Registered Office Address		Date Amalgamated
		NOT APPLICABLE
33 THEODORE PLACE		New Amal. Number
		NOT APPLICABLE
THORNHILL		Notice Date
ONTARIO		NOT APPLICABLE
CANADA L4J 8E2		Letter Date
Mailing Address		NOT APPLICABLE
		Revival Date
33 THEODORE PLACE		NOT APPLICABLE
		Continuation Date
THORNHILL		NOT APPLICABLE
ONTARIO		Transferred Out Date
CANADA L4J 8E2		NOT APPLICABLE
		Cancel/Inactive Date
		NOT APPLICABLE
		EP Licence Eff.Date
		NOT APPLICABLE
		EP Licence Term.Date
		NOT APPLICABLE
		Date Commenced in Ontario
		NOT APPLICABLE
		Date Ceased in Ontario
		NOT APPLICABLE
Activity Classification	Number of Directors	
NOT AVAILABLE	Minimum Maximum	
	00001 00010	

Request ID: 022345001
 Transaction ID: 69883002
 Category ID: UN/E

Province of Ontario
 Ministry of Government Services

Date Report Produced: 2018/11/09
 Time Report Produced: 10:09:07
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CORPORATION PROFILE REPORT

Ontario Corp Number

2129974

Corporation Name

3415 ERRINGTON AVENUE INC.

Corporate Name History

3415 ERRINGTON AVENUE INC.

Effective Date

2007/03/09

Current Business Name(s) Exist:

NO

Expired Business Name(s) Exist:

NO

**Administrator:
 Name (Individual / Corporation)**

S.
 CRAIG
 HUTCHENS

Address

47 PICO

 CRESCENT
 ONTARIO
 CANADA L4J 8P4

Date Began

2007/03/09

First Director

YES

Designation

DIRECTOR

Officer Type

Resident Canadian

Y

Request ID: 022345001
 Transaction ID: 69883002
 Category ID: UN/E

Province of Ontario
 Ministry of Government Services

Date Report Produced: 2018/11/09
 Time Report Produced: 10:09:07
 Page: 3

CORPORATION PROFILE REPORT

Ontario Corp Number

2129974

Corporation Name

3415 ERRINGTON AVENUE INC.

Administrator:

Name (Individual / Corporation)

TATIANA
 HUTCHENS

Address

47 PICO CRESCENT

 THORNHILL
 ONTARIO
 CANADA L4J 8P4

Date Began

2007/03/09

First Director

NOT APPLICABLE

Designation

DIRECTOR

Officer Type

Resident Canadian

Y

Administrator:

Name (Individual / Corporation)

TATIANA
 HUTCHENS

Address

47 PICO CRESCENT

 THORNHILL
 ONTARIO
 CANADA L4J 8P4

Date Began

2007/03/09

First Director

NOT APPLICABLE

Designation

OFFICER

Officer Type

SECRETARY

Resident Canadian

Y

Request ID: 022345001
 Transaction ID: 69883002
 Category ID: UN/E

Province of Ontario
 Ministry of Government Services

Date Report Produced: 2018/11/09
 Time Report Produced: 10:09:07
 Page: 4

CORPORATION PROFILE REPORT

Ontario Corp Number

2129974

Corporation Name

3415 ERRINGTON AVENUE INC.

Administrator: Name (Individual / Corporation)

TATIANA
 HUTCHENS

Address

47 PICO CRESCENT

 THORNHILL
 ONTARIO
 CANADA L4J 8P4

Date Began

2007/03/09

First Director

NOT APPLICABLE

Designation

OFFICER

Officer Type

TREASURER

Resident Canadian

Y

Administrator: Name (Individual / Corporation)

TANYA
 HUTCHENS

Address

33 THEODORE PLACE

 THORNHILL
 ONTARIO
 CANADA L4J 8E2

Date Began

2007/03/09

First Director

NOT APPLICABLE

Designation

DIRECTOR

Officer Type

Resident Canadian

Y

Request ID: 022345001
 Transaction ID: 69883002
 Category ID: UN/E

Province of Ontario
 Ministry of Government Services

Date Report Produced: 2018/11/09
 Time Report Produced: 10:09:07
 Page: 5

CORPORATION PROFILE REPORT

Ontario Corp Number

2129974

Corporation Name

3415 ERRINGTON AVENUE INC.

**Administrator:
 Name (Individual / Corporation)**

TANYA
 HUTCHENS

Address

33 THEODORE PLACE

 THORNHILL
 ONTARIO
 CANADA L4J 8E2

Date Began

2007/03/09

First Director

NOT APPLICABLE

Designation

OFFICER

Officer Type

SECRETARY

Resident Canadian

Y

**Administrator:
 Name (Individual / Corporation)**

TANYA
 HUTCHENS

Address

33 THEODORE PLACE

 THORNHILL
 ONTARIO
 CANADA L4J 8E2

Date Began

2007/03/09

First Director

NOT APPLICABLE

Designation

OFFICER

Officer Type

TREASURER

Resident Canadian

Y

Request ID: 022345001
Transaction ID: 69883002
Category ID: UN/E

Province of Ontario
Ministry of Government Services

Date Report Produced: 2018/11/09
Time Report Produced: 10:09:07
Page: 6

CORPORATION PROFILE REPORT

Ontario Corp Number

2129974

Corporation Name

3415 ERRINGTON AVENUE INC.

**Administrator:
Name (Individual / Corporation)**TANYA
HUTCHENS**Address**33 THEODORE PLACE

THORNHILL
ONTARIO
CANADA L4J 8E2**Date Began**

2011/01/01

First Director

NOT APPLICABLE

Designation

OFFICER

Officer Type

PRESIDENT

Resident Canadian

Y

Request ID: 022345001
Transaction ID: 69883002
Category ID: UN/E

Province of Ontario
Ministry of Government Services

Date Report Produced: 2018/11/09
Time Report Produced: 10:09:07
Page: 7

CORPORATION PROFILE REPORT

Ontario Corp Number

2129974

Corporation Name

3415 ERRINGTON AVENUE INC.

Last Document Recorded

Act/Code	Description	Form	Date
CIA	ANNUAL RETURN 2011	1C	2012/12/08

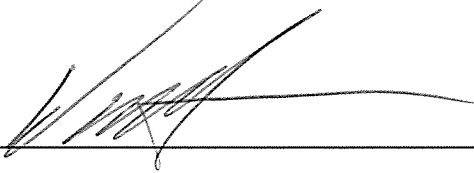
THIS REPORT SETS OUT THE MOST RECENT INFORMATION FILED BY THE CORPORATION ON OR AFTER JUNE 27, 1992, AND RECORDED IN THE ONTARIO BUSINESS INFORMATION SYSTEM AS AT THE DATE AND TIME OF PRINTING. ALL PERSONS WHO ARE RECORDED AS CURRENT DIRECTORS OR OFFICERS ARE INCLUDED IN THE LIST OF ADMINISTRATORS.

ADDITIONAL HISTORICAL INFORMATION MAY EXIST ON MICROFICHE.

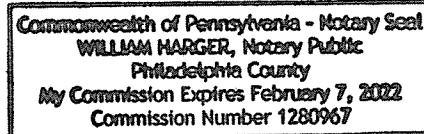
The issuance of this report in electronic form is authorized by the Director of Companies and Personal Property Security Branch.

TAB 31

This is **Exhibit 31** referred to in the
Affidavit of Howard Langer, sworn before me,
this 7 th day of January, 2019



Commissioner for Taking Affidavits (or as may be)



Request ID: 022344999
 Transaction ID: 69883000
 Category ID: UN/E

Province of Ontario
 Ministry of Government Services

Date Report Produced: 2018/11/09
 Time Report Produced: 10:09:02
 Page: 1

CORPORATION PROFILE REPORT

Ontario Corp Number	Corporation Name	Incorporation Date
2129982	3419 ERRINGTON AVENUE INC.	2007/03/09
		Jurisdiction
		ONTARIO
Corporation Type	Corporation Status	Former Jurisdiction
ONTARIO BUSINESS CORP.	ACTIVE	NOT APPLICABLE
Registered Office Address		Date Amalgamated
		NOT APPLICABLE
33 THEODORE PLACE		New Amal. Number
		NOT APPLICABLE
THORNHILL		Notice Date
ONTARIO		NOT APPLICABLE
CANADA L4J 8E2		Letter Date
Mailing Address		NOT APPLICABLE
		Revival Date
33 THEODORE PLACE		NOT APPLICABLE
		Continuation Date
THORNHILL		NOT APPLICABLE
ONTARIO		Transferred Out Date
CANADA L4J 8E2		NOT APPLICABLE
		Cancel/Inactive Date
		NOT APPLICABLE
		EP Licence Eff.Date
		NOT APPLICABLE
		EP Licence Term.Date
		NOT APPLICABLE
	Number of Directors	Date Commenced
	Minimum Maximum	in Ontario
	00001 00010	NOT APPLICABLE
Activity Classification		Date Ceased
NOT AVAILABLE		in Ontario
		NOT APPLICABLE

Request ID: 022344999
 Transaction ID: 69883000
 Category ID: UN/E

Province of Ontario
 Ministry of Government Services

Date Report Produced: 2018/11/09
 Time Report Produced: 10:09:02
 Page: 2

CORPORATION PROFILE REPORT

Ontario Corp Number

2129982

Corporation Name

3419 ERRINGTON AVENUE INC.

Corporate Name History

3419 ERRINGTON AVENUE INC.

Effective Date

2007/03/09

Current Business Name(s) Exist:

NO

Expired Business Name(s) Exist:

NO

Administrator:

Name (Individual / Corporation)

TANYA
 HUTCHENS

Address

47 PICO CRESCENT

 THORNHILL
 ONTARIO
 CANADA L4J 8P4

Date Began

2007/03/09

First Director

YES

Designation

DIRECTOR

Officer Type

Resident Canadian

Y

Request ID: 022344999
 Transaction ID: 69883000
 Category ID: UN/E

Province of Ontario
 Ministry of Government Services

Date Report Produced: 2018/11/09
 Time Report Produced: 10:09:02
 Page: 3

CORPORATION PROFILE REPORT

Ontario Corp Number

2129982

Corporation Name

3419 ERRINGTON AVENUE INC.

Administrator: Name (Individual / Corporation)

S.
CRAIG
HUTCHENS

Address

47 PICO CRESCENT

THORNHILL
ONTARIO
CANADA L4J 8P4

Date Began

2007/03/09

First Director

YES

Designation

DIRECTOR

Officer Type

Resident Canadian

Y

Administrator: Name (Individual / Corporation)

TATIANA
HUTCHENS

Address

33 THEODORE PLACE

THORNHILL
ONTARIO
CANADA L4J 8E2

Date Began

2007/03/09

First Director

NOT APPLICABLE

Designation

DIRECTOR

Officer Type

Resident Canadian

Y

Request ID: 022344999
 Transaction ID: 69883000
 Category ID: UN/E

Province of Ontario
 Ministry of Government Services

Date Report Produced: 2018/11/09
 Time Report Produced: 10:09:02
 Page: 4

CORPORATION PROFILE REPORT

Ontario Corp Number

2129982

Corporation Name

3419 ERRINGTON AVENUE INC.

Administrator: Name (Individual / Corporation)

TATIANA
 HUTCHENS

Address

33 THEODORE PLACE

 THORNHILL
 ONTARIO
 CANADA L4J 8E2

Date Began

2007/03/09

First Director

NOT APPLICABLE

Designation

OFFICER

Officer Type

SECRETARY

Resident Canadian

Y

Administrator: Name (Individual / Corporation)

TATIANA
 HUTCHENS

Address

33 THEODORE PLACE

 THORNHILL
 ONTARIO
 CANADA L4J 8E2

Date Began

2007/03/09

First Director

NOT APPLICABLE

Designation

OFFICER

Officer Type

TREASURER

Resident Canadian

Y

Request ID: 022344999
Transaction ID: 69883000
Category ID: UN/E

Province of Ontario
Ministry of Government Services

Date Report Produced: 2018/11/09
Time Report Produced: 10:09:02
Page: 5

CORPORATION PROFILE REPORT

Ontario Corp Number

2129982

Corporation Name

3419 ERRINGTON AVENUE INC.

**Administrator:
Name (Individual / Corporation)**TATIANA
HUTCHENS**Address**33 THEODORE PLACE

THORNHILL
ONTARIO
CANADA L4J 8E2**Date Began**

2011/01/01

First Director

NOT APPLICABLE

Designation

OFFICER

Officer Type

PRESIDENT

Resident Canadian

Y

Request ID: 022344999
Transaction ID: 69883000
Category ID: UN/E

Province of Ontario
Ministry of Government Services

Date Report Produced: 2018/11/09
Time Report Produced: 10:09:02
Page: 6

CORPORATION PROFILE REPORT

Ontario Corp Number

2129982

Corporation Name

3419 ERRINGTON AVENUE INC.

Last Document Recorded

Act/Code Description

Form

Date

CIA ANNUAL RETURN 2011

1C

2012/12/08

THIS REPORT SETS OUT THE MOST RECENT INFORMATION FILED BY THE CORPORATION ON OR AFTER JUNE 27, 1992, AND RECORDED IN THE ONTARIO BUSINESS INFORMATION SYSTEM AS AT THE DATE AND TIME OF PRINTING. ALL PERSONS WHO ARE RECORDED AS CURRENT DIRECTORS OR OFFICERS ARE INCLUDED IN THE LIST OF ADMINISTRATORS.

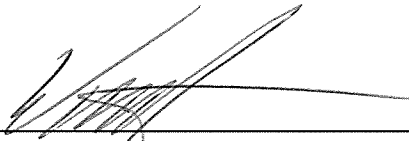
ADDITIONAL HISTORICAL INFORMATION MAY EXIST ON MICROFICHE.

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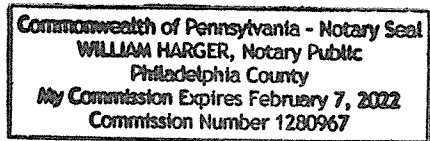
TAB

32

This is **Exhibit 32** referred to in the
Affidavit of Howard Langer, sworn before me,
this 8th day of January, 2019



Commissioner for Taking Affidavits (or as may be)



Request ID: 022344998
 Transaction ID: 69882996
 Category ID: UN/E

Province of Ontario
 Ministry of Government Services

Date Report Produced: 2018/11/09
 Time Report Produced: 10:08:55
 Page: 1

CORPORATION PROFILE REPORT

Ontario Corp Number	Corporation Name	Incorporation Date
2126929	331 REGENT STREET INC.	2007/02/06
		Jurisdiction
		ONTARIO
Corporation Type	Corporation Status	Former Jurisdiction
ONTARIO BUSINESS CORP.	ACTIVE	NOT APPLICABLE
Registered Office Address		Date Amalgamated
TANYA HUTCHENS 33 THEODORE PLACE		NOT APPLICABLE
		Amalgamation Ind.
		NOT APPLICABLE
		New Amal. Number
		NOT APPLICABLE
		Notice Date
		NOT APPLICABLE
		Letter Date
		NOT APPLICABLE
Mailing Address		Revival Date
TANYA HUTCHENS 33 THEODORE PLACE		NOT APPLICABLE
		Continuation Date
		NOT APPLICABLE
		Transferred Out Date
		NOT APPLICABLE
		Cancel/Inactive Date
		NOT APPLICABLE
		EP Licence Eff.Date
		NOT APPLICABLE
		EP Licence Term.Date
		NOT APPLICABLE
		Date Commenced in Ontario
		NOT APPLICABLE
		Date Ceased in Ontario
		NOT APPLICABLE
Activity Classification	Number of Directors	
NOT AVAILABLE	Minimum Maximum	
	00001 00010	

Request ID: 022344998
 Transaction ID: 69882996
 Category ID: UN/E

Province of Ontario
 Ministry of Government Services

Date Report Produced: 2018/11/09
 Time Report Produced: 10:08:55
 Page: 2

CORPORATION PROFILE REPORT

Ontario Corp Number	Corporation Name
2126929	331 REGENT STREET INC.

Corporate Name History	Effective Date
331 REGENT STREET INC.	2007/02/06

Current Business Name(s) Exist:	NO
Expired Business Name(s) Exist:	NO

Administrator: Name (Individual / Corporation)	Address
TANYA HUTCHENS	33 THEODORE PLACE THORNHILL ONTARIO CANADA L4J 8E2

Date Began	First Director	Resident Canadian
2007/02/06	NOT APPLICABLE	
Designation	Officer Type	
DIRECTOR		Y

Request ID: 022344998
 Transaction ID: 69882996
 Category ID: UN/E

Province of Ontario
 Ministry of Government Services

Date Report Produced: 2018/11/09
 Time Report Produced: 10:08:55
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CORPORATION PROFILE REPORT

Ontario Corp Number

2126929

Corporation Name

331 REGENT STREET INC.

**Administrator:
 Name (Individual / Corporation)**

TANYA
 HUTCHENS

Address

33 THEODORE PLACE

 THORNHILL
 ONTARIO
 CANADA L4J 8E2

Date Began

2007/02/06

First Director

NOT APPLICABLE

Designation

OFFICER

Officer Type

SECRETARY

Resident Canadian

Y

**Administrator:
 Name (Individual / Corporation)**

TANYA
 HUTCHENS

Address

33 THEODORE PLACE

 THORNHILL
 ONTARIO
 CANADA L4J 8E2

Date Began

2007/02/06

First Director

NOT APPLICABLE

Designation

OFFICER

Officer Type

TREASURER

Resident Canadian

Y

Request ID: 022344998
Transaction ID: 69882996
Category ID: UN/E

Province of Ontario
Ministry of Government Services

Date Report Produced: 2018/11/09
Time Report Produced: 10:08:55
Page: 4

CORPORATION PROFILE REPORT

Ontario Corp Number

2126929

Corporation Name

331 REGENT STREET INC.

**Administrator:
Name (Individual / Corporation)**TANYA
HUTCHENS**Address**33 THEODORE PLACE

THORNHILL
ONTARIO
CANADA L4J 8E2**Date Began**

2011/01/01

First Director

NOT APPLICABLE

Designation

OFFICER

Officer Type

PRESIDENT

Resident Canadian

Y

Request ID: 022344998
Transaction ID: 69882996
Category ID: UN/E

Province of Ontario
Ministry of Government Services

Date Report Produced: 2018/11/09
Time Report Produced: 10:08:55
Page: 5

CORPORATION PROFILE REPORT

Ontario Corp Number

2126929

Corporation Name

331 REGENT STREET INC.

Last Document Recorded

Act/Code Description

Form

Date

CIA CHANGE NOTICE

1

2012/04/12

THIS REPORT SETS OUT THE MOST RECENT INFORMATION FILED BY THE CORPORATION ON OR AFTER JUNE 27, 1992, AND RECORDED IN THE ONTARIO BUSINESS INFORMATION SYSTEM AS AT THE DATE AND TIME OF PRINTING. ALL PERSONS WHO ARE RECORDED AS CURRENT DIRECTORS OR OFFICERS ARE INCLUDED IN THE LIST OF ADMINISTRATORS.

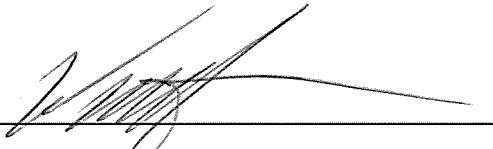
ADDITIONAL HISTORICAL INFORMATION MAY EXIST ON MICROFICHE.

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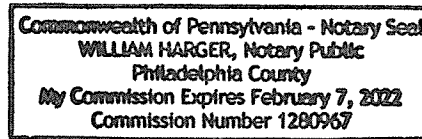
TAB

33

This is **Exhibit 33** referred to in the
Affidavit of Howard Langer, sworn before me,
this 8th day of January, 2019



Commissioner for Taking Affidavits (or as may be)



Request ID: 022344996
 Transaction ID: 69882995
 Category ID: UN/E

Province of Ontario
 Ministry of Government Services

Date Report Produced: 2018/11/09
 Time Report Produced: 10:08:55
 Page: 1

CORPORATION PROFILE REPORT

Ontario Corp Number	Corporation Name	Incorporation Date
2173061	110-114 PINE STREET INC.	2008/05/15
		Jurisdiction
		ONTARIO
Corporation Type	Corporation Status	Former Jurisdiction
ONTARIO BUSINESS CORP.	ACTIVE	NOT APPLICABLE
Registered Office Address		Date Amalgamated
33 THEODORE PLACE		NOT APPLICABLE
		Amalgamation Ind.
		NOT APPLICABLE
		New Amal. Number
		NOT APPLICABLE
		Notice Date
		NOT APPLICABLE
		Letter Date
		NOT APPLICABLE
Mailing Address		Revival Date
33 THEODORE PLACE		NOT APPLICABLE
		Continuation Date
		NOT APPLICABLE
		Transferred Out Date
		NOT APPLICABLE
		Cancel/Inactive Date
		NOT APPLICABLE
		EP Licence Eff.Date
		NOT APPLICABLE
		EP Licence Term.Date
		NOT APPLICABLE
		Date Commenced in Ontario
		NOT APPLICABLE
		Date Ceased in Ontario
		NOT APPLICABLE
Activity Classification	Number of Directors	
NOT AVAILABLE	Minimum	
	Maximum	
	00001	00010

Request ID: 022344996
 Transaction ID: 69882995
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Province of Ontario
 Ministry of Government Services

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CORPORATION PROFILE REPORT

Ontario Corp Number

2173061

Corporation Name

110-114 PINE STREET INC.

Corporate Name History

110-114 PINE STREET INC.

Effective Date

2008/05/15

Current Business Name(s) Exist:

NO

Expired Business Name(s) Exist:

NO

Administrator: Name (Individual / Corporation)

TANYA
 HUTCHENS

Address

33 THEODORE PLACE

 THORNHILL
 ONTARIO
 CANADA L4J 8E2

Date Began

2011/01/01

First Director

NOT APPLICABLE

Designation

OFFICER

Officer Type

PRESIDENT

Resident Canadian

Y

Request ID: 022344996
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 Category ID: UN/E

Province of Ontario
 Ministry of Government Services

Date Report Produced: 2018/11/09
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CORPORATION PROFILE REPORT

Ontario Corp Number

2173061

Corporation Name

110-114 PINE STREET INC.

Administrator: Name (Individual / Corporation)

TANYA
 HUTCHENS

Address

33 THEODORE PLACE

 THORNHILL
 ONTARIO
 CANADA L4J 8E2

Date Began

2011/01/01

First Director

NOT APPLICABLE

Designation

OFFICER

Officer Type

SECRETARY

Resident Canadian

Y

Administrator: Name (Individual / Corporation)

TANYA
 HUTCHENS

Address

33 THEODORE PLACE

 THORNHILL
 ONTARIO
 CANADA L4J 8E2

Date Began

2011/01/01

First Director

NOT APPLICABLE

Designation

OFFICER

Officer Type

TREASURER

Resident Canadian

Y

Request ID: 022344996
Transaction ID: 69882995
Category ID: UN/E

Province of Ontario
Ministry of Government Services

Date Report Produced: 2018/11/09
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CORPORATION PROFILE REPORT

Ontario Corp Number

2173061

Corporation Name

110-114 PINE STREET INC.

**Administrator:
Name (Individual / Corporation)**TANYA
HUTCHENS**Address**33 THEODORE PLACE

THORNHILL
ONTARIO
CANADA L4J 8E2**Date Began**

2011/01/04

First Director

NOT APPLICABLE

Designation

DIRECTOR

Officer Type**Resident Canadian**

Y

Request ID: 022344996
Transaction ID: 69882995
Category ID: UN/E

Province of Ontario
Ministry of Government Services

Date Report Produced: 2018/11/09
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CORPORATION PROFILE REPORT

Ontario Corp Number

Corporation Name

2173061

110-114 PINE STREET INC.

Last Document Recorded

Act/Code	Description	Form	Date
CIA	ANNUAL RETURN 2011	1C	2012/12/15

THIS REPORT SETS OUT THE MOST RECENT INFORMATION FILED BY THE CORPORATION ON OR AFTER JUNE 27, 1992, AND RECORDED IN THE ONTARIO BUSINESS INFORMATION SYSTEM AS AT THE DATE AND TIME OF PRINTING. ALL PERSONS WHO ARE RECORDED AS CURRENT DIRECTORS OR OFFICERS ARE INCLUDED IN THE LIST OF ADMINISTRATORS.

ADDITIONAL HISTORICAL INFORMATION MAY EXIST ON MICROFICHE.

The issuance of this report in electronic form is authorized by the Director of Companies and Personal Property Security Branch.

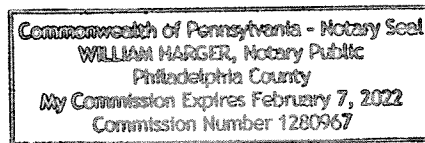
TAB

34

This is **Exhibit 34** referred to in the
Affidavit of Howard Langer, sworn before me,
this 8th day of January, 2019



Commissioner for Taking Affidavits (or as may be)



Request ID: 022344997
 Transaction ID: 69882994
 Category ID: UN/E

Province of Ontario
 Ministry of Government Services

Date Report Produced: 2018/11/09
 Time Report Produced: 10:08:54
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CORPORATION PROFILE REPORT

Ontario Corp Number	Corporation Name	Incorporation Date
2141249	193 MOUNTAIN STREET INC.	2007/07/04
		Jurisdiction
		ONTARIO
Corporation Type	Corporation Status	Former Jurisdiction
ONTARIO BUSINESS CORP.	ACTIVE	NOT APPLICABLE
Registered Office Address		Date Amalgamated
33 THEODORE PLACE		NOT APPLICABLE
		Amalgamation Ind.
		NOT APPLICABLE
		New Amal. Number
THORNHILL		NOT APPLICABLE
ONTARIO		
CANADA L4J 8E2		Notice Date
		NOT APPLICABLE
Mailing Address		Letter Date
33 THEODORE PLACE		NOT APPLICABLE
		Revival Date
THORNHILL		NOT APPLICABLE
ONTARIO		Continuation Date
CANADA L4J 8E2		NOT APPLICABLE
		Transferred Out Date
		NOT APPLICABLE
		Cancel/Inactive Date
		NOT APPLICABLE
		EP Licence Eff.Date
		NOT APPLICABLE
		EP Licence Term.Date
		NOT APPLICABLE
		Date Commenced in Ontario
		NOT APPLICABLE
		Date Ceased in Ontario
		NOT APPLICABLE
Activity Classification	Number of Directors	
NOT AVAILABLE	Minimum Maximum	
	00001 00010	

Request ID: 022344997
 Transaction ID: 69882994
 Category ID: UN/E

Province of Ontario
 Ministry of Government Services

Date Report Produced: 2018/11/09
 Time Report Produced: 10:08:54
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CORPORATION PROFILE REPORT

Ontario Corp Number	Corporation Name
2141249	193 MOUNTAIN STREET INC.

Corporate Name History	Effective Date
193 MOUNTAIN STREET INC.	2007/07/04

Current Business Name(s) Exist:	NO
Expired Business Name(s) Exist:	NO

Administrator: Name (Individual / Corporation)	Address
S. CRAIG HUTCHENS	47 PICO CRESCENT THORNHILL ONTARIO CANADA L4J 8P4

Date Began	First Director	
2007/07/04	YES	
Designation	Officer Type	Resident Canadian
DIRECTOR		Y

Request ID: 022344997
 Transaction ID: 69882994
 Category ID: UN/E

Province of Ontario
 Ministry of Government Services

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CORPORATION PROFILE REPORT

Ontario Corp Number

2141249

Corporation Name

193 MOUNTAIN STREET INC.

**Administrator:
 Name (Individual / Corporation)**

TANYA
 HUTCHENS

Address

33 THEODORE PLACE

 THORNHILL
 ONTARIO
 CANADA L4J 8E2

Date Began

2007/07/04

First Director

NOT APPLICABLE

Designation

DIRECTOR

Officer Type

Resident Canadian

Y

**Administrator:
 Name (Individual / Corporation)**

TANYA
 HUTCHENS

Address

33 THEODORE PLACE

 THORNHILL
 ONTARIO
 CANADA L4J 8E2

Date Began

2007/07/04

First Director

NOT APPLICABLE

Designation

OFFICER

Officer Type

SECRETARY

Resident Canadian

Y

Request ID: 022344997
 Transaction ID: 69882994
 Category ID: UN/E

Province of Ontario
 Ministry of Government Services

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CORPORATION PROFILE REPORT

Ontario Corp Number

2141249

Corporation Name

193 MOUNTAIN STREET INC.

**Administrator:
 Name (Individual / Corporation)**

TANYA
 HUTCHENS

Address

33 THEODORE PLACE

 THORNHILL
 ONTARIO
 CANADA L4J 8E2

Date Began

2007/07/04

First Director

NOT APPLICABLE

Designation

OFFICER

Officer Type

TREASURER

Resident Canadian

Y

**Administrator:
 Name (Individual / Corporation)**

TANYA
 HUTCHENS

Address

33 THEODORE PLACE

 THORNHILL
 ONTARIO
 CANADA L4J 8E2

Date Began

2011/01/01

First Director

NOT APPLICABLE

Designation

OFFICER

Officer Type

PRESIDENT

Resident Canadian

Y

Request ID: 022344997
Transaction ID: 69882994
Category ID: UN/E

Province of Ontario
Ministry of Government Services

Date Report Produced: 2018/11/09
Time Report Produced: 10:08:54
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CORPORATION PROFILE REPORT

Ontario Corp Number

2141249

Corporation Name

193 MOUNTAIN STREET INC.

Last Document Recorded

Act/Code	Description	Form	Date
CIA	ANNUAL RETURN 2011	1C	2012/12/08

THIS REPORT SETS OUT THE MOST RECENT INFORMATION FILED BY THE CORPORATION ON OR AFTER JUNE 27, 1992, AND RECORDED IN THE ONTARIO BUSINESS INFORMATION SYSTEM AS AT THE DATE AND TIME OF PRINTING. ALL PERSONS WHO ARE RECORDED AS CURRENT DIRECTORS OR OFFICERS ARE INCLUDED IN THE LIST OF ADMINISTRATORS.

ADDITIONAL HISTORICAL INFORMATION MAY EXIST ON MICROFICHE.

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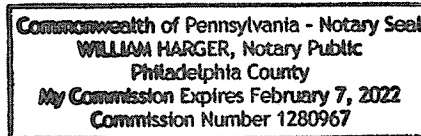
TAB

35

This is **Exhibit 35** referred to in the
Affidavit of Howard Langer, sworn before me,
this 8th day of January, 2019



Commissioner for Taking Affidavits (or as may be)



Request ID: 022344994
 Transaction ID: 69882992
 Category ID: UN/E

Province of Ontario
 Ministry of Government Services

Date Report Produced: 2018/11/09
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 Page: 1

CORPORATION PROFILE REPORT

Ontario Corp Number	Corporation Name	Incorporation Date
1714530	367-369 HOWEY DRIVE INC.	2006/10/27
		Jurisdiction
		ONTARIO
Corporation Type	Corporation Status	Former Jurisdiction
ONTARIO BUSINESS CORP.	ACTIVE	NOT APPLICABLE
Registered Office Address		Date Amalgamated
TANYA HUTCHENS 33 THEODORE PLACE		NOT APPLICABLE
		New Amal. Number
THORNHILL ONTARIO CANADA L4J 8E2		NOT APPLICABLE
		Notice Date
Mailing Address		Letter Date
TANYA HUTCHENS 33 THEODORE PLACE		NOT APPLICABLE
		Revival Date
THORNHILL ONTARIO CANADA L4J 8E2		NOT APPLICABLE
		Continuation Date
		NOT APPLICABLE
		Transferred Out Date
		NOT APPLICABLE
		Cancel/Inactive Date
		NOT APPLICABLE
		EP Licence Eff.Date
		NOT APPLICABLE
		EP Licence Term.Date
		NOT APPLICABLE
		Date Commenced in Ontario
		NOT APPLICABLE
		Date Ceased in Ontario
		NOT APPLICABLE
Activity Classification	Number of Directors	
NOT AVAILABLE	Minimum 00001 Maximum 00010	

Request ID: 022344994
 Transaction ID: 69882992
 Category ID: UN/E

Province of Ontario
 Ministry of Government Services

Date Report Produced: 2018/11/09
 Time Report Produced: 10:08:53
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CORPORATION PROFILE REPORT

Ontario Corp Number

1714530

Corporation Name

367-369 HOWEY DRIVE INC.

Corporate Name History

367-369 HOWEY DRIVE INC.

247 SHAUGNESSY STREET INC.

Effective Date

2008/02/20

2006/10/27

Current Business Name(s) Exist:

NO

Expired Business Name(s) Exist:

NO

Administrator:

Name (Individual / Corporation)

PAUL

FERGUSON

Address

95 WEST END ROAD

LIVELY
 ONTARIO
 CANADA P3Y 1H8

Date Began

2008/04/07

First Director

NOT APPLICABLE

Designation

DIRECTOR

Officer Type

Resident Canadian

Y

Request ID: 022344994
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 Category ID: UN/E

Province of Ontario
 Ministry of Government Services

Date Report Produced: 2018/11/09
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CORPORATION PROFILE REPORT

Ontario Corp Number

1714530

Corporation Name

367-369 HOWEY DRIVE INC.

Administrator: Name (Individual / Corporation)

PAUL
 FERGUSON

Address

95 WEST END ROAD

 LIVELY
 ONTARIO
 CANADA P3Y 1H8

Date Began

2008/04/07

First Director

NOT APPLICABLE

Designation

OFFICER

Officer Type

SECRETARY

Resident Canadian

Y

Administrator: Name (Individual / Corporation)

PAUL
 FERGUSON

Address

95 WEST END ROAD

 LIVELY
 ONTARIO
 CANADA P3Y 1H8

Date Began

2008/04/07

First Director

NOT APPLICABLE

Designation

OFFICER

Officer Type

TREASURER

Resident Canadian

Y

Request ID: 022344994
 Transaction ID: 69882992
 Category ID: UN/E

Province of Ontario
 Ministry of Government Services

Date Report Produced: 2018/11/09
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CORPORATION PROFILE REPORT

Ontario Corp Number

1714530

Corporation Name

367-369 HOWEY DRIVE INC.

Administrator: Name (Individual / Corporation)

S.
 CRAIG
 HUTCHENS

Address

47 PICO CRESCENT

 THORNHILL
 ONTARIO
 CANADA L4J 8P4

Date Began

2006/10/27

First Director

NOT APPLICABLE

Designation

DIRECTOR

Officer Type

Resident Canadian

Y

Administrator: Name (Individual / Corporation)

S.
 CRAIG
 HUTCHENS

Address

47 PICO CRESCENT

 THORNHILL
 ONTARIO
 CANADA L4J 8P4

Date Began

2006/10/27

First Director

NOT APPLICABLE

Designation

OFFICER

Officer Type

PRESIDENT

Resident Canadian

Y

Request ID: 022344994
 Transaction ID: 69882992
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Province of Ontario
 Ministry of Government Services

Date Report Produced: 2018/11/09
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CORPORATION PROFILE REPORT

Ontario Corp Number

1714530

Corporation Name

367-369 HOWEY DRIVE INC.

Administrator: Name (Individual / Corporation)

S.
CRAIG
HUTCHENS

Address

47 PICO CRESCENT

THORNHILL
 ONTARIO
 CANADA L4J 8P4

Date Began

2006/10/27

First Director

NOT APPLICABLE

Designation

OFFICER

Officer Type

SECRETARY

Resident Canadian

Y

Administrator: Name (Individual / Corporation)

TANYA
 HUTCHENS

Address

33 THEODORE PLACE

THORNHILL
 ONTARIO
 CANADA L4J 8E2

Date Began

2011/01/01

First Director

NOT APPLICABLE

Designation

DIRECTOR

Officer Type

Resident Canadian

Y

Request ID: 022344994
Transaction ID: 69882992
Category ID: UN/E

Province of Ontario
Ministry of Government Services

Date Report Produced: 2018/11/09
Time Report Produced: 10:08:53
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CORPORATION PROFILE REPORT

Ontario Corp Number

1714530

Corporation Name

367-369 HOWEY DRIVE INC.

**Administrator:
Name (Individual / Corporation)**TANYA
HUTCHENS**Address**

33 THEODORE PLACE

THORNHILL
ONTARIO
CANADA L4J 8E2**Date Began**

2011/01/01

First Director

NOT APPLICABLE

Designation

OFFICER

Officer Type

PRESIDENT

Resident Canadian

Y

Request ID: 022344994
Transaction ID: 69882992
Category ID: UN/E

Province of Ontario
Ministry of Government Services

Date Report Produced: 2018/11/09
Time Report Produced: 10:08:53
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CORPORATION PROFILE REPORT

Ontario Corp Number

1714530

Corporation Name

367-369 HOWEY DRIVE INC.

Last Document Recorded

Act/Code	Description	Form	Date
CIA	ANNUAL RETURN 2016	1C	2017/10/22 (ELECTRONIC FILING)

THIS REPORT SETS OUT THE MOST RECENT INFORMATION FILED BY THE CORPORATION ON OR AFTER JUNE 27, 1992, AND RECORDED IN THE ONTARIO BUSINESS INFORMATION SYSTEM AS AT THE DATE AND TIME OF PRINTING. ALL PERSONS WHO ARE RECORDED AS CURRENT DIRECTORS OR OFFICERS ARE INCLUDED IN THE LIST OF ADMINISTRATORS.

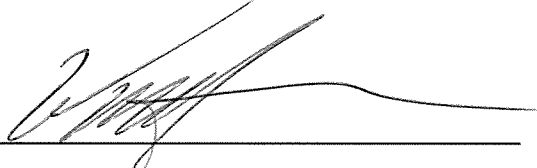
ADDITIONAL HISTORICAL INFORMATION MAY EXIST ON MICROFICHE.

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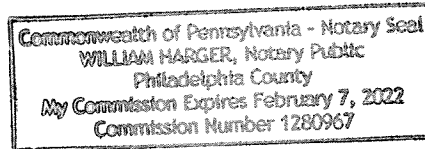
TAB

36

This is **Exhibit 36** referred to in the
Affidavit of Howard Langer, sworn before me,
this 8th day of January, 2019



Commissioner for Taking Affidavits (or as may be)





ServiceOntario

LAND
REGISTRY
OFFICE #51

PARCEL REGISTER (ABBREVIATED) FOR PROPERTY IDENTIFIER

PAGE 1 OF 3
PREPARED FOR Borrelli01
ON 2018/11/16 AT 16:22:40

58069-0150 (LT)

* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

PROPERTY DESCRIPTION: PT N 1/2 LT 25 CON 6 INNISEIL AS IN R01093173; S/T R01093173; INNISEIL

PROPERTY REMARKS:
ESTATE/QUALIFIER:
FEE SIMPLE
LT CONVERSION QUALIFIED
OWNERS' NAMES
HUTCHENS, TANYA
RECENTLY:
FIRST CONVERSION FROM BOOK
CAPACITY SHARE
ROWN

PIN CREATION DATE:
1999/09/20

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/CHKD
EFFECTIVE	2000/07/29	THE NOTATION OF THE	"BLOCK IMPLEMENTATION DATE" OF 1999/09/20 ON THIS PIN			
WAS REPLACED WITH THE	"PIN CREATION DATE"	OF 1999/09/20				
** PRINTOUT INCLUDES ALL DOCUMENT TYPES AND DELETED INSTRUMENTS SINCE 1999/09/17 **						
**SUBJECT,	ON FIRST REGISTRATION UNDER THE LAND TITLES ACT, TO					
**	SUBSECTION 4(1) OF THE LAND TITLES ACT, EXCEPT PARAGRAPH 11, PARAGRAPH 14, PROVINCIAL SUCCESSION DUTIES *					
**	AND ESCHETS OR FORFEITURE TO THE CROWN.					
**	THE RIGHTS OF ANY PERSON WHO WOULD, BUT FOR THE LAND TITLES ACT, BE ENTITLED TO THE LAND OR ANY PART OF					
**	IT THROUGH LENGTH OF ADVERSE POSSESSION, PRESCRIPTION, MISDESCRIPTION OR BOUNDARIES SETTLED BY					
**	CONVENTION.					
**	ANY LEASE TO WHICH THE SUBSECTION 70(2) OF THE REGISTRY ACT APPLIES.					
**DATE OF CONVERSION TO LAND TITLES: 1999/09/20 **						
R01093173	1989/12/22	TRANSFER		*** COMPLETELY DELETED ***	CLARK, JOHN DAVID	
R01093174	1989/12/22	CHARGE		*** COMPLETELY DELETED ***	COUNSEL TRUST CO.	
SC461123	2006/07/26	CAU AGR PUR & SALE	\$400,000		HUTCHENS, TANYA	C
REMARKS: 60 DAYS FROM 2006 07 24						
SC462343	2006/07/28	APL DEL EXECUTION		*** COMPLETELY DELETED ***		
REMARKS: DELETES EXEC NOS. 92-03499, 93-03654, 99-00465						
SC462380	2006/07/28	TRANSFER		*** COMPLETELY DELETED ***	HUTCHENS, TANYA	
REMARKS: PLANNING ACT STATEMENTS						

NOTE: ADJOINING PROPERTIES SHOULD BE INVESTIGATED TO ASCERTAIN DESCRIPTIVE INCONSISTENCIES, IF ANY, WITH DESCRIPTION REPRESENTED FOR THIS PROPERTY.
NOTE: ENSURE THAT YOUR PRINTOUT STATES THE TOTAL NUMBER OF PAGES AND THAT YOU HAVE PICKED THEM ALL UP.



Ontario ServiceOntario

LAND
REGISTRY
OFFICE #51

PARCEL REGISTER (ABBREVIATED) FOR PROPERTY IDENTIFIER

PAGE 2 OF 3
PREPARED FOR Borrelli01
ON 2018/11/16 AT 16:22:40

58069-0150 (LIT)

* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/ CHKD
SC462381	2006/07/28	CHARGE		*** COMPLETELY DELETED *** HUTCHENS, TANYA	THE TORONTO-DOMINION BANK	C
SC477580	2006/09/12	NO SEC INTEREST	\$2	MORENERGY SERVICES INC		
SC566319	2007/07/26	CHARGE		*** COMPLETELY DELETED *** HUTCHENS, TANYA	THE TORONTO-DOMINION BANK	
SC567601	2007/07/30	DISCH OF CHARGE		*** COMPLETELY DELETED *** THE TORONTO-DOMINION BANK		
SC627329	2008/02/26	DISCH OF CHARGE		*** COMPLETELY DELETED *** COUNSEL TRUST CO.		
SC643366	2008/05/01	APL VESTING ORDER		ONTARIO SUPERIOR COURT OF JUSTICE REMARKS: RE: R01093174	HUTCHENS, TANYA	C
SC670829	2008/08/07	DISCH OF CHARGE		*** COMPLETELY DELETED *** THE TORONTO-DOMINION BANK		
SC683344	2008/09/19	CHARGE		*** COMPLETELY DELETED *** HUTCHENS, TANYA	THE TORONTO-DOMINION BANK	
SC890071	2011/03/21	APL (GENERAL)		*** COMPLETELY DELETED *** MAESBURY HOMES, INC. LAKE AUSTIN PROPERTIES, I, LTD. AYRES ROCK, LTD.		
SC958328	2012/01/19	APL AMEND ORDER		*** COMPLETELY DELETED *** ONTARIO SUPERIOR COURT OF JUSTICE	HUTCHENS, TATIANA HUTCHENS, TANYA	
SC962538	2012/02/10	CHARGE		*** COMPLETELY DELETED *** HUTCHENS, TANYA		
SC968058	2012/03/13	DISCH OF CHARGE		*** COMPLETELY DELETED *** THE TORONTO-DOMINION BANK	LAPELL MANAGEMENT SERVICES INC.	

NOTE: ADJOINING PROPERTIES SHOULD BE INVESTIGATED TO ASCERTAIN DESCRIPTIVE INCONSISTENCIES, IF ANY, WITH DESCRIPTION REPRESENTED FOR THIS PROPERTY.
NOTE: ENSURE THAT YOUR PRINTOUT STATES THE TOTAL NUMBER OF PAGES AND THAT YOU HAVE PICKED THEM ALL UP.



ServiceOntario

LAND
REGISTRY
OFFICE #51

PARCEL REGISTER (ABBREVIATED) FOR PROPERTY IDENTIFIER

PAGE 3 OF 3

PREPARED FOR Borrelli01
ON 2018/11/16 AT 16:22:40

58069-0150 (LT)

* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/ CHKD
SC1049627	2013/04/08	DISCH OF CHARGE		*** COMPLETELY DELETED *** LAFELL MANAGEMENT SERVICES INC.		
SC1049629	2013/04/08	CHARGE	\$300,000	HUTCHENS, TANYA	MERIDIAN CREDIT UNION LIMITED	C
SC1475977	2017/12/07	CERTIFICATE		CGC HOLDING COMPANY LLC HARLEM ALGONQUIN LLC MEDICK, JAMES T.		C

REMARKS: PENDING LITIGATION

NOTE: ADJOINING PROPERTIES SHOULD BE INVESTIGATED TO ASCERTAIN DESCRIPTIVE INCONSISTENCIES, IF ANY, WITH DESCRIPTION REPRESENTED FOR THIS PROPERTY.
NOTE: ENSURE THAT YOUR PRINTOUT STATES THE TOTAL NUMBER OF PAGES AND THAT YOU HAVE PICKED THEM ALL UP.



Ontario ServiceOntario

PARCEL REGISTER (ABBREVIATED) FOR PROPERTY IDENTIFIER

LAND
REGISTRY
OFFICE #51

PAGE 1 OF 2
PREPARED FOR Borrelli01
ON 2018/11/16 AT 16:29:57

58072-0299 (LIF)

* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

PROPERTY DESCRIPTION: LT 31, PL 657 ; INNISFILL

PROPERTY REMARKS:

ESTATE/QUALIFIER:

FEE SIMPLE

LT CONVERSION QUALIFIED

OWNERS' NAMES

HUTCHENS, TATIANA

RECENTLY:

FIRST CONVERSION FROM BOOK

CAPACITY SHARE

ROWN

PIN_CREATION_DATE:

1999/09/20

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/ CHRD
EFFECTIVE	2000/07/29	THE NOTATION OF THE	"BLOCK IMPLEMENTATION DATE" OF 1999/09/20 ON THIS PIN			
WAS REPLACED WITH THE	"PIN CREATION DATE"	OF 1999/09/20				
** PRINTOUT	INCLUDES ALL DOCUMENT TYPES AND DELETED INSTRUMENTS SINCE 1999/09/17 **					
**SUBJECT,	ON FIRST REGISTRATION UNDER THE LAND TITLES ACT, TO:					
**	SUBSECTION 44 (1) OF THE LAND TITLES ACT, EXCEPT PARAGRAPH 11, PARAGRAPH 14, PROVINCIAL SUCCESSION DUTIES *					
**	AND ESCHEATS OR FORFEITURE TO THE CROWN.					
**	THE RIGHTS OF ANY PERSON WHO WOULD, BUT FOR THE LAND TITLES ACT, BE ENTITLED TO THE LAND OR ANY PART OF					
**	IT THROUGH LENGTH OF ADVERSE POSSESSION, PRESCRIPTION, MISDESCRIPTION OR BOUNDARIES SETTLED BY					
**	CONVENTION.					
**	ANY LEASE TO WHICH THE SUBSECTION 70(2) OF THE REGISTRY ACT APPLIES.					
**DATE OF CONVERSION TO LAND TITLES: 1999/04/20 **						
R01102728Z	1990/03/15	REST COV APL ANNEX				
R01107680	1990/04/24	TRANSFER		*** COMPLETELY DELETED ***	ROOTS, MARGARET ROOTS, REGINALD ARTHUR	C
L7490919	2001/06/15	APL OF SURV-LAND		*** COMPLETELY DELETED *** ROOTS, REGINALD ARTHUR (DECEASED)	ROOTS, MARGARET	
SC678323	2008/09/02	TRANSFER	\$350,000	ROOTS, MARGARET	HUTCHENS, TATIANA	C
SC678324	2008/09/02	CHARGE		*** COMPLETELY DELETED *** HUTCHENS, TATIANA	THE TORONTO-DOMINION BANK	
SC890071	2011/03/21	APL (GENERAL)		*** COMPLETELY DELETED *** MAESBURY HOMES, INC.		

NOTE: ADJOINING PROPERTIES SHOULD BE INVESTIGATED TO ASCERTAIN DESCRIPTIVE INCONSISTENCIES, IF ANY, WITH DESCRIPTION REPRESENTED FOR THIS PROPERTY.

NOTE: ENSURE THAT YOUR PRINTOUT STATES THE TOTAL NUMBER OF PAGES AND THAT YOU HAVE PICKED THEM ALL UP.

58072-0299 (LIT)

* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/CHKD
		REMARKS: CERTIFICATE OF PENDING LITIGATION		LAKE AUSTIN PROPERTIES, I, LTD. AVRES ROCK, LTD.		
SC958328	2012/01/19	APL AMEND ORDER		*** COMPLETELY DELETED *** ONTARIO SUPERIOR COURT OF JUSTICE	HUTCHENS, TATIANA HUTCHENS, TANYA	
SC962544	2012/02/10	CHARGE		*** COMPLETELY DELETED *** HUTCHENS, TATIANA	LAPELL MANAGEMENT SERVICES INC.	
SC968060	2012/03/13	DISCH OF CHARGE		*** COMPLETELY DELETED *** THE TORONTO-DOMINION BANK		
		REMARKS: SC678324.				
SC1049628	2013/04/08	DISCH OF CHARGE		*** COMPLETELY DELETED *** LAPELL MANAGEMENT SERVICES INC.		
		REMARKS: SC962544.				
SC1049631	2013/04/08	CHARGE	\$200,000	HUTCHENS, TATIANA	MERIDIAN CREDIT UNION LIMITED	C
SC1475977	2017/12/07	CERTIFICATE		CGC HOLDING COMPANY LLC HARLEM ALGONQUIN LLC MEDICK, JAMES T.		C
		REMARKS: PENDING LITIGATION				

NOTE: ADJOINING PROPERTIES SHOULD BE INVESTIGATED TO ASCERTAIN DESCRIPTIVE INCONSISTENCIES, IF ANY, WITH DESCRIPTION REPRESENTED FOR THIS PROPERTY.
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LAND REGISTRY OFFICE #53

73349-0720 (LIT)

PAGE 1 OF 3
PREPARED FOR Borrelli01
ON 2018/11/16 AT 15:23:23

PROPERTY DESCRIPTION: PCL 21629 SEC SWS; LT 222 BLK 6 PL M91 BALFOUR; GREATER SUBURBY

PROPERTY REMARKS:
ESTATE/QUALIFIER: FEE SIMPLE ABSOLUTE
RECENTLY: FIRST CONVERSION FROM BOOK
CAPACITY SHARE ROWN
OWNERS' NAMES: 3419 ERRINGTON AVENUE INC.
PIN CREATION DATE: 2004/02/23

* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/CHKD
** PRINTOUT INCLUDES ALL DOCUMENT TYPES AND DELETED INSTRUMENTS SINCE 2004/02/20 **						
LT637525	1988/11/25	TRANSFER		*** COMPLETELY DELETED ***	DELAURIER, GERALD WAYNE DELAURIER, JUDITH ANN	
LT734987	1992/06/09	CHARGE		*** COMPLETELY DELETED ***	THE TORONTO-DOMINION BANK	
LT850905	1997/08/14	NOTICE		*** COMPLETELY DELETED ***		
REMARKS: LT734987						
SD69448	2007/01/10	CAU AGR PUR & SALE		*** COMPLETELY DELETED *** DELAURIER, GERALD WAYNE DELAURIER, JUDITH ANN	HUTCHENS, CRAIG	
REMARKS: 60 DAYS FROM 2007/02/20						
SD74264	2007/03/16	WITHDRAWAL CAUTION		*** COMPLETELY DELETED ***	HUTCHENS, CRAIG	
REMARKS: RE: SD69448						
SD74293	2007/03/16	TRANSFER	\$150,000	DELAURIER, GERALD WAYNE DELAURIER, JUDITH ANN	3419 ERRINGTON AVENUE INC.	C
SD74294	2007/03/16	CHARGE		*** COMPLETELY DELETED *** 3419 ERRINGTON AVENUE INC.	THE TORONTO-DOMINION BANK	
SD74295	2007/03/16	NO ASSGN RENT GEN		*** COMPLETELY DELETED *** 3419 ERRINGTON AVENUE INC.	THE TORONTO-DOMINION BANK	
REMARKS: SD74294						
SD76378	2007/04/17	DISCH OF CHARGE		*** COMPLETELY DELETED *** THE TORONTO-DOMINION BANK		

NOTE: ADJOINING PROPERTIES SHOULD BE INVESTIGATED TO ASCERTAIN DESCRIPTIVE INCONSISTENCIES, IF ANY, WITH DESCRIPTION REPRESENTED FOR THIS PROPERTY.
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LAND REGISTRY OFFICE #53

PARCEL REGISTER (ABBREVIATED) FOR PROPERTY IDENTIFIER

PAGE 2 OF 3
PREPARED FOR Borrelli01
ON 2018/11/16 AT 15:23:23

73349-0720 (LT)

* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/CHKD
SD98098	2007/11/15	CHARGE		*** COMPLETELY DELETED *** 3419 ERRINGTON AVENUE INC.	THE CANADA TRUST COMPANY	
SD106393	2008/02/28	CHARGE		*** COMPLETELY DELETED *** 3419 ERRINGTON AVENUE INC.	THE CANADA TRUST COMPANY	
SD131567	2008/11/05	DISCH OF CHARGE		*** COMPLETELY DELETED *** THE CANADA TRUST COMPANY		
REMARKS: RE: SD98098						
SD132039	2008/11/10	CHARGE		*** COMPLETELY DELETED *** 3419 ERRINGTON AVENUE INC. 3415 ERRINGTON AVENUE INC.	ATCHISON, CATHERINE	
SD132068	2008/11/10	POSTPONEMENT		*** COMPLETELY DELETED *** THE CANADA TRUST COMPANY	ATCHISON, CATHERINE	
REMARKS: SD106393 TO SD132039.						
SD161882	2009/12/08	TRANSFER OF CHARGE		*** COMPLETELY DELETED *** ATCHISON, CATHERINE	146 WHITTAKER STREET INC.	
REMARKS: SD132039.						
SD166269	2010/02/18	TRANSFER OF CHARGE		*** COMPLETELY DELETED *** 146 WHITTAKER STREET INC.	ATCHISON, CATHERINE	
REMARKS: SD132039.						
SD210190	2011/09/30	DISCH OF CHARGE		*** COMPLETELY DELETED *** THE CANADA TRUST COMPANY		
REMARKS: SD106393.						
SD222272	2012/03/29	DISCH OF CHARGE		*** COMPLETELY DELETED *** ATCHISON, CATHERINE		
REMARKS: SD132039.						
SD223982	2012/04/24	CHARGE		*** COMPLETELY DELETED *** 3419 ERRINGTON AVENUE INC.		
SD226838	2012/05/30	DISCH OF CHARGE		*** COMPLETELY DELETED *** THE TORONTO-DOMINION BANK	BANK OF MONTREAL	
REMARKS: SD74294.						

NOTE: ADJOINING PROPERTIES SHOULD BE INVESTIGATED TO ASCERTAIN DESCRIPTIVE INCONSISTENCIES, IF ANY, WITH DESCRIPTION REPRESENTED FOR THIS PROPERTY.
NOTE: ENSURE THAT YOUR PRINTOUT STATES THE TOTAL NUMBER OF PAGES AND THAT YOU HAVE PICKED THEM ALL UP.

73349-0720 (LT)

PARCEL REGISTER (ABBREVIATED) FOR PROPERTY IDENTIFIER
 * CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/CHKD
SD292884	2015/04/30	CHARGE	\$150,000	3419 ERRINGTON AVENUE INC.	BRIK, DINA	C
SD300954	2015/09/01	DISCH OF CHARGE		*** COMPLETELY DELETED *** BANK OF MONTREAL		
		REMARKS: SD223982.				
SD344632	2017/10/04	CHARGE	\$2,000,000	3419 ERRINGTON AVENUE INC.	ADROIT ADVOCATES, LLC, A COLORADO LIMITED LIABILITY COMPANY, DBA KLEENDA GESSLER & BLUE LLC	C
SD348723	2017/12/07	CERTIFICATE		CGC HOLDING COMPANY LLC HARLEM ALGONQUIN LLC MEDICK, JAMES T.		C
		REMARKS: PENDING LITIGATION				

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PARCEL REGISTER (ABBREVIATED) FOR PROPERTY IDENTIFIER

LAND
REGISTRY
OFFICE #53

73349-1569 (LT)

PAGE 1 OF 3
PREPARED FOR Borrelli01
ON 2018/11/16 AT 15:16:24

PROPERTY DESCRIPTION: PCL 10618 SEC SWS; LT 215 BLK 6 PL M91 BALFOUR; GREATER SUDBURY

PROPERTY REMARKS:
ESTATE/QUALIFIER:
FEE SIMPLE
ABSOLUTE
OWNERS' NAMES
3415 ERRINGTON AVENUE INC.
RECENTLY:
FIRST CONVERSION FROM BOOK
CAPACITY SHARE
ROWN
PIN_CREATION_DATE:
2004/02/23

* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/CHKO
** PRINTOUT INCLUDES ALL DOCUMENT TYPES AND DELETED INSTRUMENTS SINCE 2004/02/20 **						
LT637525	1988/11/25	TRANSFER		*** COMPLETELY DELETED ***	DELAURIER, GERALD WAYNE DELAURIER, JUDITH ANN	
LT734988	1992/06/09	CHARGE		*** COMPLETELY DELETED ***	THE TORONTO-DOMINION BANK	
LT850906	1997/08/14	NOTICE		*** COMPLETELY DELETED ***		
		REMARKS: CHARGE, LT734988				
SD69445	2007/01/10	CAU AGR PUR & SALE		*** COMPLETELY DELETED *** DELAURIER, GERALD WAYNE DELAURIER, JUDITH ANN	HUTCHENS, CRAIG	
		REMARKS: 60 DAYS FROM 2007/02/20				
SD74253	2007/03/16	WITHDRAWAL CAUTION		*** COMPLETELY DELETED ***	HUTCHENS, CRAIG	
		REMARKS: RE: SD69445				
SD74296	2007/03/16	TRANSFER	\$150,000	DELAURIER, GERALD WAYNE DELAURIER, JUDITH ANN	3415 ERRINGTON AVENUE INC.	C
SD74297	2007/03/16	CHARGE		*** COMPLETELY DELETED *** 3415 ERRINGTON AVENUE INC.	THE TORONTO-DOMINION BANK	
SD74298	2007/03/16	NO ASSGN RENT GEN		*** COMPLETELY DELETED *** 3415 ERRINGTON AVENUE INC.	THE TORONTO-DOMINION BANK	
		REMARKS: RE: SD74297				
SD75750	2007/04/10	CHARGE		*** COMPLETELY DELETED *** 3415 ERRINGTON AVENUE INC.	THE CANADA TRUST COMPANY	

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LAND
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PARCEL REGISTER (ABBREVIATED) FOR PROPERTY IDENTIFIER

PAGE 2 OF 3

PREPARED FOR Borrelli01
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73349-1569 (LIT)

* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/ CHKD
SD176380	2007/04/17	DISCH OF CHARGE		*** COMPLETELY DELETED *** THE TORONTO-DOMINION BANK		
	REMARKS: RE: LT734988					
SD108758	2008/03/28	CHARGE		*** COMPLETELY DELETED *** 3415 ERRINGTON AVENUE INC. 1681071 ONTARIO INC.	THE CANADA TRUST COMPANY	
SD132663	2008/09/19	DISCH OF CHARGE		*** COMPLETELY DELETED *** THE CANADA TRUST COMPANY		
	REMARKS: RE: SD108758					
SD127121	2008/09/23	DISCH OF CHARGE		*** COMPLETELY DELETED *** THE CANADA TRUST COMPANY		
	REMARKS: RE: SD75750					
SD132039	2008/11/10	CHARGE		*** COMPLETELY DELETED *** 3419 ERRINGTON AVENUE INC. 3415 ERRINGTON AVENUE INC.	ATCHISON, CATHERINE	
SD161882	2009/12/08	TRANSFER OF CHARGE		*** COMPLETELY DELETED *** ATCHISON, CATHERINE	146 WHITTAKER STREET INC.	
	REMARKS: SD132039.					
SD166269	2010/02/18	TRANSFER OF CHARGE		*** COMPLETELY DELETED *** 146 WHITTAKER STREET INC.	ATCHISON, CATHERINE	
	REMARKS: SD132039.					
SD210026	2011/09/30	APL GOVT ORDER		*** COMPLETELY DELETED *** CITY OF GREATER SUDBURY		
SD222272	2012/03/29	DISCH OF CHARGE		*** COMPLETELY DELETED *** ATCHISON, CATHERINE		
	REMARKS: SD132039.					
SD223863	2012/04/23	APL (GENERAL)		*** COMPLETELY DELETED *** CITY OF GREATER SUDBURY		
	REMARKS: DELETE SD210026					
SD223981	2012/04/24	CHARGE		*** COMPLETELY DELETED *** 3415 ERRINGTON AVENUE INC.	BANK OF MONTREAL	

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73349-1569 (LT)

* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/ CHKD
SD226835	2012/05/30	DISCH OF CHARGE		*** COMPLETELY DELETED *** THE TORONTO-DOMINION BANK		
	REMARKS: SD74297.					
SD292883	2015/04/30	CHARGE	\$150,000	3415 ERRINGTON AVENUE INC.	BRIK, DINA	C
SD300955	2015/09/01	DISCH OF CHARGE		*** COMPLETELY DELETED *** BANK OF MONTREAL		
	REMARKS: SD223981.					
SD344631	2017/10/04	CHARGE	\$2,000,000	3415 ERRINGTON AVENUE INC.	ADROIT ADVOCATES, LLC, A COLORADO LIMITED LIABILITY COMPANY, DBA KLEENDA GESSLER & BLUE LLC	C
SD348723	2017/12/07	CERTIFICATE		CGC HOLDING COMPANY LLC HARLEM ALGONQUIN LLC MEDICK, JAMES T.		C
	REMARKS: PENDING LITIGATION					

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LAND REGISTRY OFFICE #53

73354-0417 (LT)

PAGE 1 OF 3
PREPARED FOR Borrelli01
ON 2010/11/16 AT 16:48:02

PARCEL REGISTER (ABBREVIATED) FOR PROPERTY IDENTIFIER

PROPERTY DESCRIPTION: PCL 25217 SBC SWS SRO; LT 284 PL M1032 DOWLING; S/T LT386382; GREATER SUDBURY

PROPERTY REMARKS:
ESTATE/QUALIFIER:
FEE SIMPLE
ABSOLUTE

RECENTLY:
FIRST CONVERSION FROM BOOK

OWNERS' NAMES
BOILEAU, ROBERT

CAPACITY SHARE
ROWN

PIN CREATION DATE:
2004/01/26

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/CHKD
** PRINTOUT INCLUDES ALL DOCUMENT TYPES AND DELETED INSTRUMENTS SINCE 2004/01/23 **						
LT39199	1936/11/02	COURT ORDER				
		REMARKS: SKETCH ATTACHED. MINING RIGHTS AMENDED TO READ SKETCH ATTACHED. PIPELINE TO CARRY WATER			THE INTERNATIONAL NICKEL COMPANY OF CANADA, LIMITED	C
LT385841Z	1975/10/02	APL ANNEX REST COV				C
LT385842Z	1975/10/02	APL ANNEX REST COV				C
LT386382	1975/10/10	TRANSFER EASEMENT			THE BELL TELEPHONE COMPANY OF CANADA ONTARIO HYDRO	C
53R6239	1975/12/16	PLAN REFERENCE				C
LT660488	1989/09/29	CHARGE	*** COMPLETELY DELETED ***		CIBC MORTGAGE CORPORATION	
LT660489	1989/09/29	NOTICE	*** COMPLETELY DELETED ***			
		REMARKS: LT660488				
LT862654	1998/04/09	TRANSMISSION-LAND	*** COMPLETELY DELETED ***		TREMBLAY, YOLANDE TREMBLAY, GILLES TREMBLAY, MICHEL JEAN ESTATE OF	
SD11104	2005/01/17	TRANS PERSONAL REP	*** COMPLETELY DELETED ***		0709594 BC LTD.	
SD11114	2005/01/17	CHARGE	*** COMPLETELY DELETED ***		THE TORONTO-DOMINION BANK	

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LAND
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PARCEL REGISTER (ABBREVIATED) FOR PROPERTY IDENTIFIER

PAGE 2 OF 3

PREPARED FOR Borrelli01
ON 2018/11/16 AT 16:48:02

73354-0417 (LT)

* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/ CHKD
SD11115	2005/01/17	NO ASSGN RENT GEN REMARKS: SD11114.		*** COMPLETELY DELETED *** THE TORONTO-DOMINION BANK	0709594 BC LTD.	
SD12900	2005/02/15	DISCH OF CHARGE REMARKS: RE: LT660488		*** COMPLETELY DELETED *** CANADIAN IMPERIAL BANK OF COMMERCE		
SD36788	2005/12/09	CHARGE		*** COMPLETELY DELETED *** 0709594 BC LTD.	BOPARAI, KULBIR	
SD73407	2007/03/05	DISCH OF CHARGE REMARKS: RE: SD36788		*** COMPLETELY DELETED *** BOPARAI, KULBIR		
SD73410	2007/03/05	TRANSFER		*** COMPLETELY DELETED *** 0709594 BC LTD.		
SD73411	2007/03/05	CHARGE	\$146,250	101 SERVICE ROAD INC.	101 SERVICE ROAD INC.	C
SD73412	2007/03/05	NO ASSGN RENT GEN REMARKS: SD73411.		101 SERVICE ROAD INC.	THE TORONTO-DOMINION BANK	C
SD73413	2007/03/05	CHARGE		*** COMPLETELY DELETED *** 101 SERVICE ROAD INC.		
SD75213	2007/03/30	CHARGE		*** COMPLETELY DELETED *** 101 SERVICE ROAD INC.	0709594 BC LTD.	
SD76379	2007/04/17	DISCH OF CHARGE REMARKS: RE: SD11114		*** COMPLETELY DELETED *** THE TORONTO-DOMINION BANK	BRIK, DINA	
SD80335	2007/06/01	CHARGE		*** COMPLETELY DELETED *** 101 SERVICE ROAD INC. 789 LAWSON STREET INC. 41 MARION STREET INC. 625 ASH STREET INC.	POULSON, BARRY J. LILLY, CHARLES FERGUSON, PAUL L & P INVESTMENTS	
SD100869	2007/12/12	DISCH OF CHARGE		*** COMPLETELY DELETED *** POULSON, BARRY J. LILLY, CHARLES FERGUSON, PAUL		

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LAND
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PARCEL REGISTER (ABBREVIATED) FOR PROPERTY IDENTIFIER

PAGE 3 OF 3
PREPARED FOR Borrelli01
ON 2018/11/16 AT 16:48:02

73354-0417 (LT)

* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/ CHKD
				L & P INVESTMENTS		
				*** COMPLETELY DELETED *** BRIK, DINA		
SD118574	2008/07/07	DISCH OF CHARGE				
				REMARKS: RE: SD75213		
SD125608	2008/09/10	DISCH OF CHARGE		*** COMPLETELY DELETED *** 0709594 BC LTD.		
				REMARKS: RE: SD73413		
SD129098	2008/10/10	TRANSFER	\$248,000	101 SERVICE ROAD INC.	BOILEAU, ROBERT	C
SD129099	2008/10/10	APL (GENERAL)		BOILEAU, ROBERT		C
				REMARKS: SD73411		
SD129100	2008/10/10	CHARGE		*** COMPLETELY DELETED *** BOILEAU, ROBERT		
SD184841	2010/10/18	NO SEC INTEREST	\$20,737	VISTA CREDIT CORP.	101 SERVICE ROAD INC.	C
SD221122	2012/03/09	DISCH OF CHARGE		*** COMPLETELY DELETED *** 101 SERVICE ROAD INC.		
				REMARKS: SD129100.		

NOTE: ADJOINING PROPERTIES SHOULD BE INVESTIGATED TO ASCERTAIN DESCRIPTIVE INCONSISTENCIES, IF ANY, WITH DESCRIPTION REPRESENTED FOR THIS PROPERTY.
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PARCEL REGISTER (ABBREVIATED) FOR PROPERTY IDENTIFIER

LAND
REGISTRY
OFFICE #53

73481-0001 (LT)

PAGE 1 OF 4
PREPARED FOR Borrelli01
ON 2018/11/16 AT 14:56:43

* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

PROPERTY_DESCRIPTION: PCL 12042 SEC SES; PT LT 31 BLK B PL M9 DRYDEN & PT LT 32 BLK B PL M9 DRYDEN AS IN LT67718; PT LT 33 PL M9 DRYDEN PT 1 53R6459; GREATER SUDBURY

PROPERTY_REMARKS:

ESTATE/QUALIFIER:
FEE SIMPLE
ABSOLUTE

RECENTLY:
FIRST CONVERSION FROM BOOK

FIN_CREATION_DATE:
2003/11/24

OWNERS' NAMES
29 LAREN STREET INC.

CAPACITY SHARE

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/CHKD
** PRINTOUT INCLUDES ALL DOCUMENT TYPES AND DELETED INSTRUMENTS SINCE 2003/11/21 **						
53R6459	1976/04/28	PLAN REFERENCE				C
LT576663	1986/05/15	TRANSFER	*** COMPLETELY DELETED ***		ROSS, ERNEST ROSS, ALINE	
LT576664	1986/05/15	NOTICE AGREEMENT			THE REGIONAL MUNICIPALITY OF SUDBURY	C
LT673795	1990/03/12	NOTICE			THE REGIONAL MUNICIPALITY OF SUDBURY	C
LT685827	1990/08/10	CHARGE	*** COMPLETELY DELETED ***		NATIONAL BANK OF CANADA	
LT690990	1990/10/17	NOTICE	*** COMPLETELY DELETED ***			
LT761799	1993/06/14	NOTICE	*** COMPLETELY DELETED ***		THE REGIONAL MUNICIPALITY OF SUDBURY	C
LT762543	1993/06/23	POSTPONEMENT	*** COMPLETELY DELETED ***			
REMARKS: LT685827, LT761799						
LT798314	1994/12/20	CHARGE	*** COMPLETELY DELETED ***		NATIONAL BANK OF CANADA	
LT927321	2002/03/19	TRANSFER OF CHARGE	*** COMPLETELY DELETED ***		CAISSE POPULAIRE LASALLE SUDBURY LIMITEE	
REMARKS: LT798314						
LT943826	2003/01/07	TRANSFER OF CHARGE	*** COMPLETELY DELETED ***		CAISSE POPULAIRE LASALLE INC.	
REMARKS: LT685827						

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REGISTRY
OFFICE #53

PARCEL REGISTER (ABBREVIATED) FOR PROPERTY IDENTIFIER

PAGE 2 OF 4

PREPARED FOR Borrelli01
ON 2018/11/16 AT 14:56:43

73481-0001 (LT)

* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/ CHKD
LT945187	2003/02/06	CHARGE		*** COMPLETELY DELETED ***	CAISSE POPULAIRE LASALLE INC.	C
LT976235	2004/07/12	LR'S ORDER REMARKS: CORRECTING DESCRIPTION FROM TOWN OF NICKEL CENTRE TO "GREATER SUDBURY"		LAND REGISTRAR		
LT976340	2004/07/13	NOTICE AGREEMENT REMARKS: LT685827, LT943826		*** COMPLETELY DELETED *** ROSS, ALINE ROSS, ERNEST	CAISSE POPULAIRE LASALLE INC.	
SD114007	2008/05/23	LR'S ORDER REMARKS: AMEND LEGAL DESCRIPTION		LAND REGISTRAR	LAND REGISTRAR	C
SD118070	2008/06/30	TRANSFER REMARKS: PLANNING ACT STATEMENTS	\$925,000	ROSS, ALINE ROSS, ERNEST	29 LAREN STREET INC.	C
SD118077	2008/06/30	CHARGE		*** COMPLETELY DELETED *** 29 LAREN STREET INC.	ARDEX CAPITAL MANAGEMENT INC.	
SD118078	2008/06/30	NO ASSIGN RENT GEN REMARKS: RE: SD118077		*** COMPLETELY DELETED *** 27 LAREN STREET INC.	ARDEX CAPITAL MANAGEMENT INC.	
SD118080	2008/06/30	CHARGE		*** COMPLETELY DELETED *** 29 LAREN STREET INC.	ROSS, ERNEST ROSS, ALINE	
SD118081	2008/06/30	DISCH OF CHARGE REMARKS: RE: LT798314		*** COMPLETELY DELETED *** CAISSE POPULAIRE LASALLE SUDBURY LIMITEE		
SD118997	2008/07/10	DISCH OF CHARGE REMARKS: RE: LT685827		*** COMPLETELY DELETED *** CAISSE POPULAIRE LASALLE INC.		
SD118998	2008/07/10	DISCH OF CHARGE REMARKS: RE: LT945187		*** COMPLETELY DELETED *** CAISSE POPULAIRE LASALLE INC.		
SD119480	2008/07/15	DISCHARGE INTEREST		*** COMPLETELY DELETED ***		

NOTE: ADJOINING PROPERTIES SHOULD BE INVESTIGATED TO ASCERTAIN DESCRIPTIVE INCONSISTENCIES, IF ANY, WITH DESCRIPTION REPRESENTED FOR THIS PROPERTY.
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* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/CHKD
SD153820	2009/08/26	NOTICE		*** COMPLETELY DELETED *** 29 LAREN STREET INC.	NATIONAL BANK OF CANADA	
SD166826	2010/02/26	CHARGE	\$210,000	29 LAREN STREET INC.	ARDEX CAPITAL MANAGEMENT INC.	
SD181119	2010/08/27	DISCH OF CHARGE		*** COMPLETELY DELETED *** ROSS, ERNEST ROSS, ALINE	146 WHITTAKER STREET INC.	C
SD183077	2010/09/24	NOTICE		*** COMPLETELY DELETED *** 29 LAREN STREET INC.	ARDEX CAPITAL MANAGEMENT INC.	
SD194734	2011/03/21	APL (GENERAL)		*** COMPLETELY DELETED *** MAESBURY HOMES, INC. LAKE AUSTIN PROPERTIES, I, LTD. AYRES ROCK, LTD.		
SD212809	2011/11/03	NOTICE		*** COMPLETELY DELETED *** 29 LAREN STREET INC.	ARDEX CAPITAL MANAGEMENT INC.	
SD218035	2012/01/19	APL AMEND ORDER		*** COMPLETELY DELETED *** ONTARIO SUPERIOR COURT OF JUSTICE	110-114 PINE STREET INC. 15-16 KEZIAH COURT INC. 720 CAMBRIAN HEIGHTS INC. 29 LAREN STREET INC. 367-369 HOWEY DRIVE INC. HUTCHENS, SANDY HUTCHENS, JUDITH ANNE - ESTATE 17 SERPENTINE STREET INC. 193 MOUNTAIN STREET INC. 625 ASH STREET INC. 364 MORRIS STREET INC. 789 LAWSON STREET INC. 331 REGENT STREET INC.	

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LAND
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OFFICE #53

PARCEL REGISTER (ABBREVIATED) FOR PROPERTY IDENTIFIER

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PREPARED FOR Borrelli01
ON 2018/11/16 AT 14:56:43

73481-0001 (LT)

* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/ CHKD
SD237907	2012/10/15	CHARGE	\$800,000	29 LAREN STREET INC.	BANK OF MONTREAL	C
SD237908	2012/10/15	NO ASSGN RENT GEN REMARKS: SD237907		29 LAREN STREET INC.	BANK OF MONTREAL	C
SD237909	2012/10/15	POSTPONEMENT REMARKS: SD237907		146 WHITTAKER STREET INC.	BANK OF MONTREAL	C
SD238011	2012/10/16	DISCH OF CHARGE REMARKS: SD118077.		*** COMPLETELY DELETED *** ARDEX CAPITAL MANAGEMENT INC.		
SD312631	2016/03/24	TRANSFER OF CHARGE REMARKS: SD237907.		BANK OF MONTREAL	HUTCHENS, TANYA	C
SD312632	2016/03/24	NO ASSGN RENT GEN REMARKS: SD237907		BANK OF MONTREAL	HUTCHENS, TANYA	C
SD344634	2017/10/04	CHARGE	\$2,000,000	29 LAREN STREET INC.	ADROIT ADVOCATES, LLC, A COLORADO LIMITED LIABILITY COMPANY, DBA KLEENDA GESSLER & BLUE LLC	C
SD348723	2017/12/07	CERTIFICATE		CGC HOLDING COMPANY LLC HARLEM ALGONQUIN LLC MEDICK, JAMES T.		C
		REMARKS: PENDING LITIGATION				

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LAND REGISTRY OFFICE #53

73481-0006 (LT)

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PREPARED FOR Borrelli01
ON 2018/11/16 AT 15:10:34

PARCEL REGISTER (ABBREVIATED) FOR PROPERTY IDENTIFIER

PROPERTY DESCRIPTION: PCL 12115 SEC SES; LT 30 BLK B PL #9 DRYDEN; GREATER SUBURBY

PROPERTY REMARKS:
ESTATE/QUALIFIER: RECENTLY.
FEE SIMPLE ABSOLUTE: FIRST CONVERSION FROM BOOK
OWNERS' NAMES: CAPACITY SHARE
29 LAREN STREET INC.

PIN CREATION DATE:
2003/11/24

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/CHKD
** PRINTOUT INCLUDES ALL DOCUMENT TYPES AND DELETED INSTRUMENTS SINCE 2003/11/21 **						
LT576663	1986/05/15	TRANSFER		*** COMPLETELY DELETED ***	ROSS, ERNEST ROSS, ALINE	
LT576664	1986/05/15	NOTICE AGREEMENT			THE REGIONAL MUNICIPALITY OF SUBURBY	C
LT673795	1990/03/12	NOTICE			THE REGIONAL MUNICIPALITY OF SUBURBY	C
LT685827	1990/08/10	CHARGE		*** COMPLETELY DELETED ***	NATIONAL BANK OF CANADA	
LT690990	1990/10/17	NOTICE		*** COMPLETELY DELETED ***		
LT761799	1993/06/14	NOTICE			THE REGIONAL MUNICIPALITY OF SUBURBY	C
LT762543	1993/06/23	POSTPONEMENT		*** COMPLETELY DELETED ***		
REMARKS: LT685827, LT761799						
LT798314	1994/12/20	CHARGE		*** COMPLETELY DELETED ***	NATIONAL BANK OF CANADA	
LT927321	2002/03/19	TRANSFER OF CHARGE		*** COMPLETELY DELETED ***	CAISSE POPULAIRE LASALLE SUBURBY LIMITEE	
REMARKS: LT790314						
LT943826	2003/01/07	TRANSFER OF CHARGE		*** COMPLETELY DELETED ***	CAISSE POPULAIRE LASALLE INC.	
REMARKS: LT685827						
LT945187	2003/02/06	CHARGE		*** COMPLETELY DELETED ***		

NOTE: ADJOINING PROPERTIES SHOULD BE INVESTIGATED TO ASCERTAIN DESCRIPTIVE INCONSISTENCIES, IF ANY, WITH DESCRIPTION REPRESENTED FOR THIS PROPERTY.
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LAND REGISTRY OFFICE #53
PARCEL REGISTER (ABBREVIATED) FOR PROPERTY IDENTIFIER
73481-0006 (LT)

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* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/CHKD
LT976340	2004/07/13	NOTICE AGREEMENT		*** COMPLETELY DELETED *** ROSS, ALINE ROSS, ERNEST	CAISSE POPULAIRE LASALLE INC.	
	REMARKS: LT665627, LT943826					
SD118070	2008/06/30	TRANSFER	\$925,000	ROSS, ALINE ROSS, ERNEST	29 LAREN STREET INC.	C
	REMARKS: PLANNING ACT STATEMENTS					
SD118077	2008/06/30	CHARGE		*** COMPLETELY DELETED *** 29 LAREN STREET INC.	ARDEX CAPITAL MANAGEMENT INC.	
SD118078	2008/06/30	NO ASSIGN RENT GEN		*** COMPLETELY DELETED *** 27 LAREN STREET INC.	ARDEX CAPITAL MANAGEMENT INC.	
	REMARKS: RE: SD118077					
SD118080	2008/06/30	CHARGE		*** COMPLETELY DELETED *** 29 LAREN STREET INC.	ROSS, ERNEST ROSS, ALINE	
SD118081	2008/06/30	DISCH OF CHARGE		*** COMPLETELY DELETED *** CAISSE POPULAIRE LASALLE SUDBURY LIMITEE		
	REMARKS: RE: LT798314					
SD118997	2008/07/10	DISCH OF CHARGE		*** COMPLETELY DELETED *** CAISSE POPULAIRE LASALLE INC.		
	REMARKS: RE: LT665627					
SD118998	2008/07/10	DISCH OF CHARGE		*** COMPLETELY DELETED *** CAISSE POPULAIRE LASALLE INC.		
	REMARKS: RE: LT945187					
SD119480	2008/07/15	DISCHARGE INTEREST		*** COMPLETELY DELETED ***	NATIONAL BANK OF CANADA	
	REMARKS: RE: LT690990					
SD153820	2009/08/26	NOTICE		*** COMPLETELY DELETED *** 29 LAREN STREET INC.	ARDEX CAPITAL MANAGEMENT INC.	
	REMARKS: SD118077					
SD166826	2010/02/26	CHARGE	\$210,000	29 LAREN STREET INC.	146 WHITTAKER STREET INC.	C

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PARCEL REGISTER (ABBREVIATED) FOR PROPERTY IDENTIFIER

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73481-0006 (LT)

* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/CHKD
SD181119	2010/08/27	DISCH OF CHARGE		*** COMPLETELY DELETED *** ROSS, ERNEST ROSS, ALINE		
		REMARKS: SD118080.				
SD183077	2010/09/24	NOTICE		*** COMPLETELY DELETED *** 29 LAREN STREET INC.	ARDEX CAPITAL MANAGEMENT INC.	
		REMARKS: RE:SD118077				
SD194734	2011/03/21	APL (GENERAL)		*** COMPLETELY DELETED *** MAESBURY HOMES, INC. LAKE AUSTIN PROPERTIES, I, LTD. AYRES ROCK, LTD.		
		REMARKS: CERTIFICATE OF PENDING LITIGATION				
SD212809	2011/11/03	NOTICE		*** COMPLETELY DELETED *** 29 LAREN STREET INC.	ARDEX CAPITAL MANAGEMENT INC.	
		REMARKS: SD118077				
SD218035	2012/01/19	APL AMEND ORDER		*** COMPLETELY DELETED *** ONTARIO SUPERIOR COURT OF JUSTICE	110-114 PINE STREET INC. 15-16 KEZIAH COURT INC. 720 CAMBERIAN HEIGHTS INC. 29 LAREN STREET INC. 367-369 HOWEY DRIVE INC. HUTCHENS, SANDY HUTCHENS, JUDITH ANNE - ESTATE 17 SERPENTINE STREET INC. 193 MOUNTAIN STREET INC. 625 ASH STREET INC. 364 MORRIS STREET INC. 789 LAWSON STREET INC. 331 REGENT STREET INC.	
SD237907	2012/10/15	CHARGE	\$800,000	29 LAREN STREET INC.	BANK OF MONTREAL	C
SD237908	2012/10/15	NO ASSGN RENT GEN		29 LAREN STREET INC.	BANK OF MONTREAL	C
		REMARKS: SD237907				
SD237909	2012/10/15	POSTPONEMENT		146 WHITTAKER STREET INC.	BANK OF MONTREAL	C
		REMARKS: SD237907				

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73481-0006 (LT)

PARCEL REGISTER (ABBREVIATED) FOR PROPERTY IDENTIFIER
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* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/CHKD
SD238011	2012/10/16	DISCH OF CHARGE REMARKS: SD110677.		*** COMPLETELY DELETED *** ARDEX CAPITAL MANAGEMENT INC.		
SD312631	2016/03/24	TRANSFER OF CHARGE REMARKS: SD237907.		BANK OF MONTREAL	HUTCHENS, TANYA	C
SD312632	2016/03/24	NO ASSGN RENT GEN REMARKS: SD237907		BANK OF MONTREAL	HUTCHENS, TANYA	C
SD344634	2017/10/04	CHARGE	\$2,000,000	29 LAREN STREET INC.	ADROIT ADVOCATES, LLC, A COLORADO LIMITED LIABILITY COMPANY, DBA KLEENDA GESSLER & BLUE LLC	C
SD348723	2017/12/07	CERTIFICATE		CGC HOLDING COMPANY LLC HARLEM ALGONQUIN LLC MEDICK, JAMES T.		C
		REMARKS: PENDING LITIGATION				

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PARCEL REGISTER (ABBREVIATED) FOR PROPERTY IDENTIFIER

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73481-0008 (LT)

* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

PROPERTY DESCRIPTION: PCL 12201 SEC SES; LT 29 BLK B PL M9 DRYDEN; PT PINE ST PL M9 DRYDEN; PT LAKE PL PL M9 DRYDEN (NOW CLOSED) PARTS 3-5, 53R9050 SAVE & EXCEPTING THEREFROM THE CANADIAN PACIFIC RAILWAY COMPANY PROPERTY, & THAT PORTION OF THE WAHNAPIATAE RIVER.; S/T LT567345; GREATER SUDBURY

PROPERTY REMARKS:
ESTATE/QUALIFIER:
FEE SIMPLE
ABSOLUTE

RECENTLY:
FIRST CONVERSION FROM BOOK

CAPACITY SHARE

FIN CREATION DATE:
2003/11/24

OWNERS' NAMES
29 LAREN STREET INC.

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/CHKD
** PRINTOUT INCLUDES ALL DOCUMENT TYPES AND DELETED INSTRUMENTS SINCE 2003/11/21 **						
53R9050	1980/09/18	PLAN REFERENCE			THE REGIONAL MUNICIPALITY OF SUDBURY	C
LT567345	1985/11/15	TRANSFER EASEMENT			ROSS, ERNEST ROSS, ALINE	C
LT576663	1986/05/15	TRANSFER	*** COMPLETELY DELETED ***			
LT576664	1986/05/15	NOTICE AGREEMENT			THE REGIONAL MUNICIPALITY OF SUDBURY	C
LT673795	1980/03/12	NOTICE			THE REGIONAL MUNICIPALITY OF SUDBURY	C
LT685827	1990/08/10	CHARGE	*** COMPLETELY DELETED ***		NATIONAL BANK OF CANADA	
LT690990	1990/10/17	NOTICE	*** COMPLETELY DELETED ***			
LT761799	1983/06/14	NOTICE	*** COMPLETELY DELETED ***		THE REGIONAL MUNICIPALITY OF SUDBURY	C
LT762543	1993/06/23	POSTPONEMENT	*** COMPLETELY DELETED ***			
REMARKS: LT685827, LT761799						
LT798314	1994/12/20	CHARGE	*** COMPLETELY DELETED ***		NATIONAL BANK OF CANADA	
LT927321	2002/03/19	TRANSFER OF CHARGE	*** COMPLETELY DELETED ***		CAISSE POPULAIRE LASALLE SUDBURY LIMITEE	
REMARKS: LT798314						
LT943826	2003/01/07	TRANSFER OF CHARGE	*** COMPLETELY DELETED ***			

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PARCEL REGISTER (ABBREVIATED) FOR PROPERTY IDENTIFIER

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73481-0008 (LT)

* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/CHKD
LT945187	2003/02/06	CHARGE		*** COMPLETELY DELETED ***	CAISSE POPULAIRE LASALLE INC.	
LT976235	2004/07/12	LR'S ORDER		LAND REGISTRAR		
LT976340	2004/07/13	NOTICE AGREEMENT		*** COMPLETELY DELETED *** ROSS, ALINE ROSS, ERNEST	CAISSE POPULAIRE LASALLE INC.	C
SD118070	2008/06/30	TRANSFER	\$925,000	ROSS, ALINE ROSS, ERNEST	29 LAREN STREET INC.	C
SD118077	2008/06/30	CHARGE		*** COMPLETELY DELETED *** 29 LAREN STREET INC.	ARDEX CAPITAL MANAGEMENT INC.	
SD118078	2008/06/30	NO ASSGN RENT GEN		*** COMPLETELY DELETED *** 27 LAREN STREET INC.	ARDEX CAPITAL MANAGEMENT INC.	
SD118080	2008/06/30	CHARGE		*** COMPLETELY DELETED *** 29 LAREN STREET INC.	ROSS, ERNEST ROSS, ALINE	
SD118081	2008/06/30	DISCH OF CHARGE		*** COMPLETELY DELETED *** CAISSE POPULAIRE LASALLE SUDBURY LIMITEE		
SD118997	2008/07/10	DISCH OF CHARGE		*** COMPLETELY DELETED *** CAISSE POPULAIRE LASALLE INC.		
SD118998	2008/07/10	DISCH OF CHARGE		*** COMPLETELY DELETED *** CAISSE POPULAIRE LASALLE INC.		
SD119480	2008/07/15	DISCHARGE INTEREST		*** COMPLETELY DELETED ***	NATIONAL BANK OF CANADA	

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73481-0008 (LT)

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PARCEL REGISTER (ABBREVIATED) FOR PROPERTY IDENTIFIER

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/CHKD
SD153820	2009/08/26	NOTICE		*** COMPLETELY DELETED *** 29 LAREN STREET INC.	ARDEX CAPITAL MANAGEMENT INC.	
SD166826	2010/02/26	CHARGE	\$210,000	29 LAREN STREET INC.	146 WHITTAKER STREET INC.	C
SD181119	2010/08/27	DISCH OF CHARGE		*** COMPLETELY DELETED *** ROSS, ERNEST ROSS, ALINE		
SD183077	2010/09/24	NOTICE		*** COMPLETELY DELETED *** 29 LAREN STREET INC.	ARDEX CAPITAL MANAGEMENT INC.	
SD194734	2011/03/21	APL (GENERAL)		*** COMPLETELY DELETED *** MAESBURY HOMES, INC. LAKE AUSTIN PROPERTIES, I, LTD. AVRES ROCK, LTD.		
SD212809	2011/11/03	NOTICE		*** COMPLETELY DELETED *** 29 LAREN STREET INC.	ARDEX CAPITAL MANAGEMENT INC.	
SD218035	2012/01/19	APL AMEND ORDER		*** COMPLETELY DELETED *** ONTARIO SUPERIOR COURT OF JUSTICE	110-114 PINE STREET INC. 15-16 KEZIAH COURT INC. 720 CAMBRIAN HEIGHTS INC. 29 LAREN STREET INC. 367-369 HOWEY DRIVE INC. HUTCHENS, SANDY HUTCHENS, JUDITH ANNE - ESTATE 17 SERPENTINE STREET INC. 193 MOUNTAIN STREET INC. 625 ASH STREET INC. 364 MORRIS STREET INC. 789 LAWSON STREET INC. 331 REGENT STREET INC.	
SD237907	2012/10/15	CHARGE	\$800,000	29 LAREN STREET INC.	BANK OF MONTREAL	C

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73481-0008 (LT)

* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/ CHKD
SD237908	2012/10/15 REMARKS: SD237907	NO ASSGN RENT GEN		29 LAREN STREET INC.	BANK OF MONTREAL	C
SD237909	2012/10/15 REMARKS: SD237907	POSTPONEMENT		146 WHITTAKER STREET INC.	BANK OF MONTREAL	C
SD238011	2012/10/16 REMARKS: SD118077.	DISCH OF CHARGE		*** COMPLETELY DELETED *** ARDEX CAPITAL MANAGEMENT INC.		
SD312631	2016/03/24 REMARKS: SD237907.	TRANSFER OF CHARGE		BANK OF MONTREAL	HUTCHENS, TANYA	C
SD312632	2016/03/24 REMARKS: SD237907	NO ASSGN RENT GEN		BANK OF MONTREAL	HUTCHENS, TANYA	C
SD344634	2017/10/04	CHARGE	\$2,000,000	29 LAREN STREET INC.	ADROIT ADVOCATES, LLC, A COLORADO LIMITED LIABILITY COMPANY, DBA KLENDA GESSLER & BLJJE LLC	C
SD348723	2017/12/07 REMARKS: PENDING LITIGATION	CERTIFICATE		CDC HOLDING COMPANY LLC HARLEM ALGONQUIN LLC MEDICK, JAMES T.		C

NOTE: ADJOINING PROPERTIES SHOULD BE INVESTIGATED TO ASCERTAIN DESCRIPTIVE INCONSISTENCIES, IF ANY, WITH DESCRIPTION REPRESENTED FOR THIS PROPERTY.
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PARCEL REGISTER (ABBREVIATED) FOR PROPERTY IDENTIFIER

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73481-0446 (LT)

* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

PROPERTY DESCRIPTION: PCL 12386 SEC SES; LT 1-3 BLK B PL M9 DRYDEN; GREATER SUDBURY

PROPERTY REMARKS:
ESTATE/QUALIFIER:
FEE SIMPLE
ABSOLUTE

RECENTLY:
FIRST CONVERSION FROM BOOK

OWNERS' NAMES
29 LAREN STREET INC.

CAPACITY SHARE

PIN CREATION DATE:
2003/11/24

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/CHKD
** PRINTOUT INCLUDES ALL DOCUMENT TYPES AND DELETED INSTRUMENTS SINCE 2003/11/21 **						
LT576663	1986/05/15	TRANSFER		*** COMPLETELY DELETED ***	ROSS, ERNEST ROSS, ALINE	
LT576664	1986/05/15	NOTICE AGREEMENT			THE REGIONAL MUNICIPALITY OF SUDBURY	C
LT673795	1990/03/12	NOTICE			THE REGIONAL MUNICIPALITY OF SUDBURY	C
LT685827	1990/08/10	CHARGE		*** COMPLETELY DELETED ***	NATIONAL BANK OF CANADA	
LT690990	1990/10/17	NOTICE		*** COMPLETELY DELETED ***		
LT761799	1993/06/14	NOTICE		*** COMPLETELY DELETED ***	THE REGIONAL MUNICIPALITY OF SUDBURY	
LT762543	1993/06/23	POSTPONEMENT		*** COMPLETELY DELETED ***		
REMARKS: LT685827, LT761799						
LT798314	1994/12/20	CHARGE		*** COMPLETELY DELETED ***	NATIONAL BANK OF CANADA	
LT927321	2002/03/19	TRANSFER OF CHARGE		*** COMPLETELY DELETED ***	CAISSE POPULAIRE LASALLE SUDBURY LIMITEE	
REMARKS: LT798314						
LT943826	2003/01/07	TRANSFER OF CHARGE		*** COMPLETELY DELETED ***	CAISSE POPULAIRE LASALLE INC.	
REMARKS: LT685827						
LT945187	2003/02/06	CHARGE		*** COMPLETELY DELETED ***		

NOTE: ADJOINING PROPERTIES SHOULD BE INVESTIGATED TO ASCERTAIN DESCRIPTIVE INCONSISTENCIES, IF ANY, WITH DESCRIPTION REPRESENTED FOR THIS PROPERTY.
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PARCEL REGISTER (ABBREVIATED) FOR PROPERTY IDENTIFIER

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73481-0446 (LT)

* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/ CHKD
LT976340	2004/07/13	NOTICE AGREEMENT		*** COMPLETELY DELETED *** ROSS, ALINE ROSS, ERNEST	CAISSE POPULAIRE LASALLE INC.	
	REMARKS: LT605827, LT943826					
SD118070	2008/06/30	TRANSFER	\$925,000	ROSS, ALINE ROSS, ERNEST	29 LAREN STREET INC.	C
	REMARKS: PLANNING ACT STATEMENTS					
SD118077	2008/06/30	CHARGE		*** COMPLETELY DELETED *** 29 LAREN STREET INC.	ARDEX CAPITAL MANAGEMENT INC.	
SD118078	2008/06/30	NO ASSIGN RENT GEN		*** COMPLETELY DELETED *** 27 LAREN STREET INC.	ARDEX CAPITAL MANAGEMENT INC.	
	REMARKS: RE: SD118077					
SD118080	2008/06/30	CHARGE		*** COMPLETELY DELETED *** 29 LAREN STREET INC.	ROSS, ERNEST ROSS, ALINE	
SD118081	2008/06/30	DISCH OF CHARGE		*** COMPLETELY DELETED *** CAISSE POPULAIRE LASALLE SUDBURY LIMITEE		
	REMARKS: RE: LT798314					
SD118997	2008/07/10	DISCH OF CHARGE		*** COMPLETELY DELETED *** CAISSE POPULAIRE LASALLE INC.		
	REMARKS: RE: LT685027					
SD118998	2008/07/10	DISCH OF CHARGE		*** COMPLETELY DELETED *** CAISSE POPULAIRE LASALLE INC.		
	REMARKS: RE: LT845187					
SD119480	2008/07/15	DISCHARGE INTEREST		*** COMPLETELY DELETED ***	NATIONAL BANK OF CANADA	
	REMARKS: RE: LT690990					
SD153820	2009/08/26	NOTICE		*** COMPLETELY DELETED *** 29 LAREN STREET INC.	ARDEX CAPITAL MANAGEMENT INC.	
	REMARKS: SD118077					
SD166826	2010/02/26	CHARGE	\$210,000	29 LAREN STREET INC.	146 WHITTAKER STREET INC.	C

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PARCEL REGISTER (ABBREVIATED) FOR PROPERTY IDENTIFIER

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73481-0446 (LT)

* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/CHKD
SD181119	2010/08/27	DISCH OF CHARGE		*** COMPLETELY DELETED *** ROSS, ERNEST ROSS, ALINE		
	REMARKS: SD118080.					
SD183077	2010/09/24	NOTICE		*** COMPLETELY DELETED *** 29 LAREN STREET INC.	ARDEX CAPITAL MANAGEMENT INC.	
	REMARKS: RE:SD118077					
SD194734	2011/03/21	APL (GENERAL)		*** COMPLETELY DELETED *** MAESEURY HOMES, INC. LAKE AUSTIN PROPERTIES, I, LTD. AYRES ROCK, LTD.		
	REMARKS: CERTIFICATE OF PENDING LITIGATION					
SD212809	2011/11/03	NOTICE		*** COMPLETELY DELETED *** 29 LAREN STREET INC.	ARDEX CAPITAL MANAGEMENT INC.	
	REMARKS: SD118077					
SD218035	2012/01/19	APL AMEND ORDER		*** COMPLETELY DELETED *** ONTARIO SUPERIOR COURT OF JUSTICE	110-114 PINE STREET INC. 15-16 KEZIAH COURT INC. 720 CAMBRIAN HEIGHTS INC. 29 LAREN STREET INC. 367-369 HOWEY DRIVE INC. HUTCHENS, SANDY HUTCHENS, JUDITH ANNE - ESTATE 17 SERPENTINE STREET INC. 193 MOUNTAIN STREET INC. 625 ASH STREET INC. 364 MORRIS STREET INC. 789 LAWSON STREET INC. 331 REGENT STREET INC.	
SD237907	2012/10/15	CHARGE	\$800,000	29 LAREN STREET INC.	BANK OF MONTREAL	C
SD237908	2012/10/15	NO ASSGN RENT GEN		29 LAREN STREET INC.	BANK OF MONTREAL	C
	REMARKS: SD237907					
SD237909	2012/10/15	POSTPONEMENT		146 WHITTAKER STREET INC.	BANK OF MONTREAL	C
	REMARKS: SD237907					

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PARCEL REGISTER (ABBREVIATED) FOR PROPERTY IDENTIFIER

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73481-0446 (LIT)

* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/ CHKD
SD238011	2012/10/16	DISCH OF CHARGE		*** COMPLETELY DELETED *** ARDEX CAPITAL MANAGEMENT INC.		
	REMARKS: SD118077.					
SD312631	2016/03/24	TRANSFER OF CHARGE		BANK OF MONTREAL	HUTCHENS, TANYA	C
	REMARKS: SD237907.					
SD312632	2016/03/24	NO ASSGN RENT GEN		BANK OF MONTREAL	HUTCHENS, TANYA	C
	REMARKS: SD237907					
SD344634	2017/10/04	CHARGE	\$2,000,000	29 LAREN STREET INC.	ADROIT ADVOCATES, LLC, A COLORADO LIMITED LIABILITY COMPANY, DBA KLEENDA GESSLER & BLUE LLC	C
SD348723	2017/12/07	CERTIFICATE		CGC HOLDING COMPANY LLC HARLEM ALGONQUIN LLC MEDICK, JAMES T.		C
	REMARKS: PENDING LITIGATION					

NOTE: ADJOINING PROPERTIES SHOULD BE INVESTIGATED TO ASCERTAIN DESCRIPTIVE INCONSISTENCIES, IF ANY, WITH DESCRIPTION REPRESENTED FOR THIS PROPERTY.
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73481-0493 (LT)

* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

PROPERTY DESCRIPTION: PCL 3816 SEC SES; LT 5-6 BLK B PL M9 DRYDEN; S/T LT567345; GREATER SUDBURY

PROPERTY REMARKS:
ESTATE/QUALIFIER:
FEE SIMPLE
ABSOLUTE

RECENTLY:
FIRST CONVERSION FROM BOOK

CAPACITY SHARE

OWNERS' NAMES
29 LAREN STREET INC.

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/CHKD
** PRINTOUT		INCLUDES ALL DOCUMENT TYPES AND DELETED INSTRUMENTS SINCE 2003/11/21 **				
53R9050	1980/09/18	PLAN REFERENCE			THE REGIONAL MUNICIPALITY OF SUDBURY	C
LT567345	1985/11/15	TRANSFER EASEMENT			THE REGIONAL MUNICIPALITY OF SUDBURY	C
LT576663	1986/05/15	TRANSFER	*** COMPLETELY DELETED ***		ROSS, ERNEST ROSS, ALINE	
LT576664	1986/05/15	NOTICE AGREEMENT			THE REGIONAL MUNICIPALITY OF SUDBURY	C
LT673795	1990/03/12	NOTICE			THE REGIONAL MUNICIPALITY OF SUDBURY	C
LT685827	1990/08/10	CHARGE	*** COMPLETELY DELETED ***		NATIONAL BANK OF CANADA	
LT690990	1990/10/17	NOTICE	*** COMPLETELY DELETED ***			
LT761799	1993/06/14	NOTICE			THE REGIONAL MUNICIPALITY OF SUDBURY	C
LT762543	1993/06/23	POSTPONEMENT	*** COMPLETELY DELETED ***			
REMARKS: LT685827, LT761799						
LT798314	1994/12/20	CHARGE	*** COMPLETELY DELETED ***		NATIONAL BANK OF CANADA	
LT927321	2002/03/19	TRANSFER OF CHARGE	*** COMPLETELY DELETED ***		CAISSE POPULAIRE LASALLE SUDBURY LIMITEE	
REMARKS: LT798314						
LT943826	2003/01/07	TRANSFER OF CHARGE	*** COMPLETELY DELETED ***			

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73481-0493 (LT)

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PARCEL REGISTER (ABBREVIATED) FOR PROPERTY IDENTIFIER

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/CHKD
LT945187	2003/02/06	CHARGE		*** COMPLETELY DELETED ***	CAISSE POPULAIRE LASALLE INC.	
LT976340	2004/07/13	NOTICE AGREEMENT		*** COMPLETELY DELETED *** ROSS, ALINE ROSS, ERNEST	CAISSE POPULAIRE LASALLE INC.	
SD118070	2008/06/30	TRANSFER	\$925,000	ROSS, ALINE ROSS, ERNEST	29 LAREN STREET INC.	C
SD118077	2008/06/30	CHARGE		*** COMPLETELY DELETED *** 29 LAREN STREET INC.	ARDEX CAPITAL MANAGEMENT INC.	
SD118078	2008/06/30	NO ASSGN RENT GEN		*** COMPLETELY DELETED *** 27 LAREN STREET INC.	ARDEX CAPITAL MANAGEMENT INC.	
SD118080	2008/06/30	CHARGE		*** COMPLETELY DELETED *** 29 LAREN STREET INC.	ROSS, ERNEST ROSS, ALINE	
SD118081	2008/06/30	DISCH OF CHARGE		*** COMPLETELY DELETED *** CAISSE POPULAIRE LASALLE SUDBURY LIMITEE		
SD118997	2008/07/10	DISCH OF CHARGE		*** COMPLETELY DELETED *** CAISSE POPULAIRE LASALLE INC.		
SD118998	2008/07/10	DISCH OF CHARGE		*** COMPLETELY DELETED *** CAISSE POPULAIRE LASALLE INC.		
SD119480	2008/07/15	DISCHARGE INTEREST		*** COMPLETELY DELETED ***	NATIONAL BANK OF CANADA	
SD153820	2009/08/26	NOTICE		*** COMPLETELY DELETED ***		

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73481-0493 (LT)

* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/CHKD
				29 LAREN STREET INC.	ARDEX CAPITAL MANAGEMENT INC.	
REMARKS: SD118077						
SD166826	2010/02/26	CHARGE	\$210,000	29 LAREN STREET INC.	146 WHITTAKER STREET INC.	C
SD181119	2010/08/27	DISCH OF CHARGE		*** COMPLETELY DELETED *** ROSS, ERNEST ROSS, ALINE		
REMARKS: SD118080.						
SD183077	2010/09/24	NOTICE		*** COMPLETELY DELETED *** 29 LAREN STREET INC.	ARDEX CAPITAL MANAGEMENT INC.	
REMARKS: RE:SD118077						
SD194734	2011/03/21	APL (GENERAL)		*** COMPLETELY DELETED *** MAESBURY HOMES, INC. LAKE AUSTIN PROPERTIES, I, LTD. AVRES ROCK, LTD.		
REMARKS: CERTIFICATE OF PENDING LITIGATION						
SD212809	2011/11/03	NOTICE		*** COMPLETELY DELETED *** 29 LAREN STREET INC.	ARDEX CAPITAL MANAGEMENT INC.	
REMARKS: SD118077						
SD218035	2012/01/19	APL AMEND ORDER		*** COMPLETELY DELETED *** ONTARIO SUPERIOR COURT OF JUSTICE	110-114 PINE STREET INC. 15-16 KEZIAH COURT INC. 720 CAMBRIAN HEIGHTS INC. 29 LAREN STREET INC. 367-369 HOWEY DRIVE INC. HUTCHENS, SANDY HUTCHENS, JUDITH ANNE - ESTATE 17 SERPENTINE STREET INC. 193 MOUNTAIN STREET INC. 625 ASH STREET INC. 364 MORRIS STREET INC. 789 LAHSON STREET INC. 331 REGENT STREET INC.	
SD237907	2012/10/15	CHARGE	\$800,000	29 LAREN STREET INC.	BANK OF MONTREAL	C
SD237908	2012/10/15	NO ASSEN RENT GEN		29 LAREN STREET INC.	BANK OF MONTREAL	C
REMARKS: SD237907						

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PARCEL REGISTER (ABBREVIATED) FOR PROPERTY IDENTIFIER

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73481-0493 (LT)

* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/CHKD
SD237909	2012/10/15 REMARKS: SD237907	POSTPONEMENT		146 WHITTAKER STREET INC.	BANK OF MONTREAL	C
SD238011	2012/10/16 REMARKS: SD118077.	DISCH OF CHARGE		*** COMPLETELY DELETED *** ARDEX CAPITAL MANAGEMENT INC.		
SD312631	2016/03/24 REMARKS: SD237907.	TRANSFER OF CHARGE		BANK OF MONTREAL	HUTCHENS, TANYA	C
SD312632	2016/03/24 REMARKS: SD237907	NO ASSGN RENT GEN		BANK OF MONTREAL	HUTCHENS, TANYA	C
SD344634	2017/10/04	CHARGE	\$2,000,000	29 LAREN STREET INC.	ADROIT ADVOCATES, LLC, A COLORADO LIMITED LIABILITY COMPANY, DBA KLENDIA GESSLER & BLUE LLC	C
SD348723	2017/12/07 REMARKS: PENDING LITIGATION	CERTIFICATE		CGC HOLDING COMPANY LLC HARLEM ALGONQUIN LLC MEDICK, JAMES T.		C

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73481-0512 (LT)

* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

PROPERTY DESCRIPTION: PCL 198 SEC SES; LT 4 BLK B PL M9 DRYDEN; GREATER SUDBURY

PROPERTY REMARKS: CROWN GRANT SEE NP291.

ESTATE/QUALIFIER:
FEE SIMPLE
ABSOLUTE

RECENTLY:
FIRST CONVERSION FROM BOOK

FIN CREATION DATE:
2003/11/24

OWNERS' NAMES
29 LAREN STREET INC.

CAPACITY SHARE

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/CHKD
** PRINTOUT	INCLUDES ALL	DOCUMENT TYPES AND	DELETED INSTRUMENTS SINCE 2003/11/21 **			
LT576663	1986/05/15	TRANSFER	*** COMPLETELY DELETED ***	ROSS, ERNEST ROSS, ALINE		
LT576664	1986/05/15	NOTICE AGREEMENT		THE REGIONAL MUNICIPALITY OF SUDBURY		C
LT673795	1990/03/12	NOTICE		THE REGIONAL MUNICIPALITY OF SUDBURY		C
LT685827	1990/08/10	CHARGE	*** COMPLETELY DELETED ***	NATIONAL BANK OF CANADA		
LT690990	1990/10/17	NOTICE	*** COMPLETELY DELETED ***			
LT761799	1993/06/14	NOTICE		THE REGIONAL MUNICIPALITY OF SUDBURY		C
LT762543	1993/06/23	POSTPONEMENT	*** COMPLETELY DELETED ***			
REMARKS: LT685827, LT761799						
LT798314	1994/12/20	CHARGE	*** COMPLETELY DELETED ***	NATIONAL BANK OF CANADA		
LT927321	2002/03/19	TRANSFER OF CHARGE	*** COMPLETELY DELETED ***	CAISSE POPULAIRE LASALLE SUDBURY LIMITEE		
REMARKS: LT798314						
LT943826	2003/01/07	TRANSFER OF CHARGE	*** COMPLETELY DELETED ***	CAISSE POPULAIRE LASALLE INC.		
REMARKS: LT685827						
LT945187	2003/02/06	CHARGE	*** COMPLETELY DELETED ***			

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73481-0512 (LT)

* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/CHKD
LT976340	2004/07/13	NOTICE AGREEMENT		*** COMPLETELY DELETED *** ROSS, ALINE ROSS, ERNEST	CAISSE POPULAIRE LASALLE INC.	
	REMARKS: LT685827, LT943826					
SD118070	2008/06/30	TRANSFER	\$925,000	ROSS, ALINE ROSS, ERNEST	29 LAREN STREET INC.	C
	REMARKS: PLANNING ACT STATEMENTS					
SD118077	2008/06/30	CHARGE		*** COMPLETELY DELETED *** 29 LAREN STREET INC.	ARDEX CAPITAL MANAGEMENT INC.	
SD118078	2008/06/30	NO ASSIGN RENT GEN		*** COMPLETELY DELETED *** 27 LAREN STREET INC.	ARDEX CAPITAL MANAGEMENT INC.	
	REMARKS: RE: SD118077					
SD118080	2008/06/30	CHARGE		*** COMPLETELY DELETED *** 29 LAREN STREET INC.	ROSS, ERNEST ROSS, ALINE	
SD118081	2008/06/30	DISCH OF CHARGE		*** COMPLETELY DELETED *** CAISSE POPULAIRE LASALLE SUDBURY LIMITEE		
	REMARKS: RE: LT790314					
SD118997	2008/07/10	DISCH OF CHARGE		*** COMPLETELY DELETED *** CAISSE POPULAIRE LASALLE INC.		
	REMARKS: RE: LT685027					
SD118998	2008/07/10	DISCH OF CHARGE		*** COMPLETELY DELETED *** CAISSE POPULAIRE LASALLE INC.		
	REMARKS: RE: LT945187					
SD119480	2008/07/15	DISCHARGE INTEREST		*** COMPLETELY DELETED ***	NATIONAL BANK OF CANADA	
	REMARKS: RE: LT690990					
SD153820	2009/08/26	NOTICE		*** COMPLETELY DELETED *** 29 LAREN STREET INC.	ARDEX CAPITAL MANAGEMENT INC.	
	REMARKS: SD118077					
SD166826	2010/02/26	CHARGE	\$210,000	29 LAREN STREET INC.	146 WHITTAKER STREET INC.	C

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73481-0512 (LIT)

* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/CHKD
SD181119	2010/08/27	DISCH OF CHARGE		*** COMPLETELY DELETED *** ROSS, ERNEST ROSS, ALINE		
		REMARKS: SD118080.				
SD183077	2010/09/24	NOTICE		*** COMPLETELY DELETED *** 29 LAREN STREET INC.	ARDEX CAPITAL MANAGEMENT INC.	
		REMARKS: RE:SD118077				
SD194734	2011/03/21	APL (GENERAL)		*** COMPLETELY DELETED *** MAESBURY HOMES, INC. LAKE AUSTIN PROPERTIES, I, LTD. AYRES ROCK, LTD.		
		REMARKS: CERTIFICATE OF PENDING LITIGATION				
SD212809	2011/11/03	NOTICE		*** COMPLETELY DELETED *** 29 LAREN STREET INC.	ARDEX CAPITAL MANAGEMENT INC.	
		REMARKS: SD118077				
SD218035	2012/01/19	APL AMEND ORDER		*** COMPLETELY DELETED *** ONTARIO SUPERIOR COURT OF JUSTICE	110-114 PINE STREET INC. 15-16 KEZIAH COURT INC. 720 CAMBJIAN HEIGHTS INC. 29 LAREN STREET INC. 367-369 HOWEY DRIVE INC. HUTCHEM, SANDY HUTCHEM, JUDITH ANNE - ESTATE 17 SERPENTINE STREET INC. 193 MOUNTAIN STREET INC. 625 ASH STREET INC. 364 MORRIS STREET INC. 789 LAMSON STREET INC. 331 REGENT STREET INC.	
SD237907	2012/10/15	CHARGE	\$800,000	29 LAREN STREET INC.	BANK OF MONTREAL	C
SD237908	2012/10/15	NO ASSGN RENT GEN		29 LAREN STREET INC.	BANK OF MONTREAL	C
		REMARKS: SD237907				
SD237909	2012/10/15	POSTPONEMENT		146 WHITTAKER STREET INC.	BANK OF MONTREAL	C
		REMARKS: SD237907				

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73481-0512 (LT)

* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/CHKD
SD238011	2012/10/16	DISCH OF CHARGE		*** COMPLETELY DELETED *** ARDEX CAPITAL MANAGEMENT INC.		
	REMARKS: SD118077.					
SD312631	2016/03/24	TRANSFER OF CHARGE		BANK OF MONTREAL	HUTCHENS, TANYA	C
	REMARKS: SD237907.					
SD312632	2016/03/24	NO ASSGN RENT GEN		BANK OF MONTREAL	HUTCHENS, TANYA	C
	REMARKS: SD237907					
SD344634	2017/10/04	CHARGE	\$2,000,000	29 LAREN STREET INC.	ADROIT ADVOCATES, LLC, A COLORADO LIMITED LIABILITY COMPANY, DBA KLEENDA GESSLER & BLUE LLC	C
SD348723	2017/12/07	CERTIFICATE		CGC HOLDING COMPANY LLC HARLEM ALGONQUIN LLC MEDICK, JAMES T.		C
	REMARKS: PENDING LITIGATION					

NOTE: ADJOINING PROPERTIES SHOULD BE INVESTIGATED TO ASCERTAIN DESCRIPTIVE INCONSISTENCIES, IF ANY, WITH DESCRIPTION REPRESENTED FOR THIS PROPERTY.
NOTE: ENSURE THAT YOUR PRINTOUT STATES THE TOTAL NUMBER OF PAGES AND THAT YOU HAVE PICKED THEM ALL UP.



PARCEL REGISTER (ABBREVIATED) FOR PROPERTY IDENTIFIER

LAND
REGISTRY
OFFICE #53

73593-0400 (LF)

PAGE 1 OF 4
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ON 2018/11/16 AT 16:24:04

* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

PROPERTY DESCRIPTION: LT 1-2 BLK A PL 55A MCKIM S/T & T/W S112782; S/T INTEREST IN S112702; GREATER SUBURBY

PROPERTY REMARKS:
ESTATE/QUALIFIER:
FEE SIMPLE
LT CONVERSION QUALIFIED

RECENTLY:
FIRST CONVERSION FROM BOOK

OWNERS' NAMES
367-369 HOWEY DRIVE INC.

CAPACITY SHARE
ROWN

FIN CREATION DATE:
2004/05/25

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/CHKD
** PRINTOUT						
**SUBJECT,		INCLUDES ALL DOCUMENT TYPES AND DELETED INSTRUMENTS SINCE 2004/05/21 **				
**		ON FIRST REGISTRATION UNDER THE LAND TITLES ACT, TO:				
**		SUBSECTION 44(1) OF THE LAND TITLES ACT, EXCEPT PARAGRAPH 11, PARAGRAPH 14, PROVINCIAL SUCCESSION DUTIES *				
**		AND ESCHEATS OR FORFEITURE TO THE CROWN.				
**		THE RIGHTS OF ANY PERSON WHO WOULD, BUT FOR THE LAND TITLES ACT, BE ENTITLED TO THE LAND OR ANY PART OF				
**		IT THROUGH LENGTH OF ADVERSE POSSESSION, PRESCRIPTION, MISDESCRIPTION OR BOUNDARIES SETTLED BY				
**		CONVENTION.				
**		ANY LEASE TO WHICH THE SUBSECTION 70(2) OF THE REGISTRY ACT APPLIES.				
**DATE OF CONVERSION TO LAND TITLES: 2004/05/25 **						
S102589	1991/06/25	CHARGE		*** COMPLETELY DELETED ***	ONTARIO MORTGAGE CORPORATION	
S117095	2001/12/21	CHARGE		*** COMPLETELY DELETED ***	CAISSE POPULAIRE VERMILLON INC.	
S118931	2003/06/13	TRANSFER		*** COMPLETELY DELETED ***	FLOWERS, DAVE	
S118932	2003/06/13	CHARGE		*** COMPLETELY DELETED ***	CAISSE POPULAIRE VERMILLON INC.	
S118933	2003/06/13	ASSIGNMENT GENERAL		*** COMPLETELY DELETED ***		
REMARKS: RENTS, S118932						
SD18557	2005/05/17	DISCH OF CHARGE		*** COMPLETELY DELETED *** CAISSE POPULAIRE VERMILLON INC.		
REMARKS: RE: S117095						

NOTE: ADJOINING PROPERTIES SHOULD BE INVESTIGATED TO ASCERTAIN DESCRIPTIVE INCONSISTENCIES, IF ANY, WITH DESCRIPTION REPRESENTED FOR THIS PROPERTY.
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73583-0400 (LT)

PARCEL REGISTER (ABBREVIATED) FOR PROPERTY IDENTIFIER
* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/CHKD
SD20829	2005/06/16	TRANSFER		*** COMPLETELY DELETED *** FLOWERS, DAVE	TRIATTICUS CORP. MARINCAVEN REALTY CORP. TCAP REAL ESTATE INC.	
		REMARKS: PLANNING ACT STATEMENTS				
SD20830	2005/06/16	CHARGE		*** COMPLETELY DELETED *** TCAP REAL ESTATE INC. MARINCAVEN REALTY CORP. TRIATTICUS CORP.	THE TORONTO-DOMINION BANK	
SD20832	2005/06/16	NO ASSGN RENT GEN		*** COMPLETELY DELETED *** TCAP REAL ESTATE INC. TRIATTICUS CORP. MARINCAVEN REALTY CORP.	THE TORONTO-DOMINION BANK	
		REMARKS: SD20830.				
SD22848	2005/07/07	DISCH OF CHARGE		*** COMPLETELY DELETED *** CAISSE POPULAIRE VERMILLON INC.		
		REMARKS: RE: S1H8932				
SD38072	2005/12/23	POSTPONEMENT		*** COMPLETELY DELETED *** ONTARIO MORTGAGE CORPORATION	THE TORONTO-DOMINION BANK	
		REMARKS: S102569 TO SD20830				
SD74378	2007/03/20	DISCH OF CHARGE		*** COMPLETELY DELETED *** ONTARIO MORTGAGE CORPORATION		
		REMARKS: RE: S102569				
SD109066	2008/04/01	TRANSFER	\$720,000	MARINCAVEN REALTY CORP. TCAP REAL ESTATE INC. TRIATTICUS CORP.	367-369 HOWEY DRIVE INC.	C
		REMARKS: PLANNING ACT STATEMENTS				
SD109081	2008/04/01	CHARGE		*** COMPLETELY DELETED *** 367-369 HOWEY DRIVE INC.	THE TORONTO-DOMINION BANK	
SD109082	2008/04/01	NO ASSGN RENT GEN		*** COMPLETELY DELETED *** 367-369 HOWEY DRIVE INC.	THE TORONTO-DOMINION BANK	
		REMARKS: SD109081.				
SD109630	2008/04/07	NOTICE		*** COMPLETELY DELETED ***		

NOTE: ADJOINING PROPERTIES SHOULD BE INVESTIGATED TO ASCERTAIN DESCRIPTIVE INCONSISTENCIES, IF ANY, WITH DESCRIPTION REPRESENTED FOR THIS PROPERTY.
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LAND
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OFFICE #53

PARCEL REGISTER (ABBREVIATED) FOR PROPERTY IDENTIFIER

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73583-0400 (LT)

* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/CHKD
				367-369 HOWEY DRIVE INC.	THE TORONTO-DOMINION BANK	
REMARKS: SD20830						
SD118079	2008/06/30	CHARGE		*** COMPLETELY DELETED *** 367-369 HOWEY DRIVE INC.	THE CANADA TRUST COMPANY	
SD144776	2009/05/05	NOTICE		*** COMPLETELY DELETED *** 367-369 HOWEY DR. INC.	THE CANADA TRUST COMPANY	
REMARKS: SD118079						
SD164489	2010/01/19	DISCH OF CHARGE		*** COMPLETELY DELETED *** THE CANADA TRUST COMPANY		
REMARKS: SD118079.						
SD194734	2011/03/21	APL (GENERAL)		*** COMPLETELY DELETED *** MAESBURY HOMES, INC. LAKE AUSTIN PROPERTIES, I, LTD. AVRES ROCK, LTD.		
REMARKS: CERTIFICATE OF PENDING LITIGATION						
SD218035	2012/01/19	APL AMEND ORDER		*** COMPLETELY DELETED *** ONTARIO SUPERIOR COURT OF JUSTICE	110-114 PINE STREET INC. 15-16 KEZIAH COURT INC. 720 CAMBRIAN HEIGHTS INC. 29 LAREN STREET INC. 367-369 HOWEY DRIVE INC. HUTCHENS, SANDY HUTCHENS, JUDITH ANNE - ESTATE 17 SERPENTINE STREET INC. 193 MOUNTAIN STREET INC. 625 ASH STREET INC. 364 MORRIS STREET INC. 789 LAWSON STREET INC. 331 REGENT STREET INC.	
SD251729	2013/06/03	CHARGE	\$915,000	367-369 HOWEY DRIVE INC.	BANK OF MONTREAL	C
SD251730	2013/06/03	NO ASSGN RENT GEN		367-369 HOWEY DRIVE INC.	BANK OF MONTREAL	C
REMARKS: SD251729.						
SD254815	2013/07/16	DISCH OF CHARGE		*** COMPLETELY DELETED *** THE TORONTO-DOMINION BANK		
REMARKS: SD109081.						

NOTE: ADJOINING PROPERTIES SHOULD BE INVESTIGATED TO ASCERTAIN DESCRIPTIVE INCONSISTENCIES, IF ANY, WITH DESCRIPTION REPRESENTED FOR THIS PROPERTY.
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73583-0400 (LIT)

PARCEL REGISTER (ABBREVIATED) FOR PROPERTY IDENTIFIER

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/CHKD
SD254816	2013/07/16 REMARKS: SD20830.	DISCH OF CHARGE		*** COMPLETELY DELETED *** THE TORONTO-DOMINION BANK		
SD334789	2017/04/27 REMARKS: TAX ARREARS CERTIFICATE	APL (GENERAL)		*** COMPLETELY DELETED *** CITY OF GREATER SUDBURY	HUTCHENS, TANYA	C
SD343552	2017/09/20 REMARKS: SD251729.	TRANSFER OF CHARGE		BANK OF MONTREAL	HUTCHENS, TANYA	C
SD343553	2017/09/20 REMARKS: SD251729	NO ASSGN RENT GEN		BANK OF MONTREAL	HUTCHENS, TANYA	C
SD346017	2017/10/26 REMARKS: TAX ARREARS CANCELLATION CERTIFICATE RE: SD334789	APL (GENERAL)		*** COMPLETELY DELETED *** CITY OF GREATER SUDBURY		
SD348723	2017/12/07 REMARKS: PENDING LITIGATION	CERTIFICATE		CCG HOLDING COMPANY LLC HARLEM ALGONQUIN LLC MEDICK, JAMES T.		C

NOTE: ADJOINING PROPERTIES SHOULD BE INVESTIGATED TO ASCERTAIN DESCRIPTIVE INCONSISTENCIES, IF ANY, WITH DESCRIPTION REPRESENTED FOR THIS PROPERTY.
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LAND REGISTRY OFFICE #53

73586-0443 (LIT)

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PARCEL REGISTER (ABBREVIATED) FOR PROPERTY IDENTIFIER

* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

PROPERTY DESCRIPTION: LT 110 PL 85A MCKIM; GREATER SUBURBY

RECENTLY:
FIRST CONVERSION FROM BOOK
CAPACITY SHARE
JTEN
JTEN

FIN CREATION DATE:
2004/04/26

PROPERTY REMARKS:
ESTATE/QUALIFIER:
FEE SIMPLE
LT CONVERSION QUALIFIED

OWNERS' NAMES
NGO, QUYEN
VO, HANG

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/CHKD
** PRINTOUT	INCLUDES ALL DOCUMENT TYPES AND DELETED INSTRUMENTS SINCE 2004/04/23 **					
**SUBJECT,	ON FIRST REGISTRATION UNDER THE LAND TITLES ACT, TO:					
**	SUBSECTION 44(1) OF THE LAND TITLES ACT, EXCEPT PARAGRAPH 11, PARAGRAPH 14, PROVINCIAL SUCCESSION DUTIES * AND ESCHEATS OR FORFEITURE TO THE CROWN.					
**	THE RIGHTS OF ANY PERSON WHO WOULD, BUT FOR THE LAND TITLES ACT, BE ENTITLED TO THE LAND OR ANY PART OF IT THROUGH LENGTH OF ADVERSE POSSESSION, PRESCRIPTION, MISDESCRIPTION OR BOUNDARIES SETTLED BY CONVENTION.					
**	ANY LEASE TO WHICH THE SUBSECTION 70(2) OF THE REGISTRY ACT APPLIES.					
**DATE OF CONVERSION TO LAND TITLES: 2004/04/26 **						
S86180	1988/11/25	TRANSFER	*** COMPLETELY DELETED ***	510207 ONTARIO LIMITED	510207 ONTARIO LIMITED	
SD84167	2007/07/09	TRANSFER	*** COMPLETELY DELETED *** 510207 ONTARIO LIMITED	146 WHITTAKER STREET INC.	146 WHITTAKER STREET INC.	
REMARKS: PLANNING ACT STATEMENTS						
SD84168	2007/07/09	CHARGE	*** COMPLETELY DELETED *** 146 WHITTAKER STREET INC.	LAPPELL MANAGEMENT SERVICES INC.	LAPPELL MANAGEMENT SERVICES INC.	
SD84169	2007/07/09	NO ASSGN RENT GEN	*** COMPLETELY DELETED *** 146 WHITTAKER STREET INC.	LAPPELL MANAGEMENT SERVICES INC.	LAPPELL MANAGEMENT SERVICES INC.	
REMARKS: RE:SD84168						
SD84173	2007/07/09	CHARGE	*** COMPLETELY DELETED *** 146 WHITTAKER STREET INC.	510207 ONTARIO LIMITED	510207 ONTARIO LIMITED	
SD84174	2007/07/09	CHARGE	*** COMPLETELY DELETED ***			

NOTE: ADJOINING PROPERTIES SHOULD BE INVESTIGATED TO ASCERTAIN DESCRIPTIVE INCONSISTENCIES, IF ANY, WITH DESCRIPTION REPRESENTED FOR THIS PROPERTY.
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PARCEL REGISTER (ABBREVIATED) FOR PROPERTY IDENTIFIER

PAGE 2 OF 3

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73586-0443 (LT)

* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/ CHKD
SD103880	2008/01/24	CHARGE		146 WHITTAKER STREET INC. *** COMPLETELY DELETED *** 146 WHITTAKER STREET INC.	THE CANADA TRUST COMPANY	
SD103945	2008/01/24	DISCH OF CHARGE		*** COMPLETELY DELETED *** LAPELL MANAGEMENTSERVICES INC.	CIBC MORTGAGES INC	
		REMARKS: RE: SD104168				
SD103947	2008/01/24	DISCH OF CHARGE		*** COMPLETELY DELETED *** 510207 ONTARIO LIMITED		
		REMARKS: RE: SD104173				
SD109408	2008/04/04	CHARGE		*** COMPLETELY DELETED *** 146 WHITTAKER STREET INC.	FLOWERS DAVID	
SD109728	2008/04/08	DISCH OF CHARGE		*** COMPLETELY DELETED *** THE CANADA TRUST COMPANY		
		REMARKS: RE: SD1094174				
SD114652	2008/05/30	DISCH OF CHARGE		*** COMPLETELY DELETED *** FLOWERS DAVID		
		REMARKS: RE: SD109408				
SD114654	2008/05/30	TRANSFER		*** COMPLETELY DELETED *** 146 WHITTAKER STREET INC.	DAVIS, HENRY	
		REMARKS: PLANNING ACT STATEMENTS				
SD114655	2008/05/30	CHARGE		*** COMPLETELY DELETED *** DAVIS, HENRY	BANK OF MONTREAL	
SD114662	2008/05/30	NO ASSGN RENT GEN		*** COMPLETELY DELETED *** DAVIS, HENRY	BANK OF MONTREAL	
		REMARKS: SD114655				
SD116911	2008/06/20	DISCH OF CHARGE		*** COMPLETELY DELETED *** CIBC MORTGAGES INC		
		REMARKS: RE: SD103880				
SD173639	2010/06/01	TRANSFER	\$340,000	DAVIS, HENRY	NGO, QUYEN VO, HANG	C
SD173640	2010/06/01	CHARGE	\$255,000	NGO, QUYEN	CAISSE POPULAIRE VAL CARON LIMITEE	C

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73586-0443 (LT)

* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/ CHKD
SD175600	2010/06/24	DISCH OF CHARGE		VO, HANG *** COMPLETELY DELETED *** BANK OF MONTREAL		
REMARKS: SD114655.						

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LAND REGISTRY OFFICE #53

73586-0638 (LT)

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PARCEL REGISTER (ABBREVIATED) FOR PROPERTY IDENTIFIER

* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

PROPERTY DESCRIPTION: LT 297 PL 45C MCKIM, GREATER SUBURBY

PROPERTY REMARKS:
RECENTLY,
FIRST CONVERSION FROM BOOK
2004/04/26

ESTATE/QUALIFIER:
FEE SIMPLE
LT CONVERSION QUALIFIED

OWNERS' NAMES
331 REGENT STREET INC.

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/CHKD
** PRINTOUT INCLUDES ALL DOCUMENT TYPES AND DELETED INSTRUMENTS SINCE 2004/04/23 **						
**SUBJECT,	ON FIRST REGISTRATION UNDER THE LAND TITLES ACT, TO:					
**	SUBSECTION 44(1) OF THE LAND TITLES ACT, EXCEPT PARAGRAPH 11, PARAGRAPH 14, PROVINCIAL SUCCESSION DUTIES *					
**	AND ESCHEATS OR FORFEITURE TO THE CROWN.					
**	THE RIGHTS OF ANY PERSON WHO WOULD, BUT FOR THE LAND TITLES ACT, BE ENTITLED TO THE LAND OR ANY PART OF IT THROUGH LENGTH OF ADVERSE POSSESSION, PRESCRIPTION, MISDESCRIPTION OR BOUNDARIES SETTLED BY CONVENTION.					
**	ANY LEASE TO WHICH THE SUBSECTION 70(2) OF THE REGISTRY ACT APPLIES.					
**DATE OF CONVERSION TO LAND TITLES: 2004/04/26 **						
S55671	1966/09/30	AGREEMENT				C
REMARKS: RE: EASEMENT						
S103952	1992/01/06	TRANSFER			HACHE, RONALD HACHE, ANGIE	
*** COMPLETELY DELETED ***						
S103953	1992/01/06	CHARGE			THE TORONTO-DOMINION BANK	
*** COMPLETELY DELETED ***						
S103954	1992/01/06	ASSIGNMENT GENERAL				
REMARKS: RENTS, \$94945						
SD71839	2007/02/09	TRANSFER	\$245,000		331 REGENT STREET INC.	C
REMARKS: PLANNING ACT STATEMENTS						
SD71840	2007/02/09	CHARGE	\$99,000	331 REGENT STREET INC.	HOSKINS, KATHY	C

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* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/CHKD
SD71841	2007/02/09	CHARGE	\$100,000	331 REGENT STREET INC.	GATER, WAYNE GATER, JANE	C
SD72788	2007/02/23	CHARGE	*** COMPLETELY DELETED *** 331 REGENT STREET INC.		HACHE, RONALD HACHE, ANGIE	
SD73353	2007/03/02	DISCH OF CHARGE	*** COMPLETELY DELETED *** THE TORONTO-DOMINION BANK		THE CANADA TRUST COMPANY	
SD105973	2008/02/22	NOTICE	\$10	331 REGENT STREET INC.	HOSKINS, KATHY GATER, WAYNE GATER, JANE	C
SD127122	2008/09/23	DISCH OF CHARGE	*** COMPLETELY DELETED *** THE CANADA TRUST COMPANY			
SD134109	2008/12/03	TRANSFER OF CHARGE		HOSKINS, KATHY	SOLID ROCK MORTGAGES INC.	C
SD140263	2009/03/03	NOTICE	\$10	331 REGENT STREET INC.	SOLID ROCK MORTGAGES INC. GATER, WAYNE GATER, JANE	C
SD167502	2010/03/09	NOTICE	\$10	331 REGENT STREET INC.	SOLID ROCK MORTGAGES INC. GATER, WAYNE GATER, JANE	C
SD193707	2011/03/03	NOTICE	\$10	331 REGENT STREET INC.	SOLID ROCK MORTGAGES INC. GATER, WAYNE GATER, JANE	C
SD194734	2011/03/21	APL (GENERAL)	*** COMPLETELY DELETED *** MAESBURY HOMES, INC. LAKE AUSTIN PROPERTIES, I, LTD.			

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REGISTRY
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PARCEL REGISTER (ABBREVIATED) FOR PROPERTY IDENTIFIER

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73586-0638 (LIT)

* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/CHKD
				AYRES ROCK, LTD.		
				*** COMPLETELY DELETED *** ONTARIO SUPERIOR COURT OF JUSTICE	110-114 PINE STREET INC. 15-16 KEZIAH COURT INC. 720 CAMBRIAN HEIGHTS INC. 29 LAREN STREET INC. 367-369 HOWEY DRIVE INC. HUTCHENS, SANDY HUTCHENS, JUDITH ANNE - ESTATE 17 SERPENTINE STREET INC. 193 MOUNTAIN STREET INC. 625 ASH STREET INC. 364 MORRIS STREET INC. 789 LAWSON STREET INC. 331 REGENT STREET INC.	
SD218035	2012/01/19	APL AMEND ORDER				
				*** COMPLETELY DELETED ***	SOLID ROCK MORTGAGES INC. GATER, WAYNE GATER, JANE	C
SD219134	2012/02/03	NOTICE	\$10	331 REGENT STREET INC.		
				*** COMPLETELY DELETED ***	SOLID ROCK MORTGAGES INC. GATER, WAYNE GATER, JANE	C
SD245367	2013/02/15	NOTICE	\$10	331 REGENT STREET INC.		
				*** COMPLETELY DELETED ***	SOLID ROCK MORTGAGES INC. GATER, WAYNE GATER, JANE	C
SD268301	2014/02/14	TRANSFER OF CHARGE	\$99,000	SOLID ROCK MORTGAGES INC. GATER, WAYNE GATER, JANE		
				*** COMPLETELY DELETED ***	SOLID ROCK MORTGAGES INC. GATER, WAYNE GATER, JANE	C
				*** COMPLETELY DELETED ***	HUTCHENS, TANYA	
SD315410	2016/05/19	CERTIFICATE		CITY OF GREATER SUDBURY		
				*** COMPLETELY DELETED ***	HUTCHENS, TANYA	
SD318599	2016/07/07	APL (GENERAL)		CITY OF GREATER SUDBURY		
				*** COMPLETELY DELETED ***	HUTCHENS, TANYA	
				*** COMPLETELY DELETED ***	HUTCHENS, TANYA	
SD340605	2017/08/03	NO SEC INTEREST	\$2,356	1627596 ONTARIO INC.		C
				*** COMPLETELY DELETED ***	HUTCHENS, TANYA	
SD344635	2017/10/04	CHARGE	\$2,000,000	331 REGENT STREET INC.		C
				*** COMPLETELY DELETED ***	HUTCHENS, TANYA	

ADROIT ADVOCATES, LLC, A COLORADO LIMITED LIABILITY COMPANY, C

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73586-0638 (LIT)

PARCEL REGISTER (ABBREVIATED) FOR PROPERTY IDENTIFIER

* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/CHKD
SD348723	2017/12/07	CERTIFICATE		CGC HOLDING COMPANY LLC HARLEM ALGONQUIN LLC MEDICK, JAMES T.	DBA KLEENDA GESSLER & BLUE LLC	C
REMARKS: PENDING LITIGATION						

NOTE: ADJOINING PROPERTIES SHOULD BE INVESTIGATED TO ASCERTAIN DESCRIPTIVE INCONSISTENCIES, IF ANY, WITH DESCRIPTION REPRESENTED FOR THIS PROPERTY.
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PARCEL REGISTER (ABBREVIATED) FOR PROPERTY IDENTIFIER

LAND
REGISTRY
OFFICE #53



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73589-0335 (LT)

* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

PROPERTY DESCRIPTION: PCL 19984 SEC SES; LT 331 PL M99 MCKIM; GREATER SUBURBY

PROPERTY REMARKS:
ESTATE/QUALIFIER:
FEE SIMPLE
ABSOLUTE

RECENTLY:
FIRST CONVERSION FROM BOOK

PIN CREATION DATE:
2003/09/22

OWNERS' NAMES
GLAVONJIC, SAVO
GLAVONJIC, BORKA

CAPACITY SHARE
JTEN
JTEN

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/ CHKD
** PRINTOUT INCLUDES ALL DOCUMENT TYPES AND DELETED INSTRUMENTS SINCE 2003/09/19 **						
LT637824	1998/11/30	TRANSFER	*** COMPLETELY DELETED ***		SMITH, MARVIN SMITH, PAULETTE ELLA	
LT728600	1992/03/13	CHARGE	*** COMPLETELY DELETED ***		ROYAL BANK OF CANADA	
SD75663	2007/04/05	DISCH OF CHARGE	*** COMPLETELY DELETED *** ROYAL BANK OF CANADA			
REMARKS: RE: LT728600						
SD75807	2007/04/10	TRANSFER	*** COMPLETELY DELETED ***		789 LAWSON STREET INC.	
SD75808	2007/04/10	CHARGE	*** COMPLETELY DELETED *** 789 LAWSON STREET INC.		THE TORONTO-DOMINION BANK	
SD75809	2007/04/10	NO ASSGN RENT GEN	*** COMPLETELY DELETED *** 789 LAWSON STREET INC.		THE TORONTO-DOMINION BANK	
REMARKS: RE: SD75808						
SD80335	2007/06/01	CHARGE	*** COMPLETELY DELETED *** 101 SERVICE ROAD INC. 789 LAWSON STREET INC. 41 MARION STREET INC. 625 ASH STREET INC.		POULSON, BARRY J. LILLY, CHARLES FERGUSON, PAUL L & P INVESTMENTS	
SD100869	2007/12/12	DISCH OF CHARGE	*** COMPLETELY DELETED *** POULSON, BARRY J. LILLY, CHARLES			

NOTE: ADJOINING PROPERTIES SHOULD BE INVESTIGATED TO ASCERTAIN DESCRIPTIVE INCONSISTENCIES, IF ANY, WITH DESCRIPTION REPRESENTED FOR THIS PROPERTY.
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PARCEL REGISTER (ABBREVIATED) FOR PROPERTY IDENTIFIER

PAGE 2 OF 3
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ON 2018/11/16 AT 16:35:06

73589-0335 (LT)

* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/CHKD
				FERGUSON, PAUL L & P INVESTMENTS		
REMARKS: RE: SD180335						
SD106384	2008/02/28	CHARGE		*** COMPLETELY DELETED *** 789 LAWSON STREET INC.	THE CANADA TRUST COMPANY	
SD127120	2008/09/23	DISCH OF CHARGE		*** COMPLETELY DELETED *** THE CANADA TRUST COMPANY		
REMARKS: RE: SD106384						
SD132040	2008/11/10	CHARGE		*** COMPLETELY DELETED *** 789 LAWSON STREET INC. 193 MOUNTAIN STREET INC.	ATCHISON, CATHERINE	
SD161881	2009/12/08	TRANSFER OF CHARGE		*** COMPLETELY DELETED *** ATCHISON, CATHERINE	146 WHITTAKER STREET INC.	
REMARKS: SD132040.						
SD166268	2010/02/18	TRANSFER OF CHARGE		*** COMPLETELY DELETED *** 146 WHITTAKER STREET INC.	ATCHISON, CATHERINE	
REMARKS: SD161881. CHARGE SD132040						
SD194734	2011/03/21	APL (GENERAL)		*** COMPLETELY DELETED *** MAESBURY HOMES, INC. LAKE AUSTIN PROPERTIES, I, LTD. AYRES ROCK, LTD.		
REMARKS: CERTIFICATE OF PENDING LITIGATION						
SD218035	2012/01/19	APL AMEND ORDER		*** COMPLETELY DELETED *** ONTARIO SUPERIOR COURT OF JUSTICE	110-114 PINE STREET INC. 15-16 KEZIAH COURT INC. 720 CAMBRIAN HEIGHTS INC. 29 LAREN STREET INC. 367-369 HOWEY DRIVE INC. HUTCHENS, SANDY HUTCHENS, JUDITH ANNE - ESTATE 17 SERPENTINE STREET INC. 193 MOUNTAIN STREET INC. 625 ASH STREET INC. 364 MORRIS STREET INC. 789 LAWSON STREET INC. 331 REGENT STREET INC.	

NOTE: ADJOINING PROPERTIES SHOULD BE INVESTIGATED TO ASCERTAIN DESCRIPTIVE INCONSISTENCIES, IF ANY, WITH DESCRIPTION REPRESENTED FOR THIS PROPERTY.
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73589-0335 (LIT)

PARCEL REGISTER (ABBREVIATED) FOR PROPERTY IDENTIFIER

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/CHKD
SD222279	2012/03/29	DISCH OF CHARGE		*** COMPLETELY DELETED *** ATCHISON, CATHERINE		
		REMARKS: SD132040.				
SD222556	2012/03/30	TRANSFER	\$350,000	789 LAWSON STREET INC.	GLAVONJIC, SAVO GLAVONJIC, BORKA	C
		REMARKS: PLANNING ACT STATEMENTS				
SD225803	2012/05/15	DISCH OF CHARGE		*** COMPLETELY DELETED *** THE TORONTO-DOMINION BANK		
		REMARKS: SD75808.				

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PARCEL REGISTER (ABBREVIATED) FOR PROPERTY IDENTIFIER

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73599-0157 (LT)

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* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

PROPERTY DESCRIPTION: PCL 40961 SEC SES SRO; LT 95 PL M1025 MCKIM; S/T LT387652, LT387654; GREATER SUDBURY

PROPERTY REMARKS:

ESTATE/QUALIFIER:
FEE SIMPLE
ABSOLUTE

RECENTLY:
FIRST CONVERSION FROM BOOK

PIN CREATION DATE:
2003/09/22

OWNERS' NAMES
17 SERPENTINE STREET INC.

CAPACITY SHARE
ROWN

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/CHKD
** PRINTOUT		INCLUDES ALL DOCUMENT TYPES AND	DELETED INSTRUMENTS SINCE 2003/09/19 **			
LT3819022	1975/08/01	APL ANNEX REST COV				C
LT381903	1975/08/01	NOTICE				C
LT3858112	1975/10/02	APL ANNEX REST COV			BELL CANADA	C
LT387652	1975/10/30	TRANSFER EASEMENT			SUDBURY CABLE SERVICES LIMITED	C
LT387654	1975/10/30	TRANSFER EASEMENT				C
LT575437	1986/04/24	NOTICE AGREEMENT	*** COMPLETELY DELETED ***			
LT647046	1989/04/26	TRANSFER	*** COMPLETELY DELETED ***		676501 ONTARIO LIMITED	
LT791867	1994/09/02	CHARGE	*** COMPLETELY DELETED ***		THE BANK OF NOVA SCOTIA	
LT855788	1997/11/06	NOTICE OF LEASE			ULRICHSEN, ROBERT ULRICHSEN, BRENDA	
SD58853	2006/09/05	DISCH OF CHARGE	*** COMPLETELY DELETED *** THE BANK OF NOVA SCOTIA			C
REMARKS: RE: LT791867						
SD61200	2006/10/02	CAU AGR PUR & SALE	*** COMPLETELY DELETED *** 676501 ONTARIO LIMITED		HUTCHENS, CRAIG	
SD63917	2006/10/31	WITHDRAWAL CAUTION	*** COMPLETELY DELETED ***		HUTCHENS, CRAIG	
REMARKS: RE: SD61200						

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PARCEL REGISTER (ABBREVIATED) FOR PROPERTY IDENTIFIER

PAGE 2 OF 4
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73599-0157 (LIT)

* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/ CHKD
SD63918	2006/10/31	TRANSFER	\$210,000	676501 ONTARIO LIMITED	17 SERPENTINE STREET INC.	C
SD63919	2006/10/31	CHARGE		*** COMPLETELY DELETED *** 17 SERPENTINE STREET INC.	HIMMELFARB, LARRY WAXBERG, HOWARD	
SD63922	2006/10/31	NO ASSGN RENT GEN		*** COMPLETELY DELETED *** 17 SERPENTINE STREET INC.	HIMMELFARB, LARRY WAXBERG, HOWARD	
		REMARKS: SD63919				
SD63924	2006/10/31	CHARGE		*** COMPLETELY DELETED *** 17 SERPENTINE STREET INC.	DELLELCE, PETER	
SD65636	2006/11/21	APL (GENERAL)		*** COMPLETELY DELETED *** GREATER SUDBURY HYDRO INC.		
		REMARKS: DELETING LT575437				
SD65967	2006/11/24	CHARGE		*** COMPLETELY DELETED *** 17 SERPENTINE STREET INC.	GUZAR, RANDY GUZAR, AUDREY	
SD67769	2006/12/14	CHARGE		*** COMPLETELY DELETED *** 17 SERPENTINE STREET INC.	GUZAR, RANDY GUZAR, AUDREY	
SD67806	2006/12/15	DISCH OF CHARGE		*** COMPLETELY DELETED *** GUZAR, AUDREY GUZAR, RANDY	GUZAR, RANDY GUZAR, AUDREY	
		REMARKS: RE: SD65967				
SD73581	2007/03/07	CONSTRUCTION LIEN		*** COMPLETELY DELETED *** EVANS LUMBER AND BUILDERS SUPPLY LIMITED		
SD76659	2007/04/19	CERTIFICATE		*** COMPLETELY DELETED *** EVANS LUMBER AND BUILDERS SUPPLY LIMITED		
		REMARKS: SD73581				
SD79340	2007/05/22	APL AMEND ORDER		*** COMPLETELY DELETED *** ONTARIO SUPERIOR COURT OF JUSTICE	17 SERPENTINE STREET INC. 1691071 ONTARIO INC.	
		REMARKS: DISCHARGE SD73581, SD76659				

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PARCEL REGISTER (ABBREVIATED) FOR PROPERTY IDENTIFIER

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73599-0157 (LT)

* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/ CHKD
SD97988	2007/11/14	DISCH OF CHARGE		*** COMPLETELY DELETED *** GUZAR, RANDY GUZAR, AUDREY		
	REMARKS: RE: SD167769					
SD98023	2007/11/15	CHARGE	\$200,000	17 SERPENTINE STREET INC.	B2B TRUST	C
SD98026	2007/11/15	NO ASSGN RENT GEN		17 SERPENTINE STREET INC.	B2B TRUST	C
	REMARKS: SD98023					
SD98028	2007/11/15	POSTPONEMENT		*** COMPLETELY DELETED *** DELLELCE, PETER	B2B TRUST	
	REMARKS: SD63924 TO SD98023					
SD98337	2007/11/16	DISCH OF CHARGE		*** COMPLETELY DELETED *** HIMMELFARB, LARRY WAMBERG, HOWARD		
SD102425	2008/01/04	CHARGE	\$51,000	17 SERPENTINE STREET INC.	HENDERSON, RONALD	C
SD102472	2008/01/07	DISCH OF CHARGE		*** COMPLETELY DELETED *** DELLELCE, PETER		
	REMARKS: RE: SD63924					
SD134575	2008/12/08	CHARGE		*** COMPLETELY DELETED *** 17 SERPENTINE STREET INC.	1701902 ONTARIO INC.	
SD161901	2009/12/08	DISCH OF CHARGE		*** COMPLETELY DELETED *** 1701902 ONTARIO INC.		
	REMARKS: SD134575.					
SD167512	2010/03/09	CHARGE	\$56,000	17 SERPENTINE STREET INC.	146 WHITTAKER STREET INC.	C
SD194734	2011/03/21	APL (GENERAL)		*** COMPLETELY DELETED *** MAESEURY HOMES, INC. LAKE AUSTIN PROPERTIES, I, LTD. AYRES ROCK, LTD.		
	REMARKS: CERTIFICATE OF PENDING LITIGATION					
SD218035	2012/01/19	APL AMEND ORDER		*** COMPLETELY DELETED *** ONTARIO SUPERIOR COURT OF JUSTICE	110-114 PINE STREET INC. 15-16 KEZIAH COURT INC.	

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PARCEL REGISTER (ABBREVIATED) FOR PROPERTY IDENTIFIER
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73599-0157 (LT)

* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/CHKD
SD218731	2012/01/30 REMARKS: SD102425.	TRANSFER OF CHARGE		HENDERSON, RONALD	720 CAMBRIAN HEIGHTS INC. 29 LAREN STREET INC. 367-369 HOWEY DRIVE INC. HUTCHENS, SANDY HUTCHENS, JUDITH ANNE - ESTATE 17 SERPENTINE STREET INC. 193 MOUNTAIN STREET INC. 625 ASH STREET INC. 364 MORRIS STREET INC. 789 LAWSON STREET INC. 331 REGENT STREET INC. LAPELL MANAGEMENT SERVICES INC.	C
SD218743	2012/01/30	APL (GENERAL)		LAPELL MANAGEMENT SERVICES INC.		C
SD278455	2014/08/14 REMARKS: SD98023.	TRANSFER OF CHARGE		B2B TRUST	CANADIAN WESTERN TRUST COMPANY INC.	C
SD308704	2016/01/07 REMARKS: SD102425	TRANSFER OF CHARGE		LAPELL MANAGEMENT SERVICES INC.	HUTCHENS, FATIANA	C
SD333415	2017/03/27 REMARKS: SD98023.	TRANSFER OF CHARGE		CANADIAN WESTERN TRUST COMPANY INC.	HUTCHENS, FANYA	C
SD344630	2017/10/04	CHARGE	\$2,000,000	17 SERPENTINE STREET INC.	ADROIT ADVOCATES, LLC, A COLORADO LIMITED LIABILITY COMPANY, DBA KLEENDA GESSLER & BLUE LLC	C
SD361831	2018/08/28	CERTIFICATE		CGC HOLDING COMPANY LLC HARLEM ALGONQUIN LLC MEDICK, JAMES T.		C
		REMARKS: CERTIFICATE OF PENDING LITIGATION				

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LAND REGISTRY OFFICE #53

02127-0178 (LT)

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PREPARED FOR Borrelli01
ON 2018/11/16 AT 16:32:05

PARCEL REGISTER (ABBREVIATED) FOR PROPERTY IDENTIFIER

PROPERTY DESCRIPTION: PCL 49129 SEC SES SRO BLK J, PLAN M930; CITY OF GREATER SUBURBY
* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

PROPERTY REMARKS:
ESTATE/QUALIFIER:
FEE SIMPLE
ABSOLUTE

RECENTLY:
FIRST CONVERSION FROM BOOK

CAPACITY SHARE
ROWN

OWNERS' NAMES
2510941 ONTARIO LTD.

EIN_CREATION_DATE:
1993/04/05

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/CHKD
EFFECTIVE	2000/07/29	THE NOTATION OF THE	"BLOCK IMPLEMENTATION DATE" OF 1993/04/05 ON THIS PIN			
WAS REPLACED WITH THE	"PIN CREATION DATE" OF 1993/04/05					
** PRINTOUT	INCLUDES ALL DOCUMENT TYPES AND DELETED INSTRUMENTS SINCE 1993/02/22 **					
LT00076862	1914/07/18	APL ANNEX REST COV EASEMENT		METROPOLITAN CONSULTANTS LIMITED BODMIN INVESTMENTS LIMITED	THE INTERNATIONAL NICKEL COMPANY OF CANADA, LIMITED	C
LT292209	1970/11/18	NOTICE		ADDED ON 1996/04/19 BY WALTER ZAVERUCHA. 'PARTY: BODMIN INVESTMENTS LIMITED' ADDED ON 1996/04/19 BY WALTER ZAVERUCHA. 'PARTY: THE INTERNATIONAL NICKEL COMPANY OF CANADA, LIMITED' ADDED ON 1996/04/19 BY WALTER ZAVERUCHA.		C
LT677377	1990/04/30	TRANSFER		*** COMPLETELY DELETED ***	ARAUJO, JOE GONCALVES, ELISEU	
LT684985	1990/07/31	NOTICE		*** COMPLETELY DELETED ***		
LT698467	1991/02/05	NOTICE		*** COMPLETELY DELETED ***		
LT709777	1991/07/11	CHARGE		*** COMPLETELY DELETED ***	CANADA TRUSTCO MORTGAGE COMPANY	
LT709778	1991/07/11	NOTICE		*** COMPLETELY DELETED ***		
REMARKS: 709777						
LT713100	1991/08/20	CHARGE		*** COMPLETELY DELETED ***	CANADA TRUSTCO MORTGAGE COMPANY	
REMARKS: 748781						
LT713101	1991/08/20	NOTICE		*** COMPLETELY DELETED ***		

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PARCEL REGISTER (ABBREVIATED) FOR PROPERTY IDENTIFIER

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02127-0178 (LT)

* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/ CHKD
LT727253	1992/02/25	NOTICE		*** COMPLETELY DELETED ***		
LT748781	1992/11/23	NOTICE		*** COMPLETELY DELETED *** ARAUJO, JOSE GONCALVES, ELISEU	CANADA TRUSTCO MORTGAGE COMPANY	
LT805860	1995/06/02	NOTICE		ARAUJO, JOSE GONCALVES, ELISEU	SUDBURY HYDRO-ELECTRIC COMMISSION	C
LT807989	1995/07/07	POSTPONEMENT		*** COMPLETELY DELETED *** CANADA TRUSTCO MORTGAGE COMPANY	SUDBURY HYDRO-ELECTRIC COMMISSION	
LT807990	1995/07/07	POSTPONEMENT		*** COMPLETELY DELETED *** CANADA TRUSTCO MORTGAGE COMPANY	SUDBURY HYDRO-ELECTRIC COMMISSION	
LT969632	2004/04/14	TRANSFER		*** COMPLETELY DELETED *** ARAUJO, JOSE GONCALVES, ELISEU	ARAUJO, JOSE ARAUJO, ERMELINDA	
LT969633	2004/04/14	CHARGE		*** COMPLETELY DELETED *** ARAUJO, JOSE ARAUJO, ERMELINDA	THE TORONTO-DOMINION BANK	
LT969641	2004/04/14	NO ASSGN RENT GEN		*** COMPLETELY DELETED *** ARAUJO, JOSE ARAUJO, ERMELINDA	THE TORONTO-DOMINION BANK	
SD100220	2007/12/04	TRANSFER		*** COMPLETELY DELETED *** ARAUJO, ERMELINDA ARAUJO, JOSE	720 CAMBERIAN HEIGHTS INC.	
				REMARKS: PLANNING ACT STATEMENTS		

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02127-0178 (LT)

* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/ CHKD
SD100221	2007/12/04	CHARGE		*** COMPLETELY DELETED *** 720 CAMBRIAN HEIGHTS INC.	FIRST NATIONAL FINANCIAL GP CORPORATION	
SD100222	2007/12/04	NO ASSGN RENT GEN		*** COMPLETELY DELETED *** 720 CAMBRIAN HEIGHTS INC.	FIRST NATIONAL FINANCIAL GP CORPORATION	
		REMARKS: SD100221				
SD103741	2008/01/22	DISCH OF CHARGE		*** COMPLETELY DELETED *** THE TORONTO-DOMINION BANK		
		REMARKS: RE: L71969633				
SD104316	2008/01/30	DISCH OF CHARGE		*** COMPLETELY DELETED *** CANADA TRUSTCO MORTGAGE COMPANY		
		REMARKS: RE: L71709777				
SD104317	2008/01/30	DISCH OF CHARGE		*** COMPLETELY DELETED *** CANADA TRUSTCO MORTGAGE COMPANY		
		REMARKS: RE: L71713100				
SD109183	2008/04/02	CHARGE		*** COMPLETELY DELETED *** 720 CAMBRIAN HEIGHTS INC.	FLOWERS, DAVID RANTANEN, CHRISTOPHER	
SD140862	2009/03/12	TRANSFER OF CHARGE		*** COMPLETELY DELETED *** FLOWERS, DAVID	RANTANEN, CHRISTOPHER	
		REMARKS: RE: CHARGE SD109183				
SD145363	2009/05/14	DISCH OF CHARGE		*** COMPLETELY DELETED *** RANTANEN, CHRISTOPHER		
		REMARKS: RE: SD109183				
SD145364	2009/05/14	CHARGE		*** COMPLETELY DELETED *** 720 CAMBRIAN HEIGHTS INC.	JBD HUTCHENS FAMILY HOLDINGS INC.	
53R19165	2009/11/27	PLAN REFERENCE				C
SD194734	2011/03/21	APL (GENERAL)		*** COMPLETELY DELETED *** MAESBURY HOMES, INC. LAKE AUSTIN PROPERTIES, I, LTD. AYRES ROCK, LTD.		
		REMARKS: CERTIFICATE OF PENDING LITIGATION				
SD218035	2012/01/19	APL AMEND ORDER		*** COMPLETELY DELETED ***		

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02127-0178 (LT)

* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/CHKD
SD343364	2017/09/15 REMARKS: PLANNING ACT STATEMENTS.	TRANSFER	\$3,100,000	ONTARIO SUPERIOR COURT OF JUSTICE	110-114 PINE STREET INC. 15-16 KEZIAH COURT INC. 720 CAMBRIAN HEIGHTS INC. 29 LAREN STREET INC. 367-369 HOWEY DRIVE INC. HUTCHENS, SANDY HUTCHENS, JUDITH ANNE - ESTATE 17 SERPENTINE STREET INC. 193 MOUNTAIN STREET INC. 625 ASH STREET INC. 364 MORRIS STREET INC. 789 LAWSON STREET INC. 331 REGENT STREET INC.	C
SD343365	2017/09/15	CHARGE	\$2,300,000	720 CAMBRIAN HEIGHTS INC.	BANK OF MONTREAL	C
SD343366	2017/09/15 REMARKS: SD343365	NO ASSGN RENT GEN		2510941 ONTARIO LTD.	BANK OF MONTREAL	C
SD343368	2017/09/15 REMARKS: SD145364.	DISCH OF CHARGE		2510941 ONTARIO LTD.		
SD344234	2017/09/29	APL (GENERAL)		*** COMPLETELY DELETED *** JBD HUTCHENS FAMILY HOLDINGS INC.		
SD344235	2017/09/29	APL (GENERAL)		*** COMPLETELY DELETED *** GREATER SUDBURY HYDRO INC.		
SD345923	2017/10/24 REMARKS: SD100221.	DISCH OF CHARGE		*** COMPLETELY DELETED *** FIRST NATIONAL FINANCIAL GP CORPORATION		
SD362421	2018/09/06	CONSTRUCTION LIEN	\$146,626	LUXOR MANAGEMENT INC.		C

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LAND REGISTRY OFFICE #53

02132-0942 (LT)

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PARCEL REGISTER (ABBREVIATED) FOR PROPERTY IDENTIFIER

* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

PROPERTY DESCRIPTION:
 PCL 2388, 3113 AND 21292 SEC SES LT 1 PLAN M28B EXCEPT COMM AT THE S ELY ANGLE OF LT 1; THENCE S 37 DEG 16' W ALONG THE SLY LIMIT OF LT 1 A DISTANCE OF 42 FT 3 INCHES TO THE SLY ANGLE OF SAID LT 1; THENCE S 73 DEG 04' W ALONG THE SLY LIMIT OF SAID LT 1 A DISTANCE OF 10 FT 6 INCHES TO THE SW ANGLE OF LT 1; THENCE N 52 DEG 10' W ALONG THE W LIMIT OF LT 1 A DISTANCE OF 10 FT 6 INCHES TO A POINT; THENCE N 64 DEG 29' E A DISTANCE OF 11 FT MORE OR LESS TO A POINT BEING 11.0 FT N 25 DEG 31' W OF THE SLY ANGLE OF LT 1; THENCE N 52 DEG 00' E A DISTANCE OF 38 FT MORE OR LESS TO THE POC, PLAN ATTACHED IN 33273, NOW PCL 5776 SES; LT 2 PLAN M28B EXCEPT COMM AT THE S ELY ANGLE OF LT 2, THENCE S 73 DEGREES 04' W ALONG THE SLY LIMIT OF LT 2 A DISTANCE OF 63' 2" TO THE S WLY ANGLE OF LT 2, THENCE N64 DEGREES 29' EA DISTANCE OF 62' MORE OR LESS TO A POINT ON THE ELY LIMIT OF LT 2, THENCE S 52 DEGREES 10' E ALONG THE ELY LIMIT OF SAID LT 2 A DISTANCE OF 10' 6" MOST OR LESS TO THE POC; PLAN ATTACHED IN 33273, NOW PCL 5776 SES; EXCEPT COMM AT A POINT IN THE S WESTERN LIMIT OF SAID LT 2 DISTANT 95.0 FT FROM THE MOST SLY ANGLE OF SAID LT; THENCE N 45 DEG 23' W TO A POINT IN THE HIGHWATER MARK OF THE EASTERN BANK OF JUNCTION CREEK; THENCE S WLY FOLLOWING ALONG SAID HIGHWATER MARK TO THE MOST WLY ANGLE OF SAID LT; THENCE S 54 DEG 42' E ALONG THE AFORESAID S WESTERN LIMIT 95.0 FT MORE OR LESS TO THE POC, NOW PCL 21291 SES; EXCEPT PT 1 5388264; PT LT 3 PLAN M28B COMM AT A POINT IN THE N EASTERN LIMIT OF SAID LT 3 DISTANT 95.0 FT FROM THE MOST ELY ANGLE THEREOF; THENCE S 54 DEG 42' E ALONG SAID N EASTERN LIMIT 95.0 FT TO THE SAID MOST ELY ANGLE; THENCE S 70 DEG 32' W ALONG THE S EASTERN LIMIT OF SAID LT 18.0 FT; THENCE N 45 DEG 23' W TO THE POC; EXCEPT PT 2 5388264 SUBJECT TO 25265 S/T LT868119 PART 6 & 7 ON PLAN 53R-16220 CITY OF SUDBURY

PROPERTY REMARKS:
 ESTATE/QUALIFIER:
 FEE SIMPLE ABSOLUTE
 OWNERS' NAMES
 193 MOUNTAIN STREET INC.
 RECENTLY:
 FIRST CONVERSION FROM BOOK
 CAPACITY SHARE
 ROWN
 PIN CREATION DATE:
 1993/05/03

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/CHKD
EFFECTIVE	2000/07/29	THE NOTATION OF THE "BLOCK IMPLEMENTATION DATE" OF 1993/05/03 ON THIS PIN				
WAS REPLACED WITH THE	"PIN CREATION DATE" OF 1993/05/03					
** PRINTOUT	INCLUDES ALL DOCUMENT TYPES AND DELETED INSTRUMENTS SINCE 1993/03/30 **					
LT25265	1926/11/29	TRANSFER EASEMENT		*** COMPLETELY DELETED ***	THE MUNICIPAL CORPORATION OF THE TOWN OF SUDBURY	C
LT601274	1987/06/15	TRANSFER			510207 ONTARIO LIMITED	C
53R14922	1994/04/15	PLAN REFERENCE			THE CORPORATION OF THE CITY OF SUDBURY	C
LT780184	1994/07/08	TRANSFER EASEMENT	\$2	510207 ONTARIO LIMITED		C
53R16220	1998/04/14	PLAN REFERENCE			THE REGIONAL MUNICIPALITY OF SUDBURY	C
LT868119	1998/07/29	TRANSFER EASEMENT	\$2	510207 ONTARIO LIMITED		C
SD84160	2007/07/09	TRANSFER	\$435,000	510207 ONTARIO LIMITED	193 MOUNTAIN STREET INC.	C
		REMARKS: PLANNING ACT STATEMENTS				
SD84161	2007/07/09	CHARGE		*** COMPLETELY DELETED *** 193 MOUNTAIN STREET INC.	B2B TRUST LAPELL MANAGEMENT SERVICES INC.	C

NOTE: ADJOINING PROPERTIES SHOULD BE INVESTIGATED TO ASCERTAIN DESCRIPTIVE INCONSISTENCIES, IF ANY, WITH DESCRIPTION REPRESENTED FOR THIS PROPERTY.
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PARCEL REGISTER (ABBREVIATED) FOR PROPERTY IDENTIFIER

PAGE 2 OF 4
PREPARED FOR Borrelli01
ON 2018/11/16 AT 16:14:38

02132-0942 (LT)

* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/ CHKD
SD84162	2007/07/09	NO ASSGN RENT GEN		*** COMPLETELY DELETED *** 193 MOUNTAIN STREET INC.	B2B TRUST LAPELL MANAGEMENT SERVICES INC.	
		REMARKS: RE: SD84161				
SD84165	2007/07/09	CHARGE		*** COMPLETELY DELETED *** 193 MOUNTAIN STREET INC.	510207 ONTARIO LIMITED	
SD84166	2007/07/09	CHARGE		*** COMPLETELY DELETED *** 193 MOUNTAIN STREET INC.	THE CANADA TRUST COMPANY	
SD108991	2008/04/01	DISCH OF CHARGE		*** COMPLETELY DELETED *** 510207 ONTARIO LIMITED		
		REMARKS: RE: SD84165				
SD109042	2008/04/01	CHARGE	\$440,700	193 MOUNTAIN STREET INC.	FIRST NATIONAL FINANCIAL GP CORPORATION	C
SD109043	2008/04/01	NO ASSGN RENT GEN		193 MOUNTAIN STREET INC.	FIRST NATIONAL FINANCIAL GP CORPORATION	C
		REMARKS: SD109042.				
SD111542	2008/04/28	DISCH OF CHARGE		*** COMPLETELY DELETED *** B2B TRUST LAPELL MANAGEMENT SERVICES INC.		
		REMARKS: RE: SD84161				
SD114237	2008/05/27	DISCH OF CHARGE		*** COMPLETELY DELETED *** THE CANADA TRUST COMPANY		
		REMARKS: RE: SD84166				
SD132040	2008/11/10	CHARGE		*** COMPLETELY DELETED *** 789 LAWSON STREET INC. 193 MOUNTAIN STREET INC.	ATCHISON, CATHERINE	
SD161881	2009/12/08	TRANSFER OF CHARGE		*** COMPLETELY DELETED *** ATCHISON, CATHERINE	146 WHITTAKER STREET INC.	
		REMARKS: SD132040.				
SD166268	2010/02/18	TRANSFER OF CHARGE		*** COMPLETELY DELETED *** 146 WHITTAKER STREET INC.	ATCHISON, CATHERINE	
		REMARKS: SD161881. CHARGE SD132040				
SD194734	2011/03/21	APL (GENERAL)		*** COMPLETELY DELETED ***		

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PARCEL REGISTER (ABBREVIATED) FOR PROPERTY IDENTIFIER

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02132-0942 (LT)

* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/ CHKD
SD218035	2012/01/19	APL AMEND ORDER		MRESBURY HOMES, INC. LAKE AUSTIN PROPERTIES, I, LTD. AYRES ROCK, LTD.	110-114 PINE STREET INC. 15-16 KEZIAH COURT INC. 720 CAMBRIAN HEIGHTS INC. 29 LAREN STREET INC. 367-369 HOWEY DRIVE INC. HUTCHENS, SANDY HUTCHENS, JUDITH ANNE - ESTATE 17 SERPENTINE STREET INC. 193 MOUNTAIN STREET INC. 625 ASH STREET INC. 364 MORRIS STREET INC. 789 LAWSON STREET INC. 331 REGENT STREET INC.	
SD222279	2012/03/29	DISCH OF CHARGE		*** COMPLETELY DELETED *** ONTARIO SUPERIOR COURT OF JUSTICE		
SD222281	2012/03/29	CHARGE	\$303,000	*** COMPLETELY DELETED *** ATCHISON, CATHERINE	ATCHISON, CATHERINE	C
SD279300	2014/08/26	APL GOVT ORDER		*** COMPLETELY DELETED *** CITY OF GREATER SUBURBY	CITY OF GREATER SUBURBY	
SD290306	2015/03/09	APL COURT ORDER		*** COMPLETELY DELETED *** ONTARIO COURT OF JUSTICE		
SD298186	2015/07/21	APL (GENERAL)		*** COMPLETELY DELETED *** CITY OF GREATER SUBURBY		
SD298187	2015/07/21	APL (GENERAL)		*** COMPLETELY DELETED *** CITY OF GREATER SUBURBY		

REMARKS: CERTIFICATE OF PENDING LITIGATION

REMARKS: ORDER TO REMEDY

REMARKS: PROVINCIAL OFFENCES ACT

REMARKS: DELETE SD279300

REMARKS: DELETING SD290306

NOTE: ADJOINING PROPERTIES SHOULD BE INVESTIGATED TO ASCERTAIN DESCRIPTIVE INCONSISTENCIES, IF ANY, WITH DESCRIPTION REPRESENTED FOR THIS PROPERTY.
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PARCEL REGISTER (ABBREVIATED) FOR PROPERTY IDENTIFIER
 * CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/CHKD
SD340606	2017/08/03	NO SEC INTEREST	\$1,415	1627596 ONTARIO INC.		C
SD348723	2017/12/07	CERTIFICATE		CGC HOLDING COMPANY LLC HARLEM ALGONQUIN LLC MEDICK, JAMES T.		C
SD354492	2018/04/20	TRANSFER OF CHARGE		FIRST NATIONAL FINANCIAL GP CORPORATION	JBD HUTCHENS FAMILY HOLDINGS INC.	C
SD354493	2018/04/20	NOTICE	\$2	FIRST NATIONAL FINANCIAL GP CORPORATION		C
SD366988	2018/11/16	TRANS POWER SALE	\$400,000	JED HUTCHENS FAMILY HOLDINGS INC.	SUDEBURY APARTMENT RENTALS LIMITED	

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LAND REGISTRY OFFICE #53

02135-0246 (LT)

PAGE 1 OF 3
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PARCEL REGISTER (ABBREVIATED) FOR PROPERTY IDENTIFIER

PROPERTY DESCRIPTION: LTS 48, 49, PT LT 50, BLK B PLAN 38A; PTS 2, 4, 5, 6 S3R11500 SUBJECT TO S94352 CITY OF SUDBURY

PROPERTY REMARKS:

ESTATE/QUALIFIER:
FEE SIMPLE
LT CONVERSION QUALIFIED

RECENTLY:
FIRST CONVERSION FROM BOOK MULTI

PIN CREATION DATE:
1993/04/05

OWNERS' NAMES
110-114 PINE STREET INC.

CAPACITY SHARE
ROWN

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/CHKD
EFFECTIVE	2000/07/29	THE NOTATION OF THE "BLOCK IMPLEMENTATION DATE" OF 1993/04/05 ON THIS PIN				
WAS REPLACED WITH THE	"PIN CREATION DATE" OF 1993/04/05					
** PRINTOUT	INCLUDES ALL DOCUMENT TYPES AND DELETED INSTRUMENTS SINCE 1993/02/22 **					
**SUBJECT,	ON FIRST REGISTRATION UNDER THE LAND TITLES ACT, TO					
**	SUBSECTION 4(1) OF THE LAND TITLES ACT, EXCEPT PARAGRAPH 11, PARAGRAPH 14, PROVINCIAL SUCCESSION DUTIES *					
**	AND ESCHEATS OR FORFEITURE TO THE CROWN.					
**	THE RIGHTS OF ANY PERSON WHO WOULD, BUT FOR THE LAND TITLES ACT, BE ENTITLED TO THE LAND OR ANY PART OF					
**	IT THROUGH LENGTH OF ADVERSE POSSESSION, PRESCRIPTION, MISDESCRIPTION OR BOUNDARIES SETTLED BY					
**	CONVENTION.					
**	ANY LEASE TO WHICH THE SUBSECTION 70(2) OF THE REGISTRY ACT APPLIES.					
**DATE OF CONVERSION TO	LAND TITLES: 1993/04/05 **					
S3R11500	1988/03/03	PLAN REFERENCE				C
S94352	1988/03/11	TRANSFER EASEMENT			SUDEBURY HYDRO-ELECTRIC COMMISSION	C
S94354	1988/03/11	TRANSFER			CARPENTER, BARBARA JOYCE	
S96919	1989/03/03	CHARGE			ONTARIO MORTGAGE CORPORATION	
S100326	1990/07/23	AGREEMENT				
REMARKS: S96919						
S105922	1992/11/04	CHARGE			SCOTIA MORTGAGE CORPORATION	

NOTE: ADJOINING PROPERTIES SHOULD BE INVESTIGATED TO ASCERTAIN DESCRIPTIVE INCONSISTENCIES, IF ANY, WITH DESCRIPTION REPRESENTED FOR THIS PROPERTY.
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PARCEL REGISTER (ABBREVIATED) FOR PROPERTY IDENTIFIER

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02135-0246 (LT)

* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/ CHKD
S105953	1992/11/10	ASSIGNMENT GENERAL REMARKS: S105922		*** COMPLETELY DELETED ***		
S106066	1992/12/03	POSTPONEMENT REMARKS: RE: S100326, S96919 TO S105922		*** COMPLETELY DELETED *** ONTARIO MORTGAGE CORPORATION		
LT761643	1993/06/11	APL (GENERAL) REMARKS: S105922		*** COMPLETELY DELETED *** SCOTIA MORTGAGE CORPORATION		
LT761911	1993/06/15	NOTICE AGREEMENT REMARKS: S.105922		*** COMPLETELY DELETED *** CARPENTER, BARBARA JOYCE	SCOTIA MORTGAGE CORPORATION	
LT768021	1993/09/07	NOTICE REMARKS: AS TO PART 4 ON PLAN 53R11500		CARPENTER, BARBARA JOYCE	SUDBURY HYDRO-ELECTRIC COMMISSION	C
SD64496	2006/11/06	DISCH OF CHARGE REMARKS: RE: S56919		*** COMPLETELY DELETED *** ONTARIO MORTGAGE CORPORATION		
SD64573	2006/11/07	CHARGE		*** COMPLETELY DELETED *** CARPENTER, BARBARA JOYCE	CAISSE POPULAIRE NOLIN DE SUDBURY INCORPOREE	
SD64574	2006/11/07	NO ASSGN RENT GEN REMARKS: SD64573		*** COMPLETELY DELETED *** CARPENTER, BARBARA JOYCE	CAISSE POPULAIRE NOLIN DE SUDBURY INCORPOREE	
SD65861	2006/11/23	DISCH OF CHARGE REMARKS: RE: S105922		*** COMPLETELY DELETED *** SCOTIA MORTGAGE CORPORATION		
SD114012	2008/05/23	TRANSFER REMARKS: PLANNING ACT STATEMENTS	\$860,000	CARPENTER, BARBARA JOYCE	110-114 PINE STREET INC.	C
SD114013	2008/05/23	CHARGE	\$602,000	110-114 PINE STREET INC.	B2B TRUST	C
SD114015	2008/05/23	NO ASSGN RENT GEN REMARKS: SD114013		110-114 PINE STREET INC.	B2B TRUST	C

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02135-0246 (LT)

* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/ CHKD
SD114017	2008/05/23	CHARGE	\$125,000	110-114 PINE STREET INC.	CARPENTER, BARBARA JOYCE	C
SD129295	2008/10/14	DISCH OF CHARGE		*** COMPLETELY DELETED *** CAISSE POPULAIRE NOLIN DE SUDBURY INCORPORÉE		
		REMARKS: RE: SD164573				
SD194734	2011/03/21	APL (GENERAL)		*** COMPLETELY DELETED *** MAESBURY HOMES, INC. LAKE AUSTIN PROPERTIES, I, LTD. AYRES ROCK, LTD.		
		REMARKS: CERTIFICATE OF PENDING LITIGATION				
SD218035	2012/01/19	APL AMEND ORDER		*** COMPLETELY DELETED *** ONTARIO SUPERIOR COURT OF JUSTICE		
		REMARKS: CERTIFICATE OF PENDING LITIGATION				
SD278451	2014/08/14	TRANSFER OF CHARGE		B2B TRUST	110-114 PINE STREET INC. 15-16 KEZIAH COURT INC. 720 CAMBRIAN HEIGHTS INC. 29 LAREN STREET INC. 367-369 HOWEY DRIVE INC. HUTCHENS, SANDY HUTCHENS, JUDITH ANNE - ESTATE 17 SERPENTINE STREET INC. 193 MOUNTAIN STREET INC. 625 ASH STREET INC. 364 MORRIS STREET INC. 789 LAWSON STREET INC. 331 REGENT STREET INC.	C
		REMARKS: SD114013.				
SD278730	2014/08/19	TRANSFER OF CHARGE		CARPENTER, BARBARA JOYCE	HUTCHENS, TATIANA	C
		REMARKS: SD114017.				
SD333414	2017/03/27	TRANSFER OF CHARGE		CANADIAN WESTERN TRUST COMPANY INC.	HUTCHENS, TANYA	C
		REMARKS: SD114013.				
SD344633	2017/10/04	CHARGE	\$2,000,000	110-114 PINE STREET INC.	ADROIT ADVOCATES, LLC, A COLORADO LIMITED LIABILITY COMPANY, DBA KLENDIA GESSLER & BLUE LLC	C
SD348723	2017/12/07	CERTIFICATE		CGC HOLDING COMPANY LLC HARLEM ALGONQUIN LLC MEDICK, JAMES T.		C
		REMARKS: PENDING LITIGATION				

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PARCEL REGISTER (ABBREVIATED) FOR PROPERTY IDENTIFIER

LAND
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OFFICE #53

02179-0531 (LT)

PAGE 1 OF 4
PREPARED FOR Borrelli01
ON 2018/11/16 AT 16:38:08

* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

PROPERTY DESCRIPTION: PCL 21146 SEC SES LTS 18 - 19, PLAN M112 CITY OF SUDBURY

PROPERTY REMARKS:
ESTATE/QUALIFIER:
FEE SIMPLE
ABSOLUTE

RECENTLY:
FIRST CONVERSION FROM BOOK

PIN CREATION DATE:
1993/04/05

OWNERS' NAMES
MCKAY, ERIC

CAPACITY SHARE
ROWN

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/ CHKD
EFFECTIVE 2000/07/29 THE NOTATION OF THE "BLOCK IMPLEMENTATION DATE" OF 1993/04/05 ON THIS PIN						
WAS REPLACED WITH THE "PIN CREATION DATE" OF 1993/04/05						
** PRINTOUT INCLUDES ALL DOCUMENT TYPES AND DELETED INSTRUMENTS SINCE 1993/02/22 **						
LT600763	1987/06/05	TRANSFER		*** COMPLETELY DELETED ***	HALL, RENNALD HALL, BARBARA	
LT600764	1987/06/05	CHARGE		*** COMPLETELY DELETED ***	BANK OF MONTREAL	
LT600765	1987/06/05	CHARGE		*** COMPLETELY DELETED ***	FRAGOMENI, GISELE FRAGOMENI, PAUL	
LT976957	2004/07/20	CHARGE		*** COMPLETELY DELETED ***	BANK OF MONTREAL	
SD5528	2004/10/28	DISCH OF CHARGE		*** COMPLETELY DELETED *** BANK OF MONTREAL		
REMARKS: RE: LT600764						
SD73150	2007/03/01	DISCH OF CHARGE		*** COMPLETELY DELETED *** FRAGOMENI, GISELE FRAGOMENI, PAUL		
REMARKS: RE: LT600765						
SD73212	2007/03/01	TRANSFER		*** COMPLETELY DELETED *** HALL, BARBARA HALL, RENNALD	625 ASH STREET INC.	
REMARKS: PLANNING ACT STATEMENTS						

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PARCEL REGISTER (ABBREVIATED) FOR PROPERTY IDENTIFIER

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02179-0531 (LT)

* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/CHKD
SD73213	2007/03/01	CHARGE		*** COMPLETELY DELETED *** 625 ASH STREET INC.	THE TORONTO-DOMINION BANK	
SD73214	2007/03/01	NO ASSGN RENT GEN		*** COMPLETELY DELETED *** 625 ASH STREET INC.	THE TORONTO-DOMINION BANK	
		REMARKS: SD73213.				
SD73215	2007/03/01	CHARGE		*** COMPLETELY DELETED *** 625 ASH STREET INC.	HALL, RENNALD HALL, BARBARA	
SD73951	2007/03/13	DISCH OF CHARGE		*** COMPLETELY DELETED *** BANK OF MONTREAL		
		REMARKS: RE: LT976957				
SD75816	2007/04/11	NOTICE		*** COMPLETELY DELETED *** HALL, RENNALD HALL, BARBARA	625 ASH STREET INC.	
SD80335	2007/06/01	CHARGE		*** COMPLETELY DELETED *** 101 SERVICE ROAD INC. 789 LAWSON STREET INC. 41 MARION STREET INC. 625 ASH STREET INC.	POULSON, BARRY J. LILLY, CHARLES FERGUSON, PAUL L & P INVESTMENTS	
SD100869	2007/12/12	DISCH OF CHARGE		*** COMPLETELY DELETED *** POULSON, BARRY J. LILLY, CHARLES FERGUSON, PAUL L & P INVESTMENTS		
		REMARKS: RE: SD80335				
SD106498	2008/02/29	CHARGE		*** COMPLETELY DELETED *** 625 ASH STREET INC.	B2B TRUST	
SD106499	2008/02/29	CHARGE		*** COMPLETELY DELETED *** 625 ASH STREET INC.	B2B TRUST	
SD106558	2008/02/29	DISCH OF CHARGE		*** COMPLETELY DELETED *** HALL, RENNALD HALL, BARBARA		
		REMARKS: RE: SD73215				

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PARCEL REGISTER (ABBREVIATED) FOR PROPERTY IDENTIFIER

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02179-0531 (LT)

* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/ CHKD
SD166827	2010/02/26	DISCH OF CHARGE		*** COMPLETELY DELETED *** B2B TRUST		
	REMARKS: SD106499.					
SD166828	2010/02/26	DISCH OF CHARGE		*** COMPLETELY DELETED *** B2B TRUST		
	REMARKS: SD106498.					
SD194734	2011/03/21	APL (GENERAL)		*** COMPLETELY DELETED *** MAESBURY HOMES, INC. LAKE AUSTIN PROPERTIES, I, LTD. AYRES ROCK, LTD.		
	REMARKS: CERTIFICATE OF PENDING LITIGATION					
SD218035	2012/01/19	APL AMEND ORDER		*** COMPLETELY DELETED *** ONTARIO SUPERIOR COURT OF JUSTICE	110-114 PINE STREET INC. 15-16 KEZIAH COURT INC. 720 CAMBRIAN HEIGHTS INC. 29 LAREN STREET INC. 367-369 HOWEY DRIVE INC. HUTCHENS, SANDY HUTCHENS, JUDITH ANNE - ESTATE 17 SERPENTINE STREET INC. 193 MOUNTAIN STREET INC. 625 ASH STREET INC. 364 MORRIS STREET INC. 789 LAWSON STREET INC. 331 REGENT STREET INC.	
SD220653	2012/03/01	CHARGE		*** COMPLETELY DELETED *** 625 ASH STREET INC.	SUDBURY CREDIT UNION LIMITED	
	REMARKS: THIS DOCUMENT WAS RE-INSTATED ON 2016/02/01 AT 11:45 BY TOUZIN, JACKIE.					
SD220654	2012/03/01	NO ASSGN RENT GEN		*** COMPLETELY DELETED *** 625 ASH STREET INC.	SUDBURY CREDIT UNION LIMITED	
	REMARKS: SD220653. THIS DOCUMENT WAS RE-INSTATED ON 2016/02/01 AT 11:45 BY TOUZIN, JACKIE.					
SD222281	2012/03/29	CHARGE		*** DELETED AGAINST THIS PROPERTY *** 15-16 KEZIAH COURT INC. 193 MOUNTAIN STREET INC. 625 ASH STREET INC.	ATCHISON, CATHERINE	
SD224263	2012/04/27	DISCH OF CHARGE		*** COMPLETELY DELETED ***		

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PARCEL REGISTER (ABBREVIATED) FOR PROPERTY IDENTIFIER

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ON 2018/11/16 AT 16:38:08

02179-0531 (LT)

* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/ CHKD
				THE TORONTO-DOMINION BANK		
SD305487	2015/11/06	TRANS POWER SALE	\$225,000	ATCHISON, CATHERINE	MCKAY, ERIC	C
		REMARKS: SD732213. REMARKS: SD222281. PLANNING ACT STATEMENTS.				
SD305488	2015/11/06	CHARGE	\$168,750	MCKAY, ERIC	CAISSE POPULAIRE VOYAGEURS INC.	C
SD310098	2016/02/01	LR'S ORDER		LAND REGISTRAR, SUDBURY LAND REGISTRY OFFICE		C
SD310240	2016/02/03	DISCH OF CHARGE		*** COMPLETELY DELETED *** SUDBURY CREDIT UNION LIMITED		C
		REMARKS: SD220453.				

NOTE: ADJOINING PROPERTIES SHOULD BE INVESTIGATED TO ASCERTAIN DESCRIPTIVE INCONSISTENCIES, IF ANY, WITH DESCRIPTION REPRESENTED FOR THIS PROPERTY.
NOTE: ENSURE THAT YOUR PRINTOUT STATES THE TOTAL NUMBER OF PAGES AND THAT YOU HAVE PICKED THEM ALL UP.



PARCEL REGISTER (ABBREVIATED) FOR PROPERTY IDENTIFIER

LAND
REGISTRY
OFFICE #65

032531-0304 (LT)

PAGE 1 OF 3
PREPARED FOR Borrelli01
ON 2018/11/16 AT 16:25:31

* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

PROPERTY DESCRIPTION: PCL 89-1, SEC 65M2941 ; LT 89, PL 65M2941 , S/T LT746593 ; VAUGHAN

PROPERTY REMARKS:

ESTATE/QUALIFIER:
FEE SIMPLE
ABSOLUTE

RECENTLY:
FIRST CONVERSION FROM BOOK

FIN CREATION DATE:
1996/12/16

OWNERS' NAMES
HUTCHENS, TATIANA

CAPACITY SHARE
OWN

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/ CHKD
EFFECTIVE	2000/07/29	THE NOTATION OF THE	"BLOCK IMPLEMENTATION DATE" OF 1996/12/16 ON THIS PIN			
WAS REPLACED WITH THE	"PIN CREATION DATE" OF 1996/12/16					
** PRINTOUT INCLUDES ALL	DOCUMENT TYPES AND	DELETED INSTRUMENTS SINCE 1996/12/13 **				
LA840525	1980/03/14	NOTICE AGREEMENT			THE CORPORATION OF THE TOWN OF VAUGHAN	C
LA841434	1980/03/20	NOTICE AGREEMENT			THE CORPORATION OF THE TOWN OF VAUGHAN	C
LN2141	1980/09/24	NOTICE AGREEMENT			THE CORPORATION OF THE TOWN OF VAUGHAN	C
LT60174	1981/09/24	NOTICE AGREEMENT			THE CORPORATION OF THE TOWN OF VAUGHAN	C
LT743136	1991/04/02	BYLAW				C
LT915101	1993/06/04	NO SUB AGREEMENT			THE CORPORATION OF THE CITY OF VAUGHAN	C
LT945512	1993/11/15	NOTICE			THE CORPORATION OF THE CITY OF VAUGHAN	C
REMARKS: LT915101						
LT990675	1994/07/27	TRANSFER		*** COMPLETELY DELETED ***	MALLARI, JESUS MALLARI, TERESITA	
LT990676	1994/07/27	CHARGE		*** COMPLETELY DELETED ***	MELROSE HOMES LTD.	
LT1185969	1997/07/25	CHARGE		*** COMPLETELY DELETED *** MALLARI, JESUS MALLARI, TERESITA	CANADA TRUSTCO MORTGAGE COMPANY	
LT1208328	1997/09/03	DISCH OF CHARGE		*** COMPLETELY DELETED *** MELROSE HOMES LTD.		
REMARKS: RE: LT990676						

NOTE: ADJOINING PROPERTIES SHOULD BE INVESTIGATED TO ASCERTAIN DESCRIPTIVE INCONSISTENCIES, IF ANY, WITH DESCRIPTION REPRESENTED FOR THIS PROPERTY.
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LAND REGISTRY OFFICE #65

PARCEL REGISTER (ABBREVIATED) FOR PROPERTY IDENTIFIER

PAGE 2 OF 3
 PREPARED FOR Borrelli01
 ON 2018/11/16 AT 16:25:31

03251-0304 (LT)

* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/CHKD
LT11376335	1999/07/08	CHARGE		*** COMPLETELY DELETED *** MALLARI, JESUS MALLARI, TERESITA	CANADA TRUSTCO MORTGAGE COMPANY	
YR478677	2004/06/03	CHARGE		*** COMPLETELY DELETED *** MALLARI, JESUS MALLARI, TERESITA	THE TORONTO-DOMINION BANK	
YR500283	2004/07/13	DISCH OF CHARGE		*** COMPLETELY DELETED *** CANADA TRUSTCO MORTGAGE COMPANY		
		REMARKS: RE: LT1195969				
YR500288	2004/07/13	DISCH OF CHARGE		*** COMPLETELY DELETED *** CANADA TRUSTCO MORTGAGE COMPANY		
		REMARKS: RE: LT1376335				
YR657394	2005/06/24	CHARGE		*** COMPLETELY DELETED *** MALLARI, JESUS MALLARI, TERESITA	ROYAL BANK OF CANADA	
YR674180	2005/07/27	DISCH OF CHARGE		*** COMPLETELY DELETED *** THE TORONTO-DOMINION BANK		
		REMARKS: RE: YR478677				
YR779432	2006/02/20	CHARGE		*** COMPLETELY DELETED *** MALLARI, JESUS MALLARI, TERESITA	SCOTIA MORTGAGE CORPORATION	
YR792836	2006/03/21	DISCH OF CHARGE		*** COMPLETELY DELETED *** ROYAL BANK OF CANADA		
		REMARKS: RE: YR657394				
YR863612	2006/08/09	NOTICE		*** COMPLETELY DELETED *** MALLARI, JESUS MALLARI, TERESITA	SCOTIA MORTGAGE CORPORATION	
		REMARKS: YR779432				
YR1146132	2008/04/08	TRANSFER	\$760,000	MALLARI, JESUS MALLARI, TERESITA	HUTCHENS, TATIANA	C
		REMARKS: PLANNING ACT STATEMENTS				
YR1146133	2008/04/08	CHARGE		*** COMPLETELY DELETED ***		

NOTE: ADJOINING PROPERTIES SHOULD BE INVESTIGATED TO ASCERTAIN DESCRIPTIVE INCONSISTENCIES, IF ANY, WITH DESCRIPTION REPRESENTED FOR THIS PROPERTY.
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03251-0304 (LT)

* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/CHKD
YR1159806	2008/05/07	DISCH OF CHARGE		HUTCHENS, TATIANA	THE TORONTO-DOMINION BANK	
		REMARKS: RE: YR779432		*** COMPLETELY DELETED *** SCOTIA MORTGAGE CORPORATION		
YR1302144	2009/04/03	NO SEC INTEREST		*** COMPLETELY DELETED *** MORENERGY SERVICES INC.		
YR1623589	2011/03/21	APL (GENERAL)		*** COMPLETELY DELETED *** MAESBURY HOMES, INC. LAKE AUSTIN PROPERTIES, I, LTD. AYRES ROCK, LTD.		
		REMARKS: CERTIFICATE OF PENDING LITIGATION				
YR1773034	2012/01/19	APL AMEND ORDER		*** COMPLETELY DELETED *** ONTARIO SUPERIOR COURT OF JUSTICE	HUTCHENS, TATIANA	
		REMARKS: DELETE YR1623589				
YR1782462	2012/02/10	CHARGE		*** COMPLETELY DELETED *** HUTCHENS, TATIANA	LAPELL MANAGEMENT SERVICES INC.	
YR1794171	2012/03/13	DISCH OF CHARGE		*** COMPLETELY DELETED *** THE TORONTO-DOMINION BANK		
		REMARKS: YR1146133.				
YR1844133	2012/06/27	CHARGE	\$535,000	HUTCHENS, TATIANA	MERIDIAN CREDIT UNION LIMITED	C
YR1844134	2012/06/27	DISCH OF CHARGE		*** COMPLETELY DELETED *** LAPELL MANAGEMENT SERVICES INC.		
		REMARKS: YR1782462.				
YR2253521	2015/02/06	DISCHARGE INTEREST		*** COMPLETELY DELETED *** MORENERGY SERVICES INC.		
		REMARKS: YR1302144.				
YR2770531	2017/12/07	CERTIFICATE		CGC HOLDING COMPANY LLC HARLEM ALGONQUIN LLC MEDICK, JAMES T.		C
		REMARKS: PENDING LITIGATION				

NOTE: ADJOINING PROPERTIES SHOULD BE INVESTIGATED TO ASCERTAIN DESCRIPTIVE INCONSISTENCIES, IF ANY, WITH DESCRIPTION REPRESENTED FOR THIS PROPERTY.
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PARCEL REGISTER (ABBREVIATED) FOR PROPERTY IDENTIFIER

LAND
REGISTRY
OFFICE #51

PAGE 1 OF 4

PREPARED FOR Borrelli01
ON 2018/11/16 AT 16:27:57

58069-0103 (LTF)

* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

PROPERTY DESCRIPTION: LT 1 PL 978 INNISFIL ; INNISFIL

PROPERTY REMARKS:

ESTATE/QUALIFIER:

FEE SIMPLE

LT CONVERSION QUALIFIED

OWNERS' NAMES

HUTCHESS, TATIANA

RECENTLY:

FIRST CONVERSION FROM BOOK

CAPACITY SHARE

ROWN

PIN CREATION DATE:

1999/09/20

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/ CHKD
EFFECTIVE	2000/07/29	THE NOTATION OF THE "BLOCK IMPLEMENTATION DATE" OF 1999/09/20 ON THIS PIN				
WAS REPLACED WITH THE	"PIN CREATION DATE" OF 1999/09/20					
** PRINTOUT INCLUDES ALL	DOCUMENT TYPES AND DELETED INSTRUMENTS SINCE 1999/09/17 **					
**SUBJECT,	ON FIRST REGISTRATION UNDER THE LAND TITLES ACT, TO					
**	SUBSECTION 44(1) OF THE LAND TITLES ACT, EXCEPT PARAGRAPH 11, PARAGRAPH 14, PROVINCIAL SUCCESSION DUTIES *					
**	AND ESCHEATS OR FORFEITURE TO THE CROWN.					
**	THE RIGHTS OF ANY PERSON WHO WOULD, BUT FOR THE LAND TITLES ACT, BE ENTITLED TO THE LAND OR ANY PART OF					
**	IT THROUGH LENGTH OF ADVERSE POSSESSION, PRESCRIPTION, MISDESCRIPTION OR BOUNDARIES SETTLED BY					
**	CONVENTION.					
**	ANY LEASE TO WHICH THE SUBSECTION 70(2) OF THE REGISTRY ACT APPLIES.					
**DATE OF CONVERSION TO	LAND TITLES: 1999/09/20 **					
RO1387843	1998/08/07	TRANSFER		*** COMPLETELY DELETED ***	ENMAN (DI VINCENZO), SILVIA GABRIELLA	
RO1387844	1998/08/07	CHARGE		*** COMPLETELY DELETED ***	ROYAL BANK OF CANADA	
LT405527	1999/10/04	NOTICE		*** COMPLETELY DELETED ***		
REMARKS: RO1307843				THE CONSUMERS' GAS COMPANY LTD.		
SC100243	2003/03/14	TRANSFER		*** COMPLETELY DELETED ***	KING, LISA	
REMARKS: PLANNING ACT STATEMENT				ENMAN (DI VINCENZO), SILVIA GABRIELLA		
SC100244	2003/03/14	CHARGE		*** COMPLETELY DELETED ***	HOME TRUST COMPANY	
				KING, LISA		

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LAND REGISTRY OFFICE #51

PAGE 2 OF 4

PREPARED FOR Borrelli01
ON 2018/11/16 AT 16:27:57

58069-0103 (LT)

PARCEL REGISTER (ABBREVIATED) FOR PROPERTY IDENTIFIER

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/CHKD
SC100245	2003/03/14	CHARGE		*** COMPLETELY DELETED *** KING, LISA	NELSON, DIANE	
SC110428	2003/04/29	DISCH OF CHARGE		*** COMPLETELY DELETED *** ROYAL BANK OF CANADA		
		REMARKS: RE: RC11387844				
SC436455	2006/05/12	TRANSFER		*** COMPLETELY DELETED *** KING, LISA	BELVIEW GROUP CORP.	
		REMARKS: PLANNING ACT STATEMENTS				
SC436456	2006/05/12	CHARGE		*** COMPLETELY DELETED *** DELVIEW GROUP CORP.	2075716 ONTARIO INC.	
SC436467	2006/05/12	NO ASSGN RENT GEN		*** COMPLETELY DELETED *** DELVIEW GROUP CORP.	2075716 ONTARIO INC.	
		REMARKS: SC436456				
SC436529	2006/05/12	DISCH OF CHARGE		*** COMPLETELY DELETED *** NELSON, DIANE		
		REMARKS: RE: SC100245				
SC445659	2006/06/09	CHARGE		*** COMPLETELY DELETED *** DELVIEW GROUP CORP.	MIXEY, JOHN	
SC476564	2006/09/08	DISCH OF CHARGE		*** COMPLETELY DELETED *** HOME TRUST COMPANY		
		REMARKS: RE: SG100244				
SC482625	2006/09/26	TRANSFER		*** COMPLETELY DELETED *** DELVIEW GROUP CORP.	CHOW, RAYMOND	
SC482627	2006/09/26	CHARGE		*** COMPLETELY DELETED *** CHOW, RAYMOND	MCAP SERVICE CORPORATION	
SC482843	2006/09/27	DISCH OF CHARGE		*** COMPLETELY DELETED *** NIXEY, JOHN		
		REMARKS: RE: SC445659				
SC485628	2006/10/05	DISCH OF CHARGE		*** COMPLETELY DELETED *** 2075716 ONTARIO INC.		
		REMARKS: RE: SC436456				

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Ontario ServiceOntario

LAND
REGISTRY
OFFICE #51

PARCEL REGISTER (ABBREVIATED) FOR PROPERTY IDENTIFIER

PAGE 3 OF 4

PREPARED FOR Borrelli01
ON 2018/11/16 AT 16:27:57

58069-0103 (LT)

* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/ CHKD
SC701339	2008/11/24	POSTPONEMENT		*** COMPLETELY DELETED *** THE CONSUMERS' GAS COMPANY LTD.	MCAP SERVICE CORPORATION	
	REMARKS: LT405527 TO SC482627					
SC725790	2009/03/31	TRANS POWER SALE	\$161,500	MCAP SERVICE CORPORATION	HUTCHENS, TATIANA	C
	REMARKS: SC482627					
SC725791	2009/03/31	CHARGE		*** COMPLETELY DELETED *** HUTCHENS, TATIANA	THE TORONTO-DOMINION BANK	
SC732881	2009/05/04	DISCHARGE INTEREST		*** COMPLETELY DELETED ***	ENBRIDGE GAS DISTRIBUTION INC.	
	REMARKS: RE: LT405527					
SC812245	2010/04/13	NO SEC INTEREST	\$2	MORENEGY SERVICES INC.		C
SC838320	2010/07/19	NO SEC INTEREST	\$2	MORENEGY SERVICES INC.		C
SC890071	2011/03/21	APL (GENERAL)		*** COMPLETELY DELETED *** MAESBURY HOMES, INC. LAKE AUSTIN PROPERTIES, I, LTD. AYRES ROCK, LTD.		
	REMARKS: CERTIFICATE OF PENDING LITIGATION					
SC958328	2012/01/19	APL AMEND ORDER		*** COMPLETELY DELETED *** ONTARIO SUPERIOR COURT OF JUSTICE	HUTCHENS, TATIANA HUTCHENS, TANYA	
	REMARKS: DELETES SC890071					
SC962560	2012/02/10	CHARGE	\$80,750	HUTCHENS, TATIANA	BRIK, DINA	C
SC968049	2012/03/13	DISCH OF CHARGE		*** COMPLETELY DELETED *** THE TORONTO-DOMINION BANK		
	REMARKS: SC725791.					
SC976633	2012/04/26	CHARGE	\$95,000	HUTCHENS, TATIANA	MERIDIAN CREDIT UNION LIMITED	C
SC976634	2012/04/26	POSTPONEMENT		BRIK, DINA	MERIDIAN CREDIT UNION LIMITED	C
	REMARKS: SC962360 TO SC976633					
SC1475977	2017/12/07	CERTIFICATE		CGC HOLDING COMPANY LLC HARLEM ALGONQUIN LLC		C

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LAND REGISTRY OFFICE #51

58069-0103 (LT)

PAGE 4 OF 4
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 ON 2018/11/16 AT 16:27:57

PARCEL REGISTER (ABBREVIATED) FOR PROPERTY IDENTIFIER

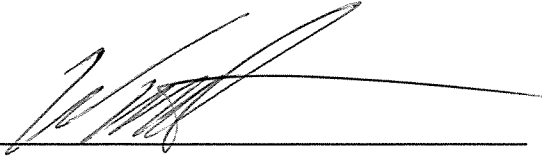
REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/CHKD
		REMARKS: PENDING LITIGATION		MEDICK, JAMES T.		

NOTE: ADJOINING PROPERTIES SHOULD BE INVESTIGATED TO ASCERTAIN DESCRIPTIVE INCONSISTENCIES, IF ANY, WITH DESCRIPTION REPRESENTED FOR THIS PROPERTY.
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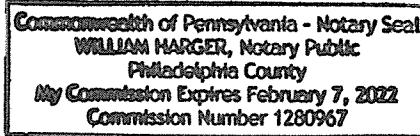
TAB

37

This is **Exhibit 37** referred to in the
Affidavit of Howard Langer, sworn before me,
this 8th day of January, 2019



Commissioner for Taking Affidavits (or as may be)





LAND REGISTRY OFFICE #51

PAGE 1 OF 2
PREPARED FOR Borrelli01
ON 2018/11/16 AT 16:29:57

PARCEL REGISTER (ABBREVIATED) FOR PROPERTY IDENTIFIER

58072-0299 (LT)

PROPERTY DESCRIPTION: LT 31, PL 657 ; INNISFIL

PROPERTY REMARKS:
ESTATE/QUALIFIER:
FEE SIMPLE
LT CONVERSION QUALIFIED
OWNERS' NAMES
HUTCHENS, TATIANA

RECENTLY:
FIRST CONVERSION FROM BOOK
CAPACITY SHARE
ROWN

PIN CREATION DATE:
1999/09/20

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/CHKD
EFFECTIVE	2000/07/29	THE NOTATION OF THE "BLOCK IMPLEMENTATION DATE" OF 1999/09/20 ON THIS PIN				
WAS REPLACED WITH THE "PIN CREATION DATE" OF 1999/09/20						
** PRINTOUT INCLUDES ALL DOCUMENT TYPES AND DELETED INSTRUMENTS SINCE 1999/09/17 **						
**SUBJECT, ON FIRST REGISTRATION UNDER THE LAND TITLES ACT, TO:						
** SUBSECTION 44(1) OF THE LAND TITLES ACT, EXCEPT PARAGRAPH 11, PARAGRAPH 14, PROVINCIAL SUCCESSION DUTIES *						
** AND ESCHENTS OR FORFEITURE TO THE CROWN.						
** THE RIGHTS OF ANY PERSON WHO WOULD, BUT FOR THE LAND TITLES ACT, BE ENTITLED TO THE LAND OR ANY PART OF IT THROUGH LENGTH OF ADVERSE POSSESSION, PRESCRIPTION, MISDESCRIPTION OR BOUNDARIES SETTLED BY CONVENTION.						
** ANY LEASE TO WHICH THE SUBSECTION 70(2) OF THE REGISTRY ACT APPLIES.						
**DATE OF CONVERSION TO LAND TITLES: 1999/09/20 **						
RC11027282	1990/03/15	REST COV APL ANNEX				
RC1107680	1990/04/24	TRANSFER		*** COMPLETELY DELETED ***	ROOTS, MARGARET ROOTS, REGINALD ARTHUR	C
LT490919	2001/06/15	APL OF SURV-LAND		*** COMPLETELY DELETED ***	ROOTS, MARGARET ROOTS, REGINALD ARTHUR (DECEASED)	
SC678323	2008/09/02	TRANSFER	\$350,000		ROOTS, MARGARET HUTCHENS, TATIANA	C
SC678324	2008/09/02	CHARGE		*** COMPLETELY DELETED ***	HUTCHENS, TATIANA	
SC890071	2011/03/21	APL (GENERAL)		*** COMPLETELY DELETED ***	THE TORONTO-DOMINION BANK	

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PARCEL REGISTER (ABBREVIATED) FOR PROPERTY IDENTIFIER

LAND
REGISTRY
OFFICE #51

PAGE 2 OF 2
PREPARED FOR Borrelli01
ON 2018/11/16 AT 16:29:57

58072-0299 (LT)

* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/CHKD
		REMARKS: CERTIFICATE OF PENDING LITIGATION		LAKE AUSTIN PROPERTIES, I, LTD. AYRES ROCK, LTD.		
SC958328	2012/01/19	APL AMEND ORDER		*** COMPLETELY DELETED *** ONTARIO SUPERIOR COURT OF JUSTICE	HUTCHENS, TATIANA HUTCHENS, TANYA	
		REMARKS: DELETES SC890071				
SC962544	2012/02/10	CHARGE		*** COMPLETELY DELETED *** HUTCHENS, TATIANA	LAPPELL MANAGEMENT SERVICES INC.	
SC968060	2012/03/13	DISCH OF CHARGE		*** COMPLETELY DELETED *** THE TORONTO-DOMINION BANK		
		REMARKS: SC678324.				
SC1049628	2013/04/08	DISCH OF CHARGE		*** COMPLETELY DELETED *** LAPPELL MANAGEMENT SERVICES INC.		
		REMARKS: SC962344.				
SC1049631	2013/04/08	CHARGE	\$200,000	HUTCHENS, TATIANA	MERIDIAN CREDIT UNION LIMITED	C
SC1475977	2017/12/07	CERTIFICATE		CGC HOLDING COMPANY LLC HARLEM ALGONQUIN LLC MEDICK, JAMES T.		C
		REMARKS: PENDING LITIGATION				

NOTE: ADJOINING PROPERTIES SHOULD BE INVESTIGATED TO ASCERTAIN DESCRIPTIVE INCONSISTENCIES, IF ANY, WITH DESCRIPTION REPRESENTED FOR THIS PROPERTY.
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PARCEL REGISTER (ABBREVIATED) FOR PROPERTY IDENTIFIER

LAND
REGISTRY
OFFICE #65

PAGE 1 OF 3

PREPARED FOR Borrelli01
ON 2018/11/16 AT 16:25:31

03251-0304 (LT)

* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

PROPERTY DESCRIPTION: PCL 89-1, SEC 65M2941 ; LT 89, PL 65M2941 , S/T LT746593 ; VAUGHAN

PROPERTY REMARKS:
ESTATE/QUALIFIER:
FEE SIMPLE
ABSOLUTE

PIN CREATION DATE:
1996/12/16

OWNERS' NAMES
HUTCHENS, TATIANA
ROWN

RECENTLY:
FIRST CONVERSION FROM BOOK
CAPACITY SHARE

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/ CHKD
EFFECTIVE 2000/07/29 THE NOTATION OF THE "BLOCK IMPLEMENTATION DATE" OF 1996/12/16 ON THIS PIN						
WAS REPLACED WITH THE "PIN CREATION DATE" OF 1996/12/16						
** PRINTOUT INCLUDES ALL DOCUMENT TYPES AND DELETED INSTRUMENTS SINCE 1996/12/13 **						
LA840525	1980/03/14	NOTICE AGREEMENT			THE CORPORATION OF THE TOWN OF VAUGHAN	C
LA841434	1980/03/20	NOTICE AGREEMENT			THE CORPORATION OF THE TOWN OF VAUGHAN	C
LA2141	1980/09/24	NOTICE AGREEMENT			THE CORPORATION OF THE TOWN OF VAUGHAN	C
LT60174	1981/09/24	NOTICE AGREEMENT			THE CORPORATION OF THE TOWN OF VAUGHAN	C
LT743136	1991/04/02	BYLAW			THE CORPORATION OF THE TOWN OF VAUGHAN	C
LT915101	1993/06/04	NO SUB AGREEMENT			THE CORPORATION OF THE CITY OF VAUGHAN	C
LT945512	1993/11/15	NOTICE			THE CORPORATION OF THE CITY OF VAUGHAN	C
REMARKS: LP915101						
LT990675	1994/07/27	TRANSFER		*** COMPLETELY DELETED ***	MALLARI, JESUS MALLARI, TERESITA	
LT990676	1994/07/27	CHARGE		*** COMPLETELY DELETED ***	MELROSE HOMES LTD.	
LT1195969	1997/07/25	CHARGE		*** COMPLETELY DELETED ***	CANADA TRUSTCO MORTGAGE COMPANY	
LT1208328	1997/09/03	DISCH OF CHARGE		*** COMPLETELY DELETED ***		
REMARKS: RE: LT990676						

NOTE: ADJOINING PROPERTIES SHOULD BE INVESTIGATED TO ASCERTAIN DESCRIPTIVE INCONSISTENCIES, IF ANY, WITH DESCRIPTION REPRESENTED FOR THIS PROPERTY.
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LAND
REGISTRY
OFFICE #65

PARCEL REGISTER (ABBREVIATED) FOR PROPERTY IDENTIFIER

PAGE 2 OF 3

PREPARED FOR Borrelli01
ON 2018/11/16 AT 16:25:31

03251-0304 (LT)

* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/ CHKD
LT11376335	1999/07/08	CHARGE		*** COMPLETELY DELETED *** MALLARI, JESUS MALLARI, TERESITA	CANADA TRUSTCO MORTGAGE COMPANY	
YR478677	2004/06/03	CHARGE		*** COMPLETELY DELETED *** MALLARI, JESUS MALLARI, TERESITA	THE TORONTO-DOMINION BANK	
YR500283	2004/07/13	DISCH OF CHARGE		*** COMPLETELY DELETED *** CANADA TRUSTCO MORTGAGE COMPANY		
		REMARKS: RE: LT1195969				
YR500288	2004/07/13	DISCH OF CHARGE		*** COMPLETELY DELETED *** CANADA TRUSTCO MORTGAGE COMPANY		
		REMARKS: RE: LT11376335				
YR657394	2005/06/24	CHARGE		*** COMPLETELY DELETED *** MALLARI, JESUS MALLARI, TERESITA	ROYAL BANK OF CANADA	
YR674180	2005/07/27	DISCH OF CHARGE		*** COMPLETELY DELETED *** THE TORONTO-DOMINION BANK		
		REMARKS: RE: YR478677				
YR779432	2006/02/20	CHARGE		*** COMPLETELY DELETED *** MALLARI, JESUS MALLARI, TERESITA	SCOTIA MORTGAGE CORPORATION	
YR792836	2006/03/21	DISCH OF CHARGE		*** COMPLETELY DELETED *** ROYAL BANK OF CANADA		
		REMARKS: RE: YR657394				
YR863612	2006/08/09	NOTICE		*** COMPLETELY DELETED *** MALLARI, JESUS MALLARI, TERESITA	SCOTIA MORTGAGE CORPORATION	
		REMARKS: YR779432				
YR1146132	2008/04/08	TRANSFER	\$760,000	MALLARI, JESUS MALLARI, TERESITA	HUTCHENS, TATIANA	C
		REMARKS: PLANNING ACT STATEMENTS				
YR1146133	2008/04/08	CHARGE		*** COMPLETELY DELETED ***		

NOTE: ADJOINING PROPERTIES SHOULD BE INVESTIGATED TO ASCERTAIN DESCRIPTIVE INCONSISTENCIES, IF ANY, WITH DESCRIPTION REPRESENTED FOR THIS PROPERTY.
NOTE: ENSURE THAT YOUR PRINTOUT STATES THE TOTAL NUMBER OF PAGES AND THAT YOU HAVE PICKED THEM ALL UP.



LAND REGISTRY OFFICE #65

03251-0304 (LT)

PAGE 3 OF 3
PREPARED FOR Borrelli01
ON 2018/11/16 AT 16:25:31

PARCEL REGISTER (ABBREVIATED) FOR PROPERTY IDENTIFIER * CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/CHKD
YR1159806	2008/05/07	DISCH OF CHARGE		HUTCHENS, TATIANA	THE TORONTO-DOMINION BANK	
	REMARKS: RE: YR779432			*** COMPLETELY DELETED *** SCOTIA MORTGAGE CORPORATION		
YR1302144	2009/04/03	NO SEC INTEREST		*** COMPLETELY DELETED *** MORENERGY SERVICES INC.		
YR1623589	2011/03/21	APL (GENERAL)		*** COMPLETELY DELETED *** MAESBURY HOMES, INC. LAKE AUSTIN PROPERTIES, I, LTD. AYRES ROCK, LTD.		
	REMARKS: CERTIFICATE OF PENDING LITIGATION					
YR1773034	2012/01/19	APL AMEND ORDER		*** COMPLETELY DELETED *** ONTARIO SUPERIOR COURT OF JUSTICE	HUTCHENS, TATIANA	
	REMARKS: DELETE YR1623589					
YR1782462	2012/02/10	CHARGE		*** COMPLETELY DELETED *** HUTCHENS, TATIANA	LAPPELL MANAGEMENT SERVICES INC.	
YR1794171	2012/03/13	DISCH OF CHARGE		*** COMPLETELY DELETED *** THE TORONTO-DOMINION BANK		
	REMARKS: YR1146133.					
YR1844133	2012/06/27	CHARGE	\$535,000	HUTCHENS, TATIANA	MERIDIAN CREDIT UNION LIMITED	C
YR1844134	2012/06/27	DISCH OF CHARGE		*** COMPLETELY DELETED *** LAPPELL MANAGEMENT SERVICES INC.		
	REMARKS: YR1782462.					
YR2253521	2015/02/06	DISCHARGE INTEREST		*** COMPLETELY DELETED *** MORENERGY SERVICES INC.		
	REMARKS: YR1302144.					
YR2770531	2017/12/07	CERTIFICATE		CGC HOLDING COMPANY LLC HARLEM ALGONQUIN LLC MEDICK, JAMES T.		C
	REMARKS: PENDING LITIGATION					

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PARCEL REGISTER (ABBREVIATED) FOR PROPERTY IDENTIFIER

LAND
REGISTRY
OFFICE #51

PAGE 1 OF 4
PREPARED FOR Borrelli01
ON 2018/11/16 AT 16:27:57

58069-0103 (LT)

* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

PROPERTY DESCRIPTION: LT 1 PL 978 INNISFIL ; INNISFIL

PROPERTY REMARKS:
ESTATE/QUALIFIER:
FIRST CONVERSION FROM BOOK

PIN CREATION DATE:
1999/09/20

OWNERS' NAMES
HUTCHENS, TATIANA

CAPACITY SHARE
NONE

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/CHKD
EFFECTIVE	2000/07/29	THE NOTATION OF THE "BLOCK IMPLEMENTATION DATE" OF 1999/09/20 ON THIS PIN				
WAS REPLACED WITH THE "PIN CREATION DATE" OF 1999/09/20						
** PRINTOUT		INCLUDES ALL DOCUMENT TYPES AND DELETED INSTRUMENTS SINCE 1999/09/17 **				
**SUBJECT, ON FIRST REGISTRATION UNDER THE LAND TITLES ACT, TO:						
**		SUBSECTION 44(1) OF THE LAND TITLES ACT, EXCEPT PARAGRAPH 11, PARAGRAPH 14, PROVINCIAL SUCCESSION DUTIES *				
**		AND ESCHEATS OR FORFEITURE TO THE CROWN.				
**		THE RIGHTS OF ANY PERSON WHO WOULD, BUT FOR THE LAND TITLES ACT, BE ENTITLED TO THE LAND OR ANY PART OF IT THROUGH LENGTH OF ADVERSE POSSESSION, PRESCRIPTION, MISDESCRIPTION OR BOUNDARIES SETTLED BY CONVENTION.				
**		ANY LEASE TO WHICH THE SUBSECTION 70(2) OF THE REGISTRY ACT APPLIES.				
**DATE OF CONVERSION TO LAND TITLES: 1999/09/20 **						
R01387843	1998/08/07	TRANSFER		*** COMPLETELY DELETED ***	ENMAN (DI VINCENZO), SILVIA GABRIELLA	
R01387844	1998/08/07	CHARGE		*** COMPLETELY DELETED ***	ROYAL BANK OF CANADA	
L7405527	1999/10/04	NOTICE		*** COMPLETELY DELETED *** THE CONSUMERS' GAS COMPANY LTD.		
REMARKS: R01387843						
SC100243	2003/03/14	TRANSFER		*** COMPLETELY DELETED *** ENMAN (DI VINCENZO), SILVIA GABRIELLA	KING, LISA	
REMARKS: PLANNING ACT STATEMENT						
SC100244	2003/03/14	CHARGE		*** COMPLETELY DELETED *** KING, LISA	HOME TRUST COMPANY	

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LAND
REGISTRY
OFFICE #51

PARCEL REGISTER (ABBREVIATED) FOR PROPERTY IDENTIFIER

PAGE 2 OF 4

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58069-0103 (LT)

* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/ CHKD
SC100245	2003/03/14	CHARGE		*** COMPLETELY DELETED *** KING, LISA	NELSON, DIANE	
SC110428	2003/04/29	DISCH OF CHARGE		*** COMPLETELY DELETED *** ROYAL BANK OF CANADA		
		REMARKS: RE: R01387844				
SC436455	2006/05/12	TRANSFER		*** COMPLETELY DELETED *** KING, LISA	DELVIEW GROUP CORP.	
		REMARKS: PLANNING ACT STATEMENTS				
SC436456	2006/05/12	CHARGE		*** COMPLETELY DELETED *** DELVIEW GROUP CORP.	2075716 ONTARIO INC.	
SC436467	2006/05/12	NO ASSGN RENT GEN		*** COMPLETELY DELETED *** DELVIEW GROUP CORP.	2075716 ONTARIO INC.	
		REMARKS: SC436456				
SC436529	2006/05/12	DISCH OF CHARGE		*** COMPLETELY DELETED *** NELSON, DIANE		
		REMARKS: RE: SC100245				
SC445659	2006/06/09	CHARGE		*** COMPLETELY DELETED *** DELVIEW GROUP CORP.	NIXEY, JOHN	
SC476564	2006/09/08	DISCH OF CHARGE		*** COMPLETELY DELETED *** HOME TRUST COMPANY		
		REMARKS: RE: SC100244				
SC482625	2006/09/26	TRANSFER		*** COMPLETELY DELETED *** DELVIEW GROUP CORP.	CHOW, RAYMOND	
SC482627	2006/09/26	CHARGE		*** COMPLETELY DELETED *** CHOW, RAYMOND	MCAP SERVICE CORPORATION	
SC482843	2006/09/27	DISCH OF CHARGE		*** COMPLETELY DELETED *** NIXEY, JOHN		
		REMARKS: RE: SC445659				
SC485628	2006/10/05	DISCH OF CHARGE		*** COMPLETELY DELETED *** 2075716 ONTARIO INC.		
		REMARKS: RE: SC436456				

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LAND REGISTRY OFFICE #51

58069-0103 (LT)

PAGE 3 OF 4
PREPARED FOR Borrelli01
ON 2018/11/16 AT 16:27:57

PARCEL REGISTER (ABBREVIATED) FOR PROPERTY IDENTIFIER * CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/CHKD
SC701339	2008/11/24	POSTPONEMENT REMARKS: LT40527 TO SC482627		*** COMPLETELY DELETED *** THE CONSUMERS' GAS COMPANY LTD.	MCAP SERVICE CORPORATION	
SC725790	2009/03/31	TRANS POWER SALE REMARKS: SC482627	\$161,500	MCAP SERVICE CORPORATION	HUTCHENS, TATIANA	C
SC725791	2009/03/31	CHARGE		*** COMPLETELY DELETED *** HUTCHENS, TATIANA	THE TORONTO-DOMINION BANK	
SC732881	2009/05/04	DISCHARGE INTEREST REMARKS: RE: L4405527		*** COMPLETELY DELETED ***	ENBRIDGE GAS DISTRIBUTION INC.	
SC812245	2010/04/13	NO SEC INTEREST	\$2	MORENERGY SERVICES INC.		C
SC838320	2010/07/19	NO SEC INTEREST	\$2	MORENERGY SERVICES INC.		C
SC890071	2011/03/21	APL (GENERAL)		*** COMPLETELY DELETED *** MAESBURY HOMES, INC. LAKE AUSTIN PROPERTIES, I, LTD. AYRES ROCK, LTD.		
SC958328	2012/01/19	APL AMEND ORDER REMARKS: CERTIFICATE OF PENDING LITIGATION		*** COMPLETELY DELETED *** ONTARIO SUPERIOR COURT OF JUSTICE	HUTCHENS, TATIANA HUTCHENS, TANYA	
SC962560	2012/02/10	CHARGE	\$80,750	HUTCHENS, TATIANA	BRIK, DINA	C
SC968049	2012/03/13	DISCH OF CHARGE REMARKS: SC725791.		*** COMPLETELY DELETED *** THE TORONTO-DOMINION BANK		
SC976633	2012/04/26	CHARGE	\$85,000	HUTCHENS, TATIANA	MERIDIAN CREDIT UNION LIMITED	C
SC976634	2012/04/26	POSTPONEMENT REMARKS: SC962560 TO SC976633		BRIK, DINA	MERIDIAN CREDIT UNION LIMITED	C
SC1475977	2017/12/07	CERTIFICATE		CGC HOLDING COMPANY LLC HARLEM ALGONQUIN LLC		C

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PARCEL REGISTER (ABBREVIATED) FOR PROPERTY IDENTIFIER

LAND
REGISTRY
OFFICE #51

PAGE 4 OF 4
PREPARED FOR Borrelli01
ON 2018/11/16 AT 16:27:57

58069-0103 (LT)

* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

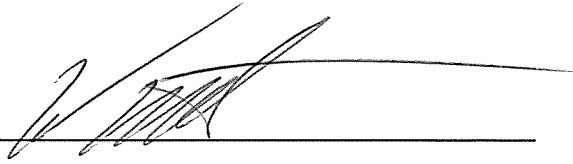
REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/ CHKD
		REMARKS: PENDING LITIGATION		MEDICK, JAMES T.		

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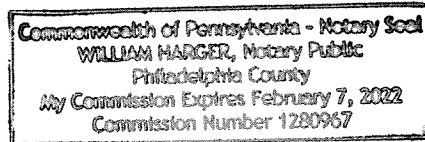
TAB

38

This is **Exhibit 38** referred to in the
Affidavit of Howard Langer, sworn before me,
this 8th day of January, 2019



Commissioner for Taking Affidavits (or as may be)



NOTICE OF SALE UNDER CHARGE/MORTGAGE OF LAND

TO: ALL THOSE PERSONS LISTED ON SCHEDULE "A" ANNEXED HERETO AND FORMING PART OF THIS NOTICE

TAKE NOTICE that default has been made in payment of the money due under a certain charge/mortgage of land (the "Mortgage") registered on April 26, 2012 made between:

TATIANA HUTCHENS

as chargor or mortgagor

- and -

MERIDIAN CREDIT UNION LIMITED

as chargee or mortgagee

upon the security of the following property:

LT 6, PL 642; INNISFIL
being all of PIN (58068-0102 (LT))

which Mortgage was registered on April 26, 2012 in the Land Titles Office of the County of Simcoe at Barrie (No.51) as instrument SC976621. The Mortgage has been amended from time to time.

And the Mortgagee gives you notice that the amounts now due on the Mortgage for principal, interest, realty taxes, insurance premiums, administration fees, costs and expenses, are as follows:

Principal:	\$198,942.09
Accrued Interest to date at the chargee's line of credit prime rate plus 0.5%:	3,053.47
Administration fee:	750.00
Legal Fees - Notice of Sale	<u>950.00</u>
TOTAL AMOUNT DUE as at the date hereof:	<u>\$203,695.56</u>


(such legal fees (which do not include HST) relate to legal services rendered prior to (and including) the service of this Notice of Sale only, and thereafter additional legal costs, disbursements and HST will be charged as may be proper between a solicitor and his own client). There shall also be added to the amounts expressed above to be due on the Mortgage, interest accruing on the amounts now due (excluding legal costs, disbursements and HST unless actually paid by the Mortgagee) together with all additional costs and expenses from the date hereof to the date of payment. As of the date of this notice the chargee's line of credit prime rate is 4.20%.

And unless these sums are paid on or before the 22nd day of October, 2018 the Mortgagee shall sell the property covered by the Mortgage under the provisions contained in it.

This notice is given to you as you appear to have an interest in the mortgaged property and may be entitled to redeem the same.

DATED this 12th day of September, 2018.

MERIDIAN CREDIT UNION LIMITED
by its solicitors,
FLETT BECCARIO
Barristers & Solicitors
190 Division Street, P. O. Box 340
Welland, Ontario
L3B 5P9
(905) 732-4481

Per: 
Anthony D'Amico

SCHEDULE "A"

Tatiana Hutchens
33 Theodore Place
Thornhill, Ontario
L4J 8E2

Spouse of Tatiana Hutchens
33 Theodore Place
Thornhill, Ontario
L4J 8E2

Tatiana Hutchens
1479 Maple Road
Innisfil, Ontario
L9S 4R1

Spouse of Tatiana Hutchens
1479 Maple Road
Innisfil, Ontario
L9S 4R1

Dina Brik
468 Beverley Glen Blvd.
Thornhill, Ontario
L4J 7S2

CGC Holding Company LLC
c/o Siskinds LLP
680 Waterloo Street
London, Ontario
N6A 3V8

Harlem Algonquin LLC
c/o Siskinds LLP
680 Waterloo Street
London, Ontario
N6A 3V8

James T. Medick
c/o Siskinds LLP
680 Waterloo Street
London, Ontario
N6A 3V8

NOTICE OF SALE UNDER CHARGE/MORTGAGE OF LAND

TO: ALL THOSE PERSONS LISTED ON SCHEDULE "A" ANNEXED HERETO AND FORMING PART OF THIS NOTICE

TAKE NOTICE that default has been made in payment of the money due under a certain charge/mortgage of land (the "Mortgage") registered on April 8, 2013 made between:

TANYA HUTCHENS

as chargor or mortgagor

- and -

MERIDIAN CREDIT UNION LIMITED

as chargee or mortgagee

upon the security of the following property:

PT N ½ LT 25 CON 6 INNISFIL AS IN RO1093173;
S/T RO1093173; INNISFIL
being all of PIN (58069-0150 (LT))

which Mortgage was registered on April 8, 2013 in the Land Titles Office of the County of Simcoe at Barrie (No.51) as instrument SC1049629. The Mortgage has been amended from time to time.

And the Mortgagee gives you notice that the amounts now due on the Mortgage for principal, interest, realty taxes, insurance premiums, administration fees, costs and expenses, are as follows:

Principal:	\$298,238.07
Accrued Interest to date at the chargee's line of credit prime rate plus 0.5%:	4,572.93
Administration fee:	750.00
Legal Fees - Notice of Sale	<u>950.00</u>
TOTAL AMOUNT DUE as at the date hereof:	<u>\$304,511.00</u>

(such legal fees (which do not include HST) relate to legal services rendered prior to (and including) the service of this Notice of Sale only, and thereafter additional legal costs, disbursements and HST will be charged as may be proper between a solicitor and his own client). There shall also be added to the amounts expressed above to be due on the Mortgage, interest accruing on the amounts now due (excluding legal costs, disbursements and HST unless actually paid by the Mortgagee) together with all additional costs and expenses from the date hereof to the date of payment. As of the date of this notice the chargee's line of credit prime rate is 4.20%.

And unless these sums are paid on or before the 22nd day of October, 2018 the Mortgagee shall sell the property covered by the Mortgage under the provisions contained in it.

This notice is given to you as you appear to have an interest in the mortgaged property and may be entitled to redeem the same.

DATED this 12th day of September, 2018.

MERIDIAN CREDIT UNION LIMITED
by its solicitors,
FLETT BECCARIO
Barristers & Solicitors
190 Division Street, P. O. Box 340
Welland, Ontario
L3B 5P9
(905) 732-4481

Per: 
Anthony D'Amico

SCHEDULE "A"

Tanya Hutchens
33 Theodore Place
Thornhill, Ontario
L4J 8E2

Spouse of Tanya Hutchens
33 Theodore Place
Thornhill, Ontario
L4J 8E2

Tanya Hutchens
1779 Cross Street
Innisfil, Ontario
L9S 4L9

Spouse of Tanya Hutchens
1779 Cross Street
Innisfil, Ontario
L9S 4L9

CGC Holding Company LLC
c/o Siskinds LLP
680 Waterloo Street
London, Ontario
N6A 3V8

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c/o Siskinds LLP
680 Waterloo Street
London, Ontario
N6A 3V8

James T. Medick
c/o Siskinds LLP
680 Waterloo Street
London, Ontario
N6A 3V8

NOTICE OF SALE UNDER CHARGE/MORTGAGE OF LAND

TO: ALL THOSE PERSONS LISTED ON SCHEDULE "A" ANNEXED HERETO AND FORMING PART OF THIS NOTICE

TAKE NOTICE that default has been made in payment of the money due under a certain charge/mortgage of land (the "Mortgage") registered on April 26, 2012 made between:

TATIANA HUTCHENS

as chargor or mortgagor

- and -

MERIDIAN CREDIT UNION LIMITED

as chargee or mortgagee

upon the security of the following property:

LT 1, PL 978; INNISFIL
being all of PIN (58069-0103 (LT))

which Mortgage was registered on April 26, 2012 in the Land Titles Office of the County of Simcoe at Barrie (No.51) as instrument SC976633. The Mortgage has been amended from time to time.

And the Mortgagee gives you notice that the amounts now due on the Mortgage for principal, interest, realty taxes, insurance premiums, administration fees, costs and expenses, are as follows:

Principal:	\$ 84,717.59
Accrued Interest to date at the chargee's line of credit prime rate plus 0.5%:	326.93
Administration fee:	750.00
Legal Fees - Notice of Sale	<u>950.00</u>
TOTAL AMOUNT DUE as at the date hereof:	<u>\$ 86,744.52</u>

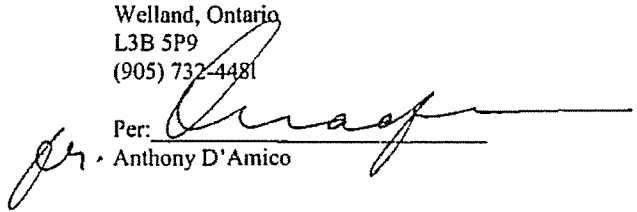
(such legal fees (which do not include HST) relate to legal services rendered prior to (and including) the service of this Notice of Sale only, and thereafter additional legal costs, disbursements and HST will be charged as may be proper between a solicitor and his own client). There shall also be added to the amounts expressed above to be due on the Mortgage, interest accruing on the amounts now due (excluding legal costs, disbursements and HST unless actually paid by the Mortgagee) together with all additional costs and expenses from the date hereof to the date of payment. As of the date of this notice the chargee's line of credit prime rate is 4.20%.

And unless these sums are paid on or before the 22nd day of October, 2018 the Mortgagee shall sell the property covered by the Mortgage under the provisions contained in it.

This notice is given to you as you appear to have an interest in the mortgaged property and may be entitled to redeem the same.

DATED this 12th day of September, 2018.

MERIDIAN CREDIT UNION LIMITED
by its solicitors,
FLETT BECCARIO
Barristers & Solicitors
190 Division Street, P. O. Box 340
Welland, Ontario
L3B 5P9
(905) 732-4481

Per: 
Anthony D'Amico

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Tatiana Hutchens
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680 Waterloo Street
London, Ontario
N6A 3V8

James T. Medick
c/o Siskinds LLP
680 Waterloo Street
London, Ontario
N6A 3V8

NOTICE OF SALE UNDER CHARGE/MORTGAGE OF LAND

TO: ALL THOSE PERSONS LISTED ON SCHEDULE "A" ANNEXED HERETO AND FORMING PART OF THIS NOTICE

TAKE NOTICE that default has been made in payment of the money due under a certain charge/mortgage of land (the "Mortgage") registered on April 8, 2013 made between:

TATIANA HUTCHENS

as chargor or mortgagor

- and -

MERIDIAN CREDIT UNION LIMITED

as chargee or mortgagee

upon the security of the following property:

LT 31, PL 657; INNISFIL
being all of PIN (58072-0299 (LT))

which Mortgage was registered on April 8, 2013 in the Land Titles Office of the County of Simcoe at Barrie (No.51) as instrument SC1049631. The Mortgage has been amended from time to time.

And the Mortgagee gives you notice that the amounts now due on the Mortgage for principal, interest, realty taxes, insurance premiums, administration fees, costs and expenses, are as follows:

Principal:	\$200,000.00
Accrued Interest to date at the chargee's line of credit prime rate plus 0.5%:	1,461.78
Administration fee:	750.00
Legal Fees - Notice of Sale	<u>950.00</u>
TOTAL AMOUNT DUE as at the date hereof:	<u>\$203,161.78</u>

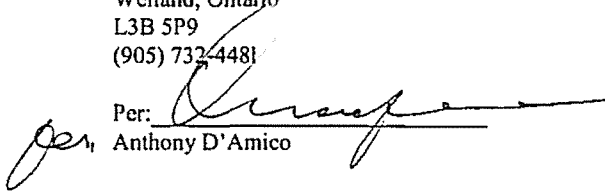
(such legal fees (which do not include HST) relate to legal services rendered prior to (and including) the service of this Notice of Sale only, and thereafter additional legal costs, disbursements and HST will be charged as may be proper between a solicitor and his own client). There shall also be added to the amounts expressed above to be due on the Mortgage, interest accruing on the amounts now due (excluding legal costs, disbursements and HST unless actually paid by the Mortgagee) together with all additional costs and expenses from the date hereof to the date of payment. As of the date of this notice the chargee's line of credit prime rate is 4.20%.

And unless these sums are paid on or before the 22nd day of October, 2018 the Mortgagee shall sell the property covered by the Mortgage under the provisions contained in it.

This notice is given to you as you appear to have an interest in the mortgaged property and may be entitled to redeem the same.

DATED this 12th day of September, 2018.

MERIDIAN CREDIT UNION LIMITED
by its solicitors,
FLETT BECCARIO
Barristers & Solicitors
190 Division Street, P. O. Box 340
Welland, Ontario
L3B 5P9
(905) 732-4481

Per: 
Anthony D'Amico

SCHEDULE "A"

Tatiana Hutchens
33 Theodore Place
Thornhill, Ontario
L4J 8E2

Spouse of Tatiana Hutchens
33 Theodore Place
Thornhill, Ontario
L4J 8E2

Tatiana Hutchens
1889 Simcoe Boulevard
Innisfil, Ontario
L9S 4N3

Spouse of Tatiana Hutchens
1889 Simcoe Boulevard
Innisfil, Ontario
L9S 4N3

CGC Holding Company LLC
c/o Siskinds LLP
680 Waterloo Street
London, Ontario
N6A 3V8

Harlem Algonquin LLC
c/o Siskinds LLP
680 Waterloo Street
London, Ontario
N6A 3V8

James T. Medick
c/o Siskinds LLP
680 Waterloo Street
London, Ontario
N6A 3V8

NOTICE OF SALE UNDER CHARGE/MORTGAGE OF LAND

TO: ALL THOSE PERSONS LISTED ON SCHEDULE "A" ANNEXED HERETO AND FORMING PART OF THIS NOTICE

TAKE NOTICE that default has been made in payment of the money due under a certain charge/mortgage of land (the "Mortgage") registered on June 27, 2012 made between:

TATIANA HUTCHENS

as chargor or mortgagor

- and -

MERIDIAN CREDIT UNION LIMITED

as chargee or mortgagee

upon the security of the following property:

PCL 89-1, SEC 65M2941; LT 89, PL 65M2941,
S/T LT746593; VAUGHAN
being all of PIN (03251-0304 (LT))

which Mortgage was registered on June 27, 2012 in the Land Titles Office of the Regional Municipality of York at Newmarket (No.65) as instrument YR1844133. The Mortgage has been amended from time to time.

And the Mortgagee gives you notice that the amounts now due on the Mortgage for principal, interest, realty taxes, insurance premiums, administration fees, costs and expenses, are as follows:

Principal:	\$525,903.87
Accrued Interest to date at the chargee's line of credit prime rate:	7,142.11
Administration fee:	750.00
Legal Fees - Notice of Sale	<u>950.00</u>
TOTAL AMOUNT DUE as at the date hereof:	<u>\$534,745.98</u>

(such legal fees (which do not include HST) relate to legal services rendered prior to (and including) the service of this Notice of Sale only, and thereafter additional legal costs, disbursements and HST will be charged as may be proper between a solicitor and his own client). There shall also be added to the amounts expressed above to be due on the Mortgage, interest accruing on the amounts now due (excluding legal costs, disbursements and HST unless actually paid by the Mortgagee) together with all additional costs and expenses from the date hereof to the date of payment. As of the date of this notice the chargee's line of credit prime rate is 4.20%.

And unless these sums are paid on or before the 22nd day of October, 2018 the Mortgagee shall sell the property covered by the Mortgage under the provisions contained in it.

This notice is given to you as you appear to have an interest in the mortgaged property and may be entitled to redeem the same.

DATED this 12th day of September, 2018.

MERIDIAN CREDIT UNION LIMITED

by its solicitors,

FLETT BECCARIO

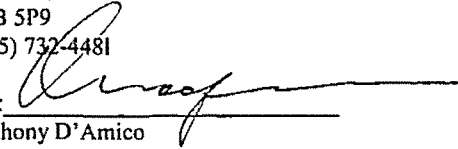
Barristers & Solicitors

190 Division Street, P. O. Box 340

Welland, Ontario

L3B 5P9

(905) 732-4481

Per: 
Anthony D'Amico

SCHEDULE "A"

Tatiana Hutchens
33 Theodore Place
Thornhill, Ontario
L4J 8E2

Spouse of Tatiana Hutchens
33 Theodore Place
Thornhill, Ontario
L4J 8E2

CGC Holding Company LLC
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James T. Medick
c/o Siskinds LLP
680 Waterloo Street
London, Ontario
N6A 3V8

TAB D

Court File No. CV-18-608271-00CL

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

BETWEEN:

GARY STEVENS, LINDA STEVENS and 1174365 ALBERTA LTD.

Applicants

– and –

SANDY HUTCHENS, also known as SANDY CRAIG HUTCHENS, also known as S. CRAIG HUTCHENS, also known as CRAIG HUTCHENS, also known as MOISHE ALEXANDER BEN AVROHOM, also known as MOISHE ALEXANDER BEN AVRAHAM, also known as MOSHE ALEXANDER BEN AVROHOM, also known as FRED HAYES, also known as FRED MERCHANT, also known as ALEXANDER MACDONALD, also known as MATHEW KOVCE, also known as ED RYAN, and TANYA HUTCHENS, also known as TATIANA HUTCHENS, also known as TATIANA BRIK, also known as TANYA BRIK-HUTCHENS

Respondents

**AFFIDAVIT OF HOWARD LANGER
(sworn February 25, 2019)**

I, Howard Langer, of the City of Philadelphia, in the State of Pennsylvania, MAKE OATH AND SAY:

1. I am an attorney and founding partner at Langer, Grogan & Diver P.C, a law firm in Philadelphia, Pennsylvania. I am the Applicants' counsel in proceedings against the Respondents in the State of Pennsylvania, both before the Pennsylvania Court of Common Pleas (the "Pennsylvania State Court") and before the United States District Court for the Eastern District of Pennsylvania (the "Federal Court"). As such, I have personal knowledge of the matters contained in this affidavit, except where facts are stated to be based on information and belief, in which case I have identified the source of my information and believe the information to be true.

2. I make this affidavit in support of the Applicants' motion for a receivership order, and to update the Court on developments that have occurred since I swore my previous affidavit on January 8, 2019, and for no other or improper purpose.

A. The Respondents' Attempts to Appeal the U.S. Judgments

3. As set out in my previous affidavit, the United States District Court for the Eastern District of Pennsylvania (the "**Federal Court**") entered judgments against Tanya Hutchens and Sandy Hutchens on October 11, 2018 and December 19, 2018 respectively (collectively, the "**U.S. Judgments**"). As set out in my previous affidavit, Tanya Hutchens did serve a Notice of Appeal; however, it was not filed within the time set out in the Federal Court Rules.

4. Since my previous affidavit, the Applicants asked the Federal Court to require Tanya Hutchens to post a bond to secure the costs of her appeal in the amount of US\$45,000. The Federal Court granted that motion in part on January 28, 2019, ordering Tanya Hutchens to post a bond, but reducing the amount to US\$15,000, and ordering that it be posted no later than February 11, 2019. The Federal Court held that Tanya Hutchens' appeal "is likely futile" and that the standard on appeal is whether the lower court engaged in "an abuse of discretion" and such appeals are only granted "in limited circumstances". A copy of the Federal Court's decision in this regard is attached hereto as **Exhibit "A"**. This bond is a bond for costs only. It is not a *supersedeas* bond that would stay enforcement of the judgment. Neither Sandy Hutchens nor Tanya Hutchens have requested a stay of execution or suggested they would post a *supersedeas* bond. As of today, Tanya Hutchens has failed to post the bond that the Federal Court ordered be paid by February 11.

5. Following that decision, the Applicants brought another motion before the Federal Court asking that Sandy Hutchens be required to post a bond to secure the costs of his appeal in the amount of US\$15,000. The Federal Court granted that motion on February 13, 2019 and ordered that the bond be posted no later than February 27, 2019. A copy of the Federal Court's decision in this regard is attached hereto as **Exhibit "B"**. In granting the motion, the Federal Court held that:

- (a) “There is a substantial risk that Mr. Hutchens will not pay the costs if he loses his appeal. Mr. Hutchens has repeatedly defied this Court and the litigation process, to the extent that I entered default judgment against him.”
- (b) “When Mr. Hutchens did choose to participate, he submitted pleadings replete with falsehoods and forgeries.”
- (c) “Significantly, there is a standing contempt order against Mr. Hutchens for failure to pay costs in another proceeding.”

6. The Federal Court noted that “[a]lthough Mr. Hutchens disputes his ability to post a bond, he presents no supporting evidence.” In rejecting Hutchens’ assertion that he could not afford to post a bond, the Federal Court held that “[g]iven Mr. Hutchens’ repeated lies and dishonest efforts to delay these proceedings and manipulate the litigation process, I will not credit his uncorroborated assertions of penury.”

7. With respect to the merits of Mr. Hutchens’ appeal, the Federal Court noted that “Mr. Hutchens’ appeal is likely futile” and that “Mr. Hutchens’ appeal is likely time-barred”. The Federal Court considered and rejected his motion to extend the deadline to file his appeal.

8. The Court of Appeal for the Third Circuit, which hears appeals from the Federal Court, has issued separate letters to Tanya and Sandy Hutchens regarding their separate appeals. The letters advise them that both appeals were not timely filed, that the failure to file a timely appeal is a jurisdictional defect that cannot be cured by the Court of Appeals, and that their appeals have been submitted to a panel of judges for possible dismissal because the Notices of Appeal were not filed within the time required. Both were advised that they had twenty days to make any submissions they wished to the panels. Neither has. Copies of the Court of Appeal’s letters are attached hereto as **Exhibit “C”** and **Exhibit “D”**.

9. The letters also advised them that the Federal Rules provided that they could move the District Court to extend the date for filing an appeal provided they could show excusable neglect or good cause. Such a motion had to be filed within thirty days of the expiration of the original appeal period. Tanya Hutchens filed no such motion. Sandy Hutchens asked the Federal Court to construe his response to the motion for a bond, discussed above, as a motion to extend the date.

The Federal Court held in its February 13th Order (Exhibit "B"), discussed above, that Mr. Hutchens had failed to show excusable neglect or good cause.

10. The effect of the February 13th Order, coupled with the workings of the time limitations of the Federal Rules of Appellate Procedure, is that the Appeals are virtually terminated. The Court of Appeals panels will almost certainly dismiss both appeals as the failure to file timely notices of appeal is a basic jurisdictional defect which, as the Clerk of the Court of Appeals advised both Hutchenses in the letters, the Court of Appeals lacks the power to cure.

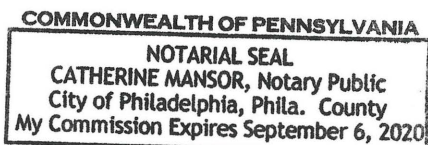
Sworn before me at Philadelphia, in the State of Pennsylvania, on February 25th, 2019.

Catherine Mansor

Commissioner for Taking Affidavits
(or as may be)

Howard Langer

Howard Langer



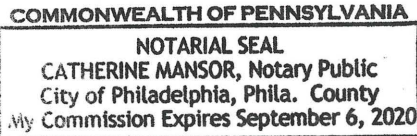
TAB

1

This is **Exhibit A** referred to in the
Affidavit of Howard Langer, sworn before me,
this 25th day of February, 2019

Catherine Mansor

Commissioner for Taking Affidavits (or as may be)



**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

GARY STEVENS, et al.,	:	
Plaintiffs,	:	
	:	
v.	:	Civ. No. 18-692
	:	
WESTMORELAND EQUITY FUND, LLC,	:	
et al.,	:	
Defendants.	:	

ORDER

On October 11, 2018, I entered a default judgment against Defendant Tanya Hutchens and in favor of Plaintiffs Linda and Gary Stevens after Mrs. Hutchens failed to appear or otherwise defend against Plaintiffs' Complaint alleging her involvement in a RICO conspiracy. (Doc. Nos. 124, 125.) On October 22, 2018, Mrs. Hutchens asked me to vacate the Judgment against her; I denied her request. (Doc. Nos. 133, 139.) On November 21, 2018, Mrs. Hutchens sought relief from her Judgment under Rule 60(b); on November 29, 2018, I denied her request. (Doc. Nos. 147, 150.) On January 2, 2019, Mrs. Hutchens filed a Notice of Appeal regarding my November 29, 2018 Order denying her Rule 60(b) Motion. (Doc. No. 160.) Plaintiffs now ask me to order Defendant Tanya Hutchens to post a \$45,000 bond to secure the costs of appeal. (Doc. No. 161); Fed. R. App. P. 7. Mrs. Hutchens has not responded. I will grant Plaintiffs' Motion in part.

I. LEGAL STANDARDS

Under Appellate Rule 7, I may "require an appellant to file a bond or provide other security in any form and amount necessary to ensure payment of costs on appeal." A bond is intended to "ensure against nonpayment by the appellant of the costs of the appeal should the appeal prove unsuccessful." Glaberson v. Comcast Corp., No. 03-6604, 2015 WL 7887788, at *1 (E.D. Pa. Dec. 3, 2015) (citing Adsani v. Miller, 139 F.3d 67, 79 (2d Cir. 1998)). Both "[t]he need for an

appeal bond and the amount of the bond” are within my discretion. Id.

In determining whether a bond is needed, I may consider, *inter alia*: “(1) the risk that the appellant will not pay the costs if [s]he loses the appeal; (2) the appellant’s financial ability to post the bond; and (3) whether the bond requirement will effectively preclude pursuit of the appeal.” Id. at *2 (internal citations omitted); see also Newberg on Class Actions § 14:15 (5th ed.) (listing factors such as (1) “appellant’s financial ability to post the bond”; (2) “merits or frivolousness of the appeal”; (3) “risk of nonpayment”; and (4) “[w]hether the appellants have shown bad faith or vexatious conduct.”). Additionally, the Third Circuit has endorsed the consideration of whether the appellant’s case is meritless. See In re Nutella Mktg. & Sales Practices Litig., 589 F. App’x 53, 61 (3d Cir. 2014) (district court properly considered that appellants’ case was likely meritless because they did not respond in substance to plaintiffs’ arguments and were serial litigators); see also Adsani, 139 F.3d at 79 (“A district court, familiar with the contours of the case appealed, has the discretion to impose a bond which reflects its determination of the likely outcome of the appeal.”); Skolnick v. Harlow, 820 F.2d 13, 15 (1st Cir. 1987) (upholding district court’s judgment that appeal was frivolous in decision to impose appeal bond). But see In re Diet Drugs Products Liability Litig., Civ. A. 99-20593, 2000 WL 1665134, at *5 (E.D. Pa. Nov. 6, 2000) (“Rule 7 was not intended to be used as a means of discouraging appeals, even if perceived to be frivolous.”).

Rule 7 “costs” are those which may be “taxed against the appellant” under Rule 39 if she is unsuccessful. See Fed. R. App. P. 39. These include costs associated with “(1) the preparation and transmission of the record; (2) the reporter’s transcript, if needed to determine the appeal; (3) premiums paid for a bond or other security to preserve rights pending appeal; and (4) the fee for filing the notice of appeal.” Id. at 39(e).

Courts are split on whether attorneys' fees may be included as part of the appeal bond. Compare In re Am. President Lines, Inc., 779 F.2d at 716, 717 (D.C. Cir. 1985) (attorneys' fees may not be included in appeal bond because Rule 39 does not include them as "costs" assessed on appeal) with Azizian v. Federated Dep't Stores, Inc., 499 F.3d 950, 958 (9th Cir. 2007) ("[T]he term 'costs on appeal' in Rule 7 includes all expenses defined as 'costs' by an applicable fee-shifting statute, including attorney's fees."); In re Cardizem CD Antitrust Litig., 391 F.3d 812, 817 (6th Cir. 2004) (same); Pedraza v. United Guar. Corp., 313 F.3d 1323, 1332 (11th Cir. 2002) (same); Adsani, 139 F.3d at 79 (where "a federal statute includes attorney's fees 'as part of the costs' which may be taxed upon appeal, the district court may factor these fees into its imposition of the bond for costs").

A Third Circuit Panel concluded that Rule 7 did not allow the inclusion of estimated attorneys' fees in setting a bond, apparently basing its decision on the underlying statute's failure to authorize the collection of counsels' fees. See Hirschensohm v. Lawyers Title Ins. Corp., No. 96-7312, 1997 WL 307777, at *2-3 (3d Cir. June 10, 1997) (underlying Virgin Island statute did not include attorneys' fees as part of costs allowed to prevailing party on appeal). Members of this Court have generally included attorneys' fees where the underlying statute includes them as a part of "costs." See, e.g., In re Am. Inv'rs Life Ins. Co. Annuity Mktg. & Sales Practices Litig., 695 F. Supp. 2d 157, 165 (E.D. Pa. 2010) ("A plaintiff found injured because of a RICO violation may recover the attorneys' fees amassed during an appeal."); O'Keefe v. Mercedes-Benz USA, LLC, No. 01-cv-2902, 2003 WL 22097451, at *2 (E.D. Pa. June 4, 2003) ("[T]he district court should look to the statute underlying the plaintiff's cause of action for definition of costs."). But see In re Diet Drugs Products Liability Litig., 2000 WL 1665134, at *5 ("[T]he court concludes that for purposes of the instant case, "costs" under Rule 7 are limited to the costs enumerated"

under Rules 7 and 39).

II. DISCUSSION

Plaintiffs argue that Mrs. Hutchens must post an appeals bond because: (1) she has been untruthful in her submissions to this Court; (2) she “has been found in contempt for failing to have paid costs awarded in other proceedings”; and (3) her appeal is untimely and meritless because her arguments “were based on falsehoods” and “plain errors of law.” (Mot. Bond 2–3, Doc. No. 161.)

An appeals bond is appropriate in this case. There is a substantial risk that Mrs. Hutchens will not pay the costs if she loses her appeal. Mrs. Hutchens has defied this court and the litigation process. She failed to appear or otherwise defend until well after a default judgment was entered in Plaintiffs’ favor. Moreover, once she chose belatedly to participate, the pleadings she submitted were replete with falsehoods. (See Doc. Nos. 139, 150.) Significantly, there is a standing contempt order against Mrs. Hutchens for failure to pay costs in another proceeding. (See Order on Motion for Sanctions, Doc. No. 935, CGC Holding Company, LLC v. Hutchens, No. 11-cv-01012 (D. Colo. Oct. 12, 2018).)

I may assume that Mrs. Hutchens has the ability to post a bond in the absence of any evidence presented by her that suggests otherwise. See, e.g., Adsani, 139 F.3d 67 (“[W]ithout any showing of her financial hardship, the bond imposed on [appellant] is not an impermissible barrier to appeal.”); In re Initial Public Officer Security Litig., 728 F. Supp. 2d 289, 293 (S.D.N.Y. 2010) (presuming ability of appellants to post bond where they did not present evidence to the contrary). Mrs. Hutchens has presented no evidence disputing her ability to post a bond. Indeed, she has not responded to Plaintiffs’ Motion.

Moreover, Mrs. Hutchens’ appeal is likely futile. The Order she seeks to appeal is a denial of relief from judgment pursuant to 60(b), which is reviewed under an abuse of discretion standard

and is available only in limited circumstances. See Fed. R. Civ. P. 55(c); *id.* 60(b)(1), (6); Tozer v. Charles A. Krause Mill. Co., 189 F.2d 242, 244 (3d Cir. 1951).

Plaintiffs argue that Mrs. Hutchens' appeal is time-barred, but they incorrectly characterize her appeal as based on my October 11, 2018 Judgment against her. (See Mot. Bond 2.) Rather, her appeal is based on my November 29, 2018 Order. (See Notice of Appeal (“Notice is hereby given that Tanya Hutchens, Defendant in the above entitled case hereby appeals to the United States Court of Appeals for the Third Circuit from the final Judgment (Document 150) entered on the twenty-ninth day of November 2018.”).) Rule 4 requires that notice of appeal “be filed with the district clerk within 30 days after entry of the judgment or order appealed from.” Fed. R. App. P. 4. As Mrs. Hutchens filed her Notice with the district clerk on January 2, 2019, her appeal is just outside of the thirty-day time limit. Accordingly, regardless of its merits, her appeal may well be procedurally barred. See United States v. Robinson, 361 U.S. 220, 224 (1960) (filing timely notice of appeal is “mandatory and jurisdictional”).

In these circumstances, given that her appeal seems meritless and is likely to cause Plaintiffs to incur unreimbursed costs, it is appropriate for me to require Mrs. Hutchens to post a bond.

Plaintiffs aver that a normal response to a RICO action appeal would “require hundreds of hours of legal time” and estimate their attorney time at seventy-five hours “because the issues raised by Mrs. Hutchens involve clearly established law and facts.” (Mot. Bond 6.) Plaintiffs include in their estimate the “considerable time” required to prepare the record, given that Mrs. Hutchens is proceeding *pro se* and likely will collaborate in that effort. (Id.) Accordingly, Plaintiffs ask for a bond of \$45,000, which was calculated using a billing rate of \$600 per hour (“which is below the actual hourly rates of [P]laintiffs’ counsel”). (Id.) Plaintiffs have not broken

down the \$45,000 to indicate what is attorneys' fees and what (if any) is the cost of preparing and transmitting the record. Fed. R. App. P. 39(e)(1).

RICO—on which Plaintiffs base their claims against Mrs. Hutchens—defines “costs” to include “a reasonable attorney’s fee.” 18 U.S.C. § 1964(c). Because the question of whether counsels’ fees can figure in a bond determination is unsettled in this Circuit, however, I will not order Mrs. Hutchens to post a bond for the full \$45,000. Rather, I will grant Plaintiffs’ Motion in part and require Mrs. Hutchens to post an appeal bond in the amount of \$15,000 to account for the considerable time and effort Plaintiffs anticipate is required to prepare and transmit the record in this case.

AND NOW, this 28th day of January, 2019, upon consideration of Plaintiffs’ Motion Pursuant to Fed. R. App. P. 7 For an Order Requiring an Appeal Bond be Posted by Tanya Hutchens to Secure Costs of Appeal (Doc. No. 161), it is hereby **ORDERED** that Plaintiffs’ Motion (Doc. No. 161) is **GRANTED as follows**:

1. Defendant Tanya Hutchens shall **POST** an appeal bond for \$15,000 USD, pursuant to Federal Rule of Appellate Procedure 7 to secure payment of the Plaintiffs’ costs on appeal; and
2. The bond shall be posted **no later than February 11, 2019**.

AND IT IS SO ORDERED.

/s/ Paul S. Diamond

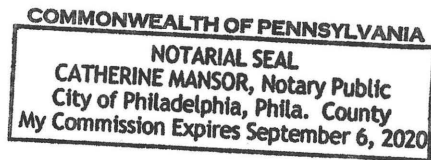
Paul S. Diamond, J.

TAB 2

This is **Exhibit B** referred to in the
Affidavit of Howard Langer, sworn before me,
this 25th day of February, 2019

Catherine Mansor

Commissioner for Taking Affidavits (or as may be)



**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

GARY STEVENS, et al.,	:	
Plaintiffs,	:	
	:	
v.	:	Civ. No. 18-692
	:	
WESTMORELAND EQUITY FUND, LLC,	:	
et al.,	:	
Defendants.	:	

ORDER

On December 19, 2018, I entered default judgment against Defendant Sandy Hutchens (and in favor of Plaintiffs Linda and Gary Steven) to sanction Mr. Hutchens for his numerous discovery abuses and violations of my Orders. (Doc. Nos. 158, 159); Fed. R. Civ. P. 7(b)(2)(A), 55(b)(2). On January 22, 2019, Mr. Hutchens filed a Notice of Appeal. (Doc. No. 163.) Plaintiffs now ask me to order Mr. Hutchens to post a \$15,000 bond to secure the costs of appeal. (Doc. No. 165); Fed. R. App. P. 7. Mr. Hutchens responded; Plaintiffs replied. (Doc. Nos. 170, 171.) I will grant Plaintiffs' Motion.

I. LEGAL STANDARDS

Under Appellate Rule 7, I may “require an appellant to file a bond or provide other security in any form and amount necessary to ensure payment of costs on appeal.” A bond is intended to “ensure against nonpayment by the appellant of the costs of the appeal should the appeal prove unsuccessful.” Glaberson v. Comcast Corp., No. 03-6604, 2015 WL 7887788, at *1 (E.D. Pa. Dec. 3, 2015) (citing Adsani v. Miller, 139 F.3d 67, 79 (2d Cir. 1998)). Both “[t]he need for an appeal bond and the amount of the bond” are within my discretion. Id.

In determining whether a bond is needed, I may consider, *inter alia*: “(1) the risk that the appellant will not pay the costs if he loses the appeal; (2) the appellant’s financial ability to post

the bond; and (3) whether the bond requirement will effectively preclude pursuit of the appeal.” *Id.* at *2 (internal citations omitted); see also *Newberg on Class Actions* § 14:15 (5th ed.) (listing factors such as (1) “appellant’s financial ability to post the bond”; (2) “merits or frivolousness of the appeal”; (3) “risk of nonpayment”; and (4) “[w]hether the appellants have shown bad faith or vexatious conduct”).

The Third Circuit has also endorsed the consideration of whether the appellant’s case is meritless. See *In re Nutella Mktg. & Sales Practices Litig.*, 589 F. App’x 53, 61 (3d Cir. 2014) (district court properly considered that appellants’ case was likely meritless because they did not respond in substance to plaintiffs’ arguments and were serial litigators); see also *Adsani*, 139 F.3d at 79 (“A district court, familiar with the contours of the case appealed, has the discretion to impose a bond which reflects its determination of the likely outcome of the appeal.”); *Skolnick v. Harlow*, 820 F.2d 13, 15 (1st Cir. 1987) (upholding district court’s judgment that appeal was frivolous in decision to impose appeal bond). But see *In re Diet Drugs Products Liability Litig.*, Civ. A. 99-20593, 2000 WL 1665134, at *5 (E.D. Pa. Nov. 6, 2000) (“Rule 7 was not intended to be used as a means of discouraging appeals, even if perceived to be frivolous.”).

Rule 7 “costs” are those which may be “taxed against the appellant” under Rule 39 if he is unsuccessful. See Fed. R. App. P. 39. These include costs associated with “(1) the preparation and transmission of the record; (2) the reporter’s transcript, if needed to determine the appeal; (3) premiums paid for a bond or other security to preserve rights pending appeal; and (4) the fee for filing the notice of appeal.” *Id.* at 39(e).

II. DISCUSSION

Plaintiffs argue that Mr. Hutchens must post an appeals bond because: (1) he has been untruthful in his submissions to this Court; (2) “he has defied this Court and the litigation process

by failing to comply” with my Orders and engaging in “bad-faith abuse of discovery”; (3) he “has been found in contempt for failing to have paid costs awarded in other proceedings”; and (4) his appeal is untimely and meritless. (Mot. Bond 2–3, Doc. No. 165.) Mr. Hutchens disputes these arguments. (See generally Resp. Mot. Bond, Doc. No. 170.)

A bond is appropriate here. There is a substantial risk that Mr. Hutchens will not pay the costs if he loses his appeal. Mr. Hutchens has repeatedly defied this Court and the litigation process, to the extent that I entered default judgment against him. (See Doc. No. 158.) When Mr. Hutchens did choose to participate, he submitted pleadings replete with falsehoods and forgeries. (See *id.* at 4, 6–7.) Significantly, there is a standing contempt order against Mr. Hutchens for failure to pay costs in another proceeding. (See Order on Motion for Sanctions, Doc. No. 935, CGC Holding Company, LLC v. Hutchens, No. 11-cv-01012 (D. Colo. Oct. 12, 2018).)

I may assume that Mr. Hutchens has the ability to post a bond in the absence of any evidence presented by him that suggests otherwise. See, e.g., Adsani, 139 F.3d at 79 (“[W]ithout any showing of [his] financial hardship, the bond imposed on [appellant] is not an impermissible barrier to appeal.”); In re Initial Public Officer Security Litig., 728 F. Supp. 2d 289, 293 (S.D.N.Y. 2010) (presuming ability of appellants to post bond where they did not present evidence to the contrary).

Although Mr. Hutchens disputes his ability to post a bond, he presents no supporting evidence. (See Resp. Mot. Bond. 2–3, 5–6.) Rather, he alleges that he is unable to post a bond because he is “unemployed, ha[s] numerous creditors and still owe[s] substantial amounts to Tanya Hutchens per [their] Separation Agreement.” (*Id.* at 5–6.) Given Mr. Hutchens’ repeated lies and dishonest efforts to delay these proceedings and manipulate the litigation process, I will not credit his uncorroborated assertions of penury. See, e.g., In re Certaineed Fiber Cement Sliding Litig.,

No. 2270, 2014 WL 2194513, at *2 (E.D. Pa. May 27, 2014) (“[U]nsupported assertion regarding [objectors’] claimed inability to pay is not sufficient to dissuade [the Court] from finding that an appeal bond is warranted.”). Accordingly, I find that Mr. Hutchens has the ability to post a bond. A bond thus will not effectively preclude Mr. Hutchens’ appeal.

Moreover, Mr. Hutchens’ appeal is likely futile. The Judgment he seeks to appeal is reviewed under an abuse of discretion standard. See Poulis v. State Farm Fire & Casualty Co., 747 F.2d 863, 868 (3d Cir. 1984). Mr. Hutchens argues that his defenses have merit, but he presents no arguments as to why his appeal will succeed. (Resp. Mot. Bond. 4–5.) Instead of explaining how I abused my discretion, Mr. Hutchens offers belated (and unconvincing) arguments respecting his liability for the underlying RICO conspiracy. (Id. at 3–5, 7–9.)

In any event, Mr. Hutchens’ appeal is likely time-barred. See United States v. Robinson, 361 U.S. 220, 224 (1960) (filing timely notice of appeal is “mandatory and jurisdictional”). Rule 4 requires that notice of appeal “be filed with the district clerk within 30 days after entry of the judgment or order appealed from.” Fed. R. App. P. 4. Mr. Hutchens filed his Notice with the district clerk on January 22, 2019, missing his January 18, 2019 deadline by four days. (See Doc. Nos. 158, 163.) Mr. Hutchens now asks me to construe his Response as a motion to extend the time for filing. (Resp. Mot. Bond. 2); Fed. R. App. P 4(a)(5).

I may grant an extension of time to file a notice of appeal if: (1) I am asked to do so within thirty days after the deadline has passed; and (2) if the moving party demonstrates “excusable neglect.” Fed. R. App. P. 4(a)(5)(A)(i); see Consolidated Freightways Corp. of Delaware v. Larson, 827 F.2d 916, 918 (3d Cir. 1987) (“[A] party who files for an extension of the 30 day appeal period after that period has expired must demonstrate ‘excusable neglect’ in order to receive an extension.”). Mr. Hutchens’ February 8, 2019 request for an extension is within the 30-day

expiration period. (Doc. No. 170.) He has not, however, demonstrated excusable neglect for his tardiness in filing or seeking an extension.

In determining whether Mr. Hutchens has demonstrated excusable neglect, I must consider, *inter alia* the following factors:

(1) whether the inadvertence reflects professional incompetence such as ignorance of the rules of procedure; (2) whether the asserted inadvertence reflects an easily manufactured excuse incapable of verification by the court; (3) whether the tardiness results from counsel's failure to provide for a readily foreseeable consequence; (4) whether the inadvertence reflects a complete lack of diligence; and (5) whether the court is satisfied the inadvertence resulted despite counsel's substantial good faith efforts toward compliance.

Consolidated Freightways, 827 F.2d at 919 (internal citations omitted). Moreover, Mr. Hutchens must demonstrate excusable neglect “up to the actual time the motion to extend is filed.” Pedereaux v. Doe, 767 F.2d 50, 51 (3d Cir.1985).

Mr. Hutchens sets out a “timeline” purporting to explain why his Notice of Appeal was filed four days late. (Resp. Mot. Bond 2.) He alleges that he sent the Notice on January 16, 2019 by Canada Post and that “[p]ostage purchased should have resulted in delivery in accord with rules of the Courts.” (Resp. Mot. Bond. 2.) Mr. Hutchens further alleges that the Notice arrived in the United States on January 17, 2019 “but was held up” by U.S. Customs, and then further delayed by the Federal holiday on January 21, 2019 (Martin Luther King Jr. Day). (*Id.*) Once again, Mr. Hutchens offers only words on air. Although he avers that this timeline is proved by an attached “record of mailing,” he has submitted no such document. (*Id.*)

Further, Mr. Hutchens does not explain why he waited until January 16, 2019 to mail his Notice. Nor does he explain why he did not simply file his Notice electronically via ECF, to which he has access. (See Doc No. 157.) Finally, Mr. Hutchens does not offer any excuse for why he waited an additional six weeks to seek an extension of time. Rather, according to Mr. Hutchens—

who is well aware of the time delays inherent in international post—he chose to risk mailing his Notice only two days before his deadline.

While the first *Consolidated* factor is inapplicable as Mr. Hutchens is *pro se*, the other four factors all weigh against finding excusable neglect. Mr. Hutchens provides no documentation regarding his “timeline.” The likelihood that he would miss his deadline was obvious. Indeed, over the last year, he has repeatedly phoned my Chambers, asking me to delay ruling on various motions until his filings, which he believed had been held up by slow mail service, arrived from Canada. Moreover, his failure to mail his Notice until two days before the deadline shows a complete lack of diligence. Furthermore, his “asserted inadvertence” undoubtably “reflects an easily manufactured excuse incapable of verification.” Consolidated Freightways, 827 F.2d at 919.

In these circumstances, Mr. Hutchens plainly has not made out excusable neglect. See, e.g., In re Genesis Health Ventures, Inc., 248 F. App’x 475, 477 (3d Cir. 2007) (no excusable neglect for *pro se* litigant who chose to mail his notice of appeal at “essentially the eleventh hour” despite “other reasonable options available to him”); Reinsurance Co. of Am., Inc. v. Admin. Asigurarilor de Stat, 808 F.2d 1249, 1252 (7th Cir. 1987) (mailing notice of appeal from New York to Chicago four days before due date during holiday season does not constitute excusable neglect).

In sum, given that his appeal seems meritless and is likely to cause Plaintiffs to incur unreimbursed costs, it is appropriate for me to require Mr. Hutchens to post a bond.

Plaintiffs request an appeal bond of \$15,000, arguing that although I have already ordered Tanya Hutchens—Mr. Hutchens’ wife and co-defendant—to post a bond, the two have independent appeals as to distinct judgments, involving different issues of law and requiring

individual responses. (Mot. Bond 3.) Moreover, Plaintiffs cannot use Tanya's bond to recover the costs of Sandy's appeal.

In these circumstances, I will grant Plaintiffs' Motion and require Mr. Hutchens to post an appeal bond in the amount of \$15,000 to account for the considerable time and effort Plaintiffs anticipate will be required to prepare and transmit the record in this case.

AND NOW, this 13th day of February, 2019, upon consideration of Plaintiffs' Motion Pursuant to Fed. R. App. P. 7 For an Order Requiring an Appeal Bond be Posted by Sandy Hutchens to Secure Costs of Appeal (Doc. No. 165), Sandy Hutchens' Response (Doc. No. 170), and Plaintiffs' Reply (Doc. No. 171), it is hereby **ORDERED** that Plaintiffs' Motion (Doc. No. 165) is **GRANTED** as follows:

1. Defendant Sandy Hutchens shall **POST** an appeal bond for \$15,000 USD, pursuant to Federal Rule of Appellate Procedure 7 to secure payment of the Plaintiffs' costs on appeal; and
2. The bond shall be posted **no later than February 27, 2019**.

AND IT IS SO ORDERED.

/s/ Paul S. Diamond

Paul S. Diamond, J.

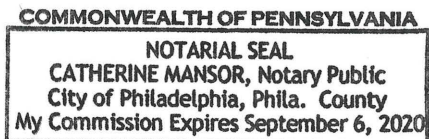
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This is **Exhibit C** referred to in the
Affidavit of Howard Langer, sworn before me,
this 25th day of February, 2019

Catherine Mansor

Commissioner for Taking Affidavits (or as may be)



OFFICE OF THE CLERK

PATRICIA S. DODSZUWEIT

CLERK



UNITED STATES COURT OF APPEALS

21400 UNITED STATES COURTHOUSE

601 MARKET STREET

PHILADELPHIA, PA 19106-1790

Website: www.ca3.uscourts.gov

TELEPHONE

215-597-2995

January 18, 2019

Tanya Hutchens
33 Theodore Place
Thornhill, Ontario, L4J8E2
Canada

RE: Gary Stevens, et al v. Westmoreland Equity Fund LLC, et al
Case Number: 19-1047
District Court Case Number: 2-18-cv-00692

Dear Ms. Hutchens:

This will advise you that the above-captioned appeal will be submitted to a panel of this Court for possible dismissal due to a jurisdictional defect. It appears that this Court may lack appellate jurisdiction for the following reason(s):

The notice of appeal in your civil case was not filed within the time prescribed by the Federal Rules of Appellate Procedure:

Order entered: 11/29/18Notice of Appeal filed: 1/2/19Period permitted: 30 daysRule XX 4(a)(1)(A) 4(a)(1)(B) 4(a)(3) 13(a)(b)

In the case of an untimely notice of appeal in civil cases, the District Court has discretion to permit an extension of time to file the notice of appeal: (1) where a motion requesting such relief is filed not later than 30 days after the normal appeal period; and (2) where good cause or excusable neglect is shown. See Federal Rules of Appellate Procedure 4(a)(1) and 4(a)(5), attached.

The District Court may reopen the time for appeal when a party entitled to notice of entry of a judgment or order did not receive such notice from the court or any party within 21 days of its entry: (1) upon motion filed within 180 days of entry of the judgment or order or within 14 days of receipt of such notice, whichever is earlier; and (2) upon finding that no party would be prejudiced. See Federal Rule of Appellate Procedure 4(a)(6), attached.

Jurisdictional defects cannot be remedied by the court of appeals. The parties may submit written argument in support of or in opposition to dismissal of the appeal for lack of appellate jurisdiction. Any response regarding jurisdiction must be in proper form (original with certificate of service), and must be filed within 21 days from the date of this letter. Upon expiration of the response period, the case will be submitted to the Court for consideration of the jurisdictional question.

The parties will be advised of any Order issued in this matter.

Very truly yours,

s/ Patricia S. Dodszeit
Clerk

By: 
Nicole Faust, Administrative Assistant

nf/cc: Edward Diver, Esq.

Howard I. Langer, Esq.

Sandy Hutchens

Bernard Feldman

Lauren N. Schwimmer, Esq.

Hilary P. Flack, Esq.

John P. Quinn, Esq.

Joseph J. Santarone, Jr., Esq.

Peter T. Shapiro, Esq.

Brett A. Datto, Esq.

RULE 4. APPEAL AS OF RIGHT—WHEN TAKEN

(a) APPEAL IN A CIVIL CASE.

(1) *Time for Filing a Notice of Appeal.*

(A) In a civil case, except as provided in Rules 4(a)(1)(B), 4(a)(4), and 4(c), the notice of appeal required by Rule 3 must be filed with the district clerk within 30 days after entry of the judgment or order appealed from.

(B) The notice of appeal may be filed by any party within 60 days after entry of the judgment or order appealed from if one of the parties is:

(i) the United States;

(ii) a United States agency;

(iii) a United States officer or employee sued in an official capacity; or

(iv) a current or former United States officer or employee sued in an individual capacity for an act or omission occurring in connection with duties performed on the United States' behalf — including all instances in which the United States represents that person when the judgment or order is entered or files the appeal for that person.

(C) An appeal from an order granting or denying an application for a writ of error *coram nobis* is an appeal in a civil case for purposes of Rule 4(a).

(2) *Filing Before Entry of Judgment.* A notice of appeal filed after the court announces a decision or order—but before the entry of the judgment or order—is treated as filed on the date of and after the entry.

(3) *Multiple Appeals.* If one party timely files a notice of appeal, any other party may file a notice of appeal within 14 days after the date when the first notice was filed, or within the time otherwise prescribed by this Rule 4(a), whichever period ends later.

(4) *Effect of a Motion on a Notice of Appeal.*

(A) If a party timely files in the district court any of the following motions under the Federal Rules of Civil Procedure, the time to file an appeal runs for all parties from the entry of the order disposing of the last such remaining motion:

(i) for judgment under Rule 50(b);

(ii) to amend or make additional factual findings under Rule 52(b), whether or not granting the motion would alter the judgment;

(iii) for attorney's fees under Rule 54 if the district court extends the time to appeal under Rule 58;

(iv) to alter or amend the judgment under Rule 59;

(v) for a new trial under Rule 59; or

(vi) for relief under Rule 60 if the motion is filed no later than 28 days after the judgment is entered.

(B)(i) If a party files a notice of appeal after the court announces or enters a judgment—but before it disposes of any motion listed in Rule 4(a)(4)(A)—the notice becomes effective to appeal a judgment or order, in whole or in part, when the order disposing of the last such remaining motion is entered.

(ii) A party intending to challenge an order disposing of any motion listed in Rule 4(a)(4)(A), or a judgment's alteration or amendment upon such a motion, must file a notice of appeal, or an amended notice of appeal—in compliance with Rule 3(c)—within the time prescribed by this Rule measured from the entry of the order disposing of the last such remaining motion.

(5) *Motion for Extension of Time.*

(A) The district court may extend the time to file a notice of appeal if:

(i) a party so moves no later than 30 days after the time prescribed by this Rule 4(a) expires; and

(ii) regardless of whether its motion is filed before or during the 30 days after the time prescribed by this Rule 4(a) expires, that party shows excusable neglect or good cause.

(B) A motion filed before the expiration of the time prescribed in Rule 4(a)(1) or (3) may be ex parte unless the court requires otherwise. If the motion is filed after the expiration of the prescribed time, notice must be given to the other parties in accordance with local rules.

(C) No extension under this Rule 4(a)(5) may exceed 30 days after the prescribed time or 14 days after the date when the order granting the motion is entered, whichever is later.

(6) *Reopening the Time to File an Appeal.* The district court may reopen the time to file an appeal for a period of 14 days after the date when its order to reopen is entered, but only if all the following conditions are satisfied:

(A) the court finds that the moving party did not receive notice under Federal Rule of Civil Procedure 77 (d) of the entry of the judgment or order sought to be appealed within 21 days after entry;

(B) the motion is filed within 180 days after the judgment or order is entered or within 14 days after the moving party receives notice under Federal Rule of Civil Procedure 77 (d) of the entry, whichever is earlier; and

(C) the court finds that no party would be prejudiced.

(7) *Entry Defined.*

(A) A judgment or order is entered for purposes of this Rule 4(a):

(i) if Federal Rule of Civil Procedure 58 (a) does not require a separate document, when the judgment or order is entered in the civil docket under Federal Rule of Civil Procedure 79 (a); or

(ii) if Federal Rule of Civil Procedure 58 (a) requires a separate document, when the judgment or order is entered in the civil docket under Federal Rule of Civil Procedure 79(a) and when the earlier of these events occurs:

- the judgment or order is set forth on a separate document, or
- 150 days have run from entry of the judgment or order in the civil docket under Federal Rule of Civil Procedure 79 (a).

(B) A failure to set forth a judgment or order on a separate document when required by Federal Rule of Civil Procedure 58 (a) does not affect the validity of an appeal from that judgment or order.

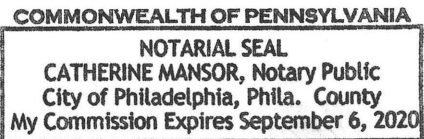
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This is **Exhibit D** referred to in the
Affidavit of Howard Langer, sworn before me,
this 25th day of February, 2019

Catherine Mansor

Commissioner for Taking Affidavits (or as may be)



OFFICE OF THE CLERK

PATRICIA DODSZUWEIT

UNITED STATES COURT OF APPEALS

TELEPHONE

CLERK

FOR THE THIRD CIRCUIT

215-597-2995



21400 UNITED STATES COURTHOUSE
601 MARKET STREET
PHILADELPHIA, PA 19106-1790
Website: www.ca3.uscourts.gov

January 31, 2019

Sandy Hutchens
1779 Cross Street
Innisfil, Ontario, L9S4L9
Canada

RE: Gary Stevens, et al v. Westmoreland Equity Fund LLC, et al.

Case Number: 19-1258

District Court Case Number: 2-18-cv-00692

Dear Mr. Hutchens:

This will advise you that the above-captioned appeal will be submitted to a panel of this Court for possible dismissal due to a jurisdictional defect. It appears that this Court may lack appellate jurisdiction for the following reason(s):

The notice of appeal in your civil case was not filed within the time prescribed by the Federal Rules of Appellate Procedure:

Order entered: December 19, 2018Notice of Appeal filed: January 22, 2019Period permitted: 30 Days

Rule: 4(a)(1)(A)

In the case of an untimely notice of appeal in civil cases, the District Court has discretion to permit an extension of time to file the notice of appeal: (1) where a motion requesting such relief is filed not later than 30 days after the normal appeal period; and (2) where good cause or excusable neglect is shown. See Federal Rules of Appellate Procedure 4(a)(1) and 4(a)(5), attached.

The District Court may reopen the time for appeal when a party entitled to notice of entry of a judgment or order did not receive such notice from the court or any party within 21 days of its entry: (1) upon motion filed within 180 days of entry of the judgment or order or within 14 days

of receipt of such notice, whichever is earlier; and (2) upon finding that no party would be prejudiced. See Federal Rule of Appellate Procedure 4(a)(6), attached.

Jurisdictional defects cannot be remedied by the court of appeals. The parties may submit written argument in support of or in opposition to dismissal of the appeal for lack of appellate jurisdiction. Any response regarding jurisdiction must be in proper form (original with certificate of service), and must be filed within 21 days from the date of this letter. Upon expiration of the response period, the case will be submitted to the Court for consideration of the jurisdictional question.

The parties will be advised of any Order issued in this matter.

Very truly yours,

s/ Patricia S. Dodszeit
Clerk

By: 

Stephen Hutchman, Administrative Assistant

cc: Edward Diver, Esq.
Howard I. Langer, Esq.
Tanya Hutchens
Bernard Feldman
Lauren N. Schwimmer, Esq.
Hilary P. Flack, Esq.
John P. Quinn, Esq.
Joseph J. Santarone, Jr., Esq.
Peter T. Shapiro, Esq.
Brett A. Datto, Esq.

Rule 4. Appeal as of Right—When Taken

(a) APPEAL IN A CIVIL CASE.

(1) *Time for Filing a Notice of Appeal.*

(A) In a civil case, except as provided in Rules 4(a)(1)(B), 4(a)(4), and 4(c), the notice of appeal required by Rule 3 must be filed with the district clerk within 30 days after entry of the judgment or order appealed from.

(B) The notice of appeal may be filed by any party within 60 days after entry of the judgment or order appealed from if one of the parties is:

- (i) the United States;
- (ii) a United States agency;
- (iii) a United States officer or employee sued in an official capacity; or
- (iv) a current or former United States officer or employee sued in an individual capacity for an act or omission occurring in connection with duties performed on the United States' behalf — including all instances in which the United States represents that person when the judgment or order is entered or files the appeal for that person.

(C) An appeal from an order granting or denying an application for a writ of error *coram nobis* is an appeal in a civil case for purposes of Rule 4(a).

(2) *Filing Before Entry of Judgment.* A notice of appeal filed after the court announces a decision or order—but before the entry of the judgment or order—is treated as filed on the date of and after the entry.

(3) *Multiple Appeals.* If one party timely files a notice of appeal, any other party may file a notice of appeal within 14 days after the date when the first notice was filed, or within the time otherwise prescribed by this Rule 4(a), whichever period ends later.

(4) *Effect of a Motion on a Notice of Appeal.*

(A) If a party files in the district court any of the following motions under the Federal Rules of Civil Procedure—and does so within the time allowed by those rules—the time to file an appeal runs for all parties from the entry of the order disposing of the last such remaining motion:

- (i) for judgment under Rule 50(b);
- (ii) to amend or make additional factual findings under Rule 52(b), whether or not granting the motion would alter the judgment;

(iii) for attorney's fees under Rule 54 if the district court extends the time to appeal under Rule 58;

(iv) to alter or amend the judgment under Rule 59;

(v) for a new trial under Rule 59; or

(vi) for relief under Rule 60 if the motion is filed no later than 28 days after the judgment is entered.

(B)(i) If a party files a notice of appeal after the court announces or enters a judgment—but before it disposes of any motion listed in Rule 4(a)(4)(A)—the notice becomes effective to appeal a judgment or order, in whole or in part, when the order disposing of the last such remaining motion is entered.

(ii) A party intending to challenge an order disposing of any motion listed in Rule 4(a)(4)(A), or a judgment's alteration or amendment upon such a motion, must file a notice of appeal, or an amended notice of appeal—in compliance with Rule 3(c)—within the time prescribed by this Rule measured from the entry of the order disposing of the last such remaining motion.

(iii) No additional fee is required to file an amended notice.

(5) Motion for Extension of Time.

(A) The district court may extend the time to file a notice of appeal if:

(i) a party so moves no later than 30 days after the time prescribed by this Rule 4(a) expires; and

(ii) regardless of whether its motion is filed before or during the 30 days after the time prescribed by this Rule 4(a) expires, that party shows excusable neglect or good cause.

(B) A motion filed before the expiration of the time prescribed in Rule 4(a)(1) or (3) may be ex parte unless the court requires otherwise. If the motion is filed after the expiration of the prescribed time, notice must be given to the other parties in accordance with local rules.

(C) No extension under this Rule 4(a)(5) may exceed 30 days after the prescribed time or 14 days after the date when the order granting the motion is entered, whichever is later.

(6) Reopening the Time to File an Appeal. The district court may reopen the time to file an appeal for a period of 14 days after the date when its order to reopen is entered, but only if all the following conditions are satisfied:

(A) the court finds that the moving party did not receive notice under Federal Rule of Civil Procedure 77 (d) of the entry of the judgment or order sought to be appealed within 21 days after entry;

(B) the motion is filed within 180 days after the judgment or order is entered or within 14 days after the moving party receives notice under Federal Rule of Civil Procedure 77 (d) of the entry, whichever is earlier; and

(C) the court finds that no party would be prejudiced.

(7) Entry Defined.

(A) A judgment or order is entered for purposes of this Rule 4(a):

(i) if Federal Rule of Civil Procedure 58 (a) does not require a separate document, when the judgment or order is entered in the civil docket under Federal Rule of Civil Procedure 79 (a); or

(ii) if Federal Rule of Civil Procedure 58 (a) requires a separate document, when the judgment or order is entered in the civil docket under Federal Rule of Civil Procedure 79(a) and when the earlier of these events occurs:

- the judgment or order is set forth on a separate document, or
- 150 days have run from entry of the judgment or order in the civil docket under Federal Rule of Civil Procedure 79 (a).

(B) A failure to set forth a judgment or order on a separate document when required by Federal Rule of Civil Procedure 58 (a) does not affect the validity of an appeal from that judgment or order.

GARY STEVENS, LINDA STEVENS and
1174365 ALBERTA LTD.
Applicants

v.

TANYA HUTCHENS
Respondent

Court File No. CV-18-608271-00CL

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

Proceeding commenced at TORONTO

APPLICATION RECORD

**NECPAL LITIGATION PROFESSIONAL
CORPORATION**

171 John Street, Suite 101
Toronto, Ontario
M5T 1X3

Justin Necpal (LSO #: 56126J)

Tel: 416.646.2920

Fax: 1.866.495.8389

justin@necpal.com

Anisah Hassan (LSO# 65919L)

Tel: 416.646.1018

ahassan@necpal.com

Lawyers for the Applicants