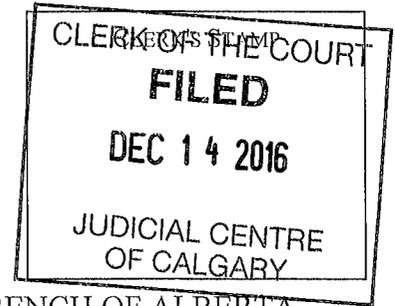


FORM 49  
[RULES 13.19, 11.21]



COURT FILE NUMBER 1601-05249  
COURT COURT OF QUEEN'S BENCH OF ALBERTA  
JUDICIAL CENTRE CALGARY  
PLAINTIFF BANK OF MONTREAL  
DEFENDANT GRAF CANADA LTD.  
DOCUMENT AFFIDAVIT OF SERVICE

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT  
BENNETT JONES LLP  
Barristers and Solicitors  
4500, 855 – 2<sup>nd</sup> Street S.W.  
Calgary, Alberta T2P 4K7  
Attention: Jennie A. Buchanan  
Telephone No.: 403-298-3130  
Fax No.: 403-265-7219  
Client File No.: 75202.2

**AFFIDAVIT OF NATALIE BIRTWISTLE**

**Sworn on December 14, 2016**

I, NATALIE BIRTWISTLE, of Calgary, Alberta, swear that:

1. I am employed by Bennett Jones Services Limited Partnership, a services limited partnership for Bennett Jones LLP, Barristers and Solicitors, solicitors for the Defendant and have personal knowledge of the matters deposed to here except where otherwise stated to be based on information and belief.
2. I am an adult person and not a party to this action.
3. Attached and marked as **Exhibit "A"** is a letter from Jennie A. Buchanan of Bennett Jones LLP dated December 8, 2016 addressed The Honourable Madam Justice Horner, copied to the Commercial Coordinator and the Service List, providing the materials for



Jennie A. Buchanan  
Associate  
Direct Line: 403.298.3130  
e-mail: buchananj@bennettjones.com  
Our File No.: 60746-24

December 8, 2016

**VIA HAND DELIVERY**

The Honourable Madam Justice K.M. Horner  
Court of Queen's Bench of Alberta  
Calgary Courts Centre  
#2401N, 601 - 5<sup>th</sup> Street SW  
Calgary, AB T2P 5P7

Dear Justice Horner:

**Re: Action No. 1601-05249  
In the Matter of the Bankruptcy and Insolvency of Graf Canada Ltd.**

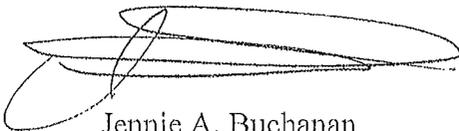
Enclosed are the following filed materials with respect to the Application to be heard before you on Thursday, December 15, 2016 at 12:00 p.m.

- Application by Richter Advisory Group Inc., Court-appointed Receiver of Graf Canada Ltd.; and
- First Report of the Receiver, Richter Advisory Group Inc., dated December 8, 2016.

We trust the enclosed to be in order; however, please contact me if you have any questions.

Yours truly,

**BENNETT JONES LLP**



Jennie A. Buchanan  
JAB:ncb  
Enclosures

cc: Commercial Coordinator (Keri Ann Stevenson), Via Hand Delivery and Email  
Service List, Via Email

THIS IS EXHIBIT " A " referred to in the Affidavit of Natalie Birtwistle  
Sworn before me this 14<sup>th</sup> day of December, 2016  
Jacqueline Mill  
JACQUELINE M. MILL  
A Commissioner for Oaths  
in and for the Province of Alberta  
My Commission Expires October 5, 2017

## Service List

<p><b>Larry Ellis</b>  Cassels Brock LLP  2100 Scotia Plaza, 40 King Street West  Toronto, ON M5H 3C2  Phone: (416) 869-5406  Fax: (416) 640-3004</p>	<p>Serve by Email: <a href="mailto:lellis@casselsbrock.com">lellis@casselsbrock.com</a></p>
<p><b>Kirstin Pereira</b>  Loss Mitigation Analyst  Konica Minolta Premier Finance  Phone: (844) 288-3722 Ext. 3627  Fax: (866) 967- 4047</p>	<p>Serve by Email: <a href="mailto:kirstin.pereira@ge.com">kirstin.pereira@ge.com</a></p>
<p><b>Shaw Cable</b>  c/o C.B. Cameron &amp; Associates  (Collections Agency)  Pat Lynch, Manager  Phone: (902) 468-5775  800-435-0566  Fax: (902) 468-6532</p>	<p>Serve by Email: <a href="mailto:plynch@cbcameron.com">plynch@cbcameron.com</a></p>
<p><b>EMERGYS</b>  Kevin DiPaolo (CFO) and Nikhil Deshmukh  Phone: (919) 484- 1690 ext 7022 NC  (585) 249-2843 NY  Mobile: (585) 414-9118</p>	<p>Serve by Email: <a href="mailto:kevin.dipaolo@emergys.com">kevin.dipaolo@emergys.com</a>  and <a href="mailto:nikhil.deshmukh@emergys.com">nikhil.deshmukh@emergys.com</a></p>
<p><b>Morguard / Portland Street Depot Ltd. c/o</b>  Adam Maerov  Phone: (403) 215-2752  Fax: (403) 531-4720</p>	<p>Serve by Email: <a href="mailto:adam.maerov@mcmillan.ca">adam.maerov@mcmillan.ca</a></p>
<p><b>Sakurai Sports Manufacturing Co. Ltd. c/o</b>  Jonathan Wigley  Gardiner Roberts LLP  22 Adelaide Street West, Suite 3600  Toronto M5H 4E3  Phone: (416) 865-6655  Fax: (416) 865-6636</p>	<p>Serve by Email: <a href="mailto:jwigley@grllp.com">jwigley@grllp.com</a></p>

THIS IS EXHIBIT " B " referred to in the Affidavit of Natalie Birtwistle  
Sworn before me this 14<sup>th</sup> day of December, 2016

Jacqueline Mill  
**JACQUELINE M. MILL**  
A Commissioner for Oaths  
in and for the Province of Alberta  
My Commission Expires October 5, 2017

<p><b>Graf Skates AG</b> c/o Jonathan Wigley Gardiner Roberts LLP 22 Adelaide Street West, Suite 3600 Toronto M5H 4E3 Phone: (416) 865-6655 Fax: (416) 865-6636</p>	<p>Serve by Email: <a href="mailto:jwigley@grllp.com">jwigley@grllp.com</a></p>
<p><b>Jill L. Medhurst-Tivadar</b> <b>Government of Canada,</b> <b>Department of Justice Canada</b> Tax Law Services - Prairie Region 510, 606 – 4 Street SW Calgary, AB T2P 1T1 Phone: (403) 299-3985 Fax: (403) 299-3966</p>	<p>Serve by Email: <a href="mailto:jill.medhurst-tivadar@justice.gc.ca">jill.medhurst-tivadar@justice.gc.ca</a></p>
<p><b>Canada Revenue Agency</b> Tax – Prairie c/o Edmonton Tax Services Office Revenue Collections Division Regional Intake Center for Insolvency 9700 Jasper Avenue Edmonton, AB T5J 4C8</p>	<p>Serve by Courier</p>
<p><b>Alberta Justice and Solicitor General</b> 9<sup>th</sup> Floor, John E. Brownlee Building 10365 - 97 Street Edmonton, AB T5J 3W7</p>	<p>Serve by Courier</p>
<p><b>Workers' Compensation Board of Alberta</b> PO Box 2415 Edmonton, AB T5J 2S5</p>	<p>Serve by Courier</p>

## Natalie Birtwistle

---

**From:** Natalie Birtwistle  
**Sent:** 08 December 2016 4:21 PM  
**To:** 'lellis@casselsbrock.com'; 'kirstin.pereira@ge.com'; 'plynch@cbcameron.com'; 'kevin.dipaolo@emergys.com'; 'nikhil.deshmukh@emergys.com'; 'adam.maerov@mcmillan.ca'; 'jwigley@grllp.com'; 'jill.medhursttivadar@justice.gc.ca'  
**Cc:** Jennie Buchanan; 'CommercialCoordinator QBCalgary'  
**Subject:** In the Matter of the Bankruptcy and Insolvency of Graf Canada Ltd.  
**Attachments:** Letter to Justice Horner - encl materials for application - Dec 8, 2016.PDF; First Report of the Receiver - Filed Dec 8, 2016.PDF; Application for court approval of distributions, Receiver\_s discharge, approval of Reciever\_s fees a.PDF

Good afternoon,

Attached for service upon you is the Application and First Report of the Receiver, filed today, with respect to the application on December 15, 2016 at 12:00 p.m. The materials were delivered to Justice Horner today, and I also attach a copy of our letter to her.

Thank you.



Natalie Birtwistle

Legal Assistant to A. Gray, A. Teasdale, J. Proctor and J. Buchanan, Bennett Jones SLP

4500 Bankers Hall East, 855 - 2nd Street SW, Calgary, AB, T2P 4K7

P. 403 298 3041 | F. 403 265 7219

E. [birtwistlen@bennettjones.com](mailto:birtwistlen@bennettjones.com)



THIS IS EXHIBIT " C "

referred to in the Affidavit of

Natalie Birtwistle

Sworn before me this 14<sup>th</sup>  
day of December, 2016

Jacqueline Mill

JACQUELINE M. MILL  
A Commissioner for Oaths  
in and for the Province of Alberta  
My Commission Expires October 5, 2017



# Bennett Jones

## Delivery Slip

FROM: Bennett Jones LLP 4500 Bankers Hall East 855 2nd Street SW Calgary, Alberta T2P 4K7 Canada	TO: <b>Alberta Justice and Solicitor General</b> 9 <sup>th</sup> Floor, John E. Brownlee Building 10365 - 97 Street Edmonton, AB T5J 3W7
--	---

DELIVERY VIA: <u>Pitney Bowes</u>	SERVICE LEVEL:
SPECIAL INSTRUCTIONS: _____	Noon Delivery (\$12.00)
SIGNATURE FOR RECEIPT? <u>Yes</u>	

	<input checked="" type="checkbox"/> Client Disbursements <input type="checkbox"/> Business Promotions <input type="checkbox"/> Office Expense
CLIENT-MATTER: <u>75202.2</u>	PURPOSE OF DELIVERY:
DESCRIPTION: _____	
LAWYER: <u>Jennie A. Buchanan</u>	

Date Printed: December 8, 2016	<b>RECEPTIONIST TO COMPLETE:</b> TIME RECEIVED: _____ DATE: _____ AMOUNT: \$ _____ WAYBILL: _____
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# Bennett Jones

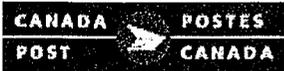
## Delivery Slip

FROM: Bennett Jones LLP 4500 Bankers Hall East 855 2nd Street SW Calgary, Alberta T2P 4K7 Canada	TO: Workers' Compensation Board of Alberta PO Box 2415 Edmonton, AB T5J 2S5
--	--

DELIVERY VIA: <u>Pitney Bowes</u>	SERVICE LEVEL:
SPECIAL INSTRUCTIONS:	Noon Delivery (\$12.00)
SIGNATURE FOR RECEIPT? <u>Yes</u>	

	<input checked="" type="checkbox"/> Client Disbursements <input type="checkbox"/> Business Promotions <input type="checkbox"/> Office Expense
CLIENT-MATTER: <u>75202.2</u>	PURPOSE OF DELIVERY:
DESCRIPTION:	
LAWYER: <u>Jennie A. Buchanan</u>	

Date Printed: December 8, 2016	RECEPTIONIST TO COMPLETE: TIME RECEIVED: _____ DATE: _____ AMOUNT: \$ <u>11.94</u> WAYBILL: <u>1010 9929 6838 7703</u>
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Date: 2016/12/14

Dear Sir or Madam

Please find below the scanned delivery date and signature of the recipient of the item identified below:

Item Number 1010992868387703

Product Name Xpresspost/Xpresspost

Reference Number 1 Not Applicable

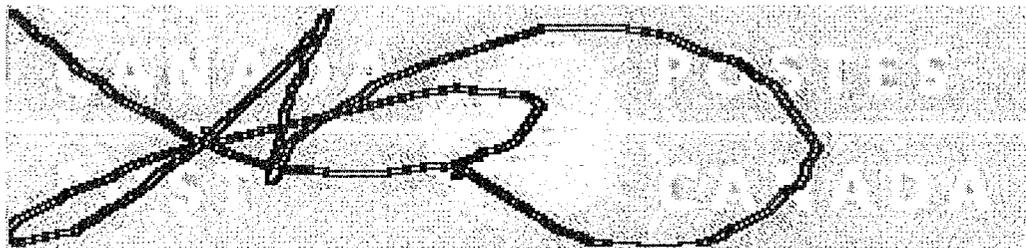
Reference Number 2 Not Applicable

Delivery Date (yyyy/mm/dd) 2016/12/14

Signatory Name C ROZNICKI

THIS IS EXHIBIT " E "  
 referred to in the Affidavit of  
Natalie Birtwistle  
 Sworn before me this 14<sup>th</sup>  
 day of December, 2016  
Jacqueline Mill  
 JACQUELINE M. MILL  
 A Commissioner for Oaths  
 in and for the Province of Alberta  
 My Commission Expires October 6, 2017

Signature



Yours sincerely,

Customer Relationship Network

1-888-550-6333.

(From outside Canada 1 416 979-3033)

This copy confirms to the delivery date and signature of the individual who accepted and signed for the item in question. This information has been extracted from the Canadapost data warehouse



December 9, 2016

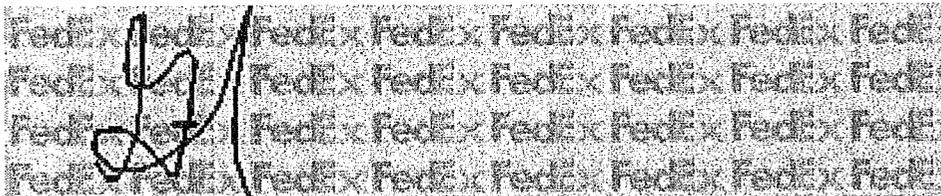
Dear Customer:

The following is the proof-of-delivery for tracking number **646991703771**.

---

**Delivery Information:**

<b>Status:</b>	Delivered	<b>Delivered to:</b>	Receptionist/Front Desk
<b>Signed for by:</b>	G.AUDIBERT	<b>Delivery location:</b>	9TH FLOOR, JOHN E. BROWNLEE BL EDMONTON, AB T5J3W7
<b>Service type:</b>	FedEx Priority Overnight	<b>Delivery date:</b>	Dec 9, 2016 11:48
<b>Special Handling:</b>	Deliver Weekday  Direct Signature Required		



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**Shipping Information:**

<b>Tracking number:</b>	646991703771	<b>Ship date:</b>	Dec 8, 2016
		<b>Weight:</b>	1.0 lbs/0.5 kg

**Recipient:**  
ALBERTA JUSTICE  
9TH FLOOR, JOHN E. BROWNLEE BLDG  
10365 - 97TH STREET  
EDMONTON, AB T5J3W7 CA

**Shipper:**  
courier desk  
BENNETT JONES LLP  
855 - 2 ST SW  
SUITE 4500  
CALGARY, AB T2P4K7 CA  
2000 /75202.2  
2000 /

**Reference**  
**Department number**

Thank you for choosing FedEx.



December 9, 2016

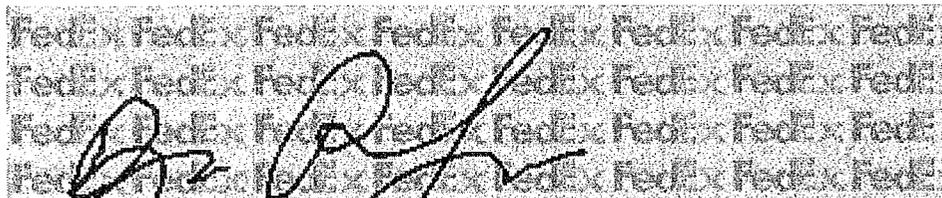
Dear Customer:

The following is the proof-of-delivery for tracking number **646991703782**.

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**Delivery Information:**

<b>Status:</b>	Delivered	<b>Delivered to:</b>	Receptionist/Front Desk
<b>Signed for by:</b>	B.RECEPTION	<b>Delivery location:</b>	9700 JASPER AVE EDMONTON, AB T5J4C8
<b>Service type:</b>	FedEx Priority Overnight	<b>Delivery date:</b>	Dec 9, 2016 10:03
<b>Special Handling:</b>	Deliver Weekday Direct Signature Required		



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**Shipping Information:**

<b>Tracking number:</b>	646991703782	<b>Ship date:</b>	Dec 8, 2016
		<b>Weight:</b>	1.0 lbs/0.5 kg

**Recipient:**  
insolvency intake  
CANADA REVENUE AGENCY  
9700 JASPER AVE  
EDMONTON, AB T5J4C8 CA

**Shipper:**  
courier desk  
BENNETT JONES LLP  
855 - 2 ST SW  
SUITE 4500  
CALGARY, AB T2P4K7 CA  
2000 /75202.2  
2000 /

**Reference**  
**Department number**

Thank you for choosing FedEx.