

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

**B E T W E E N:**

**HSBC BANK CANADA**

Plaintiff

-and-

**THE DIAMOND BULLET CORPORATION, PREMIERE MANUFACTURING LTD.,  
DBC INTERNATIONAL INC., HAT BIT SUPPLY LTD.,  
R ENVIRONMENTAL LABS LTD. and RICK SOUTHER**

Defendants

**NOTICE OF MOTION**

**TAKE NOTICE** that an application will be made by and on behalf of Meyers Norris Penny Limited, Receiver and Manager (the "Receiver") of the Defendants (the "Companies") before Mr. Justice J.D.B. McDonald, at the Courts Centre, in the City of Calgary, in the Province of Alberta, on Thursday, the 7th day of May, 2009 at 9:30 a.m. for an Order:

1. Abridging the time for service of the within Notice of Motion and materials in support thereof to the date of actual service together with a declaration validating the mode of service and approving service of the application materials including dispensation with service of the same on any party not served therewith.
2. Approving the liquidation proposal of Joiner Sales Corp. (the "Liquidation Proposal") attached as Appendix B to the First Report of the Receiver dated May 4, 2009 and authorizing and directing the Receiver to execute and deliver, *nunc pro tunc*, the Liquidation Proposal authorizing the Receiver to distribute from proceeds of liquidation coming into its possession, after having paid and discharged or retained sufficient funds on account of the charges in the Receivership Order, such amounts as the Receiver determines in its discretion to be advisable to HSBC Bank Canada on account of the HSBC Bank Canada secured claim.

3. Such further and other relief as the Applicant may request and the circumstances of this case may require.


**AND FURTHER TAKE NOTICE THAT** the grounds upon which this application is brought are as more particularly described in the Receiver's First Report, including, without limitation:

- (a) in the Receiver's business judgment the Liquidation Proposal will result in the best possible value being obtained for the assets being liquidated thereunder;
- (b) the major secured creditor, HSBC Bank Canada, supports the Receiver's application in this regard;
- (c) the Receiver has received an opinion from its counsel that the security held by HSBC Bank Canada with respect to the Companies constitutes valid and enforceable security enforceable as against the Trustee in Bankruptcy of the Companies; and
- (d) the Land Titles searches and Personal Property searches appended to the Receiver's First Report demonstrate that HSBC Bank Canada is the paramount secured creditor entitled to receipt of proceeds arising from the liquidation of assets.

**AND FURTHER TAKE NOTICE** that in support of the Application, the Applicant will rely upon the pleadings and proceedings herein, the Receiver's First Report, filed, and such further and other material as Counsel may advise and this Honourable Court may permit.

**DATED** at the City of Calgary, in the Province of Alberta, this 5<sup>th</sup> day of May, 2009, **AND DELIVERED** by **McCARTHY TÉTRAULT LLP**, Barristers and Solicitors, Solicitors for the Applicant herein whose address for service is in care of the said Solicitors at Suite 3300, 421-7th Avenue S.W., Calgary AB T2P 4K9.

**McCARTHY TÉTRAULT LLP**

Per:   
FOR: Sean F. Collins  
Solicitors for the Applicant

TO: CLERK OF THE COURT

AND TO: ATTACHED SERVICE LIST

**HSBC BANK CANADA v. DIAMOND BULLET CORPORATION, PREMIERE  
MANUFACTURING LTD.,  
DBC INTERNATIONAL INC., HAT BIT SUPPLY LTD.,  
R ENVIRONMENTAL LABS LTD. and RICK SOUTHER**

**Service List**

<b>Counsel</b>	<b>Facsimile No./E-Mail</b>
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Tory Lewis Abells LLP 110, 220-4th Street South Lethbridge, Alberta T1J 4J7 Counsel for Three Clouds Properties Ltd. and Lorna Moore <b>Attention: Greg K. Norman</b>	<a href="mailto:tlagkn@telus.net">tlagkn@telus.net</a>
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Gowling Lafleur Henderson LLP 1400, 700-2nd Street S.W. Calgary, Alberta T2P 4V5 Attention: Tom Cumming	<a href="mailto:tom.cumming@gowlings.com">tom.cumming@gowlings.com</a>

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Collateral Recovery and Administration Inc. 4, 6812 Fairmount Drive S.E. Calgary, Alberta T2H 0X3 Reference # 30111	877-586-2888
Alternative Bailiff Services Ltd. 6812 Fairmount Drive S.E. Calgary, Alberta T2H 0X3	403-543-0909
Western Civil Enforcement Agency Inc. 4116 50th Avenue S.E. Calgary, Alberta T2B 2T7	403-236-2275
CIT Financial Ltd. 5035 South Service Road Burlington, ON L7R 4C8	1-888-563-4321
General Motors Acceptance Corporation of Canada 2400, 10155-102 Street Edmonton, Alberta T2G 1Z3	1-780-482-7839
Jim Pattison Industries Ltd. 1235 – 73rd Avenue S.E. Calgary, Alberta T2H 2X1	403-212-8901
MCAP Leasing Inc. 5575 North Service Road, Suite 300 Burlington, Ontario L7L 6M1	1-905-681-4765
Georgina Souther 105 Northland Close Westakiwin, Alberta T9A 3N6	

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No. 0901-02934

A.D. 2009

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