COURT FILE NUMBER 2201-02699

COURT

COURT OF QUEEN'S BENCH OF ALBERTA

JUDICIAL CENTRE

**CALGARY** 

**PLAINTIFF** 

NATIONAL BANK OF CANADA

**DEFENDANTS** 

**BALANCED ENERGY OILFIELD SERVICES** 

(USA) INC., BALANCED ENERGY

HOLDINGS INC., MICHELLE THOMAS, NEIL SCHMEICHEL, DARREN MILLER, and

**CODY BELLAMY** 

**DOCUMENT** 

AFFIDAVIT OF LICENSED INSOLVENCY

TRUSTEE

ADDRESS FOR

SERVICE AND

CONTACT

INFORMATION OF

PARTY FILING THIS

**DOCUMENT** 

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1230496

## AFFIDAVIT OF DUSTIN OLVER

## Sworn November 17, 2023

I, Dustin Olver, of the City of Calgary, in the Province of Alberta, SWEAR AND SAY THAT:

1. I am a Senior Managing Director at FTI Consulting Canada Inc., (the "Receiver"), who was appointed Receiver of all the undertakings, property and assets of Balanced Energy Oilfield Services (USA) Inc., Balanced Energy Holdings Inc., Michelle Thomas, Neil Schmeichel, Darren Miller, And Cody Bellamy (collectively, "Balanced Energy")pursuant to an Order of this Honorable Court (the "Receivership Order") on March 7, 2022.

Clerk's Stamp

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- 2. I am a Licensed Insolvency Trustee and at all times was responsible for, and oversaw, the Receiver's mandate as Receiver. As such, I have personal knowledge of the matters hereinafter deposed to, except where stated to be based on information and belief, in which case, I verily believe the same to be true.
- 3. I make this Affidavit in support of the Receiver's Application heard on May 1, 2023, for an Order regarding the final distribution of proceeds, approval of the Receiver's fees and disbursements, approval of the Receiver's activities, and discharge of the Receiver (the "Discharge Order").
- 4. I, solely in my capacity as Senior Managing Director of the Receiver and not in my personal capacity, hereby confirm that:
  - a. all Receivership costs and expenses as set out in the Third Report of the Receiver dated April 24, 2023 (the "Third Report"), including, but not limited to, the Holdback Expenses (as that term is defined in the Discharge Order), have been paid;
  - b. all remaining amounts have been distributed to the National Bank of Canada; and
  - c. the administration of the receivership proceedings as described in the Third Report, and as set out in the Discharge Order, have been completed.
- 5. I make this Affidavit in support of the within Application and for no other improper purpose.

SWORN BEFORE ME at Calgary, Alberta,

this 17<sup>th</sup>day of November, 2023.

A Commissioner for Oaths/Notary Public in

and for the Province of Alberta

**Dustin Olver** 

Randal Vande Mosselver Barrister + Soliciton