



No. S-240358
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

NATIONAL BANK OF CANADA

PETITIONER

AND:

1326 MANN FARM INC., K P DRYWALL LTD., 13 MANN FARMS B.C. LTD., and
DYKE VALLEY BERRY FARMS LTD.

RESPONDENTS

RESPONSE TO PETITION

Filed by: Farm Credit Canada (the “Petition Respondent”)

THIS IS A RESPONSE TO the petition filed January 18, 2024 (the “Petition”).

The Petition Respondent estimates that the application will take 30 minutes.

Part 1: ORDERS CONSENTED TO:

The Petition Respondent consents to the granting of the orders set out in the following paragraphs of Part 1 of the Petition: **none**

Part 2: ORDERS OPPOSED:

The Petition Respondent opposes the granting of the orders set out in the following paragraphs of Part 1 of the Petition: **none**

Part 3: ORDERS ON WHICH NO POSITION IS TAKEN:

The Petition Respondent takes no position on the granting of the orders set out in the following paragraphs of Part 1 of the Petition: **all**

Part 4: FACTUAL BASIS:

1. The Petition Respondent is a secured creditor which is owed a total of \$6,686,376.22 as of February 6, 2024 (the “Amount Owing”) across 6 separate loans, some of which are secured by mortgage security and all of which are secured over personal property.

2. These proceedings impact on the Petition Respondent's personal property security interests which are detailed below (the "Security Interests"):

- (a) Security Agreement dated December 18, 2020 between the Petition Respondent as secured party, the Respondent Gurmeet Singh Mann ("Gurmeet"), Komalpreet Singh Mann ("Komalpreet") and 13 Mann Farms B.C. Ltd. ("13 Mann") registered in the British Columbia Personal Property Registry on December 22, 2020 under base registration number 669853M (the "First Security Agreement");
- (b) Security Agreement dated December 18, 2020 between the Petition Respondent as secured party and the Respondent 13 Mann registered in the British Columbia Personal Property Registry on December 22, 2020 under base registration number 669889M (the "Second Security Agreement");
- (c) Security Agreement dated April 23, 2021 between the Petition Respondent as secured party, and the Respondents Gurmeet, Komalpreet, 13 Mann and K P Drywall Ltd. registered in the British Columbia Personal Property Registry on April 27, 2021 under base registration number 929356M (the "Third Security Agreement");
- (d) Security Agreement dated September 21, 2021 between the Petition Respondent as secured party and the Respondent 13 Mann registered in the British Columbia Personal Property Registry on October 15, 2021 under base registration number 306120N (the "Fourth Security Agreement");
- (e) Security Agreement dated June 6, 2022 between the Petition Respondent as secured party and the Respondent 13 Mann registered in the British Columbia Personal Property Registry on June 13, 2022 under base registration number 793121N (the "Fifth Security Agreement"); and
- (f) Security Agreement dated July 21, 2022 between the Petition Respondent as secured party and the Respondent 13 Mann registered in the British Columbia Personal Property Registry on August 5, 2022 under base registration number 902994N (the "Sixth Security Agreement").

Part 5: LEGAL BASIS:

1. The First Security Agreement, the Second Security Agreement, the Third Security Agreement, the Fourth Security Agreement, the Fifth Security Agreement and the Sixth Security Agreement are valid and enforceable.
2. The Petitioner Respondent's Security Interests rank in priority to the interests of the Petitioner pursuant to the provisions of the *Personal Property Security Act*.

Part 6: MATERIAL TO BE RELIED ON:

1. Affidavit #1 of Charmaine Froese Kowalchuk made herein.

Date: February 8, 2024



Signature of lawyer for the Petition Respondent,
Baker Newby LLP

Petition Respondent's address for service:

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Name of Petition Respondent's Lawyer:

Baker Newby LLP