



COURT FILE NUMBER B201-996918  
B201-997457  
B201-997541

COURT COURT OF KING'S BENCH OF ALBERTA

JUDICIAL CENTRE CALGARY

COM  
Aug 13, 2024

C80628

PROCEEDING IN THE MATTER OF THE BANKRUPTCY OF  
NOMODIC MODULAR STRUCTURES INC., AITHRA  
PROJECTS INC. and NOMODIC MODULAR  
STRUCTURES (ONTARIO) LTD.

APPLICANT FTI CONSULTING CANADA INC., in its capacity as  
the Court-appointed Trustee in Bankruptcy of  
NOMODIC MODULAR STRUCTURES INC., AITHRA  
PROJECTS INC. and NOMODIC MODULAR  
STRUCTURES (ONTARIO) LTD.

**DOCUMENT AFFIDAVIT OF SERVICE**

ADDRESS FOR  
SERVICE AND  
CONTACT  
INFORMATION OF  
PARTY FILING THIS  
DOCUMENT

MLT AIKINS LLP  
Barristers and Solicitors  
2100, 222 3<sup>rd</sup> Ave SW  
Calgary, Alberta T2P 0B4  
Attention: Ryan Zahara/Kaitlin Ward  
Phone: 403.693.5420/403.693.4311  
Fax: 403.508.4349  
File: 0052752.00007

**AFFIDAVIT OF REGIE AGCAOILI**

**Sworn on August 12, 2024**

I, Regie Agcaoili, of the City of Calgary, in the Province of Alberta, SWEAR AND SAY THAT:

1. I am a legal assistant employed at MLT Aikins LLP ("**MLT Aikins**"), solicitors for the Applicant, FTI Consulting Canada Inc., in its capacity as the Court-appointed Trustee in Bankruptcy (the "**Trustee**") of Nomodic Modular Structures Inc., Aithra Projects Inc. and Nomodic Modular Structures (Ontario) Ltd. and as such, I have personal knowledge of the matters deposed to herein, except where stated to be based on information and belief, in which case, I verily believe the same to be true.
2. On August 8, 2024, our office sent filed copies of the following Application materials (collectively, the "**Filed Application Materials**") that the Trustee intends to rely on at the hearing scheduled on August 13, 2024 to enter a Consent Order respecting the Trustee's

earlier application for advice and directions (the "**Hearing**") via email upon those secured creditors of Nomodic Modular Structures Inc. and the Canada Revenue Agency (collectively, the "**Affected Parties**"):

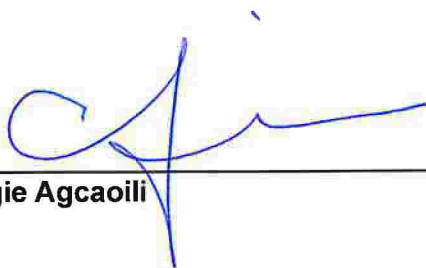
- (a) Letter regarding Trustee’s Application for Advice and Directions, dated August 8, 2024;
  - (b) Application for Advice and Directions, filed on March 27, 2024;
  - (c) First Report of the Trustee, dated March 26, 2024 and filed on March 27, 2024;
  - (d) Application by Northern Vision Development Limited Partnership, filed on April 8, 2024; and
  - (e) Supplemental Affidavit of Michal Hale, sworn on March 28, 2024 and filed on April 8, 2024.
3. Attached hereto and collectively marked as **Exhibit “A”** is a copy of the FileTransfer email sent August 8, 2024 and a copy of the service letter enclosing the Filed Application Materials to the Affected Parties.
  4. On August 8, 2024, our office received an automatic response from Bob Picken, the designated contact on the Proof of Claim for Sterling Crane and Procrane Inc., advising he had retired and requesting all future communication be sent to Tom MacLeod.
  5. Attached hereto and collectively marked as **Exhibit “B”** is a copy of Bob Picken’s auto-reply email and our email dated August 8, 2024 enclosing the Filed Application Materials to Tom Macleod.

SWORN BEFORE ME at the City of )  
 Calgary, in the Province of Alberta, )  
 this 12<sup>th</sup> day of August, 2024. )  
 )  
 )  
 )  
 )  
 )

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A Commissioner for Oaths in and for Alberta

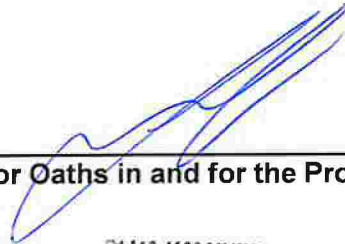
**OLHA KALUHINA**  
 A Commissioner for Oaths  
 in and for the Province of Alberta  
 My Commission expires in JULY 05, 2026




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**Regie Agcaoli**

**This is Exhibit "A" to the  
Affidavit of Service of Regie Agcaoili  
Sworn before me at Calgary, Alberta  
this 12<sup>th</sup> day of August, 2024**



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**A Commissioner for Oaths in and for the Province of Alberta**

**OLGA KALLIHNIA**  
**A Commissioner for Oaths**  
**in and for the Province of Alberta**  
My Commission expires in JULY 05, 2026

## Regie Agcaoili

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**From:** Regie Agcaoili <ragcaoili@mltaikins.com>  
**Sent:** Thursday, August 8, 2024 12:01 PM  
**To:** pkyriakakis@mccarthy.ca; nstewart@mccarthy.ca; rquinlan@dcllp.com; gmiciak@dcllp.com; ryehia@blg.com; adekens@bmlp.ca; bpicken@marmoncranes.com; tristen.cones@justice.gc.ca  
**Cc:** Kaitlin Ward; Ryan Zahara  
**Subject:** In the Matter of the Bankruptcy of Nomodic Modular Structures Inc. et al; Action Nos. B201-996918, B201-997457 and B201-997541

Good afternoon,

Please see attached correspondence and enclosures from Ms. Kaitlin Ward.

Kind regards,

## Secure Message Info

Message ID f5u9cUIH13cY4hjMd9hQiC

Message Saturday, 7 September

Expires

Message <https://FILE.MLTAIKINS.COM/message/f5u9cUIH13cY4hjMd9hQiC>

URL

Permission If you forward this email with the secure random download link, whomever you forward this to can download the files attached to this message.

## Files attached to this message

Filename	Size
Letter to Service List re Trustee's Application for Advice and Directions - Aug. 13, 2024 - Nomodic Bankruptcy.pdf	134 KB
Application - Advice and Directions (Compiled) - Mar 27, 2024.pdf	2.39 MB
Application by NVD - ret. May 2, 2024 - Filed April 8, 2024 (Stamp for action 25-2996918) - 4145-7042-3631 v1.pdf	974 KB

Supplemental Affidavit of Michael Hale - sworn Mar. 28, 2024 - Filed April 8, 2024 (Stamp for action 25-2996918) - 4158-6233-479.pdf 1.34 MB

First Report of the Trustee - Filed March 27\_ 2024 (Compiled).pdf 61.1 MB

[Download Files](#)

[Reply to this Secure Message](#)

**Regie Agcaoili**

**Legal Assistant**

(403) 693-5402 | ragcaoili@mltaikins.com | Calgary

Assistant to: R. Zahara, K. Ward, and E. Ashworth

**Kaitlin Ward**  
LawyerDirect Line: (403) 693-4311  
E-mail: kward@mltaikins.comRegie Agcaoili  
Legal AssistantDirect Line: (403) 693-5402  
E-mail: ragcaoili@mltaikins.com

August 8, 2024

VIA EMAIL

TO: SERVICE LIST

**Re: In the Matter of the Bankruptcy of Nomodic Modular Structures Inc., Aithra Projects Inc. and Nomodic Modular Structures (Ontario) Ltd. (collectively, "Nomodic"); Court or King's Bench of Alberta File Nos. B201-996918, B201-997457 and B201-997541**

We are counsel to FTI Consulting Canada Inc., in its capacity as the Court-appointed trustee in bankruptcy of Nomodic (the "Trustee").

Please find enclosed, for service upon you, filed copies of the following application materials (collectively, the "**Application Materials**") we intend to rely on at the application scheduled before the Honourable Associate Chief Justice Nixon on August 13, 2024 at 3:00 p.m. via WebEx (the "**Hearing**") to enter a consent order respecting the Trustee's earlier application for advice and directions:

1. Application for Advice and Directions, filed March 27, 2024;
2. First Report of the Trustee, dated March 26, 2024 and filed March 27, 2024;
3. Application by Northern Vision Development Limited Partnership, filed April 8, 2024; and
4. Supplemental Affidavit of Michael Hale, sworn March 28, 2024 and filed April 8, 2024.

Please note the Filed Application Materials refer to earlier application dates that were adjourned to accommodate a settlement between the affected parties. The parties are in the process of finalizing the form of Consent Order, which will be circulated prior to the Hearing.

The Hearing will be available at the following WebEx link:

<https://albertacourts.webex.com/meet/virtual.courtroom60>

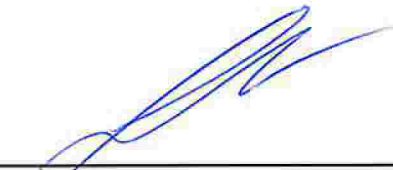
Yours truly,

**MLT AIKINS LLP****Kaitlin Ward**

c. Ryan Zahara, MLT Aikins LLP (via email)



This is Exhibit "B" to the  
Affidavit of Service of Regie Agcaoili  
Sworn before me at Calgary, Alberta  
this 12<sup>th</sup> day of August, 2024



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A Commissioner for Oaths in and for the Province of Alberta

*ELSA KALUHINA*  
A Commissioner for Oaths  
in and for the Province of Alberta  
My Commission expires in JULY 05, *2026*

## Regie Agcaoili

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**From:** Bob Picken <bpicken@marmoncranes.com>  
**Sent:** Thursday, August 8, 2024 12:01 PM  
**To:** Regie Agcaoili  
**Subject:** Automatic reply: In the Matter of the Bankruptcy of Nomodic Modular Structures Inc. et al; Action Nos. B201-996918, B201-997457 and B201-997541

[EXTERNAL MESSAGE]

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Please be informed that I am now retired from my position as VP Risk Management. For any questions or assistance, please direct your inquiries to Tom MacLeod at TMacLeod@sterlingcrane.com.



## Regie Agcaoili

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**From:** Kaitlin Ward  
**Sent:** Thursday, August 8, 2024 4:22 PM  
**To:** TMacLeod@sterlingcrane.com  
**Cc:** Regie Agcaoili  
**Subject:** Notice of Application - August 13, 2024, 3:00 pm - Bankruptcy of Nomodic Modular Structures Inc.  
**Attachments:** Proof of Claim - Sterling Crane.pdf; Letter to Service List re Trustee's Application for Advice and Directions - Aug. 13, 2024 - Nomodic Bankruptcy.pdf; Application - Advice and Directions (Compiled) - Mar 27, 2024.pdf; Application by NVD - ret. May 2, 2024 - Filed April 8, 2024 (Stamp for action 25-2996918) - 4145-7042-3631 v1.pdf; Supplemental Affidavit of Michael Hale - sworn Mar. 28, 2024 - Filed April 8, 2024 (Stamp for action 25-2996918) - 4158-6233-479.pdf; Draft Consent Order - NVD and ATB - Nomodic Bankruptcy.docx

Hi Tim,

We are counsel for FTI Consulting Canada Inc., the trustee in bankruptcy of Nomodic Modular Structures Inc. We understand that Sterling Crane has a registered security interest against Nomodic Modular Structures and submitted a Proof of Claim for \$48,664.88 (see attached).

We have scheduled an application on August 13, 2024 at 3:00 p.m. MT for advice and directions from the court on the entitlement to certain funds in the bankruptcy. The affected parties, ATB Financial and Northern Vision Development LP, have consented to a distribution of these funds. We are providing notice to Sterling Crane as a secured creditor that may be affected by the Order.

We had been emailing Bob Picken with notice of this application, but I see that he has since retired and requested that all correspondence be directed to your attention instead. To that end, please find attached copies of our Service Letter, application materials and the draft form of Order.

A file sharing link to the Trustee's First Report will follow, as it is too large to send as an attachment.

Please let me know if you have any questions or would like to discuss these materials.

Best regards,

**Kaitlin Ward** (she/her)

**Lawyer**

**P:** (403) 693-4311 | **E:** kward@maitkins.com

**MLT Aikins LLP**

2100 Livingston Place

222 3rd Ave SW

Calgary, AB T2P 0B4

**BIO** | **VCARD**



Our offices are located on the territories of Indigenous peoples, including the First Nations of Treaties 1, 4, 6 and 7, the Coast Salish peoples, as well as other non-Treaty First Nations and Métis. [We are committed to reconciliation.](#)

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