

IN THE SUPREME COURT OF BRITISH COLUMBIA

RE: AN INDENTURE OF MORTGAGE REGISTERED
IN THE NELSON LAND TITLE OFFICE
UNDER APPLICATION NUMBER CA502119 AND A
COMMERCIAL SECURITY AGREEMENT REGISTERED
IN THE PERSONAL PROPERTY SECURITY REGISTRY
FOR THE PROVINCE OF BRITISH COLUMBIA ON THE
14TH DAY OF JULY, 2007 UNDER BASE
REGISTRATION NO. 796421D

BETWEEN:

REVELSTOKE CREDIT UNION

PETITIONER

AND:

**POWDER SPRINGS INN INC.,
NEIL JASON ROE, JAMES BRYDON ROE,
CLYDE DAVID NEWSOME, DONNA LOUISE NEWSOME,
JENNY LEANNE NEWSOME, NEWSOME FAMILY TRUST,
THE CROWN IN RIGHT OF CANADA
and CANADIAN IMPERIAL BANK OF COMMERCE**

RESPONDENTS

NOTICE OF APPLICATION

Name(s) of applicant(s): Revelstoke Credit Union

To: The Respondents

A WITHOUT NOTICE application will be made by the Petitioner to the presiding judge at the courthouse at 455 Columbia Street, Kamloops, B.C. on February 25, 2014 at 2:00 p.m. for the order(s) set out in Part 1 below.

Part 1: ORDERS SOUGHT

1. An order in the form attached appointing a Receiver.

Part 2: FACTUAL BASIS

1. Order Nisi was granted in this proceeding with a redemption period set to expire on March 31, 2014.
2. The subject property is a hotel and pub located in Revelstoke, B.C., owned and operated by the Respondent Powder Springs Inn Inc.
3. On Tuesday, February 25, 2014, the Respondent Powder Springs Inn Inc. was deemed bankrupt pursuant to section 57(a) of the *Bankruptcy and Insolvency Act*.
4. In light of the bankruptcy, the appointment of a receiver is necessary to preserve the subject property and to permit the hotel and pub business to continue to operate while efforts are made for its sale.

Part 3: LEGAL BASIS

1. Section 243 of the *Bankruptcy and Insolvency Act*, and section 39 of the *Law and Equity Act*.

Part 4: MATERIAL TO BE RELIED ON

1. Affidavit of Roberta Bobicki #1;
2. Order Nisi of Foreclosure;
3. B.C. Model Receivership Order

The applicant estimates that the application will take 30 minutes.

- This matter is within the jurisdiction of a master.
- This matter is not within the jurisdiction of a master.

TO THE PERSONS RECEIVING THIS NOTICE OF APPLICATION: If you wish to respond to this Notice of Application, you must, within 5 business days after service of this Notice of Application or, if this application is brought under Rule 9-7, within 8 business days after service of this Notice of Application,

- (a) file an Application Response in Form 33,
- (b) file the original of every affidavit, and of every other document, that
 - (i) you intend to refer to at the hearing of this application, and
 - (ii) has not already been filed in this proceeding, and

- (c) serve on the applicant 2 copies of the following, and on every other party of record one copy of the following:
 - (i) a copy of the filed Application Response;
 - (ii) a copy of each of the filed affidavits and other documents that you intend to refer to at the hearing of this application and that has not already been served on that person;
 - (iii) if this application is brought under Rule 9-7, any notice that you are required to give under Rule 9-7(9).

Date: February 25, 2014



Signature of
 applicant lawyer for applicant
Sherryl A. Dubo

<p><i>To be completed by the court only:</i></p> <p>Order made</p> <p><input type="checkbox"/> in the terms requested in paragraphs _____ of Part 1 of this notice of application</p> <p><input type="checkbox"/> with the following variations and additional terms:</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>Date: [dd/mmm/yyyy] . _____</p> <p>Signature of <input type="checkbox"/> Judge <input type="checkbox"/> Master</p>

APPENDIX

THIS APPLICATION INVOLVES THE FOLLOWING:

- discovery: comply with demand for documents
- discovery: production of additional documents
- other matters concerning document discovery
- extend oral discovery
- other matter concerning oral discovery
- amend pleadings
- add/change parties
- summary judgment
- summary trial
- service
- mediation
- adjournments
- proceedings at trial
- case plan orders: amend
- case plan orders: other
- experts.