

No. S245121  
Vancouver Registry

**IN THE SUPREME COURT OF BRITISH COLUMBIA**

IN THE MATTER OF THE *COMPANIES' CREDITORS ARRANGEMENT ACT*,  
R.S.C. 1985, c. C-36

AND

IN THE MATTER OF THE *BUSINESS CORPORATIONS ACT*, S.B.C. 2002, c. 57

AND

IN THE MATTER OF ELEVATION GOLD MINING CORPORATION,  
ECLIPSE GOLD MINING CORPORATION and GOLDEN VERTEX (IDAHO) CORP.

PETITIONERS

**NOTICE OF APPLICATION**

**Name of Applicants:** KSV Restructuring Inc. (“**KSV**” or the “**Monitor**”) on behalf of Elevation Gold Mining Corporation, Eclipse Gold Mining Corporation and Golden Vertex (Idaho) Corp. (collectively, the “**Petitioners**”).

To: Those parties set out in **Schedule “A”** attached hereto.

TAKE NOTICE that an application will be made by the Monitor to the Honourable Madam Justice Fitzpatrick at the Courthouse at 800 Smithe Street, in the City of Vancouver, in the Province of British Columbia on Monday, December 8, 2025 at 3:30 p.m. for the orders set out in Part 1 below.

The Monitor estimates that the application will take 30 minutes.

This matter is not within the jurisdiction of an Associate Judge. The Honourable Madam Justice Fitzpatrick is seized of this matter. This hearing has been set by Supreme Court Scheduling.

**Part 1: ORDERS SOUGHT**

1. The Monitor seeks an order, substantially in the form of draft order attached hereto as **Schedule “B”**, among other things, extending the Stay Period, as defined in the Amended and Restated Initial Order made herein on August 12, 2024 (the “**ARIO**”), from December 15, 2025 to June 30, 2026.

## Part 2: FACTUAL BASIS

2. Capitalized terms used herein and not otherwise defined have the meanings ascribed to them in the Seventh Report of the Monitor dated December 4, 2025 (the “**Seventh Report**”).

### BACKGROUND

3. Pursuant to the Initial Order issued by the Supreme Court of British Columbia (the “**BC Court**”) on August 1, 2024, Elevation Gold Mining Corporation (“**Elevation**”) and its subsidiaries, Golden Vertex Corp. (“**GVC**”), GVC (Idaho) Corp. (“**GVC Idaho**”), Eclipse Gold Mining Corporation (“**Eclipse**”), Alcmene Mining Inc. (“**Alcmene**”), and Hercules Gold USA, LLC (“**Hercules**”, and together with each of the above entities, the “**Original Petitioners**”) were granted protection under the *Companies’ Creditors Arrangement Act*, R.S.C. 1985, c. C-36, as amended (the “**CCAA**”), and KSV was appointed as Monitor and as the foreign representative for the purpose of commencing proceedings in the United States (the “**US Proceeding**”) ancillary to the CCAA proceeding (the “**Canadian Proceeding**”) in the United States Bankruptcy Court for the District of Arizona (the “**US Court**”) pursuant to chapter 15 of title 11 of the *United States Code*, 11 U.S.C. §§ 101-1532 (the “**US Bankruptcy Code**”).
4. On August 12, 2024, the BC Court granted the ARIO amending and restating the Initial Order.
5. On September 16, 2024, the US Court entered an order, among other things, recognizing Canada as the Original Petitioners’ centre of main interest (COMI), recognizing the Canadian Proceeding as a foreign main proceeding under Chapter 15 of the US Bankruptcy Code, affirming the Monitor as the duly appointed foreign representative of the Canadian Proceeding and giving full force and effect to the Initial Order and the ARIO in the United States.
6. On September 26, 2024, the BC Court granted an order, among other things, removing Alcmene and Hercules as petitioners in the Canadian Proceeding due to a sale of Hercules’ business and assets completed earlier in the proceeding.

7. On December 17, 2024, the BC Court granted, among others, the following orders:
  - (a) an order (the “**Sale Approval Order**”), among other things, approving a transaction (the “**Transaction**”) in respect of the sale of the shares of GVC owned by Elevation; and
  - (b) an order (the “**Enhanced Powers Order**”) empowering the Monitor to exercise any powers which may properly be exercised by the Petitioners’ board of directors.
8. On December 30, 2024, the US Court entered an order enforcing the Sale Approval Order in the United States.
9. Pursuant to the Sale Approval Order, upon delivery of the Monitor’s Certificate to the Purchaser, which took place on December 31, 2024, GVC was removed as a petitioner in the Canadian Proceeding, such that the only remaining petitioners in the Canadian Proceeding are Elevation, GVC Idaho and Eclipse.
10. The Transaction contemplates a purchase price adjustment if: (i) an order was made by the US Court, on or before June 30, 2025 (the “**Outside Date**”), deciding in favour of the Petitioners in respect of the Determination Motions (each as defined herein); or (ii) an agreement, in form and substance satisfactory to the Purchaser, was reached with each of Nomad Royalty Company Limited (“**Nomad**”) and Patriot Gold Corporation (“**Patriot**”).
11. On March 17, 2025, the Monitor and the Purchaser entered into an amending agreement to agreement of purchase and sale dated March 17, 2025, among other things, extending the Outside Date from June 30, 2025 to December 31, 2025, with the expectation that the US Court would have rendered its decision before that date.
12. On March 26, 2025, Mako Mining Corp. (“**Mako**”), an entity related to the Purchaser, acquired 100% of the ownership interest in the Purchaser pursuant to an interest purchase agreement among: (i) Mako US Corp. (a subsidiary of Mako), as buyer; (ii) Wexford EG Acquisition LLC, as vendor; (iii) the Purchaser, as target; and (iv) Mako, as buyer guarantor.

13. On June 23, 2025, the BC Court granted an order extending the Stay Period from June 27 to December 15, 2025.
14. Pursuant to an assignment and assumption agreement dated June 30, 2025, between Maverix Metals Inc. (“**Maverix**”), as assignor, and Mako, as assignee, Maverix assigned the Petitioners’ obligations to Maverix and all related security to Mako. As a result, Mako is now the Petitioners’ senior secured creditor.
15. As it has become clear that the US Court will not be in a position to issue a final determination with respect to the Royalty Litigation prior to December 31, 2025, the Monitor and the Purchaser have agreed to further extend the Outside Date from December 31, 2025 to June 30, 2026, and are in the process of finalizing a second amending agreement to agreement of purchase and sale to reflect said extension.

#### THE US PROCEEDING

16. A summary of the ongoing litigation in the US Court is provided in the Monitor’s Fifth Report to Court (the “**Fifth Report**”) and Sixth Report to Court (the “**Sixth Report**”), respectively dated January 27, 2025 and June 19, 2025.
17. As detailed in the Fifth Report, the Royalty Litigation was commenced on October 14, 2024 when the Petitioners filed, among other things, motions seeking determinations (collectively, the “**Determination Motions**”) as to whether the Finder’s Fee Agreement, the Nomad Agreement, and the Patriot Agreement create interests in the real property owned by GVC (the “**GVC Real Property**”) that cannot be vested off title.
18. The US Court has recently issued the following orders (together, the “**2025 US Orders**”) in the Royalty Litigation:
  - (a) an order dated October 22, 2025, among other things, granting Patriot’s Real Property Claim, and declaring that the Patriot Agreement creates an interest in the GVC Real Property and cannot be vested off title to the GVC Real Property; and
  - (b) an order dated November 13, 2025, among other things, denying the motions for summary judgment regarding Nomad’s Real Property Claim and ordering that a trial be set in the US Court to determine same.

19. Notwithstanding the issuance of the 2025 US Orders, the US Court has not yet issued final judgment on any claim in the Royalty Litigation and is not expected to do so this year.

#### EXTENSION OF THE STAY

20. The current Stay Period expires on December 15, 2025, a date that was selected by the Monitor as it was anticipated the Royalty Litigation would be decided by the US Court before that time.
21. The Monitor seeks to extend the Stay Period up to and including June 30, 2026, in anticipation that within that time the Royalty Litigation will have concluded.

#### **Part 3 LEGAL BASIS**

22. The Petitioners plead and rely on:
  - (a) The CCAA;
  - (b) *The Supreme Court Civil Rules*, B.C. Reg. 168/2009 (the “Rules”);
  - (a) The inherent and equitable jurisdiction of this Honourable Court; and
  - (b) Such further and other legal basis as counsel may advise and this Honourable Court may allow.

#### EXTENSION OF THE STAY

23. The Monitor seeks to extend the Stay Period until 11:59 p.m. on June 30, 2026.
24. The Monitor relies on sections 11 and 11.02 of the CCAA and the statutory discretion of this Honourable Court.
25. Subsection 11.02(2) of the CCAA provides that a debtor company may apply for an extension of the stay of proceedings for a period that the court considers necessary on any terms that it may impose. Subsection 11.02(3) of the CCAA provides that the court shall not make an order extending the stay period unless it is satisfied that: (a) the circumstances exist that make the order appropriate; and (b) the debtor company has acted and is acting in good faith and with due diligence.

26. The Monitor recommends that this Court grant the extension being sought, including for the following reasons:

- (a) the proposed extension will allow the Royalty Litigation to be advanced with the expectation that it will be determined or resolved by June 30, 2026;
- (b) the Monitor does not believe that any stakeholder will be materially prejudiced if the stay is extended;
- (c) as of the date of the Seventh Report, the Monitor is not aware of any party opposed to the extension being sought; and
- (d) the Cash Flow Forecast reflects that the Petitioners are projected to have sufficient liquidity to fund the Canadian Proceeding and the US Proceeding during the proposed extension period.
- (e) the Enhanced Powers Order was issued by the BC Court because the last of the directors and officers of the Petitioners resigned immediately following closing of the Transaction. To address this, the Monitor was granted the powers and duties as that of a “super-monitor” in these proceedings. The Monitor believes that it has been and is currently discharging its duties and obligations in good faith and with due diligence to the benefit of all stakeholders.

27. Accordingly, the Monitor submits that the proposed stay extension is warranted at this time.

**Part 4: MATERIAL TO BE RELIED ON**

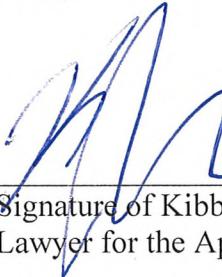
1. Fifth Report of the Monitor dated January 27, 2025;
2. Sixth Report of the Monitor dated June 19, 2025;
3. Seventh Report of the Monitor dated December 4, 2025; and
4. Such further and other materials as counsel may advise and this Honourable Court may allow.

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 every other document, that
  - (i) you intend to refer to at the hearing of this application, and
  - (ii) has not already been filed in the 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).

Dated: 04-Dec-2025



Signature of Kibben Jackson  
Lawyer for the Applicant

*To be completed by the court only:*

Order made

- in the terms requested in paragraphs ..... of Part 1 of this Notice of Application
- with the following variations and additional terms:  
.....  
.....  
.....

Date:

.....  
Signature of  Judge  Associate Judge

The Solicitors for the Applicant are Fasken Martineau DuMoulin LLP, whose office address and address for delivery is 550 Burrard Street, Suite 2900, Vancouver, BC V6C 0A3 Telephone: +1 604 631 3131 Facsimile: +1 604 631 3232 (Reference: Kibben Jackson/ 267908.00021)

## APPENDIX

The following information is provided for data collection purposes only and is of no legal effect.

### 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
- none of the above

**SCHEDULE “A”**

**SERVICE LIST**

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IN THE MATTER OF THE *COMPANIES' CREDITORS ARRANGEMENT ACT*,  
R.S.C. 1985, c. C-36, AS AMENDED

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IN THE MATTER OF ELEVATION GOLD MINING CORPORATION, ECLIPSE GOLD MINING CORPORATION, ALCMENE MINING INC., GOLDEN VERTEX CORP., GOLDEN VERTEX (IDAHO) CORP., and HERCULES GOLD USA, LLC

PETITIONERS

**SERVICE LIST**  
(as of June 2, 2025)

Party	Contact
<b>Elevation Gold Mining Corp.</b> 1188 West Georgia St., Suite 1920 Vancouver BC V6E 4A2	Tim Swendseid (CEO) <a href="mailto:tim@elvtgold.com">tim@elvtgold.com</a>  William Dean (CFO) <a href="mailto:william@elvtgold.com">william@elvtgold.com</a>
<b>Lawson Lundell LLP</b> 1600 - 925 West Georgia Street, Vancouver, BC V6C 3L2  Suite 1100 Brookfield Place 225-6th Avenue S.W. Calgary, Alberta T2P 1N2  <i>Canadian Insolvency Counsel to Elevation Gold</i>	William Roberts <a href="mailto:wroberts@lawsonlundell.com">wroberts@lawsonlundell.com</a>  Alexis Teasdale <a href="mailto:ateasdale@lawsonlundell.com">ateasdale@lawsonlundell.com</a>  Angad Bedi <a href="mailto:abedi@lawsonlundell.com">abedi@lawsonlundell.com</a>
<b>Maxis Legal</b> Suite 910 – 800 West Pender Street Vancouver BC V6V 2V6  <i>Canadian Securities Counsel to Elevation Gold</i>	Morgan Hay <a href="mailto:mhay@maxislaw.com">mhay@maxislaw.com</a>

Party	Contact
<p><b>Fennemore Craig</b>  2394 E. Camelback Road, Suite 600  Phoenix, AZ 85016</p> <p><i>U.S. Counsel to Elevation Gold</i></p>	<p>Meidinger, Dawn  <a href="mailto:dmeidinger@fennemorelaw.com">dmeidinger@fennemorelaw.com</a></p> <p>Sean Hood  <a href="mailto:S Hood@fennemorelaw.com">S Hood@fennemorelaw.com</a></p> <p>Austin, Anthony  <a href="mailto:AAustin@fennemorelaw.com">AAustin@fennemorelaw.com</a></p> <p>Rosenberg, Zachary  <a href="mailto:zrosenberg@fennemorelaw.com">zrosenberg@fennemorelaw.com</a></p>
<p><b>KSV Advisory</b>  220 Bay Street, 13th Floor  PO Box 20  Toronto, ON M5J 2W4</p> <p>324 - 8th Avenue SW  Calgary, Alberta  T2P 2Z2</p> <p><i>Monitor of Elevation Gold</i></p>	<p>Bobby Kofman  <a href="mailto:bkofman@ksvadvisory.com">bkofman@ksvadvisory.com</a></p> <p>Jason Knight  <a href="mailto:jknight@ksvadvisory.com">jknight@ksvadvisory.com</a></p>
<p><b>Fasken Martineau DuMoulin LLP</b>  550 Burrard Street, Suite 2900  Vancouver, BC V6C 0A3</p> <p><i>Counsel to the Monitor</i></p>	<p>Kibben Jackson  <a href="mailto:kjackson@fasken.com">kjackson@fasken.com</a></p> <p>Mishaal Gill  <a href="mailto:mgill@fasken.com">mgill@fasken.com</a></p> <p><a href="mailto:jbeaulieu@fasken.com">jbeaulieu@fasken.com</a></p> <p><a href="mailto:svolkow@fasken.com">svolkow@fasken.com</a></p> <p><a href="mailto:jolaw@fasken.com">jolaw@fasken.com</a></p>
<p><b>Kenneth P. Coleman</b>  2628 Broadway,  New York, NY 10025</p> <p><i>U.S. Insolvency Counsel to the Monitor</i></p>	<p>Kenneth P. Coleman  <a href="mailto:ken@kencoleman.us">ken@kencoleman.us</a></p>
<p><b>Womble Bond Dickinson (US) LLP</b>  One S. Church Avenue  Suite 2000  Tucson, AZ 85701</p> <p><i>U.S. Insolvency Counsel to the Monitor</i></p>	<p>Rob Charles  <a href="mailto:robert.charles@wbd-us.com">robert.charles@wbd-us.com</a></p>

Party	Contact
<b>INFOR Financial</b> Royal Bank Plaza, South Tower 200 Bay Street, Suite 2350 Toronto, ON M5J 2J2  <i>Financial Advisor to Elevation Gold</i>	Neville Dastoor <a href="mailto:ndastoor@inforfg.com">ndastoor@inforfg.com</a>  Paul Liebovitz <a href="mailto:pliebovitz@inforfg.com">pliebovitz@inforfg.com</a>
<b>Triple Flag Precious Metals Corp.</b> 161 Bay Street, Suite 4535 Toronto, ON M5J 2S1 Canada  <i>Secured Creditor</i>	Warren Beil <a href="mailto:wbeil@tripleflagpm.com">wbeil@tripleflagpm.com</a>
<b>Torys LLP</b> 79 Wellington St. W. 30th Floor Box 270, TD South Tower Toronto, ON M5K 1N2 Canada  <i>Counsel to Triple Flag Precious Metals Corp.</i>	David Bish <a href="mailto:dbish@torys.com">dbish@torys.com</a>
<b>Patriot Gold Corp.</b> 691 Sierra Rose Dr Suite B, Reno, NV 89511, USA  <b>Quarles &amp; Brady</b> One Renaissance Square Two North Central Avenue Suite 600 Phoenix, AZ 85004  <i>U.S. Counsel to Patriot Gold Corp.</i>	  Jimmie Pursell <a href="mailto:jimmie.pursell@quarles.com">jimmie.pursell@quarles.com</a>  Lance Williams <a href="mailto:lwilliams@mccarthy.ca">lwilliams@mccarthy.ca</a>  Ashley Bowron <a href="mailto:abowron@mccarthy.ca">abowron@mccarthy.ca</a>  Jenna Clark <a href="mailto:jkclark@mccarthy.ca">jkclark@mccarthy.ca</a>  Sue Danielisz <a href="mailto:sdanielisz@mccarthy.ca">sdanielisz@mccarthy.ca</a>
<b>Royal Bank of Canada</b> 180 Wellington St W 3rd Flr Toronto ON, M5J 1J1  1025 West Georgia Street, Vancouver, BC V6E 3N9 Canada  <i>Creditor</i>	

Party	Contact
<p><b>JPMorgan Chase Bank, N.A.</b>            Legal Papers Served            JPMorgan Chase Bank, N.A.            Mail Code LA4-7100            700 Kansas Lane            Monroe, LA, 71203 United States</p> <p><i>Creditor</i></p>	John Philip Uy <a href="mailto:CCS-Program-Coordinators@jpmchase.com">CCS-Program-Coordinators@jpmchase.com</a>
<p><b>Mohave Electric Cooperative, Incorporated</b>            P.O. Box 22530            Bullhead City, Arizona 86439</p> <p><i>Secured Creditor</i></p>	Tyler Weldon (CFO) <a href="mailto:TWeldon@mohaveelectric.com">TWeldon@mohaveelectric.com</a>
<p><b>Caterpillar Financial Services Corporation</b>            2120 West End Avenue,            Nashville, Tennessee, 37203</p> <p><i>Secured Creditor</i></p>	Brooke Yoder <a href="mailto:brooke.yoder@cat.com">brooke.yoder@cat.com</a>
<p><b>Asahi Refining USA, Inc.</b>            4601 W 2100 S            Salt Lake City, UT 84120</p> <p><i>Secured Creditor</i></p> <p><b>MLT Aikins LLP</b>            Suite 2600 - 1066 West Hastings Street            Vancouver, BC V6E 3X1</p> <p><i>Counsel to Asahi Refining USA, Inc.</i></p>	Carmen V. Rodriguez <a href="mailto:carmen.rodriguez@asahirefining.com">carmen.rodriguez@asahirefining.com</a> Paul Healy <a href="mailto:paul.healey@asahirefining.com">paul.healey@asahirefining.com</a> William E. J. Skelly <a href="mailto:wskelly@mltaikins.com">wskelly@mltaikins.com</a> Jess Reid <a href="mailto:jreid@mltaikins.com">jreid@mltaikins.com</a>
<p><b>Purves Redmond Limited</b>            70 University Avenue, Suite 400            Toronto, ON M5J 2M4</p>	Matthew Newman <a href="mailto:mnewman@purvesredmond.com">mnewman@purvesredmond.com</a>
<p><b>Whitley Legal Group, P.C.</b>            17550 N. Perimeter Dr.            Suite 100            Scottsdale, AZ 85255</p> <p><i>Counsel to Hartmut W. Baitis, Robert B. Hawkins            and Larry L. Lackey</i></p>	Jeff Whitley <a href="mailto:jeff@whitleylegalgroup.com">jeff@whitleylegalgroup.com</a>
<p><b>Wesco</b>            3135 S. Richmond St.,            Salt Lake City, UT 84106 USA</p>	Seth Hobby <a href="mailto:seth.hobby@wescoexplosives.com">seth.hobby@wescoexplosives.com</a>

Party	Contact
<p><b>Mary Anderson Abell</b> 4608 Crestway Drive Austin, Texas 78731</p> <p><i>Greenwood Claim</i></p>	<p>Mary Anderson Abell <a href="mailto:m.abell@utexas.edu">m.abell@utexas.edu</a></p>
<p><b>Benjamin Giese</b> <i>Greenwood Claim</i></p>	<p>Benjamin Giese <a href="mailto:Benjamin.giese@gmail.com">Benjamin.giese@gmail.com</a></p>
<p><b>Monroe Giese</b> <i>Greenwood Claim</i></p>	<p>Monroe Giese <a href="mailto:monroe.giese@gmail.com">monroe.giese@gmail.com</a></p>
<p><b>Lhoist North America of Arizona</b> 5600 Clearfork Main Street, Suite 300 Fort Worth, TX 76109 USA</p> <p><i>Creditor</i></p> <p><b>Clark Wilson LLP</b> 900 – 885 West Georgia Street Vancouver, BC V6C 3H1 Canada Map &amp; Directions</p> <p><i>Counsel to Lhoist North America of Arizona</i></p>	<p>Nick Carlson <a href="mailto:nearlson@cwilson.com">nearlson@cwilson.com</a></p>
<p><b>KRJA Systems, Inc. / Maptek</b> 14143 Denver West Parkway, Suite 200, Golden, CO 80401 USA</p> <p><i>Creditor</i></p>	<p>Robb Yarger <a href="mailto:robb.yarger@maptek.com">robb.yarger@maptek.com</a></p>
<p><b>Cassels Brock &amp; Blackwell LLP</b> Suite 2200, RBC Place 885 West Georgia Street Vancouver, BC V6C 3E8</p> <p><b>Snell &amp; Wilmer</b> One East Washington Street, Suite 2700 Phoenix, AZ 85004-2556</p> <p><i>Counsel to Nomad Royalty Company Limited (a subsidiary of Sandstorm Gold Ltd.)</i></p>	<p>Vicki Tickle <a href="mailto:vtickle@cassels.com">vtickle@cassels.com</a></p> <p>Bryce Suzuki <a href="mailto:bsuzuki@swlaw.com">bsuzuki@swlaw.com</a></p> <p>James Florentine <a href="mailto:jflorentine@swlaw.com">jflorentine@swlaw.com</a></p>
<p><b>Richard Himes</b></p>	<p>Richard Himes <a href="mailto:richhhmz@gmail.com">richhhmz@gmail.com</a></p>

Party	Contact
<p><b>Borden Ladner Gervais LLP</b>            Bay Adelaide Centre, East Tower            22 Adelaide St. W            Toronto, ON, M5H 4E3</p> <p><i>Counsel to Trisura Guarantee Insurance Company</i></p>	<p>James MacLellan  <a href="mailto:jmaclellan@blg.com">jmaclellan@blg.com</a></p> <p>Rebecca Torrance  <a href="mailto:rторrance@blg.com">rторrance@blg.com</a></p>
<p><b>McLennan Ross</b>            600 McLennan Ross Building            12220 Stony Plain Road            Edmonton, AB T5N 3Y4</p> <p><i>Counsel to Ledcor CMI Ltd.</i></p>	<p>Stephen J. Livingstone, K.C.  <a href="mailto:Steve.livingstone@mross.com">Steve.livingstone@mross.com</a></p> <p>Kara Gustafson  <a href="mailto:Kara.gustafson@mross.com">Kara.gustafson@mross.com</a></p>
<p><b>Calesido Foundation</b>            CUB Financial Centre, Lyford Cay PO Box AP 59223            Nassau, New Providence            The Bahamas</p> <p><i>Creditor</i></p>	<p>Nicolas Maitre  <a href="mailto:cosepaje@gmail.com">cosepaje@gmail.com</a></p>
<p><b>Stikeman Elliott</b>            4200 Bankers Hall West            888 3<sup>rd</sup> Street S.W.            Calgary, AB T2P 5C5</p> <p><i>Counsel to Mohave Electric</i></p>	<p>Karen Fellowes  <a href="mailto:kfellowes@stikeman.com">kfellowes@stikeman.com</a></p>
<p><b>Kelly Santini LLP</b>            160 Elgin St. Suite 2401            Ottawa, ON K2P 2P7</p> <p><i>Counsel to ME Global Inc.</i></p>	<p>Jason Dutrizac  <a href="mailto:jdutrizac@kellysantini.com">jdutrizac@kellysantini.com</a></p>
<p><b>Enterprise Car Rental</b>            EAN SERVICES, LLC            PO Box 402383            Atlanta, GA 30384-2383 USA</p>	<p><a href="mailto:BankruptcyNotifications@ehi.com">BankruptcyNotifications@ehi.com</a></p>
<p><b>Maptek</b>            14143 Denver West Parkway, Suite 200            Golden, CO 80401</p>	<p>Robb Yarger  <a href="mailto:Robb.yarger@maptek.com">Robb.yarger@maptek.com</a></p>
<p><b>Rebel Oil Company, Inc. dba ROC</b>            10650 W. Charleston Blvd. Ste 100            Las Vegas, NV 89135</p>	<p>David Ryan, Chief Financial Officer  <a href="mailto:David.Ryan@RebelOil.com">David.Ryan@RebelOil.com</a></p> <p>Marlys McGrew, Chief Legal Officer  <a href="mailto:Marlys@RebelOil.Com">Marlys@RebelOil.Com</a></p>
<p><b>Whitley Legal Group P.C.</b>            100 – 17550 N Perimeter Dr            Scottsdale, AZ 85255</p> <p><i>Counsel to Hartmut W. Baitis, Robert B. Hawkins and Larry L. Lackey</i></p>	<p>Jeff Whitley  <a href="mailto:jeff@whitleylegalgroup.com">jeff@whitleylegalgroup.com</a></p>

Party	Contact
<b>Greenstone Resources LP</b> 33 Broadwick Street London, Great Britain W1F 0DQ	Michael Haworth <a href="mailto:mhaworth@greenstonerесources.com">mhaworth@greenstonerесources.com</a>
<b>Davies Ward Phillips &amp; Vineberg LLP</b> 155 Wellington Street West Toronto, ON, M5V 3J7	Robin Schwill <a href="mailto:rschwill@dwpv.com">rschwill@dwpv.com</a>
<i>Counsel for EG Acquisition LLC</i>	
<b>Melissa Gray Greenwood Morrow</b> 2502 Timberline Drive Austin, Texas 78746	Melissa Gray Greenwood Morrow <a href="mailto:melissagreenwoodmorrow@gmail.com">melissagreenwoodmorrow@gmail.com</a>
<b>Amy Norquist Greenwood Hemingway</b> 6225 Piping Rock Lane Houston, Texas 77057	Amy Norquist Greenwood Hemingway <a href="mailto:aghemingway@gmail.com">aghemingway@gmail.com</a>
<b>Marvin Harris Greenwood</b> 4526 Ranch Road 1320 Johnson City, Texas 78636	Marvin Harris Greenwood <a href="mailto:harrisgreenwood@gmail.com">harrisgreenwood@gmail.com</a> / <a href="mailto:harris@myhogheaven.com">harris@myhogheaven.com</a>
<b>Lisa Greenwood Attaya</b> PO Box 4603 Wichita Falls, Texas 76308	Lisa Greenwood Attaya <a href="mailto:attayalisa@yahoo.com">attayalisa@yahoo.com</a>
<b>Greg Greenwood</b> 1207 Matthew Avenue Murray, Utah 84121	Greg Greenwood <a href="mailto:gagreenwood@yahoo.com">gagreenwood@yahoo.com</a>
<b>Mary Grace Greenwood</b> 4141 S. Braedswood, Apt. 654 Houston, Texas 77025	Mary Grace Greenwood <a href="mailto:mggreenwood223@gmail.com">mggreenwood223@gmail.com</a>
<b>Nancy Levica Greenwood Riddle / Riddle Family Trust</b> 4246 Goodfellow Drive Dallas, Texas 75229-2814	Nancy Levica Greenwood Riddle <a href="mailto:nancygriddle@gmail.com">nancygriddle@gmail.com</a>
<b>Andrew Peden Greenwood</b> 109 Timberwilde Lane Houston, Texas 77024	Andrew Peden Greenwood <a href="mailto:apgreenwood1946@gmail.com">apgreenwood1946@gmail.com</a>
<b>Alexander William Greenwood</b> 170 Coats Circle, Pleasant Hill, CA 94523	Alexander William Greenwood <a href="mailto:alexwgreenwood@yahoo.com">alexwgreenwood@yahoo.com</a>
<b>James Greenwood III</b> 1306 B Potomac Drive Houston, Texas 77057	James Greenwood III <a href="mailto:jmgrnw@ao.com">jmgrnw@ao.com</a>
<b>Corinna Carr Smith</b> 3904 Solomon Av, Napa, CA 94558	Corinna Carr Smith <a href="mailto:cfsmd.sicot07@gmail.com">cfsmd.sicot07@gmail.com</a>
<b>Robert I. Carr, Jr.</b> 542 Heritage Ann Harbor, Michigan 48105-2156	Robert I. Carr, Jr. <a href="mailto:ricarr@umich.edu">ricarr@umich.edu</a>

Party	Contact
<b>John D. Carr</b> 1932 S. Oneida St. Denver, Colorado 80224-2263	John D. Carr <a href="mailto:bettytilley@yahoo.com">bettytilley@yahoo.com</a>
<b>Mary Carr Tilley</b> 714 Saddle Mountain Colorado Springs, Colorado 80919-2032	Mary Carr Tilley <a href="mailto:bettytilley@yahoo.com">bettytilley@yahoo.com</a>
<b>James Carr</b> 32514 Waterworth Court Fulshear, Texas 77441-4366	James Carr <a href="mailto:carrgo2007@yahoo.com">carrgo2007@yahoo.com</a>
<b>Pamela A. Greenwood</b> 2212 Mimosa Drive Houston, Texas 77019	Pamela A. Greenwood <a href="mailto:pamgwood@gmail.com">pamgwood@gmail.com</a>
<b>Marvin Nelson Greenwood</b> 18 North Callecita Laguna Beach, California 92651	Marvin Nelson Greenwood <a href="mailto:greenwoodnelson@gmail.com">greenwoodnelson@gmail.com</a>
<b>Mimi Ellis</b> 2206 Mimosa Drive Houston, Texas 77019	Mimi Ellis <a href="mailto:memeyum51@yahoo.com">memeyum51@yahoo.com</a>
<b>John Greenwood</b> 3507 Cherry Lane Austin, Texas 78703	John Greenwood <a href="mailto:jonyg1@gmail.com">jonyg1@gmail.com</a>
<b>Benjamin Fairfax Greenwood</b> 31881 National Park Drive Laguna Nigel, California 92677	Benjamin Fairfax Greenwood <a href="mailto:benjaminfairfax@yahoo.com">benjaminfairfax@yahoo.com</a>
<b>Joseph Harris Greenwood</b> 4917 Kirkcaldey Dr. Tyler, Texas 75703-2609	Joseph Harris Greenwood <a href="mailto:joetrap@aol.com">joetrap@aol.com</a>
<b>Michael Nan Greenwood</b> 1901 Laurel Oaks Drive Richmond, Texas 77469	Michael Nan Greenwood <a href="mailto:mgreenwood25@gmail.com">mgreenwood25@gmail.com</a>
<b>“502 West 5<sup>th</sup> Street LLC” care of Todd Green</b> 513 West 5 <sup>th</sup> Tempe, AZ 85281	“502 West 5th Street LLC” care of Todd Green <a href="mailto:tempegallery@gmail.com">tempegallery@gmail.com</a>
<b>Frances Elyse Tibbit</b> 8207 Durham Avenue Lubbock, Texas 79424	Frances Elyse Tibbit <a href="mailto:etibbitishome@suddenlink.net">etibbitishome@suddenlink.net</a>
<b>Larry Himes (for Helen Snipes Himes)</b> PO Box 7, Silver City, New Mexico 88062	Larry Himes <a href="mailto:bhimes@gilanet.com">bhimes@gilanet.com</a> Rich Himes <a href="mailto:richhhmz@gmail.com">richhhmz@gmail.com</a>
<b>LeaAnn Cogswell</b> 602 Palisado Avenue Windsor, Connecticut 06095	LeaAnn Cogswell <a href="mailto:studioworks@sbcglobal.net">studioworks@sbcglobal.net</a>
<b>Mindy Kammerdiener</b> PO Box 9806, Longview, TX 75608	Mindy Kammerdiener <a href="mailto:mindykammerdiener@gmail.com">mindykammerdiener@gmail.com</a>
<b>Melany D. Free</b> 13307 FM 225 South Laneville, Texas 75667-9648	Melany D. Free <a href="mailto:freemelany@gmail.com">freemelany@gmail.com</a>
<b>Peggy Lynn Allensworth</b> 2020 Dover Street Lakewood, CO 80215	Peggy Lynn Allensworth <a href="mailto:lynnjmapla@gmail.com">lynnjmapla@gmail.com</a>

Party	Contact
<b>Marsh Lee Snipes Melton</b> 138 Conley Place, Odessa, TX 79762	Marsh Lee Snipes Melton <a href="mailto:godsanimalkeeper@aol.com">godsanimalkeeper@aol.com</a>
<b>William Joe Snipes</b> 2305 E. Pine Lodge Road, Roswell, NM 88201	William Joe Snipes <a href="mailto:circlef293@gmail.com">circlef293@gmail.com</a>
<b>“BROOKS C. WILSON TRUST”</b> 3127 Dennis Avenue Clovis, California 93619 – 5103	“BROOKS C. WILSON TRUST” <a href="mailto:brooks@adanceoflight.com">brooks@adanceoflight.com</a>
<b>Barrie Lee Bliesner Perry Dugan</b> 15 Boulder Creek Court, Danville, CA 94526	Barrie Lee Bliesner Perry Dugan <a href="mailto:dugan6@comcast.net">dugan6@comcast.net</a>
<b>Mary Anderson Abell</b> 4608 Crestway Drive Austin, Texas 78731	Mary Anderson Abell <a href="mailto:m.abell@utexas.edu">m.abell@utexas.edu</a>
<b>Jackson Walker LLP</b> 2323 Ross Avenue, Suite 600 Dallas, Texas 7520	Aaron Lozano <a href="mailto:alozano@jw.com">alozano@jw.com</a> Jennifer Wertz <a href="mailto:jwertz@jw.com">jwertz@jw.com</a> Erica Giese, <a href="mailto:egiese@jw.com">egiese@jw.com</a>
<i>Counsel to Mary Anderson Abell</i>	
<b>Burdine Anderson Giese</b> 219 Argyle Ave Alamo Heights, Texas 78209	Burdine Anderson Giese <a href="mailto:Benjamin.giese@gmail.com">Benjamin.giese@gmail.com</a>
<b>Jackson Walker LLP</b> 2323 Ross Avenue, Suite 600 Dallas, Texas 7520	Aaron Lozano <a href="mailto:alozano@jw.com">alozano@jw.com</a> Jennifer Wertz <a href="mailto:jwertz@jw.com">jwertz@jw.com</a> Erica Giese, <a href="mailto:egiese@jw.com">egiese@jw.com</a>
<i>Counsel to Burdine Anderson Giese</i>	
<b>Ministry of Attorney General</b> 2 <sup>nd</sup> Floor – 1001 Douglas Street Victoria, BC V8W 9J7	<a href="mailto:AGLSBRevTaxInsolvency@gov.bc.ca">AGLSBRevTaxInsolvency@gov.bc.ca</a>
<i>Counsel to HMTK in right of the Province of British Columbia</i>	

## E-SERVICE LIST

wroberts@lawsonlundell.com; ateasdale@lawsonlundell.com; abedi@lawsonlundell.com;  
tim@elvtgold.com; william@elvtgold.com; mhay@maxislaw.com; dmeidinger@fennemorelaw.com;  
SHood@fennemorelaw.com; AAustin@fennemorelaw.com; zrosenberg@fennemorelaw.com;  
robert.charles@wbd-us.com ; bkofman@ksvadvisory.com; jknight@ksvadvisory.com;  
kjackson@fasken.com; mgill@fasken.com; jbeaulieu@fasken.com; svolkow@fasken.com;  
jolaw@fasken.com; ken@kencooley.us; ndastoor@inforfg.com; pliebovitz@inforfg.com;  
wbeil@tripleflagpm.com; dbish@torys.com; jimmie.pursell@quarles.com; lwilliams@mccarthy.ca;  
lwilliams@mccarthy.ca; abowron@mccarthy.ca; jkreclark@mccarthy.ca; CCS-Program-  
Coordinators@jpmchase.com; TWeldon@mohaveelectric.com; brooke.yoder@cat.com;  
carmen.rodriguez@asahirefining.com; paul.healey@asahirefining.com; wskelly@mltaikins.com;  
jreid@mltaikins.com; jeff@whitleylegalgroup.com; seth.hobby@wescoexplosives.com;  
m.abell@utexas.edu; Benjamin.giese@gmail.com; monroe.giese@gmail.com; ncarlson@cwilson.com;  
robb.yarger@maptek.com; vtickle@cassels.com; bsuzuki@swlaw.com; jflorentine@swlaw.com;  
richhhmz@gmail.com; jmaclellan@blg.com; rforranc@blg.com; Steve.livingstone@mross.com;  
Kara.gustafson@mross.com; cosepaje@gmail.com; kfellowes@stikeman.com; jdutrizac@kellysantini.com;  
BankrupteyNotifications@ehi.com; Robb.yarger@maptek.com; David.Ryan@RebelOil.com;  
Marlys@RebelOil.Com; jeff@whitleylegalgroup.com; mhaworth@greenstonerources.com;  
rschwill@dwpv.com; sdanielisz@mccarthy.ca; melissagreenwoodmorrow@gmail.com;  
aghemingway@gmail.com; harrisgreenwood@gmail.com; harris@myhogheaven.com; attayalisa@yahoo.com;  
gagreenwood@yahoo.com; mggreenwood223@gmail.com; nancygriddle@gmail.com;  
apgreenwood1946@gmail.com; alexwgreenwood@yahoo.com; jmgrnw@ao.com; cfsmd.sicot07@gmail.com;  
ricarr@umich.edu; bettytilley@yahoo.com; bettytilley@yahoo.com; carro2007@yahoo.com;  
pamgwood@gmail.com; greenwoodnelson@gmail.com; memeyum51@yahoo.com; jonyg1@gmail.com;  
benjaminfairfax@yahoo.com; joetrap@aol.com; mgreenwood25@gmail.com; tempegallery@gmail.com;  
etibbitishome@suddenlink.net; bhimes@gilanet.com; richhhmz@gmail.com; studiorworks@sbcglobal.net;  
mindykammerdiener@gmail.com; freemelany@gmail.com; lynnjmapla@gmail.com;  
godsanimalkeeper@aol.com; circlef293@gmail.com; brooks@adanceoflight.com; dugan6@comcast.net;  
m.abell@utexas.edu; alozano@jw.com; jwertz@jw.com; egiese@jw.com; Benjamin.giese@gmail.com;  
alozano@jw.com; jwertz@jw.com; egiese@jw.com; AGLSBRevTaxInsolvency@gov.bc.ca

**SCHEDULE “B”**

**DRAFT ORDER**

No. S245121  
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

IN THE MATTER OF THE *COMPANIES' CREDITORS ARRANGEMENT ACT, R.S.C. 1985, c. C-36*

AND

IN THE MATTER OF THE *BUSINESS CORPORATIONS ACT, S.B.C. 2002, c. 57*

AND

IN THE MATTER OF ELEVATION GOLD MINING CORPORATION,  
ECLIPSE GOLD MINING CORPORATION, and GOLDEN VERTEX (IDAHO) CORP.

PETITIONERS

ORDER MADE AFTER APPLICATION

BEFORE THE HONOURABLE MADAM      )  
    )      December 8, 2025  
JUSTICE FITZPATRICK                   )

ON THE APPLICATION of KSV Restructuring Inc. (“KSV”), in its capacity as monitor (in such capacity, the “Monitor”) of the Petitioners, coming on for hearing at Vancouver, British Columbia on this day; AND ON HEARING Mishaal Gill, counsel for the Monitor, and those other counsel listed on Schedule “A” hereto; AND UPON READING the material filed, including the Seventh Report of the Monitor dated December 4, 2025; AND pursuant to the *Companies' Creditors Arrangement Act, R.S.C. 1985 c. C-36*, as amended (the “CCAA”), the British Columbia *Supreme Court Civil Rules*, and the inherent jurisdiction of this Honourable Court;

THIS COURT ORDERS AND DECLARES THAT:

1. The time for service of the Notice of Application (the “Application”) for this order and the supporting materials is hereby abridged and the Application is properly returnable today, and service upon any interested party other than those parties on the service list maintained in these proceedings is hereby dispensed with.
2. The Stay Period, as defined and granted in paragraph 16 of the Amended and Restated Initial Order granted in these proceedings on August 12, 2024, is hereby extended up to and including June 30, 2026.

3. Endorsement of this order by counsel appearing on this application other than counsel for the Petitioners is hereby dispensed with.

THE FOLLOWING PARTIES APPROVE THE FORM OF THIS ORDER AND CONSENT TO EACH OF THE ORDERS, IF ANY, THAT ARE INDICATED ABOVE AS BEING BY CONSENT.

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Signature of Mishaal Gill  
Lawyer for the Monitor

BY THE COURT

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REGISTRAR

**Schedule "A"**

**List of Counsel**

<b>Name of Counsel</b>	<b>Party Representing</b>