

**ONTARIO  
SUPERIOR COURT OF JUSTICE  
COMMERCIAL LIST**

BETWEEN:

**KSV KOFMAN INC., IN ITS CAPACITY AS RECEIVER AND  
MANAGER OF CERTAIN PROPERTY OF SCOLLARD  
DEVELOPMENT CORPORATION, MEMORY CARE INVESTMENTS  
(KITCHENER) LTD., MEMORY CARE INVESTMENTS (OAKVILLE)  
LTD., 1703858 ONTARIO INC., LEGACY LANE INVESTMENTS LTD.,  
TEXTBOOK (525 PRINCESS STREET) INC. AND TEXTBOOK (555  
PRINCESS STREET) INC.**

Plaintiff

- and -

**AEOLIAN INVESTMENTS LTD., JOHN DAVIES IN HIS PERSONAL  
CAPACITY AND IN HIS CAPACITY AS TRUSTEE OF BOTH THE  
DAVIES ARIZONA TRUST AND THE DAVIES FAMILY TRUST,  
JUDITH DAVIES IN HER PERSONAL CAPACITY AND IN HER  
CAPACITY AS TRUSTEE OF THE DAVIES FAMILY TRUST, AND  
GREGORY HARRIS SOLELY IN HIS CAPACITY AS TRUSTEE OF THE  
DAVIES FAMILY TRUST**

Defendants

**MOTION RECORD**

August 21, 2018

**DENTONS CANADA LLP**  
77 King Street West, Suite 400  
Toronto-Dominion Centre  
Toronto, ON M5K 0A1  
Fax: (416) 863-4592

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Lawyers for the Defendants John Davies,  
Judith Davies and Aeolian Investments Ltd.

TO: **BENNETT JONES LLP**  
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Lawyers for the Plaintiff

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## INDEX

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**TAB 1**

**ONTARIO  
SUPERIOR COURT OF JUSTICE  
COMMERCIAL LIST**

BETWEEN:

**KSV KOFMAN INC., IN ITS CAPACITY AS RECEIVER AND  
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DEVELOPMENT CORPORATION, MEMORY CARE INVESTMENTS  
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- and -

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GREGORY HARRIS SOLELY IN HIS CAPACITY AS TRUSTEE OF THE  
DAVIES FAMILY TRUST**

Defendants

**NOTICE OF MOTION**

**(Motion for Order Granting Funds for Ordinary Living Expenses returnable August 23, 2018)**

**THE DEFENDANT**, John Davies, will make a motion to a judge presiding over the Commercial List on **August 23, 2018 at 9:30 a.m.**, or as soon after that time as the motion can be heard, at 330 University Avenue, Toronto, Ontario.

\* **PROPOSED METHOD OF HEARING:** The motion is to be heard orally.

**THE MOTION IS FOR:**

- (a) an order granting the Defendants John and Judith Davies an ongoing monthly exemption for ordinary living expenses pursuant to the Order of the Honourable

Justice Myers dated August 30, 2017 (the “**Mareva Order**”), from the date of the order forward;

- (b) if necessary, an order abridging and validating service of this Notice of Motion; and
- (c) such further and other relief as this Honourable Court may deem just.

**THE GROUNDS FOR THE MOTION ARE:**

- (a) the Mareva Order granted Judith Davies permission to access and spend up to an aggregate amount of \$25,000 for ordinary living expenses;
- (b) on December 19, 2017, the Honourable Justice Myers granted a further exemption to the Mareva Order permitting Mr. and Mrs. Davies to access and spend up to \$30,000 for ordinary living expenses and legal representation (the “**Exemption**”);
- (c) Mrs. Davies and Mr. Davies have accessed and spent \$30,000 pursuant to the Exemption. As such, they require permission to access additional funds in order to be able to continue to live;
- (d) Mr. Davies has made full disclosure of his assets and has undertaken to account for his family’s income and expenses and report to the Plaintiff on a monthly basis. In the circumstances, it would be an inefficient use of this Court’s resources and legal fees to obtain further periodic lump-sum exemptions;

- (e) the Mareva Order provides that the Defendants may apply for an order, on at least 24 hours' notice to the Plaintiff, specifying the amount of funds which they are entitled to spend on ordinary living expenses;
- (f) Rule 59.06 of the *Rules of Civil Procedure*, R.R.O. 1990, Reg. 194; and
- (g) such further and other grounds as counsel may advise and this Honourable Court may permit.

**THE FOLLOWING DOCUMENTARY EVIDENCE** will be used at the hearing of the motion:

- (a) the Affidavit of John Davies sworn August 17, 2018 and the exhibits thereto; and
- (b) such further and other material as counsel may advise and this Honourable Court may permit.

August 21, 2018

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Judith Davies and Aeolian Investments Ltd.

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Lawyers for the Plaintiff

KSV KOFMAN INC.  
Plaintiff

- and -

AEOLIAN INVESTMENTS LTD. et al.  
Defendants

---

**ONTARIO  
SUPERIOR COURT OF JUSTICE  
COMMERCIAL LIST**

Proceeding Commenced at Toronto

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**NOTICE OF MOTION**

---

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michael.beeforth@dentons.com

Lawyers for the Defendants John Davies, Judith Davies  
and Aeolian Investments Ltd.

**TAB 2**

**ONTARIO  
SUPERIOR COURT OF JUSTICE  
COMMERCIAL LIST**

**B E T W E E N:**

**KSV KOFMAN INC., IN ITS CAPACITY AS RECEIVER AND  
MANAGER OF CERTAIN PROPERTY OF SCOLLARD  
DEVELOPMENT CORPORATION, MEMORY CARE INVESTMENTS  
(KITCHENER) LTD., MEMORY CARE INVESTMENTS (OAKVILLE)  
LTD., 1703858 ONTARIO INC., LEGACY LANE INVESTMENTS LTD.,  
TEXTBOOK (525 PRINCESS STREET) INC. AND TEXTBOOK (555  
PRINCESS STREET) INC.**

Plaintiff

- and -

**AEOLIAN INVESTMENTS LTD., JOHN DAVIES IN HIS PERSONAL  
CAPACITY AND IN HIS CAPACITY AS TRUSTEE OF BOTH THE  
DAVIES ARIZONA TRUST AND THE DAVIES FAMILY TRUST,  
JUDITH DAVIES IN HER PERSONAL CAPACITY AND IN HER  
CAPACITY AS TRUSTEE OF THE DAVIES FAMILY TRUST, AND  
GREGORY HARRIS SOLELY IN HIS CAPACITY AS TRUSTEE OF THE  
DAVIES FAMILY TRUST**

Defendants

**AFFIDAVIT OF JOHN DAVIES  
(Sworn August 17, 2018)**

I, John Davies, of King City in the Province of Ontario, MAKE OATH AND SAY:

1. I am one of the defendants in the above noted action. As such, I have personal knowledge of the information contained in this affidavit, which is sworn in support of this motion for a further exemption under the Mareva Order dated August 30, 2017 (a copy of which is attached hereto as **Exhibit "A"**) for ordinary living expenses.



*Income and Prior Exemptions*

2. Prior to this motion, my wife Judith Davies and I have been granted two living expenses exemptions:

(a) On July 17, 2017, the Honourable Justice Myers authorized my wife to access and spend up to \$25,000 for ordinary living expenses and legal representation. A copy of Justice Myers' endorsement (defined herein as the "**July 2017 Exemption Endorsement**"), together with an unofficial transcription, is attached hereto as **Exhibit "B"**.

(b) On December 19, 2017, Justice Myers authorized me and my wife to access and spend a further \$30,000 for living expenses and legal representation (the "**December 2017 Exemption**"). Copies of Justice Myers' order and endorsement are attached hereto as **Exhibit "C"**.

3. Following the December 2017 Exemption, in February 2018, I agreed to sell my 2008 Cobalt boat to Walkers Point Marina for \$30,000 (\$31,500, less \$1,500 in accrued storage fees) (the "**Funds**"), though the sale was not concluded until early April. A copy of the bill of sale is attached hereto as **Exhibit "D"**. I have not sold or encumbered any other assets. As neither my wife nor I have a bank account, the sale proceeds were paid to my sister-in-law, Nancy Jackson, and deposited into a separate account at TD Bank that was opened for our use and which we have since used to pay the majority of our living expenses (the "**TD Account**"). I attach as **Exhibit "E"** a statement of account activity in the TD Account for the past 120 days.

4. Judy has continued to earn income from her clerical position, which is currently our family's sole source of income. Since the beginning of the year, Judy has earned approximately \$13,000, all of which has been contributed to our living expenses. Her earnings have been e-transferred to the TD Account. Copies of Judy's invoices are attached hereto as **Exhibit "F"**.

*Use of the Funds*

5. Following the sale of our boat, we used a portion of the Funds to repay certain debts we had incurred since the Mareva Order was granted, including a repayment of \$5,000 towards an outstanding \$10,000 loan made by 1321805 Ontario Inc. (see the outgoing e-transfers from the TD Account dated April 25-26, 2018), and repayment of certain expenses paid on our behalf by my sister-in-law (which were effected through payments towards her RBC Visa).

6. We used the rest of the Funds, together with Judy's earnings and occasional cash gifts from one of Judy's long-time friends, to pay for necessary living expenses. Our daughter Sarah, who is now living with us in King City, has also paid a portion of our weekly food costs and has occasionally contributed towards the payment of household utilities.

7. In March 2018, I obtained a Capital One MasterCard with a \$300 credit limit. I have used this credit card to pay for occasional living expenses, and have paid off the balance each month. Copies of the credit card statements are attached hereto as **Exhibit "G"**.

8. At the time of the December 2017 Exemption, I anticipated that we would be able to pay for a number of expenses which are set out in the spreadsheet attached as **Exhibit "H"** (which was an exhibit to my affidavit sworn in support of the motion for the December 2017 Exemption). However, we have only been able to afford to pay for some of these expenses and a number remain unpaid, including the following:

- (a) We have not paid property taxes on either our home in King City or our property in Arizona, and both are in arrears (as set out in the property tax notices attached hereto as **Exhibit "I"**);

- (b) We have not paid storage fees for our cottage furnishings (which were previously paid by my sister-in-law but are now three months in arrears);
- (c) We have not paid monthly condominium fees on our home in King City or water and sewage bills for approximately 24 months;
- (d) We are overdue on a number of utility bills and homeowners' association fees for the Arizona property; and
- (e) We have not filled my prescriptions for mast cell activation syndrome.


9. Our daughter Jessica assisted us by directly paying the mortgage payments for the Arizona property in December, January and February. No further payments have been made towards this mortgage, which is now in foreclosure with arrears of approximately \$19,100. I am exploring potential replacement financing options so as to avoid a forced sale of the property, and will continue to keep the Receiver updated in this regard.

*Need for Further Exemption*

10. The Funds have now been depleted – hence the need for this motion. If a further exemption is granted, I plan on continuing to pay our minimum necessary living expenses, including food, gas, utilities for our residence in King City, certain maintenance and security expenses for the Arizona property, and cellular phone bills. I anticipate these expenses will total between \$6,000-7,000 monthly, which is consistent with recent months. Copies of relevant bills and invoices that we have been able to locate are attached hereto as **Exhibit “J”**. I am requesting an ongoing monthly exemption of \$8,500 to allow for the opportunity to pay some of our overdue expenses in the event we are able to generate greater-than-anticipated monthly income, and to account for future rent payments once we move from our residence in King City.

11. Judy's earnings will not be sufficient to cover our necessary expenses. I was recently approached by Van Horne Construction which offered me \$50 per hour to assist them part-time in their business development efforts. Although this opportunity may ultimately not work out, I plan to explore other employment opportunities to assist in paying for our monthly living expenses and avoid the need to sell additional assets. In the event I am unable to secure part-time employment, we plan to access further funds by selling some of our household furnishings and the furniture stored in Barrie.

**SWORN BEFORE ME** at the City of Toronto, in the Province of Ontario on August 17, 2018

  
\_\_\_\_\_  
Commissioner for Taking Affidavits  
(or as may be)  
Michael Buback

}   
\_\_\_\_\_  
JOHN DAVIES

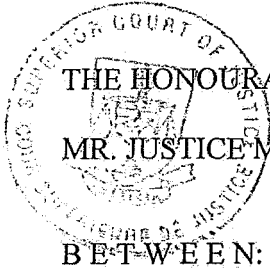
**TAB A**

THIS IS EXHIBIT "A"  
REFERRED TO IN THE AFFIDAVIT OF  
**JOHN DAVIES**  
SWORN BEFORE ME  
THIS 17<sup>th</sup> DAY OF AUGUST 2018

  
\_\_\_\_\_  
Commissioner for Taking Affidavits, etc.

*Michael Buterik*

**ONTARIO  
SUPERIOR COURT OF JUSTICE  
(COMMERCIAL LIST)**



THE HONOURABLE  
MR. JUSTICE MYERS

)  
)  
)

WEDNESDAY, THE 30<sup>th</sup>  
DAY OF AUGUST, 2017

BETWEEN:

**KSV KOFMAN INC. IN ITS CAPACITY AS RECEIVER AND MANAGER  
OF CERTAIN PROPERTY OF SCOLLARD DEVELOPMENT  
CORPORATION, MEMORY CARE INVESTMENTS (KITCHENER)  
LTD., MEMORY CARE INVESTMENTS (OAKVILLE) LTD., 1703858  
ONTARIO INC., LEGACY LANE INVESTMENTS LTD., TEXTBOOK  
(525 PRINCESS STREET) INC. AND TEXTBOOK (555 PRINCESS  
STREET) INC.**

Plaintiff

- and -

**JOHN DAVIES AND AEOLIAN INVESTMENTS LTD.**

Defendants

**ORDER**

**NOTICE**

If you, the defendants and intended defendants, John Davies in your personal capacity and in your capacity as trustee and/or representative of both the Davies Arizona Trust and the Davies Family Trust (in all such capacities, "Mr. Davies"), Judith Davies in your personal capacity and in your capacity as trustee and/or representative of the Davies Family Trust (in all such capacities, "Ms. Davies"), Gregory Harris solely in your capacity as trustee and/or representative of the Davies Family Trust ("Mr. Harris") and Aeolian Investments Ltd. ("Aeolian" and, collectively with Mr. Davies, Ms. Davies and Mr. Harris, the "Defendants"), disobey this order, you may be held to be in contempt of court and may be imprisoned, fined or have your assets seized. You are entitled to apply on at least twenty-four (24) hours notice to the Plaintiff, for an order granting you sufficient funds for ordinary living expenses and legal advice and representation.

Any other person who knows of this order and does anything which helps or permits the Defendants to breach the terms of this Order may also be held to be in contempt of court and may be imprisoned, fined or have their assets seized.

**THIS MOTION**, made on notice by the Plaintiff, KSV Kofman Inc. (“**KSV**” or the “**Receiver**”), solely in its capacity as receiver and manager of certain property of Scollard Development Corporation, Memory Care Investments (Kitchener) Ltd., Memory Care Investments (Oakville) Ltd., 1703858 Ontario Inc., Legacy Lane Investments Ltd., Textbook (525 Princess Street) Inc. and Textbook (555 Princess Street) Inc. and not in its personal capacity or in any other capacity, for an interlocutory Order in the form of a worldwide *Mareva* injunction restraining the Defendants from dissipating their assets and other relief, was heard this day at 330 University Avenue, Toronto, Ontario.

**ON READING** the Notice of Motion, the Receiver’s Fourth Report dated June 6, 2017 with the appendices thereto, the Receiver’s Sixth Report dated July 12, 2017 with the appendices thereto, the Receiver’s Supplement to the Sixth Report dated August 8, 2017 with the appendices thereto, the factum and book of authorities of the Plaintiff, and the affidavits of Mr. Davies sworn July 14 and July 27, 2017 (collectively, the “**Davies Affidavits**”) and the transcript of the cross-examination of Mr. Davies on the Davies Affidavits,

**AND ON HEARING** the submissions of counsel for the Plaintiff and counsel for Mr. Davies, Aeolian and Ms. Davies, with Mr. Harris’s counsel having advised that he takes no position on the motion,

**Service**

1. **THIS COURT ORDERS** that, to the extent necessary, service of the Notice of Motion, Motion Record, Supplementary Motion Record, Factum and Book of Authorities is hereby abridged and validated.

**Mareva Injunction**

2. **THIS COURT ORDERS** that the Defendants and, as applicable, their respective servants, employees, agents, assigns, officers, directors and anyone else acting on their behalf or in conjunction with any of them, and any and all persons with notice of this injunction, are restrained from directly or indirectly, by any means whatsoever:

- (a) selling, removing, dissipating, alienating, transferring, assigning, encumbering, or similarly dealing with any assets of the Defendants, wherever situate worldwide, including but not limited to the assets and accounts listed in Schedule “A” hereto;
- (b) instructing, requesting, counselling, demanding, or encouraging any other person to do so; and
- (c) facilitating, assisting in, aiding, abetting, or participating in any acts the effect of which is to do so.



3. **THIS COURT ORDERS** that paragraph 1 applies to all of the Defendants' assets whether or not they are in their own name and whether they are solely or jointly owned. For the purpose of this order, the Defendants' assets include any asset which they have the power, directly or indirectly, to dispose of or deal with as if it were their own. The Defendants are to be regarded as having such power if a third party holds or controls the assets in accordance with their direct or indirect instructions.

4. **THIS COURT ORDERS** that if the total value free of charges or other securities of the Defendants' assets worldwide exceeds \$9,039,740, the Defendants may sell, remove, dissipate, alienate, transfer, assign, encumber, or similarly deal with them so long as the total unencumbered value of the Defendants' assets worldwide remains above \$9,039,740.

#### **Ordinary Living Expenses**

5. **THIS COURT ORDERS** that Ms. Davies, in her personal capacity, remains authorized and permitted to access and spend up to an aggregate amount of \$25,000 for ordinary living expenses and legal advice and representation.

6. **THIS COURT ORDERS** that the Defendants may apply for an order, on at least twenty-four (24) hours notice to the Plaintiff, specifying the amount of funds which they are entitled to spend on ordinary living expenses and legal advice and representation.

#### **Third Parties**

7. **THIS COURT ORDERS** Royal Bank of Canada, The Toronto-Dominion Bank, Canadian Imperial Bank of Commerce, Bank of Nova Scotia, Bank of Montreal, National Bank of Canada, Laurentian Bank of Canada, Tangerine Bank, President's Choice Bank, JP Morgan Chase and all other banks, credit unions, trusts, financial institutions and financial services companies, whether in Canada or elsewhere, including all of their respective affiliates and branches (collectively, the "**Banks**"), to forthwith freeze and prevent any removal or transfer of monies or assets of the Defendants held in any account or on credit on behalf of the Defendants, with the Banks, until further Order of the Court, including but not limited to the accounts listed in Schedule "A" hereto.

8. **THIS COURT ORDERS** that, to the extent not already done, the Banks forthwith disclose and deliver up to the Plaintiff any and all records held by the Banks concerning the Defendants' assets and accounts, including the existence, nature, value and location of any monies or assets or credit, wherever situate worldwide, held on behalf of the Defendants by the Banks.

#### **Alternative Payment of Security into Court**

9. **THIS COURT ORDERS** that this Order will cease to have effect if the Defendants provide security by paying the sum of \$9,039,740 into Court, and the Accountant of the Superior Court of Justice is hereby directed to accept such payment.

**Dispensing with Requirement of Rule 40.03**

10. **THIS COURT ORDERS** that the requirements of Rule 40.03 of the *Rules of Civil Procedure* shall be and are hereby dispensed with pending further Order of this Court.

**Extra-Territorial Application**

11. **THIS COURT ORDERS** that, insofar as this Order purports to have any effect outside of the territorial jurisdiction of this Court, no person shall be affected by it or concerned by the terms of it until this Order is declared enforceable or registered or enforced by a foreign court of competent jurisdiction for that purpose, unless that person is:

- (a) a party to this action or any agent of a party to this action; or
- (b) a person who is subject to the judicial jurisdiction of this Court, who has received written notice of this Order within the territorial jurisdiction of this Court.

**Extra-Territorial Assistance**

12. **THIS COURT HEREBY REQUESTS** the aid and recognition of any court, tribunal, regulatory or administrative body having jurisdiction in Canada, in the United States or elsewhere to give effect to this Order and to assist the Receiver and its agents in carrying out the terms of this Order. All courts, tribunals, regulatory and administrative bodies are hereby respectfully requested to make such orders and to provide such assistance to the Receiver, as an officer of this Court, as may be necessary or desirable to give effect to this Order or to assist the Receiver and its agents in carrying out the terms of this Order.

**Variation, Discharge or Extension of Order**

13. **THIS COURT ORDERS** that anyone served with or notified of this Order may apply to the Court at any time to vary or discharge this Order, on four (4) days notice to the Plaintiff.

14. **THIS COURT ORDERS** that this Order shall remain in full force and effect until there is a final disposition of this action on the merits, unless varied or amended by further Order of this Court.

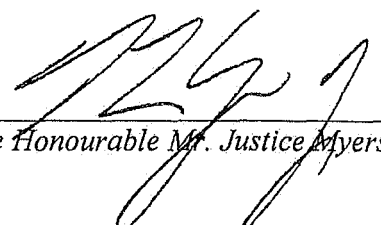
**Costs**

15. **THIS COURT ORDERS** that costs shall be payable to the Plaintiff on a substantial indemnity basis.

ENTERED AT / INSCRIT A TORONTO  
ON / BOOK NO:  
LE / DANS LE REGISTRE NO:

AUG 31 2017

PER / PAR:



The Honourable Mr. Justice Myers

**SCHEDULE "A"**

<b>ACCOUNTS</b>			
<b>BANK</b>	<b>ADDRESS</b>	<b>ACCOUNT NO.</b>	<b>ACCOUNT HOLDER</b>
Royal Bank of Canada	Aurora-Yonge & Edward Branch, 14785 Yonge St-Unit 101, 14785 Yonge St, Aurora, ON L4G 1N1	00442 101 3069	Aeolian Investments Ltd.
JP Morgan Chase Bank, N.A.	270 Park Avenue, New York, NY, 10017	939712261	Davies Arizona Trust
Toronto Dominion Bank		5223071 3184	Davies Family Trust
Toronto Dominion Bank		7109208 1044	Judith Davies
Toronto Dominion Bank		6290533 1044	Judith Davies
Toronto Dominion Bank		VISA 4520880001949922 3184	Judith Davies
Toronto Dominion Bank		HELOC 3226203-3184	John Davies
Toronto Dominion Bank		VISA 4520700001429883 1988	John Davies
Toronto Dominion Bank		VISA 4520020000093816 3184	John Davies

<b>REAL PROPERTY</b>		
<b>MUNICIPAL ADDRESS</b>	<b>PROPERTY PIN</b>	<b>LEGAL DESCRIPTION</b>
24 Country Club Drive King City, ON L7B 1M5	29530-0018 (LT)	UNIT 18, LEVEL 1, YORK REGION VACANT LAND CONDOMINIUM PLAN NO. 999 AND ITS APPURTENANT INTEREST. THE DESCRIPTION OF THE CONDOMINIUM PROPERTY IS : PT  BLK 1 PL 65M3631, PTS 2, 3 & 4, 65R26022; TOWNSHIP OF KING. S/T & T/W AS SET OUT IN SCHEDULE "A" OF DECLARATION YR325496. S/T EASE IN YR342172.
35411 N. 66th Place, Carefree, Arizona, USA, 85377  -and/or-  35410 N. Ridgeway Drive, Carefree, Arizona, USA, 85377	APN 216-32-102	PARCEL 1:  LOT 17, CAREFREE GRAND VIEW ESTATES UNIT I, ACCORDING TO BOOK 224 OF MAPS, PAGE 26, RECORDS OF  MARICOPA COUNTY, ARIZONA.  PARCEL2:  AN EASEMENT FOR INGRESS AND EGRESS AND PUBLIC UTILITIES, APPURTENANT TO PARCEL NO. 1, AS SET  FORTH IN INSTRUMENT RECORDED IN DOCKET 14945, PAGE 461 AND IN DOCKET 14945, PAGE 464, RECORDS OF  MARICOPA COUNTY, ARIZONA, OVER ALL THE PRIVATE ROADS IN CAREFREE GRAND VIEW ESTATES I,  ACCORDING TO BOOK 224 OF MAPS, PAGE 26, BOULDER VISTA ESTATES, ACCORDING TO BOOK 227 OF MAPS,  PAGE 35; AND CAREFREE GRAND VIEW ESTATES II, ACCORDING TO BOOK 228 OF MAPS, PAGE 2, RECORDS OF  MARICOPA COUNTY, ARIZONA.

**KSV KOFMAN INC. in its capacity as Receiver and Manager of  
Certain Property of Scollard Development Corporation, et al.**  
Plaintiff

v.

**JOHN DAVIES et al.**

Defendants

Court File No: CV-17-11822-00CL

**ONTARIO  
SUPERIOR COURT OF JUSTICE  
(COMMERCIAL LIST)**

PROCEEDING COMMENCED AT  
TORONTO

**ORDER**

**BENNETT JONES LLP**

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P.O. Box 130  
Toronto ON M5X 1A4

**Sean Zweig (LSUC#57307D)**

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Phone: (416) 777-6511

Email: bellj@bennettjones.com

Facsimile: (416) 863-1716

Lawyers for the Plaintiff

**TAB B**

THIS IS EXHIBIT "B"  
REFERRED TO IN THE AFFIDAVIT OF  
**JOHN DAVIES**  
SWORN BEFORE ME  
THIS 17<sup>th</sup> DAY OF AUGUST 2018



---

Commissioner for Taking Affidavits, etc.

*Michael Buterke*

For Endorsement attached, Order to go. Despite the Orders set out in the attached endorsement Mrs. Davies is authorized and allowed to access and spend up to an aggregate amount of \$25,000 to retain counsel and sustain herself in the interim period.

The Court previously found a sufficiently strong *prima facie* case exists against the Defendants to justify extraordinary pretrial injunctive relief issuing against them. A very substantial amount of money invested by public shareholders appears to have been misappropriated at first blush. Whether that conclusion changes as the matter proceeds will be determined at a later date.

The Defendants consent to a brief continuation of the *Mareva* injunction with no admission that it is proper but merely to allow for a scheduled, efficient hearing process for his intended motion to set the injunction aside. The consent therefore is wholly without prejudice to the Defendants. It cannot be used to answer any later arguments that they make.

The Receiver asks to extend the Order to Judith Davies personally and she and two others as trustees. The Receiver has demonstrated that funds from the public investors that are subject to Plaintiff's claims against Defendants, were given to Mrs. Davies and all 3 trustees. Among other things, allegedly misappropriated funds are admitted by John Davies to have been used to buy and renovate the home in Arizona that was purchased through the Arizona trust.

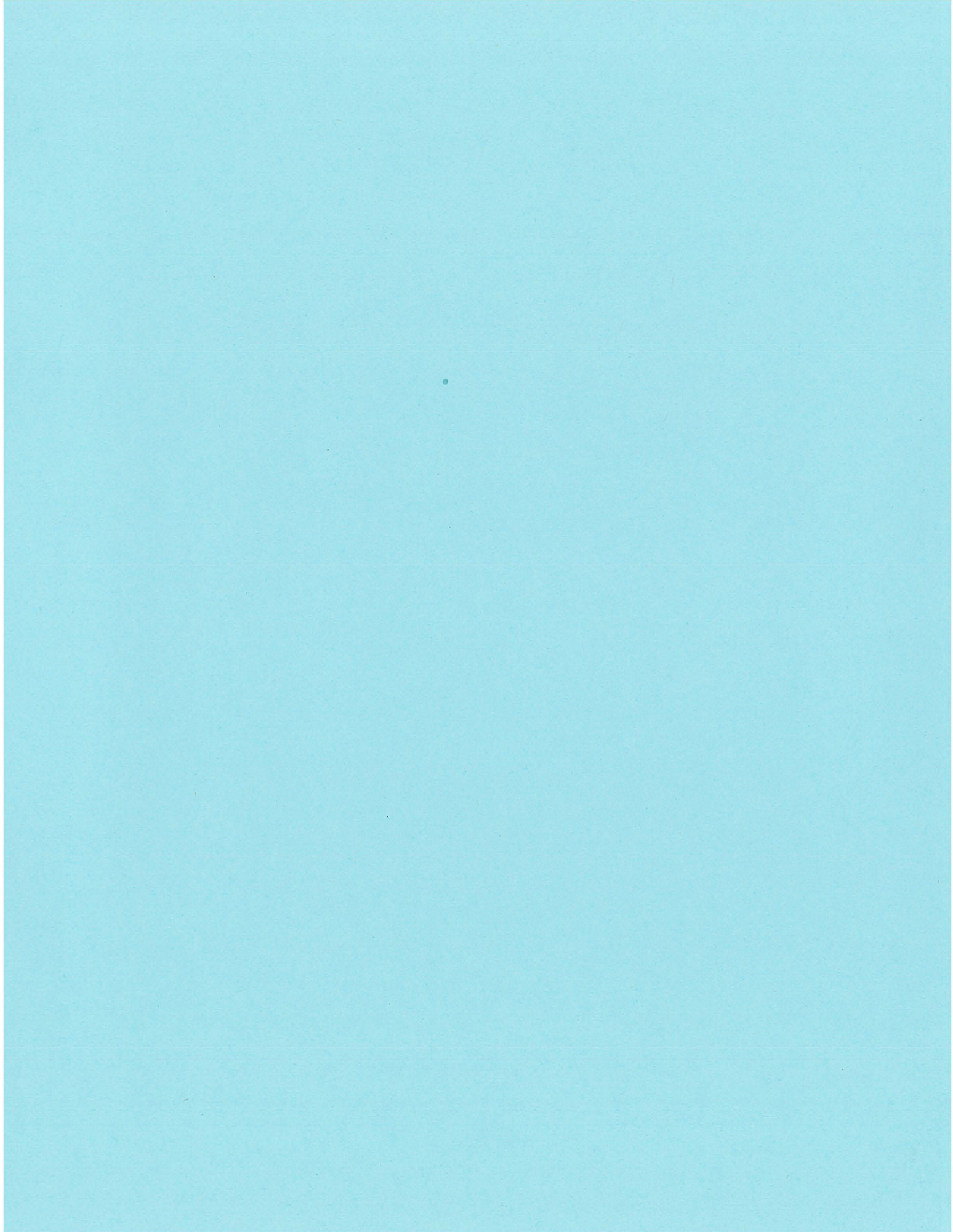
The Plaintiff has a clear claim under Ontario law to ownership of an interest in property purchased with funds it proves at trial were misappropriated and used in non-arm's length transactions such as funding one's spouse or home.

I am satisfied that despite Mr. Davies undertaking to hold the Arizona property, an Order should issue as sought by the Receiver. The Court cannot protect public investors' interests by accepting the word of someone who is alleged to have misappropriated and hidden millions or tens of millions of investors' money. But in light of the offer of the undertaking, I am satisfied that the balance of convenience supports the Order sought. There is a real risk of dissipation of assets by Mrs. Davies and the trustees. They are all under Mr. Davies' control to a greater or lesser extent. Mr. Davies says he has no bank account. His personal expenses come from the corporate Defendant or from funds given by that company to Mrs. Davies. She is but a funnel through which investor funds are poured as part of the laundering cycles of corporate entities and trusts lined up to protect and hide potentially ill-gotten funds. Mrs. Davies acted in concert with Mr. Davies in responding to their mortgagee's supposed enforcement efforts and re-listing their Toronto home despite this Court's Order. Mr. Davies says the Receiver is too late as he has no assets left. Perhaps it is not too late to find Plaintiff's funds (if proven) with Mrs. Davies and the trusts to whom they were moved. Mrs. Davies asks how her family is to sustain itself. If this is a reference to funds that originated with public investors subject to this action, the answer is that the Court will respond to reasonable requests for access to funds on Mrs. Davies providing full disclosure. She also may have some personal employment funds that she might be able to show are entirely independent of Plaintiff's claims.

This is not a case for an undertaking on damages. Plaintiff acts for public investors whose funds are missing. If Defendants left themselves vulnerable to even such extraordinary relief as a *Mareva* injunction, then they have to bear the risk of costs incurred during the ensuing investigation of the Plaintiff's strong *prima facie* case.



Orders signed as asked. The Court respectfully requests the aid and recognition by the State Courts of Arizona and the Federal District Courts in that State as this Court stands ready to recognize our neighbour's Orders and proceedings.



KSV KOFMAN INC. in its capacity as Receiver and Manager of  
Certain Property of Scollard Development Corporation, et al.  
Plaintiff

JOHN DAVIES et al.

Defendants

Court File No: CV-17-11822-00CL

July 17/17

July 17/17

For kindred attached, order to go.  
Despite the orders set out in the  
attached exhibit Mr. Davies is  
authorised and ~~allowed~~ allowed  
to access and spend up to an  
aggregate amount of \$25,000  
to action counsel and sustain himself  
in the interim period.

*[Handwritten signature]*

ONTARIO  
SUPERIOR COURT OF JUSTICE  
(COMMERCIAL LIST)

PROCEEDING COMMENCED AT  
TORONTO

MOTION RECORD  
(Motion for an Extension of the Mareva Injunction -  
Returnable July 17, 2017)  
Volume I of II

BENNETT JONES LLP  
3400 One First Canadian Place  
P.O. Box 130  
Toronto ON M5X 1A4

Sean Zweig (LSUC#57307E)  
Phone: (416) 777-6254  
Email: zweigs@bennettjones.com

Jonathan Bell (LSUC#55457F)  
Phone: (416) 777-6511  
Email: bellj@bennettjones.com

Facsimile: (416) 863-1716

Lawyers for the Plaintiff



Superior Court of Justice

(Name of Court)

at 393 University Avenue, 10th Floor, Toronto, Ontario  
M5G 1E6

(Court office address)

Endorsement



Date	Applicant(s):	<input type="checkbox"/>	Present
	<del>Counsel:</del> K.S.V. ... Inc. et al.	<input type="checkbox"/>	Present
		<input type="checkbox"/>	Duty Counsel
	Respondent(s): <del>ET AL</del> JOHN DAVIES et al.	<input type="checkbox"/>	Present
	<del>Counsel:</del>	<input type="checkbox"/>	Present
		<input type="checkbox"/>	Duty Counsel

Order to go in accordance with minutes of settlement or consent filed.

THE COURT PREVIOUSLY FOUND A SUFFICIENTLY STRONG PRIMA FACIE CASE EXISTS AGAINST THE DEFENDANTS TO JUSTIFY EXTRAORDINARY PRETRIAL INJUNCTIVE RELIEF ISSUED AGAINST THEM. A VERY SUBSTANTIAL AMOUNT OF MONEY INVESTED BY PUBLIC SHAREHOLDERS APPEARS TO HAVE BEEN MISAPPROPRIATED AT FIRST GLANCE. WHETHER THAT CONCLUSION CHANGES AS THE MATTER PROCEEDS WILL BE DETERMINED AT A LATER DATE.

THE DS CONSENT TO A BRIEF CONTINUATION OF THE MAREVA INJUNCTION WITH NO ADMISSION THAT IT IS PROPER BUT MERELY TO ALLOW FOR A SCHEDULED, EFFICIENT HEARING & PROCESS FOR HIS INTENDED MOTION TO SET THE INJUNCTION ASIDE. THE CONSENT THEREFORE IS WROLLY WITHOUT PREJUDICE TO THE DS

1/2

Superior Court of Justice

(Name of Court)

at 393 University Avenue, 10th Floor, Toronto, Ontario  
M5G 1E6

(Court office address)

Endorsement  
2

Date	Applicant(s): _____	<input type="checkbox"/> Present
	Counsel: _____	<input type="checkbox"/> Present <input type="checkbox"/> Duty Counsel
	Respondent(s): _____	<input type="checkbox"/> Present
	Counsel: _____	<input type="checkbox"/> Present <input type="checkbox"/> Duty Counsel

Order to go in accordance with minutes of settlement or consent filed.

IT CANNOT BE USED TO ANSWER ANY LATER  
OBJECTIONS THAT THEY MAKE.

THE RECEIVER ASKS TO EXTEND THE ORDER  
TO JUDITH DAVIES PERSONALLY AND SAH AND  
TWO OTHERS AS TRUSTEES. THE RECEIVER HAS  
DEMONSTRATED THAT FUNDS FROM THE PUBLIC  
INVESTORS THAT ARE SUBJECT TO THE CLAIMS  
AGAINST DE WERE GIVEN TO Mrs DAVIES AND  
ALL 3 TRUSTEES. AMONG OTHER THINGS,  
ALLEGEDLY MISAPPROPRIATED FUNDS WERE  
ADMITTED BY JOHN DAVIES TO HAVE BEEN  
USED TO BUY AND RENOVATE THE HOTEL IN  
ARIZONA THAT WAS PURCHASED THROUGH THE  
AZ. TRUST.

THE IT WAS A CLEAR CLAIM UNDER  
ONTARIO LAW TO OWNERSHIP OF AN

15

Superior Court of Justice

(Name of Court)

at 393 University Avenue, 10th Floor, Toronto, Ontario  
M5G 1E6

(Court office address)

Endorsement

*(Handwritten signature)*

Date	Applicant(s): _____	<input type="checkbox"/> Present
	Counsel: _____	<input type="checkbox"/> Present <input type="checkbox"/> Duty Counsel
	Respondent(s): _____	<input type="checkbox"/> Present
	Counsel: _____	<input type="checkbox"/> Present <input type="checkbox"/> Duty Counsel

Order to go in accordance with minutes of settlement or consent filed.

INTEREST IN PROPERTY PURCHASES WITH  
FUNDS IF PROVEN AT TRIAL WERE MISAPPROPRIATE  
AND USED IN NON-ARMY'S LENGTH TRANSACTIONS  
SUCH AS FUNDING ONE'S SPOUSE OR HOME.

I AM SATISFIED THAT DESPITE THE  
DAVID'S UNDERTAKING TO HOLD THE AS PROPERTY,  
AN ORDER SHOULD ISSUE AS SOUGHT BY THE  
RELIEVER. THE COURT CANNOT PROTECT PUBLIC  
INVESTORS' ~~INTERESTS~~ INTERESTS BY ACCEPTING THE  
WORD OF SOMEONE WHO IS ALLEGED TO HAVE  
MISAPPROPRIATED AND HIDDEN MILLIONS OR  
TENS OF MILLIONS OF INVESTORS' MONEY.  
BUT IN LIGHT OF THE OFFER OF THE UNDERTAKING  
I AM SATISFIED THAT THE BALANCE OF  
CONVENIENCE SUPPORTS THE ORDER SOUGHT.  
THERE IS A REAL RISK OF DISSIPATION OF

*(4)*

Superior Court of Justice

(Name of Court)

at 393 University Avenue, 10th Floor, Toronto, Ontario  
MSG 1E6

(Court office address)

Endorsement

4

Date	Applicant(s): _____ <input type="checkbox"/> Present
	Counsel: _____ <input type="checkbox"/> Present <input type="checkbox"/> Duty Counsel
	Respondent(s): _____ <input type="checkbox"/> Present
	Counsel: _____ <input type="checkbox"/> Present <input type="checkbox"/> Duty Counsel
<input type="checkbox"/> Order to go in accordance with minutes of settlement or consent filed.	
<p>ASSETS OF MRS. DAVIES AND THE TRUSTS, THEY ARE ALL UNDER MR. DAVIES CONTROL TO A GREATER OR LESSER EXTENT. MR. DAVIES SAYS HE HAS NO BANK ACCOUNT, HIS PERSONAL EXPENSES COME FROM THE CORPORATE Δ OR FROM FUNDS GIVEN BY THAT COMPANY TO MRS DAVIES. Δ SAID IS BUT A FUNNEL THROUGH WHICH INVESTOR FUNDS ARE PROVIDED AS PART OF THE LAUNDERING CYCLES OF CORPORATE SATITIES AND TRUSTS LINK UP TO PROTECT AND HIDE POTENTIALLY ILL-GOTTEN <del>AND</del> FUNDS. MRS DAVIES ALSO IN CONCERT WITH MR DAVIES IN RESPONSE TO THEIR MORTGAGE'S SUPPORTS ENFORCEMENT EFFORTS AND RE-LISTING THEIR Toronto HOME DESPITE THIS COURT'S ORDER. MR DAVIES SAYS THE RELIEF IS TOO LATE AS HE HAS</p> <p style="text-align: right;">5</p>	

ONTARIO

Court File Number

Superior Court of Justice

(Name of Court)

at 393 University Avenue, 10th Floor, Toronto, Ontario  
M5G 1E6

(Court office address)

Endorsement

5

Date	Applicant(s): _____	<input type="checkbox"/> Present
	Counsel: _____	<input type="checkbox"/> Present <input type="checkbox"/> Duty Counsel
	Respondent(s): _____	<input type="checkbox"/> Present
	Counsel: _____	<input type="checkbox"/> Present <input type="checkbox"/> Duty Counsel

Order to go in accordance with minutes of settlement or consent filed.

NO ASSETS LEFT. PERHAPS IT IS NOT TOO LATE TO FIND ~~IT'S~~ FUNDS (OR PRODUCE) WITH THE DAVIES AND THE TRUSTS TO WHICH THEY WERE TITLED. THE DAVIES ASKS HOW HER FAMILY IS TO SUSTAIN ITSELF. IF THIS IS A REFERENCE TO FUNDS THAT ORIGINATED WITH PUBLIC INVESTORS SUBJECT TO THIS ACTION, THE ANSWER IS THAT THE COURT WILL RESPOND TO REASONABLE REQUESTS FOR ACCESS TO FUNDS ON MRS. DAVIES PROVIDING FULL DISCLOSURE. SHE ALSO MAY HAVE SOME PERSONAL EMPLOYMENT FUNDS THAT SHE MIGHT BE ABLE TO SHOW ARE ENTIRELY INDEPENDENT OF IT'S CLAIMS.

THIS IS NOT A CASE FOR AN UNDERTAKING ON DAMAGES. IT ASKS FOR PUBLIC INVESTORS WHOSE FUNDS ARE MISSING. IF ~~IT'S~~ LEFT

1/2



(Name of Court)

at 393 University Avenue, 10th Floor, Toronto, Ontario  
MSG 1B6

Endorsement

(Court office address)

Page

Date

THEMSELVES VULNERABLE TO EVEN SUCH  
EXTRAORDINARY RELIEF. AS A MAREVA  
INJUNCTION, THEN THEY HAVE TO BEAR THE  
RISK OF COSTS INCURRED DURING THE ENSUING  
INVESTIGATION OF THE IT'S STRONG PRIMA  
FACTE CASE.

ORDERS SIGNED A.S. PASSED. THE  
COURT RESPECTFULLY REQUESTS THE AID  
AND RECOGNITION BY THE STATE ~~COURTS~~  
COURTS OF ARIZONA AND THE FEDERAL  
DISTRICT COURTS IN THAT STATE AS THIS  
COURT STANDS READY TO RECOGNIZE  
OUR NEIGHBOUR'S ORDERS AND PROBLEMS.

**TAB C**

THIS IS EXHIBIT "C"  
REFERRED TO IN THE AFFIDAVIT OF  
**JOHN DAVIES**  
SWORN BEFORE ME  
THIS <sup>17<sup>th</sup></sup> DAY OF AUGUST 2018



---

Commissioner for Taking Affidavits, etc.

*Michael Burke*

KSV KOFMAN INC.  
Plaintiff

- and -

AEOLIAN INVESTMENTS LTD. et al.  
Defendants

Dec 19/17

*Dec 19/17*  
*Unopposed I am satisfied*  
*that the request is reasonable*  
*and warranted by the current*  
*circumstances.*  
*[Signature]*

**ONTARIO**  
**SUPERIOR COURT OF JUSTICE**  
**COMMERCIAL LIST**

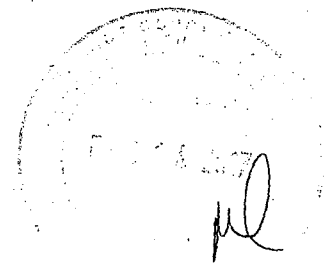
Proceeding Commenced at Toronto

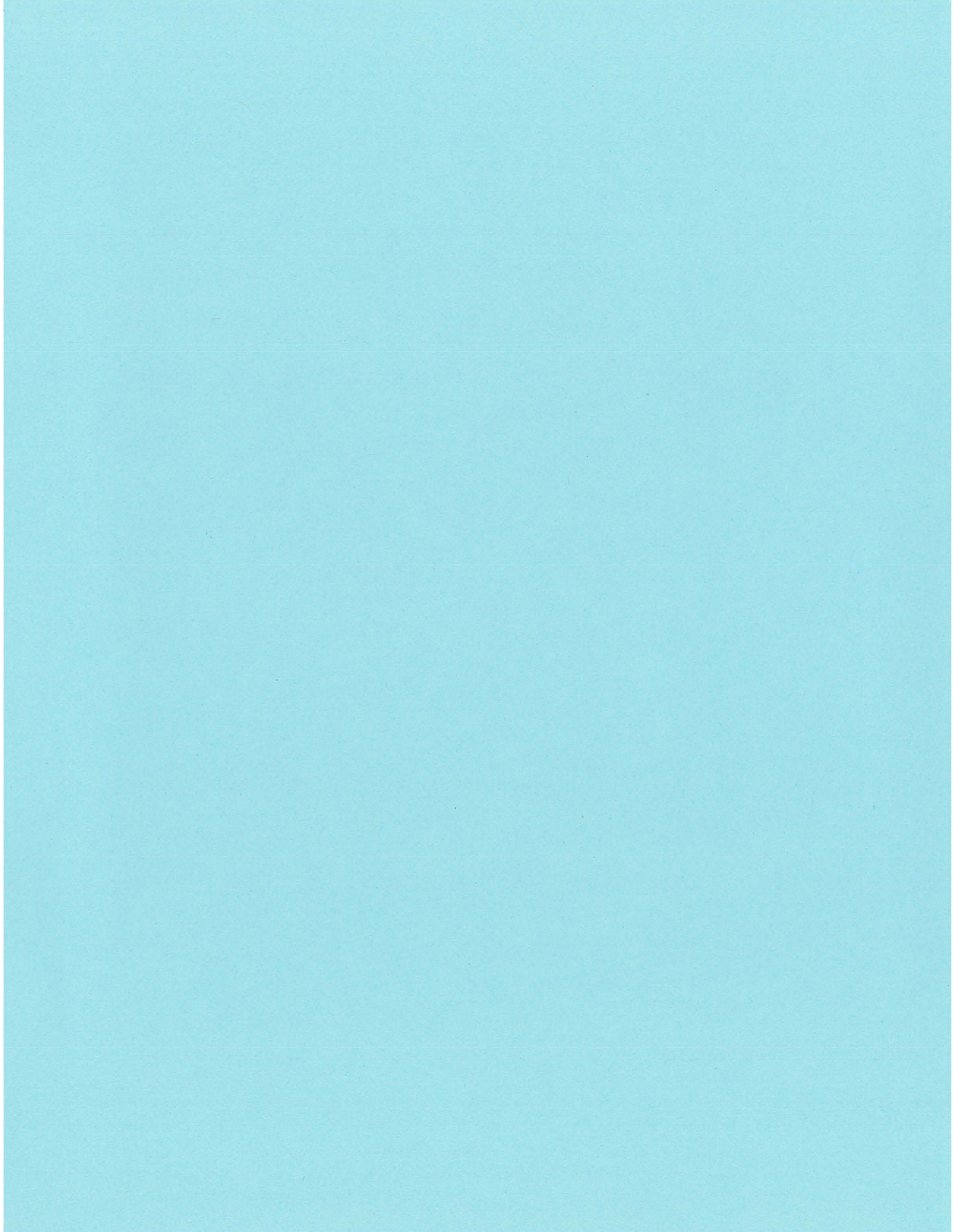
**MOTION RECORD**

**DENTONS CANADA LLP**  
77 King Street West, Suite 400  
Toronto-Dominion Centre  
Toronto, ON M5K 0A1  
Fax: (416) 863-4592

**Kenneth D. Kraft / Michael Beeforth**  
LSUC #: 31919P / 58824P  
Tel.: (416) 863-4374 / (416) 367-6779  
kenneth.kraft@dentons.com  
michael.beeforth@dentons.com

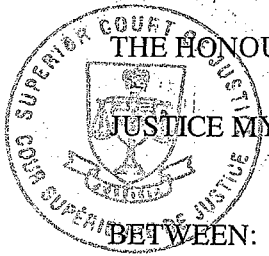
Lawyers for the Defendants John Davies, Judith Davies  
and Acolian Investments Ltd.





Court File No.: 17-11822-00CL

**ONTARIO  
SUPERIOR COURT OF JUSTICE  
COMMERCIAL LIST**



THE HONOURABLE

)

TUESDAY, THE 19<sup>th</sup> DAY

)

JUSTICE MYERS

)

OF DECEMBER, 2017

BETWEEN:

**KSV KOFMAN INC., IN ITS CAPACITY AS RECEIVER AND  
MANAGER OF CERTAIN PROPERTY OF SCOLLARD  
DEVELOPMENT CORPORATION, MEMORY CARE INVESTMENTS  
(KITCHENER) LTD., MEMORY CARE INVESTMENTS (OAKVILLE)  
LTD., 1703858 ONTARIO INC., LEGACY LANE INVESTMENTS LTD.,  
TEXTBOOK (525 PRINCESS STREET) INC. AND TEXTBOOK (555  
PRINCESS STREET) INC.**

Plaintiff

- and -

**AEOLIAN INVESTMENTS LTD., JOHN DAVIES IN HIS PERSONAL  
CAPACITY AND IN HIS CAPACITY AS TRUSTEE OF BOTH THE  
DAVIES ARIZONA TRUST AND THE DAVIES FAMILY TRUST,  
JUDITH DAVIES IN HER PERSONAL CAPACITY AND IN HER  
CAPACITY AS TRUSTEE OF THE DAVIES FAMILY TRUST, AND  
GREGORY HARRIS SOLELY IN HIS CAPACITY AS TRUSTEE OF THE  
DAVIES FAMILY TRUST**

Defendants

**ORDER**

**THIS MOTION**, made by the Defendant, John Davies, for an order granting permission to access additional funds for ordinary living expenses pursuant to the Order of the Honourable Justice Myers dated August 30, 2017 (the "**Mareva Order**"), which is attached hereto as **Appendix "A"**, was heard this day at 330 University Avenue, Toronto, Ontario.

ON READING the materials filed by the Defendant, including the Affidavit of John Davies sworn December 13, 2017, and on hearing the submissions of counsel for the Defendant and of the Plaintiff,

1. **THIS COURT ORDERS** that service of the Notice of Motion is hereby abridged and validated.
2. **THIS COURT ORDERS** that Mr. and Mrs. Davies, in their personal capacities, are authorized and permitted to access and spend up to \$30,000 in the aggregate for ordinary living expenses and legal representation. This amount is in addition to the \$25,000 referred to in paragraph 5 of the Mareva Order.

ENTERED AT / INSCRIT A TORONTO  
ON / BOOK NO:  
LE / DANS LE REGISTRE NO:

DEC 19 2017

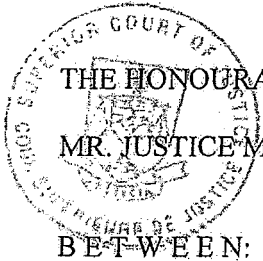
PER / PAR:



Appendix "A"



**ONTARIO  
SUPERIOR COURT OF JUSTICE  
(COMMERCIAL LIST)**



THE HONOURABLE  
MR. JUSTICE MYERS

)  
)  
)

WEDNESDAY, THE 30<sup>th</sup>  
DAY OF AUGUST, 2017

BETWEEN:

**KSV KOFMAN INC. IN ITS CAPACITY AS RECEIVER AND MANAGER  
OF CERTAIN PROPERTY OF SCOLLARD DEVELOPMENT  
CORPORATION, MEMORY CARE INVESTMENTS (KITCHENER)  
LTD., MEMORY CARE INVESTMENTS (OAKVILLE) LTD., 1703858  
ONTARIO INC., LEGACY LANE INVESTMENTS LTD., TEXTBOOK  
(525 PRINCESS STREET) INC. AND TEXTBOOK (555 PRINCESS  
STREET) INC.**

Plaintiff

- and -

**JOHN DAVIES AND AEOLIAN INVESTMENTS LTD.**

Defendants

**ORDER**

**NOTICE**

If you, the defendants and intended defendants, John Davies in your personal capacity and in your capacity as trustee and/or representative of both the Davies Arizona Trust and the Davies Family Trust (in all such capacities, "Mr. Davies"), Judith Davies in your personal capacity and in your capacity as trustee and/or representative of the Davies Family Trust (in all such capacities, "Ms. Davies"), Gregory Harris solely in your capacity as trustee and/or representative of the Davies Family Trust ("Mr. Harris") and Aeolian Investments Ltd. ("Aeolian" and, collectively with Mr. Davies, Ms. Davies and Mr. Harris, the "Defendants"), disobey this order, you may be held to be in contempt of court and may be imprisoned, fined or have your assets seized. You are entitled to apply on at least twenty-four (24) hours notice to the Plaintiff, for an order granting you sufficient funds for ordinary living expenses and legal advice and representation.

Any other person who knows of this order and does anything which helps or permits the Defendants to breach the terms of this Order may also be held to be in contempt of court and may be imprisoned, fined or have their assets seized.

**THIS MOTION**, made on notice by the Plaintiff, KSV Kofman Inc. ("**KSV**" or the "**Receiver**"), solely in its capacity as receiver and manager of certain property of Scollard Development Corporation, Memory Care Investments (Kitchener) Ltd., Memory Care Investments (Oakville) Ltd., 1703858 Ontario Inc., Legacy Lane Investments Ltd., Textbook (525 Princess Street) Inc. and Textbook (555 Princess Street) Inc. and not in its personal capacity or in any other capacity, for an interlocutory Order in the form of a worldwide *Mareva* injunction restraining the Defendants from dissipating their assets and other relief, was heard this day at 330 University Avenue, Toronto, Ontario.

**ON READING** the Notice of Motion, the Receiver's Fourth Report dated June 6, 2017 with the appendices thereto, the Receiver's Sixth Report dated July 12, 2017 with the appendices thereto, the Receiver's Supplement to the Sixth Report dated August 8, 2017 with the appendices thereto, the factum and book of authorities of the Plaintiff, and the affidavits of Mr. Davies sworn July 14 and July 27, 2017 (collectively, the "**Davies Affidavits**") and the transcript of the cross-examination of Mr. Davies on the Davies Affidavits,

**AND ON HEARING** the submissions of counsel for the Plaintiff and counsel for Mr. Davies, Aeolian and Ms. Davies, with Mr. Harris's counsel having advised that he takes no position on the motion,

#### **Service**

1. **THIS COURT ORDERS** that, to the extent necessary, service of the Notice of Motion, Motion Record, Supplementary Motion Record, Factum and Book of Authorities is hereby abridged and validated.

#### **Mareva Injunction**

2. **THIS COURT ORDERS** that the Defendants and, as applicable, their respective servants, employees, agents, assigns, officers, directors and anyone else acting on their behalf or in conjunction with any of them, and any and all persons with notice of this injunction, are restrained from directly or indirectly, by any means whatsoever:

- (a) selling, removing, dissipating, alienating, transferring, assigning, encumbering, or similarly dealing with any assets of the Defendants, wherever situate worldwide, including but not limited to the assets and accounts listed in Schedule "A" hereto;
- (b) instructing, requesting, counselling, demanding, or encouraging any other person to do so; and
- (c) facilitating, assisting in, aiding, abetting, or participating in any acts the effect of which is to do so.

3. **THIS COURT ORDERS** that paragraph 1 applies to all of the Defendants' assets whether or not they are in their own name and whether they are solely or jointly owned. For the purpose of this order, the Defendants' assets include any asset which they have the power, directly or indirectly, to dispose of or deal with as if it were their own. The Defendants are to be regarded as having such power if a third party holds or controls the assets in accordance with their direct or indirect instructions.

4. **THIS COURT ORDERS** that if the total value free of charges or other securities of the Defendants' assets worldwide exceeds \$9,039,740, the Defendants may sell, remove, dissipate, alienate, transfer, assign, encumber, or similarly deal with them so long as the total unencumbered value of the Defendants' assets worldwide remains above \$9,039,740.

#### **Ordinary Living Expenses**

5. **THIS COURT ORDERS** that Ms. Davies, in her personal capacity, remains authorized and permitted to access and spend up to an aggregate amount of \$25,000 for ordinary living expenses and legal advice and representation.

6. **THIS COURT ORDERS** that the Defendants may apply for an order, on at least twenty-four (24) hours notice to the Plaintiff, specifying the amount of funds which they are entitled to spend on ordinary living expenses and legal advice and representation.

#### **Third Parties**

7. **THIS COURT ORDERS** Royal Bank of Canada, The Toronto-Dominion Bank, Canadian Imperial Bank of Commerce, Bank of Nova Scotia, Bank of Montreal, National Bank of Canada, Laurentian Bank of Canada, Tangerine Bank, President's Choice Bank, JP Morgan Chase and all other banks, credit unions, trusts, financial institutions and financial services companies, whether in Canada or elsewhere, including all of their respective affiliates and branches (collectively, the "**Banks**"), to forthwith freeze and prevent any removal or transfer of monies or assets of the Defendants held in any account or on credit on behalf of the Defendants, with the Banks, until further Order of the Court, including but not limited to the accounts listed in Schedule "A" hereto.

8. **THIS COURT ORDERS** that, to the extent not already done, the Banks forthwith disclose and deliver up to the Plaintiff any and all records held by the Banks concerning the Defendants' assets and accounts, including the existence, nature, value and location of any monies or assets or credit, wherever situate worldwide, held on behalf of the Defendants by the Banks.

#### **Alternative Payment of Security into Court**

9. **THIS COURT ORDERS** that this Order will cease to have effect if the Defendants provide security by paying the sum of \$9,039,740 into Court, and the Accountant of the Superior Court of Justice is hereby directed to accept such payment.

**Dispensing with Requirement of Rule 40.03**

10. **THIS COURT ORDERS** that the requirements of Rule 40.03 of the *Rules of Civil Procedure* shall be and are hereby dispensed with pending further Order of this Court.

**Extra-Territorial Application**

11. **THIS COURT ORDERS** that, insofar as this Order purports to have any effect outside of the territorial jurisdiction of this Court, no person shall be affected by it or concerned by the terms of it until this Order is declared enforceable or registered or enforced by a foreign court of competent jurisdiction for that purpose, unless that person is:

- (a) a party to this action or any agent of a party to this action; or
- (b) a person who is subject to the judicial jurisdiction of this Court, who has received written notice of this Order within the territorial jurisdiction of this Court.

**Extra-Territorial Assistance**

12. **THIS COURT HEREBY REQUESTS** the aid and recognition of any court, tribunal, regulatory or administrative body having jurisdiction in Canada, in the United States or elsewhere to give effect to this Order and to assist the Receiver and its agents in carrying out the terms of this Order. All courts, tribunals, regulatory and administrative bodies are hereby respectfully requested to make such orders and to provide such assistance to the Receiver, as an officer of this Court, as may be necessary or desirable to give effect to this Order or to assist the Receiver and its agents in carrying out the terms of this Order.

**Variation, Discharge or Extension of Order**

13. **THIS COURT ORDERS** that anyone served with or notified of this Order may apply to the Court at any time to vary or discharge this Order, on four (4) days notice to the Plaintiff.

14. **THIS COURT ORDERS** that this Order shall remain in full force and effect until there is a final disposition of this action on the merits, unless varied or amended by further Order of this Court.

**Costs**

15. **THIS COURT ORDERS** that costs shall be payable to the Plaintiff on a substantial indemnity basis.

ENTERED AT / INSCRIT A TORONTO  
ON / BOOK NO:  
LE / DANS LE REGISTRE NO:

AUG 31 2017

PER / PAR:

*ME*

*The Honourable Mr. Justice Myers*

## SCHEDULE "A"

ACCOUNTS			
BANK	ADDRESS	ACCOUNT NO.	ACCOUNT HOLDER
Royal Bank of Canada	Aurora-Yonge & Edward Branch, 14785 Yonge St-Unit 101, 14785 Yonge St, Aurora, ON L4G 1N1	00442 101 3069	Aeolian Investments Ltd.
JP Morgan Chase Bank, N.A.	270 Park Avenue, New York, NY, 10017	939712261	Davies Arizona Trust
Toronto Dominion Bank		5223071 3184	Davies Family Trust
Toronto Dominion Bank		7109208 1044	Judith Davies
Toronto Dominion Bank		6290533 1044	Judith Davies
Toronto Dominion Bank		VISA 4520880001949922 3184	Judith Davies
Toronto Dominion Bank		HELOC 3226203-3184	John Davies
Toronto Dominion Bank		VISA 4520700001429883 1988	John Davies
Toronto Dominion Bank		VISA 4520020000093816 3184	John Davies

REAL PROPERTY		
MUNICIPAL ADDRESS	PROPERTY PIN	LEGAL DESCRIPTION
24 Country Club Drive King City, ON L7B 1M5	29530-0018 (LT)	UNIT 18, LEVEL 1, YORK REGION VACANT LAND CONDOMINIUM PLAN NO. 999 AND ITS APPURTENANT INTEREST. THE DESCRIPTION OF THE CONDOMINIUM PROPERTY IS : PT  BLK 1 PL 65M3631, PTS 2, 3 & 4, 65R26022; TOWNSHIP OF KING. S/T & T/W AS SET OUT IN SCHEDULE "A" OF DECLARATION YR325496. S/T EASE IN YR342172.
35411 N. 66th Place, Carefree, Arizona, USA, 85377  -and/or-  35410 N. Ridgeway Drive, Carefree, Arizona, USA, 85377	APN 216-32-102	PARCEL 1:  LOT 17, CAREFREE GRAND VIEW ESTATES UNIT I, ACCORDING TO BOOK 224 OF MAPS, PAGE 26, RECORDS OF  MARICOPA COUNTY, ARIZONA.  PARCEL2:  AN EASEMENT FOR INGRESS AND EGRESS AND PUBLIC UTILITIES, APPURTENANT TO PARCEL NO. 1, AS SET  FORTH IN INSTRUMENT RECORDED IN DOCKET 14945, PAGE 461 AND IN DOCKET 14945, PAGE 464, RECORDS OF  MARICOPA COUNTY, ARIZONA, OVER ALL THE PRIVATE ROADS IN CAREFREE GRAND VIEW ESTATES I,  ACCORDING TO BOOK 224 OF MAPS, PAGE 26, BOULDER VISTA ESTATES, ACCORDING TO BOOK 227 OF MAPS,  PAGE 35; AND CAREFREE GRAND VIEW ESTATES II, ACCORDING TO BOOK 228 OF MAPS, PAGE 2, RECORDS OF  MARICOPA COUNTY, ARIZONA.

**KSV KOFMAN INC. in its capacity as Receiver and Manager of  
Certain Property of Scollard Development Corporation, et al.  
Plaintiff**

v.

**JOHN DAVIES et al.**

Defendants

Court File No: CV-17-11822-00CL

**ONTARIO  
SUPERIOR COURT OF JUSTICE  
(COMMERCIAL LIST)**

**PROCEEDING COMMENCED AT  
TORONTO**

**ORDER**

**BENNETT JONES LLP**

3400 One First Canadian Place  
P.O. Box 130  
Toronto ON M5X 1A4

**Sean Zweig (LSUC#57307I)**

Phone: (416) 777-6254  
Email: zweigs@bennettjones.com

**Jonathan Bell (LSUC#55457P)**

Phone: (416) 777-6511  
Email: bellj@bennettjones.com

Facsimile: (416) 863-1716

Lawyers for the Plaintiff

KSV KOFMAN INC.  
Plaintiff

- and -

AEOLIAN INVESTMENTS LTD. et al.  
Defendants

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**ONTARIO  
SUPERIOR COURT OF JUSTICE  
COMMERCIAL LIST**

Proceeding Commenced at Toronto

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**ORDER**

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**Dentons Canada LLP**  
77 King Street West, Suite 400  
Toronto-Dominion Centre  
Toronto, ON M5K 0A1

**Kenneth D. Kraft**  
LSUC #: 31919P  
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Lawyers for the Defendants John Davies, Judith Davies  
and Aeolian Investments Ltd.



**TAB D**

THIS IS EXHIBIT "D"  
REFERRED TO IN THE AFFIDAVIT OF  
**JOHN DAVIES**  
SWORN BEFORE ME  
THIS <sup>19<sup>th</sup></sup> DAY OF AUGUST 2018

  
\_\_\_\_\_  
Commissioner for Taking Affidavits, etc.  
*Michael Beesley*



# WALKERS POINT MARINA

A Division of Durr Holdings Inc.

1035 Marina Road, Gravenhurst, Ontario Canada P1P 1R2

Tel: (705) 687-7793 / Fax: (705) 687-8916

E-mail: info@walkerspointmarina.com / Website: www.walkerspointmarina.com

R 1515/0607  
NO. 02923

43

BOUGHT TO <b>Nancy Jackson</b>		CELL PHONE	DATE <b>04/05/18</b>
NUMBER		POSTAL CODE	FAX
SUBJECT TO THE TERMS AND CONDITIONS STATED ON BOTH SIDES OF THIS AGREEMENT			
SOLDER AGREES TO SELL AND THE PURCHASER AGREES TO PURCHASE THE FOLLOWING IN NEW/USED CONDITION: <b>John Dunn</b>			SALESPERSON
COLOUR	MODEL	PROPOSED DELIVERY DATE	
DRIVERS LICENSE	DOB	BOAT MAKE/MAKE	
		<input type="checkbox"/> NEW	0.00
		<input type="checkbox"/> USED	0.00
		<input type="checkbox"/> NEW	0.00
		<input type="checkbox"/> USED	0.00
		<input type="checkbox"/> NEW	0.00
		<input type="checkbox"/> USED	0.00
<b>OPTIONAL EQUIPMENT AND ACCESSORIES</b>		TOTAL PURCHASE PRICE OF ABOVE	0.00
0.00		OPTIONAL EQUIPMENT	0.00
		END-TOTAL	0.00
		FOR RAISING	0.00
		SUB-TOTAL	0.00
		TRADE-IN ALLOWANCES	31,500.00
		RESERVE	(31,500.00)
		REGISTRATION FEE	0.00
		TAXES	0.00
		POST	0.00
		SUBTOTAL	(31,500.00)
		TAX	0.00
		TOTAL	(31,500.00)
		DEPOSIT	0.00
		<b>UNPAID BALANCE OF CASH PRICE</b>	<b>(31,500.00)</b>
Title to the above described Equipment shall be transferred to Buyer when Buyer has made payment in full for the Equipment.			
The parties to this Agreement are aware that the trade-in allowance or the purchase price shown above may require adjustment pursuant to the provisions of the paragraphs 5, 6, 7 and 11 of the Terms and Conditions on the reverse side of this document.			
<b>COMMENTS</b>			
<input type="checkbox"/> Buyer(s) has declined any extended warranty coverage beyond 30 days from date of delivery. Trade-in is subject to full mechanical and structural inspection.			
<b>OPTIONAL EQUIPMENT CARRIED FORWARD</b>		0.00	
<input type="checkbox"/> WHEN THIS BOX IS CHECKED, THE UNIT WHICH IS THE SUBJECT OF THIS CONTRACT IS BEING SOLD ON AN "AS IS" BASIS. THE ENTIRE RISK AS TO THE QUALITY AND PERFORMANCE OF THIS UNIT IS WITH THE PURCHASER.			
<b>DESCRIPTION OF TRADE-IN</b> MAKE/MODEL COLOUR SERIAL NUMBER SIZE YEAR LICENSE # <b>COBALT E Cobalt 232 FGE23181A80E 2008 UB2001</b> MAKE/MODEL COLOUR SERIAL NUMBER SIZE YEAR LICENSE # <b>VOLVO PI Volvo 8.1 C 4012238526 2008</b> MAKE/MODEL COLOUR SERIAL NUMBER SIZE YEAR LICENSE #			
Buyer agrees that all provisions to this Agreement (including the Terms and Conditions on the reverse side hereof) are severable. If any provision is held to be invalid, it shall not affect the other provisions, which shall be given full force and effect.			
I/OWE, HEREBY ACKNOWLEDGE RECEIPT OF A COPY OF THIS ORDER AND THAT I OR WE HAVE READ THE BACK OF THIS AGREEMENT, I OR WE ALSO AGREE THAT THE BALANCE WILL BE PAID BY <input type="checkbox"/> CASH <input type="checkbox"/> BANK DRAFT, <input type="checkbox"/> CERTIFIED CHECK, OR BY THE EXECUTION OF A <input type="checkbox"/> RETAIL INSTALLMENT CONTRACT, OR A SECURITY AGREEMENT AND ITS ACCEPTANCE BY A FINANCING AGENCY.			
TRADE-IN BEST TO BE PAID BY		SEALER	CUSTOMER
BY _____ Approved, Subject to acceptance of financing by bank at Durr's company			
SIGNED		X _____	
SIGNED		X _____	

WALKERS POINT MARINA PURCHASE AGREEMENT

# TAB E

THIS IS EXHIBIT "E"  
REFERRED TO IN THE AFFIDAVIT OF  
**JOHN DAVIES**  
SWORN BEFORE ME  
THIS 17<sup>th</sup> DAY OF AUGUST 2018



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Commissioner for Taking Affidavits, etc.

*Michael Beckett*

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# Account Activity

[Hide](#) | [Print](#) | [Print with Letterhead](#)

Account: **TD EVERY DAY CHEQUING ACCOUNT - 6410369 (\$200.22)**

Current Balance  
**(\$200.22)**

Overdraft Limit **\$500.00**  
Available Balance **\$199.76**

[Direct deposit from JESD](#)

[Setup Pre-Authorized Transfers](#)

Balance Date: Aug 13, 2018

View: **All Transactions** | [30 days](#) | [60 days](#) | [90 days](#) | [120 days](#)

\* Search by Month (up to 18 months)

Date	Transaction Description	Withdrawals	Deposits	Balance
Aug 13, 2018	FATHERS MOUSTAC	87.35		(\$200.22)
+ Aug 13, 2018	Overdraft Protection Fee - Pay as you go AUG/09/2018	5.00		(\$112.67)
Aug 09, 2018	PETRO-CANADA _F	33.30		(\$107.87)
Aug 09, 2018	LCBO/RAD #630	52.70		(\$74.57)
Aug 09, 2018	LOBLAW RCSS #10	111.00		(\$21.87)
+ Aug 09, 2018	Capital One MasterCard A324R8	20.00		\$89.13
Aug 08, 2018	NET10 #771	40.99		\$109.13
Aug 07, 2018	SHOELISS JOE'S	178.30		\$150.12
Aug 07, 2018	SHOPPERS DRUG H	23.38		\$320.62
Aug 07, 2018	DAIRY QUEEN #12	11.05		\$352.00
Aug 07, 2018	PIONEER STM #12	50.00		\$303.05
Aug 07, 2018	THE BEACH CLUB	14.50		\$413.05
Aug 07, 2018	THE BEACH CLUB	26.19		\$427.55
Aug 03, 2018	PIONEER STM #18	36.13		\$453.74
Aug 03, 2018	HYDRO ONE Y8X9Y3	302.27		\$489.87
Aug 03, 2018	JACK ASTOR'S ME	123.29		\$792.14
Aug 03, 2018	COSTCO WHOLESALE _F	28.24		\$915.43
Aug 02, 2018	E-TRANSFER CA***KIV		584.00	\$943.67
Aug 02, 2018	ENBRIDGE Y5Y7H4	71.20		\$349.67
Aug 01, 2018	EGO HAIR STUDIO _F	40.00		\$420.87
Aug 01, 2018	LOBLAW RCSS #10	64.71		\$400.87
Aug 01, 2018	WENDY'S RESTAUR _F	10.93		\$525.58
Aug 01, 2018	VINCE'S MO FRIEL _F	54.75		\$536.51
Aug 01, 2018	SHOPPERS DRUG H _F	30.68		\$591.26
Jul 31, 2018	MONTHLY ACCOUNT FEE	10.95		\$621.94
Jul 31, 2018	WITHDRAWAL FEES	32.50		\$632.89
Jul 31, 2018	OVERDRAFT INTEREST	0.51		\$665.39
Jul 30, 2018	FATHERS MOUSTAC	40.40		\$665.90
Jul 27, 2018	PLAY PIZZERIA R	57.67		\$706.30
Jul 27, 2018	PETRO-CANADA	50.00		\$763.97
Jul 27, 2018	CINEPLEX #7284	37.00		\$813.07
Jul 27, 2018	Spotify PG 9.99_V	9.99		\$850.07
Jul 27, 2018	LOBLAW RCSS #10	76.42		\$864.96
Jul 27, 2018	M3 HOME-CLEANER	27.72		\$907.38
+ Jul 27, 2018	Deposit at Branch - 0108		300.00	\$965.10

8/13/2018

Account Activity

Jul 26, 2018	LOBLAW RCSS #10 _F	71.79		\$665.10
Jul 23, 2018	METRO #771	140.91		\$736.89
Jul 23, 2018	FOREVER XXI #73 _F	28.14		\$677.80
Jul 23, 2018	OLD NAVY CA 545	26.06		\$905.99
Jul 23, 2018	MOORE'S CLOTHING	22.60		\$932.00
Jul 23, 2018	DOLLARAMA # 600 _F	15.31		\$954.60
Jul 23, 2018	MCDONALD'S #216 _F	15.66		\$969.91
Jul 23, 2018	E-TRANSFER CA***WHIT		307.16	\$985.57
Jul 23, 2018	MAIN STREET PHA	21.95		\$670.41
Jul 20, 2018	METRO #153 _F	61.23		\$699.86
Jul 20, 2018	4187 GB PICTON	40.00		\$761.09
Jul 19, 2018	E-TRANSFER CA***SSQ		836.84	\$801.09
Jul 19, 2018	SALON ANDRES	29.85		(\$35.75)
Jul 19, 2018	PIONEER #180	50.00		(\$5.90)
Jul 18, 2018	METRO #767 _F	9.93		\$14.10
Jul 16, 2018	LOBLAW RCSS #10 _F	36.70		\$54.03
Jul 16, 2018	MOPRELLS CHRIS _F	9.47		\$90.33
Jul 16, 2018	BASKIN ROBBINS _F	18.49		\$99.80
Jul 16, 2018	NOXIE'S GRIEL A	38.56		\$118.29
Jul 16, 2018	JACK ASTOR'S RI	25.50		\$156.85
Jul 16, 2018	TARGET SPORTS C	210.00		\$182.35
Jul 13, 2018	MOPRELLS CHRIS _F	35.21		\$992.35
Jul 13, 2018	MCDONALD'S #526 _F	2.72		\$427.56
Jul 13, 2018	JOYCE'S CLEANER	90.30		\$430.28
Jul 13, 2018	SHOPPERS DRUG M _F	11.96		\$520.66
Jul 13, 2018	COSTCO WHOLESALE	134.57		\$532.62
Jul 12, 2018	PIONEER SEN #18	70.00		\$667.19
+ Jul 12, 2018	Deposit at Branch - 0108		400.00	\$737.19
Jul 12, 2018	LITTLE CAESARS _F	21.47		\$337.19
Jul 12, 2018	TIM HORTON'S #4 _F	3.34		\$358.66
Jul 11, 2018	TIM HORTON'S #5 _F	3.34		\$362.00
Jul 11, 2018	LOBLAW'S #1019 _F	18.82		\$385.34
Jul 11, 2018	SHELL 002165	50.00		\$384.16
Jul 10, 2018	TIM HORTONS #18	5.95		\$434.16
Jul 10, 2018	52543-ESSO HWY	75.00		\$440.11
Jul 09, 2018	COSTCO WHOLESALE	120.23		\$515.11
Jul 09, 2018	COSTCO WHOLESALE		33.89	\$635.34
Jul 09, 2018	COSTCO WHOLESALE	126.46		\$601.45
Jul 06, 2018	PETRO-CARADA	60.00		\$727.91
Jul 06, 2018	PIONEER #180	75.00		\$807.91
Jul 04, 2018	EGO HAIR STUDIO	45.00		\$882.91
Jul 04, 2018	MUSKY CHAPLIN H	50.00		\$927.91
Jul 04, 2018	LOBLAW RCSS #10	61.67		\$977.91
Jul 03, 2018	ENBRIDGE H3H7K9	74.75		\$1,062.50
Jul 03, 2018	HYDRO ONE H3H7K7	196.41		\$1,137.33
Jul 03, 2018	RCRS # D16JT H3H799	401.00		\$1,333.74
+ Jul 03, 2018	Capital One MasterCard H3H6A7	310.00		\$1,734.74
Jul 03, 2018	E-TRANSFER CA***GPF		2,519.00	\$2,044.74

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## Account Activity

Jul 03, 2018	CINEPLEX #7284	27.00	(\$474.26)
Jun 29, 2018	OTHER BANK FEES	2.80	(\$447.26)
Jun 29, 2018	MONTHLY ACCOUNT FEE	10.95	(\$458.21)
Jun 29, 2018	WITHDRAWAL FEES	0.75	(\$458.96)
Jun 29, 2018	OVERDRAFT INTEREST	1.63	(\$460.59)
+ Jun 29, 2018	Overdraft Protection Fee - Pay as you go JUN/27/2018	5.00	(\$465.59)
Jun 27, 2018	Spotify P0 9.99 V	9.99	(\$475.58)
+ Jun 27, 2018	Overdraft Protection Fee - Pay as you go JUN/25/2018	5.00	(\$480.58)
+ Jun 26, 2018	Overdraft Protection Fee - Pay as you go JUN/22/2018	5.00	(\$485.58)
Jun 25, 2018	52590-ESS0-1472	60.00	(\$545.58)
Jun 25, 2018	LOBLAW RCSS #10	27.90	(\$573.48)
Jun 25, 2018	JACK ASTOR'S DO	70.43	(\$643.91)
Jun 25, 2018	LCBO/RAO #0311	28.75	(\$672.66)
Jun 25, 2018	LOBLAW RCSS #10	73.27	(\$745.93)
Jun 25, 2018	SWISS CHAIET #1	21.45	(\$767.38)
Jun 22, 2018	52484-ESS0-3321	80.00	(\$847.38)
Jun 22, 2018	KELSEYS #7658	69.18	(\$916.56)
Jun 20, 2018	COSTCO WHOLESALE	101.43	(\$1018.00)
Jun 19, 2018	PIONEER #180	75.00	(\$1093.00)
Jun 18, 2018	LOBLAW RCSS #10	102.43	(\$1195.43)
Jun 15, 2018	SHOPPERS DRUG H	59.04	(\$1254.47)
Jun 13, 2018	SHOPPERS DRUG H	27.64	(\$1282.11)
Jun 13, 2018	LOBLAW RCSS #10	75.77	(\$1357.88)
Jun 13, 2018	NON-YD ATM W/D	103.00	(\$1460.88)
Jun 11, 2018	ULTRANAR #32672	114.15	(\$1575.03)
Jun 11, 2018	SHOPPERS DRUG M F	13.53	(\$1588.56)
Jun 11, 2018	METRO #771_F	27.84	(\$1616.40)
Jun 11, 2018	CHAPTERS 704	100.20	(\$1716.60)
Jun 11, 2018	ST. LOUIS BARK	100.48	(\$1817.08)
Jun 08, 2018	ROGERS 311	193.51	(\$2010.59)
+ Jun 07, 2018	RBC Royal Bank VISA Q6Y377	500.00	(\$2510.59)
Jun 07, 2018	PIONEER STN #18	109.72	(\$2620.31)
Jun 06, 2018	PETRO-CANADA	112.06	(\$2732.37)
Jun 05, 2018	LCBO/RAO #0311	163.60	(\$2895.97)
Jun 05, 2018	LOBLAW RCSS #10_F	64.36	(\$2960.33)
Jun 05, 2018	HOFVILLES CHRIS	165.60	(\$3125.93)
Jun 04, 2018	E-TRANSFER CA***uj6	2,277.00	(\$5402.93)
Jun 04, 2018	PIONEER STN #18	100.00	(\$5502.93)
Jun 04, 2018	BASKIN ROBBINS	35.49	(\$5538.42)
Jun 04, 2018	ASIAN LEGEND	132.68	(\$5671.10)
Jun 01, 2018	CINEPLEX #7284	0.50	(\$5671.60)
May 31, 2018	OTHER BANK FEES	10.00	(\$5681.60)
May 31, 2018	MONTHLY ACCOUNT FEE	10.95	(\$5692.55)
May 31, 2018	WITHDRAWAL FEES	52.50	(\$5745.05)
May 31, 2018	SHOELESS JOE'S	54.01	(\$5799.06)
May 28, 2018	NON-YD ATM W/D	103.00	(\$5902.06)



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## Account Activity

May 28, 2018	PETRO-CANADA	80.00		\$549.62
May 28, 2018	LOBLAW RCSS #10 _F	72.57		\$629.62
May 28, 2018	FATHERS NOUSTAC	86.84		\$702.19
May 28, 2018	Spotify P0 9.99_V	9.99		\$789.03
May 28, 2018	CHAPTERS 784 _F	65.74		\$799.02
May 22, 2018	LOBLAW RCSS #10	75.25		\$864.76
May 22, 2018	PETRO-CANADA	100.00		\$940.01
May 22, 2018	SEND E-TRF CA***Bxm	3,000.00		\$1,040.01
May 22, 2018	WAL-MART #3062	12.35		\$1,040.01
May 22, 2018	SEND E-TRF CA***CSp	3,000.00		\$4,052.36
May 22, 2018	HUDSON'S BAY #1	180.78		\$7,052.36
May 18, 2018	NON-TO ATM W/D	102.99		\$7,233.14
May 18, 2018	RGRS 12 DIST Z8335	300.87		\$7,336.19
May 18, 2018	PETRO-CANADA	80.00		\$7,640.10
May 17, 2018	PETRO-CANADA	40.01		\$7,720.10
May 17, 2018	LCBO/RDO #630	24.50		\$7,760.11
May 17, 2018	LOBLAW RCSS #10	147.44		\$7,784.61
+ May 15, 2018	Capital One MasterCard Y7Z8J4	500.00		\$7,932.05
May 15, 2018	ARTS MUSIC STOR	49.71		\$8,432.05
+ May 14, 2018	RBC Royal Bank VISA Y5A486	2,000.00		\$8,481.76
May 14, 2018	PIONEER STN #18	10.37		\$10,481.76
May 14, 2018	TIM HORTONS #17	11.74		\$10,492.13
May 14, 2018	ARTHURS LANDING	56.61		\$10,503.87
May 14, 2018	E-TRANSFER CA***DfC		40.00	\$10,560.48
May 14, 2018	SHOELESS JOES	36.67		\$10,520.48
May 14, 2018	FATHERS NOUSTAC	41.10		\$10,557.15
May 14, 2018	PIONEER STN #18	22.64		\$10,583.25
May 11, 2018	E-TRANSFER CA***7UY		40.00	\$10,620.89
May 11, 2018	NON-TO ATM W/D	122.00		\$10,500.89
May 11, 2018	PETRO-CANADA	29.00		\$10,702.89
May 11, 2018	HENRY'S	49.70		\$10,731.89
May 11, 2018	THE CARWASH COM	36.75		\$10,761.59
May 11, 2018	CHUCKS ROADHOU	42.33		\$10,818.34
May 11, 2018	LOBLAW RCSS #10	223.86		\$10,850.67
May 11, 2018	PIONEER STN #18	119.00		\$11,084.53
May 10, 2018	PARTY CITY #201 _F	63.70		\$11,203.53
May 10, 2018	E-TRANSFER CA***3RS		40.00	\$11,287.23
May 10, 2018	E-TRANSFER CA***tyE		40.00	\$11,247.23
May 10, 2018	COSTCO WHOLESALE	168.41		\$11,207.23
May 10, 2018	VSS 1757 VAUGHA	104.98		\$11,375.64
May 10, 2018	LA VIE EN ROSE	101.59		\$11,480.62
May 10, 2018	WINNERS/HOMESER _F	33.89		\$11,502.21
May 09, 2018	E-TRANSFER CA***udh		40.00	\$11,616.10
May 09, 2018	DOLLARANA # 421	45.48		\$11,576.10
May 09, 2018	LOBLAW RCSS #10 _F	83.87		\$11,621.56
May 09, 2018	LCBO/RDO #630	174.80		\$11,705.45
+ May 09, 2018	RBC Royal Bank VISA W5Q4W7	200.00		\$11,880.25
May 09, 2018	RGRS 9 DIST W9Q2W7	174.06		\$12,050.25

8/13/2018

Account Activity

May 09, 2018	RGAS 12 DIGT W9Q2WG	200.00		\$12,454.31
May 09, 2018	HYDRO ONE W9Q2W5	152.00		\$12,734.31
May 09, 2018	ENBRIDGE W9Q2W4	226.76		\$12,886.31
May 09, 2018	RBC Royal Bank VISA W9Q2R8	200.00		\$13,113.07
May 09, 2018	NOFRILLS CHRIS _F	84.89		\$13,313.07
May 09, 2018	E-TRANSFER CA***rmd		40.00	\$13,397.96
May 09, 2018	E-TRANSFER CA***jff		40.00	\$13,357.96
May 08, 2018	PIONEER STR #18	66.19		\$13,317.96
May 08, 2018	ARIZONA BAR AND	43.54		\$13,304.15
May 08, 2018	NON-TD ATM W/D	102.00		\$13,427.69
May 07, 2018	E-TRANSFER CA***p7K		40.00	\$13,529.69
May 07, 2018	E-TRANSFER CA***49H		40.00	\$13,489.69
May 07, 2018	E-TRANSFER CA***Q8N		40.00	\$13,449.69
May 07, 2018	E-TRANSFER CA***x3E		40.00	\$13,409.69
May 07, 2018	E-TRANSFER CA***w4V		40.00	\$13,369.69
May 07, 2018	E-TRANSFER CA***TRG		40.00	\$13,329.69
May 07, 2018	CINEPLEX #7284	33.60		\$13,289.69
May 07, 2018	CINEPLEX #7284	27.00		\$13,323.29
May 07, 2018	FATHERS HOUSTAC	57.28		\$13,350.29
May 07, 2018	TD VISA U8X6K3	645.00		\$13,407.57
May 07, 2018	ROGERS 5411	224.87		\$14,052.57
May 07, 2018	PAPER CRANE SUS	213.46		\$14,277.44
May 07, 2018	NON-TD ATM W/D	203.00		\$14,490.90
May 07, 2018	SHELL C80120	125.75		\$14,693.90
May 04, 2018	LCBO/RMO #0001	174.10		\$14,819.65
May 04, 2018	MILESTONES #521	80.86		\$14,993.75
May 04, 2018	TD ATM W/D 906370	500.00		\$15,074.61
May 03, 2018	E-TRANSFER CA***vph		2,629.30	\$15,574.61
May 02, 2018	TD ATM W/D 901873	500.00		\$12,943.31
May 02, 2018	BLOOMINGTON SEL	994.40		\$13,445.31
May 01, 2018	PETRO-CANADA	80.00		\$14,439.71
Apr 30, 2018	OTHER BANK FEES	2.00		\$14,519.71
Apr 30, 2018	MONTHLY ACCOUNT FEE	10.95		\$14,521.71
Apr 30, 2018	WITHDRAWAL FEES	38.75		\$14,532.66
Apr 30, 2018	OVERDRAFT INTEREST	0.20		\$14,571.41
Apr 30, 2018	HETRO #767 _F	64.58		\$14,571.67
Apr 30, 2018	CIPPA'S FRESH M _F	10.07		\$14,636.25
Apr 30, 2018	AURORA KEG STEA	232.75		\$14,646.32
Apr 30, 2018	AURORA KEG STEA	51.35		\$14,879.07
Apr 30, 2018	PETRO-CANADA	60.00		\$14,930.42
Apr 30, 2018	WHAT A BAGEL _F	13.90		\$14,990.42
Apr 27, 2018	CARUSO & COMPAN _F	64.24		\$15,004.60
Apr 27, 2018	Spotify P0 9.99 M	9.99		\$15,068.60
Apr 26, 2018	SEND E-TRF CA***dEe	2,000.00		\$15,078.63
Apr 25, 2018	SEND E-TRF CA***bqf	3,000.00		\$17,078.63
Apr 24, 2018	COSTCO WHOLESALE	78.16		\$20,078.63
Apr 24, 2018	COSTCO WHOLESALE _F		15.81	\$20,154.79

03/2018

## Account Activity

Apr 24, 2018	BAGEL NASH _F	12.00	\$20,138.98
Apr 24, 2018	VINCE'S HO FRIL _F		2.72
Apr 24, 2018	VINCE'S HO FRIL _F	18.21	\$20,149.06
Apr 24, 2018	PIONEER #180	40.00	\$20,167.27
Apr 23, 2018	DOLLARAMA # 421 _F	21.75	\$20,207.27
+ Apr 23, 2018	RBC Royal Bank VISA K9E4W2	1,500.00	\$20,229.02
Apr 23, 2018	NON-TD ATM W/D	403.00	\$21,729.02
Apr 23, 2018	CANADIAN TIRE #	542.26	\$22,132.02
Apr 23, 2018	BARANA REPUBLIC	64.43	\$22,674.28
Apr 20, 2018	KOFRILLS CHRIS _F	13.49	\$22,738.69
Apr 20, 2018	STAPLES #152	55.37	\$22,752.18
Apr 20, 2018	VINCE'S HO FRIL _F	5.46	\$22,807.55
Apr 20, 2018	VINCE'S HO FRIL _F	26.69	\$22,813.01
Apr 18, 2018	LOBLAW RCSS #10	146.39	\$22,849.70
Apr 18, 2018	TD ATM W/D 956401	60.00	\$22,996.09
+ Apr 18, 2018	RBC Royal Bank VISA 15R3H7	1,000.00	\$23,056.09
+ Apr 18, 2018	Capital One MasterCard 15R3H3	1,000.00	\$24,056.09
Apr 17, 2018	LOBLAWS RCSS #1	61.01	\$25,056.09
Apr 17, 2018	COSTCO WHOLESALE	246.59	\$25,117.10
Apr 17, 2018	VINCE'S HO FRIL	96.70	\$25,363.69
Apr 16, 2018	HYDRO ONE H7WSA4	175.00	\$25,468.30
Apr 16, 2018	EMBRIDGE H7WSA2	182.25	\$25,635.48
Apr 16, 2018	RGRS 9 DIGIT H7W824	445.65	\$25,817.79
Apr 16, 2018	PETRO-CANADA	25.00	\$26,263.38
Apr 16, 2018	FATHERS HOUSTAC _F	84.55	\$26,338.38
<b>Total:</b>		<b>\$37,058.87</b>	<b>\$10,425.72</b>

Select Download Format

Download

All transactions in the scope of the previous BUSINESS day will be downloaded. [View suggested settings of the software downloads.](#)

+ Legal Notes

[Print](#)

**TAB F**

THIS IS EXHIBIT "F"  
REFERRED TO IN THE AFFIDAVIT OF  
**JOHN DAVIES**  
SWORN BEFORE ME  
THIS 17<sup>th</sup> DAY OF AUGUST 2018



---

Commissioner for Taking Affidavits, etc.

*Michael Beckett*

**Judy Davies**  
**24 Country Club Drive**  
**King, Ont.**  
**L7B 1M5**  
**289-221-5839**  
**judydavies67@rogers.com**

**Invoice**

Feb. 7, 2018

**Bill to:**

Michelle Schipper, Broker, Harvey Kalles Real Estate Ltd.  
206 Leameadow Rd  
Thornhill, Ont.  
L4J 9G3  
416-587-1339

---

Adminstatve Work

Jan. 2018 60 hours @ \$22.

\$1,320.00

TOTAL

**\$1,320.00**

Thank you

**Judy Davies**  
**24 Country Club Dr.**  
**King, Ont.**  
**L7B 1M5**  
**289-221-5839**  
**judydavied67@rogers.com**

---

**Invoice**

Feb 24, 2018

**Bill to:**

Michelle Schipper, Broker  
Harvey Kalles Real estate Brokerage, Ltd.  
206 Leameadow Rd  
Thornhill, Ont.  
L4J 9G3  
416-587-1339

---

Administrative work Feb 2018, 63.5 hours x \$22/hour	\$1,397.00
---	------------

**Total** **\$1,397.00**

**Thank you**

**Judy Davies**  
**24 Country Club Drive**  
**King, Ont.**  
**L7B 1M5**  
**289-221-5838**  
**judydavies67@rogers.com**

**Invoice**  
 April 3, 2018

**Bill To:**  
**Michelle Schipper, Broker**  
**Harvey Kalles Real Estate Limited Brokerage**  
**206 Leameadow**  
**Thornhill, Ont.**  
**L4J 9G3**

---

**Description:**

Administrative

March 5,2018-March 29<sup>th</sup>,2018

62.5 hours@ \$22.00

\$1,375.00

**Total**

**\$1,375.00**

**Thank you!**



**Judy Davies**  
**24 Country Club Drive**  
**King, Ont.**  
**L7B 1M5**  
**289-221-5838**  
**judydavies67@rogers.com**

**Invoice**  
 May 1, 2018

**Bill To:**

Michelle Schipper, Broker  
 Harvey Kalles Real Estate Limited Brokerage  
 206 Leameadow  
 Thornhill, Ont.  
 L4J 9G3

---

**Description:**

Administrative April 1, 2018- April 30,2018 117 hours @ \$22.00	\$ 2,574.00
Expences (2 receipts attached)	<u>\$20.30</u>
<b>Total</b>	<b>\$2,594.30</b>

**Judy Davies**  
**24 Country Club Drive**  
**King, Ont.**  
**L7B 1M5**  
**289-221-5838**  
**judydavies67@rogers.com**

**Invoice**

June 1, 2018

**Bill To:**

Michelle Schipper, Broker  
Harvey Kalles Real Estate Limited Brokerage  
206 Leameadow Rd.  
Thornhill, Ont.  
L4J 9G3

---

**Description:**

Administrative  
May 1, 2018- May 31, 2018  
103.5 hours @ \$22.00 \$ 2,277.00

**Total** **\$2,277.00**

**Judy Davies**  
**24 Country Club Drive**  
**King, Ont.**  
**L7B 1M5**  
**289-221-5838**  
**judydavies67@rogers.com**

**Invoice**

July 1, 2018

**Bill To:**

Michelle Schipper, Broker  
Harvey Kalles Real Estate Limited Brokerage  
206 Leameadow Rd.  
Thornhill, Ont.  
L4J 9G3

---

**Description:**

Administrative  
June 1,2018- June 30,2019  
114.5 hours @ \$22.00 \$ 2,519.00

**Total** **\$2,519.00**

**Judy Davies**  
**24 Country Club Drive**  
**King, Ont.**  
**L7B 1M5**  
**289-221-5838**  
**judydavies67@rogers.com**

**Invoice**  
July 19, 2018

**Bill To:**

Michelle Schipper, Broker  
Harvey Kalles Real Estate Limited Brokerage  
206 Leameadow Rd.  
Thornhill, Ont.  
L4J 9G3

---

**Description:**

Administrative  
July 3, 2018 – July 18, 2018  
52 hours x \$22

\$1,144.00

**Total**

**\$1,144.00**

**Judy Davies**  
**24 Country Club Drive**  
**King, Ont.**  
**L7B 1M5**  
**289-221-5838**  
**judydavies67@rogers.com**

**Invoice**  
July 31, 2018

**Bill To:**

Michelle Schipper, Broker  
Harvey Kalles Real Estate Limited Brokerage  
206 Leameadow Rd.  
Thornhill, Ont.  
L4J 9G3

---


**Description:**

Administrative  
July 23,2018- July 30,2018  
27 hours @ \$22.00 \$ 594.00

**Total** **\$594.00**

**TAB G**

THIS IS EXHIBIT "G"  
REFERRED TO IN THE AFFIDAVIT OF  
**JOHN DAVIES**  
SWORN BEFORE ME  
THIS <sup>17<sup>th</sup></sup> DAY OF AUGUST 2018

  
\_\_\_\_\_  
Commissioner for Taking Affidavits, etc.  
*Michael Butch*



Customer Relations 1-800-481-3239  
www.capitalone.ca

Page 1 of 2

Statement Period: Mar 20 - Apr 19, 2018

**Gold MasterCard®**

Account ending in 1625

New Balance      Minimum Payment      Due Date  
**-\$716.36**                      **\$0.00**                      **May 15, 2018**

Please pay at least this amount

Credit Limit: \$300.00                      Cash Advance Credit Limit: \$120.00  
 Available Credit: \$300.00                      Available Credit for Cash Advances: \$120.00

**MINIMUM PAYMENT NOTICE:** If you make only the minimum payment, we estimate that it will take you 0 months to pay off your balance.

Previous Balance	Payments and Credits	Transactions	Other Charges	Interest Charges	New Balance
\$0.00	-\$1,000.00	+\$224.64	+\$59.00	+\$0.00	-\$716.36

**Account Activity** (Date of Transaction/Date Posted)

**Payments, Credits and Adjustments for JOHN DAVIES #1625**  
 18 APR/19 APR PAYMENT -\$1,000.00

Credit balance -- Do not pay.

**Transactions for JOHN DAVIES #1625**  
 22 MAR/23 MAR RCSS #1030AURORAON \$98.03  
 26 MAR/27 MAR RCSS #1030AURORAON \$96.59  
 27 MAR/29 MAR WIMPYS DINERAURORAON \$30.02  
**Total for JOHN DAVIES #1625 \$224.64**

**Transactions for JUDITH DAVIES #0629**

**Other Charges**  
 21 MAR/21 MAR CAPITAL ONE MEMBER FEE \$59.00

Continued on page 2.



**Online statements.**

Access your account online, 24/7 – it's easy, and it's free. View current or past statements, download or print off copies. Go to [capitalone.ca/onlinebanking](http://capitalone.ca/onlinebanking) to get started.

300020-C

**Interest Charges**

Type of Balance	Periodic Rate	Annual Interest Rate	Interest Charge
Purchases	1.65000%	19.80%	\$0.00
Cash Advances	1.65000%	19.80%	\$0.00

Please make your cheque payable to Capital One® Canada and mail, with the payment slip below.

0 5457567578001625 19 07163610000000000001



New Balance      Minimum Payment      Due Date

**-\$716.36**                      **\$0.00**                      **May 15, 2018**

Please pay at least this amount.

Amount Enclosed

Visit [capitalone.ca](http://capitalone.ca) to easily update your contact information online!

Capital One Bank (Canada Branch)  
 P.O. Box 521 Scarborough STN D  
 Scarborough, ON M1R 5S4

JOHN DAVIES  
 24 COUNTRY CLUB DR  
 KING CITY, ON L7B 1M5





Customer Relations 1-800-481-3239  
www.capitalone.ca

Page 2 of 2

Statement Period: Mar 20 - Apr 19, 2018

**Gold MasterCard®**

Account ending in 1625

New Balance	Minimum Payment	Due Date
<b>-\$716.36</b>	<b>\$0.00</b>	<b>May 15, 2018</b>

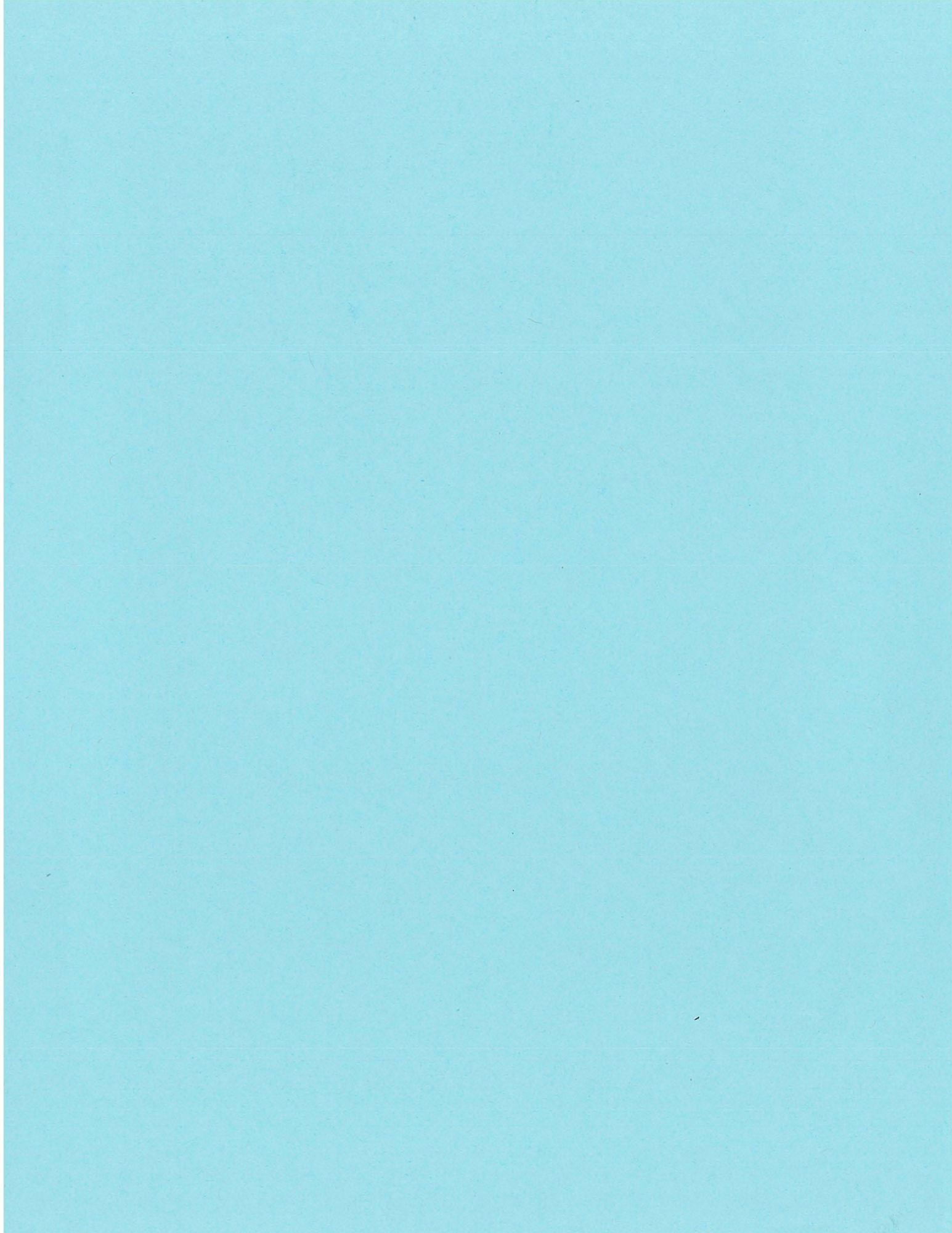
Credit Limit:	\$300.00
Available Credit:	\$300.00
Cash Advance Credit Limit:	\$120.00
Available Credit for Cash Advances:	\$120.00

Previous Balance		Payments and Credits		Transactions		Other Charges		Interest Charges		New Balance
\$0.00	-	\$1,000.00	+	\$224.64	+	\$59.00	+	\$0.00	=	<b>-\$716.36</b>

**Account Activity** (continued)

► Summary this Period

Total Purchases	\$283.64
Total Cash Advances	\$0.00
Total Special Transactions	\$0.00







Customer Relations 1-800-481-3239  
www.capitalone.ca

Page 1 of 2

Statement Period: Apr 20 - May 19, 2018

**Gold MasterCard®**

Account ending in 1625

New Balance	Minimum Payment	Due Date
\$0.00	\$0.00	Jun 14, 2018
<p>Please pay at least this amount</p>		
Credit Limit: \$300.00	Cash Advance Credit Limit: \$120.00	
Available Credit: \$300.00	Available Credit for Cash Advances: \$120.00	

**MINIMUM PAYMENT NOTICE:** If you make only the minimum payment, we estimate that it will take you 0 months to pay off your balance.

Previous Balance	Payments and Credits	Transactions	Other Charges	Interest Charges	New Balance
-\$716.36	-\$500.00	+\$1,196.36	+\$20.00	+\$0.00	=\$0.00

**Account Activity** (Date of Transaction/Date Posted)

**Payments, Credits and Adjustments for JOHN DAVIES #1625**

15 MAY/16 MAY	PAYMENT	-	\$500.00
---------------	---------	---	----------

**Transactions for JOHN DAVIES #1625**

21 APR/23 APR	TD BANKAURORAON CASH ADVANCE		\$103.00
21 APR/23 APR	LCBO/RAO #0311AURORAON		\$53.15
22 APR/24 APR	ONROUTE #01170BRIGHTONON		\$116.00
24 APR/26 APR	PETROCANAURORAON		\$114.10
26 APR/27 APR	CHAPTERS 784NEWMARKETON		\$38.85
26 APR/28 APR	FATHERS MOUSTACHE GRILAURORAON		\$49.65
29 APR/01 MAY	SNOWBALL CORNERKINGON CASH ADVANCE		\$102.99
30 APR/02 MAY	FATHERS MOUSTACHE GRILAURORAON		\$43.64
01 MAY/02 MAY	PIONEER STN #180KING CITYON		\$40.00
01 MAY/02 MAY	STAPLES/STORE #152AURORAON		\$71.17
02 MAY/04 MAY	SHOELESS JOE'SAURORAON		\$135.04
03 MAY/04 MAY	SNOWBALL CORNERKINGON CASH ADVANCE		\$42.99
16 MAY/18 MAY	ST. LOUIS BAR & GRILLAURORAON		\$38.67



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300020-C

**Interest Charges**

Type of Balance	Periodic Rate	Annual Interest Rate	Interest Charge
Purchases	1.65000%	19.80%	\$0.00
Cash Advances	1.65000%	19.80%	\$0.00

Continued on page 2.

Please make your cheque payable to Capital One® Canada and mail, with the payment slip below.

0 5457567578001625 19 0000000500000000005



New Balance	Minimum Payment	Due Date
\$0.00	\$0.00	Jun 14, 2018

Please pay at least this amount.

Amount Enclosed

Visit [capitalone.ca](http://capitalone.ca) to easily update your contact information online!

Capital One Bank, (Canada Branch)  
P.O. Box 521 Scarborough STN D  
Scarborough, ON M1R 5S4

JOHN DAVIES  
24 COUNTRY CLUB DR  
KING CITY, ON L7B 1M5



Customer Relations 1-800-481-3239

www.capitalone.ca

Page 2 of 2

Statement Period: Apr 20 - May 19, 2018

**Gold MasterCard®**

Account ending in 1625

New Balance	Minimum Payment	Due Date
\$0.00	\$0.00	Jun 14, 2018

Credit Limit:	\$300.00
Available Credit:	\$300.00
Cash Advance Credit Limit:	\$120.00
Available Credit for Cash Advances:	\$120.00

Previous Balance	Payments and Credits	Transactions	Other Charges	Interest Charges	New Balance
-\$716.36	- \$500.00	+ \$1,196.36	+ \$20.00	+ \$0.00	= \$0.00

**Account Activity** (continued)

**Transactions for JOHN DAVIES #1625**

18 MAY/19 MAY SNOWBALL CORNERKINGON	\$102.99
CASH ADVANCE	
19 MAY/19 MAY CREDIT BALANCE REFUND	\$144.12

**Total for JOHN DAVIES #1625 \$1,196.36**

**Transactions for JUDITH DAVIES #0629**

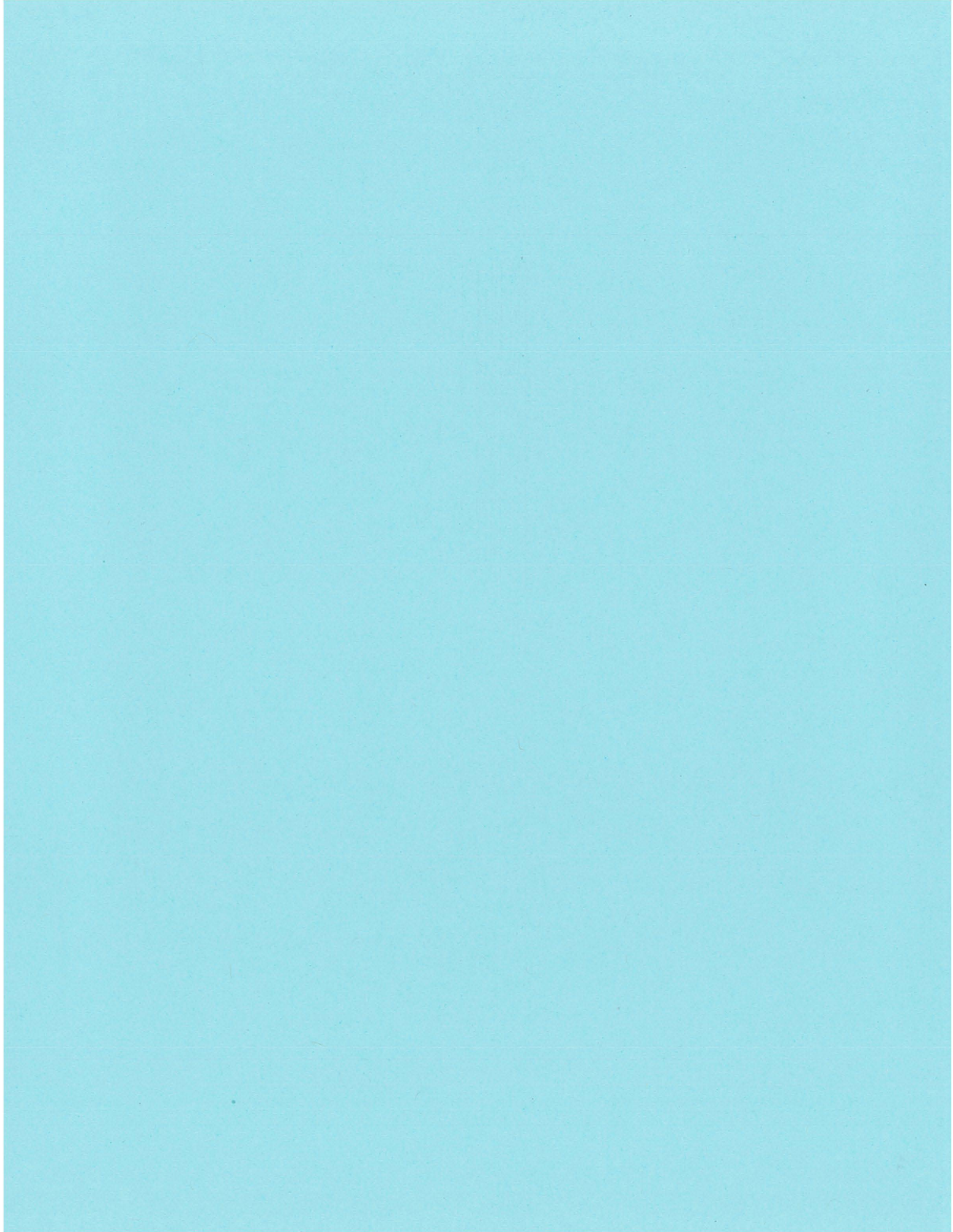
**Other Charges**

23 APR/23 APR CASH ADVANCE FEE	\$5.00
01 MAY/01 MAY CASH ADVANCE FEE	\$5.00
04 MAY/04 MAY CASH ADVANCE FEE	\$5.00
19 MAY/19 MAY CASH ADVANCE FEE	\$5.00

► **Summary this Period**

Total Purchases	\$844.39
Total Cash Advances	\$371.97
Total Special Transactions	\$0.00







Customer Relations 1-800-481-3239  
www.capitalone.ca

Page 1 of 2

Statement Period: May 20 - Jun 19, 2018

**Gold MasterCard®** Account ending in 1625

New Balance	Minimum Payment	Due Date
<b>\$304.36</b>	<b>\$10.00</b>	<b>Jul 16, 2018</b>

Please pay at least this amount

Credit Limit: \$300.00      Cash Advance Credit Limit: \$120.00  
Available Credit: \$0.00      Available Credit for Cash Advances: \$0.00

**MINIMUM PAYMENT NOTICE:** If you make only the minimum payment, we estimate that it will take you 9 years and 10 months to pay off your balance.

Previous Balance	Payments and Credits	Transactions	Other Charges	Interest Charges	New Balance
<b>\$0.00</b>	- <b>\$0.00</b>	+ <b>\$298.55</b>	+ <b>\$5.00</b>	+ <b>\$0.81</b>	= <b>\$304.36</b>

**Account Activity** (Date of Transaction/Date Posted)

Payments, Credits and Adjustments for JOHN DAVIES #1625

Transactions for JOHN DAVIES #1625

20 MAY/22 MAY	JACK ASTOR'S NEWMARKETNEWMARKETON	\$122.53
26 MAY/28 MAY	SHOELESS JOE'S SAURORAON	\$114.02
28 MAY/30 MAY	THE MILLER TAVENORTH YORKON CASH ADVANCE	\$62.00

**Total for JOHN DAVIES #1625** **\$298.55**

Transactions for JUDITH DAVIES #0629

Other Charges

30 MAY/30 MAY	CASH ADVANCE FEE	\$5.00
19 JUN/19 JUN	INTEREST CHARGES	\$0.81

► Summary this Period

Total Purchases	\$236.55
Total Cash Advances	\$67.81
Total Special Transactions	\$0.00

Continued on page 2.



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300020-C

**Interest Charges**

Type of Balance	Periodic Rate	Annual Interest Rate	Interest Charge
Purchases	1.65000%	19.80%	\$0.00
Cash Advances	1.65000%	19.80%	\$0.81

Please make your cheque payable to Capital One® Canada and mail, with the payment slip below.

0 5457567578001625 19 0304360500000010004



New Balance	Minimum Payment	Due Date
-------------	-----------------	----------

**\$304.36**

**\$10.00**

**Jul 16, 2018**

Please pay at least this amount.

Amount Enclosed

.

Visit [capitalone.ca](http://capitalone.ca) to easily update your contact information online!

Capital One Bank (Canada Branch)  
P.O. Box 521 Scarborough STN D  
Scarborough, ON M1R 5S4

JOHN DAVIES  
24 COUNTRY CLUB DR  
KING CITY, ON L7B 1M5



Customer Relations 1-800-481-3239  
www.capitalone.ca

Page 2 of 2

Statement Period: May 20 - Jun 19, 2018

**Gold MasterCard®**

Account ending in 1625

New Balance	Minimum Payment	Due Date
<b>\$304.36</b>	<b>\$10.00</b>	<b>Jul 16, 2018</b>

Credit Limit:	\$300.00
Available Credit:	\$0.00
Cash Advance Credit Limit:	\$120.00
Available Credit for Cash Advances:	\$0.00

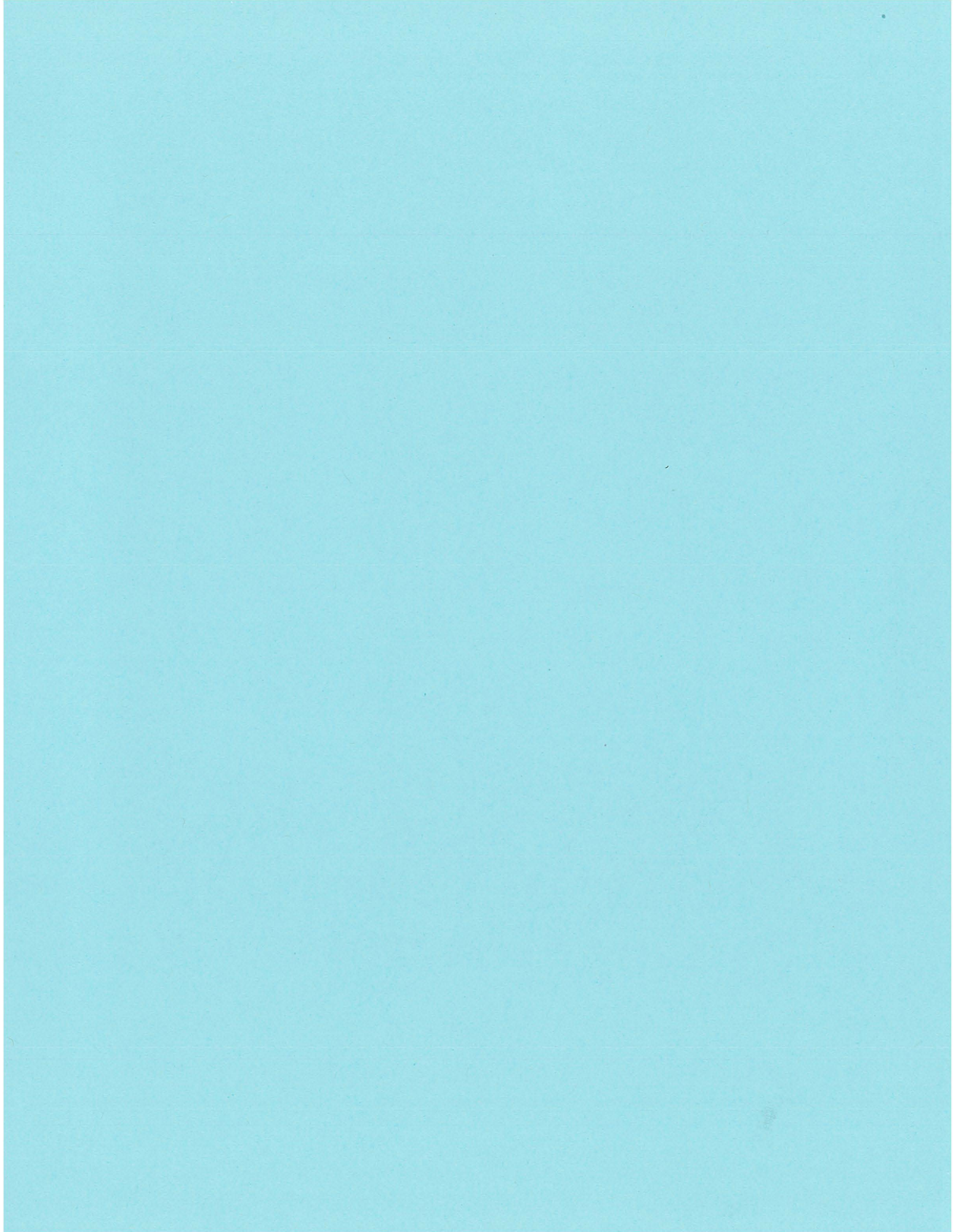
Previous Balance		Payments and Credits		Transactions		Other Charges		Interest Charges		New Balance
\$0.00	-	\$0.00	+	\$298.55	+	\$5.00	+	\$0.81	=	\$304.36

**Account Activity** (continued)

Your account has gone over its credit limit. You must pay enough to bring your account balance below your credit limit immediately, and make sure your balance remains below the limit. Please be sure that the amount you pay accounts for any future purchases, fees and interest charges.

--	--









Customer Relations 1-800-481-3239  
www.capitalone.ca

Page 1 of 2

Statement Period: Jun 20 - Jul 19, 2018

**Gold MasterCard®** Account ending in 1625

New Balance	Minimum Payment	Due Date
<b>\$299.85</b>	<b>\$10.00</b>	<b>Aug 14, 2018</b>



Credit Limit: \$300.00	Cash Advance Credit Limit: \$120.00
Available Credit: \$0.15	Available Credit for Cash Advances: \$0.15

**MINIMUM PAYMENT NOTICE:** If you make only the minimum payment, we estimate that it will take you 9 years and 8 months to pay off your balance.

Previous Balance	Payments and Credits	Transactions	Other Charges	Interest Charges	New Balance
<b>\$304.36</b>	- <b>\$310.00</b>	+ <b>\$299.22</b>	+ <b>\$5.00</b>	+ <b>\$1.27</b>	= <b>\$299.85</b>

**Account Activity** (Date of Transaction/Date Posted)

**Payments, Credits and Adjustments for JOHN DAVIES #1625**  
03 JUL/04 JUL PAYMENT -\$310.00

**Transactions for JOHN DAVIES #1625**

05 JUL/07 JUL	FATHERS MOUSTACHE GRILAUORAON	\$39.34
06 JUL/07 JUL	1164 CT GAS WOOWOODSTOCKON	\$102.50
	CASH ADVANCE	
07 JUL/09 JUL	SHOELESS JOE'SAURORAON	\$66.90
07 JUL/09 JUL	SHOELESS JOE'SAURORAON	\$24.06
09 JUL/11 JUL	LCBO/RAO #630AURORAON	\$38.20
13 JUL/14 JUL	SWISS CHALET 1926TORONTOON	\$28.22

**Total for JOHN DAVIES #1625** **\$299.22**

**Transactions for JUDITH DAVIES #0629**

**Other Charges**

07 JUL/07 JUL	CASH ADVANCE FEE	\$5.00
19 JUL/19 JUL	INTEREST CHARGES	\$1.27

Continued on page 2.



**Online statements.**

Access your account online, 24/7 – it's easy, and it's free. View current or past statements, download or print off copies. Go to [capitalone.ca/onlinebanking](http://capitalone.ca/onlinebanking) to get started.

300020-C

**Interest Charges**

Type of Balance	Periodic Rate	Annual Interest Rate	Interest Charge
Purchases	1.65000%	19.80%	\$0.00
Cash Advances	1.65000%	19.80%	\$1.27

Please make your cheque payable to Capital One® Canada and mail, with the payment slip below.

0 5457567578001625 19 0299850310000010001



New Balance	Minimum Payment	Due Date
<b>\$299.85</b>	<b>\$10.00</b>	<b>Aug 14, 2018</b>

Please pay at least this amount.

Amount Enclosed

Visit [capitalone.ca](http://capitalone.ca) to easily update your contact information online!

Capital One Bank (Canada Branch)  
P.O. Box 521 Scarborough STN D  
Scarborough, ON M1R 5S4

JOHN DAVIES  
24 COUNTRY CLUB DR  
KING CITY, ON L7B 1M5



Customer Relations 1-800-481-3239  
www.capitalone.ca

Page 2 of 2      Statement Period: Jun 20 - Jul 19, 2018

**Gold MasterCard®**

Account ending in 1625

New Balance	Minimum Payment	Due Date
<b>\$299.85</b>	<b>\$10.00</b>	<b>Aug 14, 2018</b>

Credit Limit:	\$300.00
Available Credit:	\$0.15
Cash Advance Credit Limit:	\$120.00
Available Credit for Cash Advances:	\$0.15

Previous Balance		Payments and Credits		Transactions		Other Charges		Interest Charges		New Balance
\$304.36	-	\$310.00	+	\$299.22	+	\$5.00	+	\$1.27	=	\$299.85

**Account Activity** (continued)

► Summary this Period

Total Purchases	\$196.72
Total Cash Advances	\$108.77
Total Special Transactions	\$0.00

**TAB H**

THIS IS EXHIBIT "H"  
REFERRED TO IN THE AFFIDAVIT OF  
**JOHN DAVIES**  
SWORN BEFORE ME  
THIS <sup>17<sup>th</sup></sup> DAY OF AUGUST 2018

---

*[Handwritten Signature]*  
Commissioner for Taking Affidavits, etc.

*Michael Beelok*

John and Judith Davies

**Monthly Budget**

Prepared as at December 13, 2017

**Receipts**


Judith Davies monthly net earnings	2300	
John Davies monthly net earnings	0	
Amounts received from:		
TSI	0	
TSSI	0	
MCIL	0	
Advances		
Other		
Total receipts	<u>2300</u>	

**Disbursements**

Mortgages and rent		
Arizona	4030	US 3130
Toronto	0	
Other	0	
Utilities		
Arizona		
Phone/Internet	153	US 120
Hydro	500	US 390
Water	130	US 100
Gas	13	US 10
Pool maintenance	160	US 125
Property maintenance	255	US 200
Security	203	US 158
Property tax	955	US 742.5
Insurance	270	US 210
Toronto		
Hydro	140	
Water	0	
Gas	80	
Cable/Internet	330	
Cell phone	335	
Car insurance	250	
Medication	950	
Tuition	1500	
Payments to family members	0	
Entertainment	0	
Food and beverage	600	
Loan repayments	0	
Storage fees for Parkers Point furnishings	1155	
Gas	500	
Total disbursements	<u>12509</u>	
Receipts less disbursements	<u>-10209</u>	

# TAB I

THIS IS EXHIBIT "I"  
REFERRED TO IN THE AFFIDAVIT OF  
**JOHN DAVIES**  
SWORN BEFORE ME  
THIS 17<sup>th</sup> DAY OF AUGUST 2018

  
\_\_\_\_\_  
Commissioner for Taking Affidavits, etc.

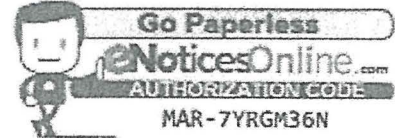
*Michael Bielak*

PARCEL # 216-32-102

MARICOPA COUNTY TREASURER PO BOX 52133 PHOENIX, AZ 85072-2133 (602) 506 8511 treasurer.maricopa.gov

2017 PROPERTY TAX YEAR (BILLED IN SEPTEMBER, 2017 WITH FIRST HALF DUE OCTOBER 1, 2017 AND SECOND HALF DUE MARCH 1, 2018.)

NOTICE OF PAST DUE TAXES



Please see enclosed insert on how to set up your eNoticesOnline account

PRIOR YEAR DELINQUENCIES ARE OWED ON THIS ACCOUNT FOR THE FOLLOWING YEARS: 2016, 2017.



83889\*\*\*047\*\*0 8835\*\*118\*\*\*\*\*5NGLP DAVIES ARIZONA TRUST DAVIES JOHN EVAN TR 24 COUNTRY CLUB DR KING CITY ON L/B 1M5 CANADA

PROPERTY DESCRIPTION SEC/LOT 17 TW/BLK RING/TR CAREFREE GRAND VIEW ESTATES UNIT 4 MCR 224-26

Property taxes are billed once a year. If you change mailing addresses, pay off a mortgage that pays your taxes or purchase after the cut-off you may not receive a bill. It is important to update your mailing address with the Treasurer's Office because taxes are due even if a bill is not received.

Any questions concerning your delinquent taxes, please contact (602) 506-8511.

IMPORTANT PUBLIC NOTICE IS HEREBY GIVEN that I will offer at public sale at the Office of the Treasurer of Maricopa County, Arizona, commencing on FEBRUARY 5, 2019 and on succeeding days, a tax lien on the above described real property, upon which there are delinquent taxes, for an amount necessary to pay the taxes with interest penalties and charges thereon, to wit: A.R.S. § 40 18108.

Table with columns: YEAR FULL 2017, ASSESSED VALUE PRIMARY: 119,588 SECONDARY, PARCEL NUMBER 216-32-102, TAXES 7,380.00, INTEREST 492.71, TOTAL DUE \$7,883.61

In accordance with A.R.S. § 42-18107A on tax liens, an Advertising Fee of \$5.00 or 5%, whichever is greater, is required on payments after December 31

Make payment by cashier's check or money order in U.S. dollars drawn on U.S. banks only or with U.S. dollars cash. Additional interest will accrue at the rate of 16.00% per annum calculated monthly if not paid by the date shown below. For payments made after that date, visit treasurer.maricopa.gov for updated amount due.

TAXPAYER'S STATEMENT, KEEP TOP PORTION FOR YOUR RECORDS

DELINQUENT TAX PAYMENT STUB FOR YEARS: 2016, 2017.

PLEASE RETURN THIS STUB WITH PAYMENT

PARCEL/ACCOUNT # 216-32-102

PRINT THE ABOVE PARCEL/ACCOUNT NUMBER ON YOUR CHECK

Amount Paid U.S. FUNDS ONLY

Table: Total Due If Paid By June 30, 2018 \$ 16,952.06

Table: Amount Paid \$

SN 0020170003 RT# 500001075 AN 21632102001000 TC 052133

0020170003621632102001000005213310000788361600007340900000000000000000000000000000000

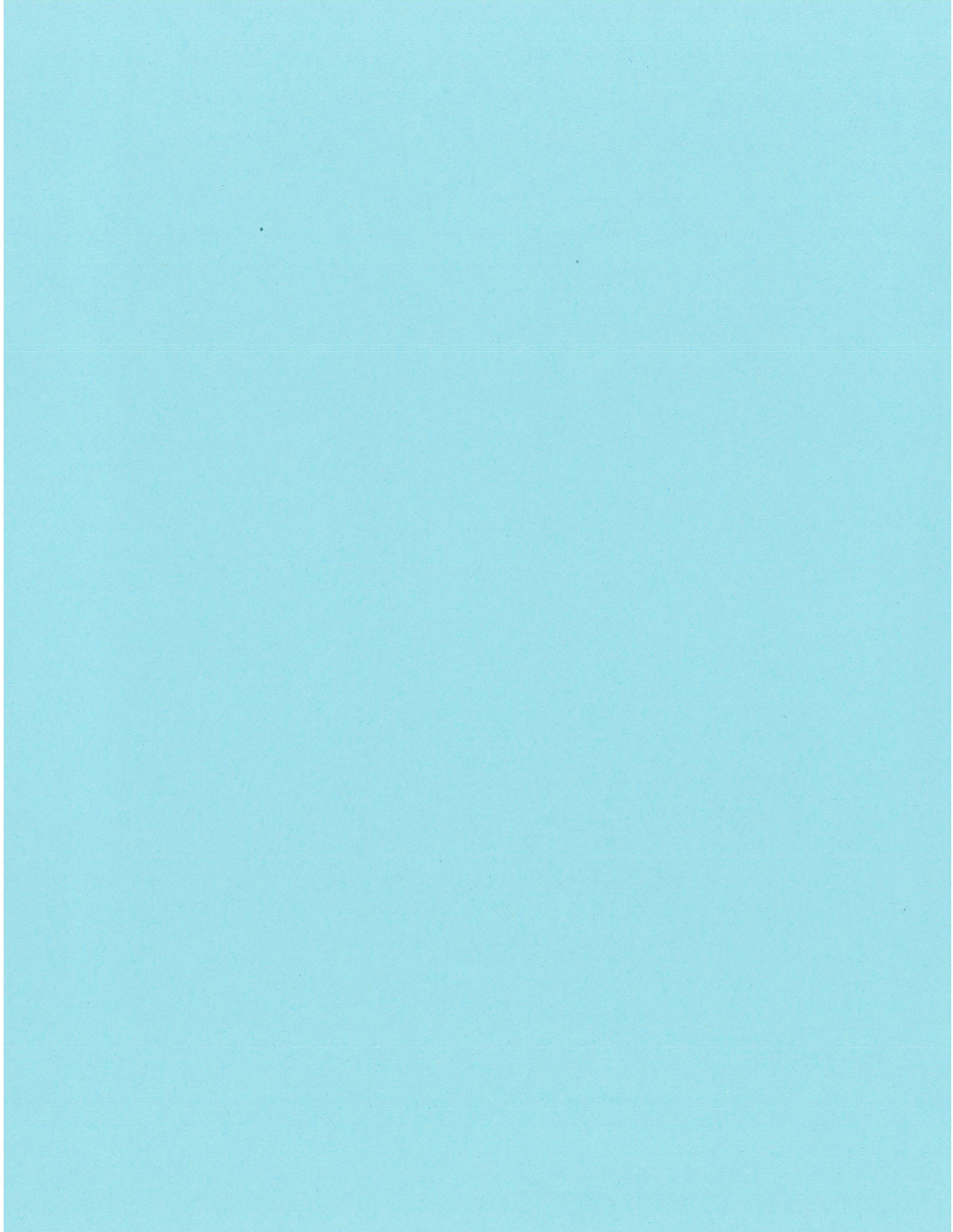
DAVIES ARIZONA TRUST DAVIES JOHN EVAN TR 24 COUNTRY CLUB DR KING CITY ON L/B 1M5 CANADA

TAKE THIS PAYMENT COUPON TO ANY ARIZONA CHASE BANK TO SUBMIT YOUR PAYMENT

MAKE CHECK PAYABLE TO: Maricopa County Treasurer P.O. Box 52133 Phoenix, AZ 85072-2133











**TOWNSHIP OF KING**

2075 KING ROAD, KING CITY, ON L7B 1A1

(905) 833-5321 / 1-800-688-5013 FAX (905) 833-2300

**Roll No.** 000-131-53028-0000

**Mortgage Company**

**Mortgage**

**Name and Address**

**Municipality**

DAVIES JUDITH LENORE TRUSTEE  
 DAVIES JOHN EVAN TRUSTEE

00024 C  
 YORK R  
 LEVEL 1

24 COUNTRY CLUB DR UNIT 18  
 KING CITY, ON L7B 1M5

**Assessment**

**Municipal Levy**

Assessment		Municipal Levy		
Class	Value	Class/Educ. Support	Tax Rate(%)	Amount
RTEP	\$ 981,500.00	Res/Farm Tx:Full - EPubSup	0.00347552	\$ 3,411.22
<b>Sub Totals &gt;&gt;&gt;</b>				

**Municipal Levy** \$ 3,411.22



Levy	Region Levy		Education Levy	
	Amount	Tax Rate(%)	Amount	Tax Rate(%)
\$ 3,411.22	0.00350606	\$ 3,441.20	0.00170000	\$ 1,668.55

Region Levy \$ 3,441.20 Education Levy \$ 1,668.55

Instalments		Summary	
Due Date	Amount		
7/25/18	\$ 16,798.48	Sub-Total - Tax Levy	\$ 8,520.97
9/25/18	\$ 2,066.00	Special Charges/Credits	\$ 0.00
		2018 Tax Cap Adjustment	\$ 0.00
		Final 2018 Levies	\$ 8,520.97
		Less Interim Tax Notice	\$ 4,387.33
		Past Due Taxes/Credit	\$ 14,730.84
		<b>Total Amount Due</b>	<b>\$ 18,864.48</b>

**Schedule 3**  
**Explanation of Property Tax Calculations**  
 Commercial      Industrial      Multi-Res.

	Commercial	Industrial	Multi-Res.
18 CVA Taxes			
017 Annualized Taxes			
18 Tax Cap Amount			
18 Provincial Education Levy Change			
18 Municipal Levy Change			
018 Adjusted Taxes			
n annualized tax figure			

**TAB J**

THIS IS EXHIBIT "J"  
REFERRED TO IN THE AFFIDAVIT OF  
**JOHN DAVIES**  
SWORN BEFORE ME  
THIS <sup>7<sup>th</sup></sup> DAY OF AUGUST 2018

  
\_\_\_\_\_  
Commissioner for Taking Affidavits, etc.  
*Michael Beekun*





302 PAID  
Aug 3

MRS. JUDITH DAVIES

Your account number is:

2000 7475 9483

This statement is issued on:

July 26, 2018

# Your Electricity Statement

For the period of: June 19, 2018 - July 19, 2018

**What do I owe?**

**\$636.53** *Due*  
*324.52*

The total amount owing includes a past due amount. See reverse for a summary of your charges.

**How much did I use?**

You powered your home with

**2,535 kWh**

of electricity this period

**When is it due?**

Please pay your past due amount immediately and the remainder by

**Aug 14, 2018**

**What does my electricity usage look like?**

Your usage has decreased by 19% compared to the same period last year.

Find out more by logging into **myAccount** at [www.HydroOne.com](http://www.HydroOne.com)

Period	Usage (kWh)
Same period last year (32 days)	3128 kWh
Previous period (32 days)	2279 kWh
Current month (30 days)	2535 kWh

**What do I need to know?**

- Since July 2017, your bills have been reduced by a total of \$1,578.69.
- Ontario's Fair Hydro Plan saved you \$203.55 on your bill. This amount includes the 8% Provincial Rebate.

For billing, quick answers and much more, visit [www.HydroOne.com](http://www.HydroOne.com)

For emergencies or reporting outages 1-800-434-1235 (24 hrs)

For collections and past due bills 1-800-294-9376 Mon to Fri 7:30 a.m. - 8 p.m.

Hydro One Networks Inc. PO Box 5700 Markham, ON L3R 1C8

Please return this slip with your payment.

Your account number: 2000 7475 9483



Total amount you owe **\$636.53**

Amount enclosed

\$

MRS. JUDITH DAVIES  
24 COUNTRY CLUB DR  
KING CITY ON L7B 1M5

HYDRO ONE NETWORKS INC.  
PO BOX 4102 STN A  
TORONTO ON M5W 3L3

2000747594830000636538



JUDY DAVIES  
24 COUNTRY CLUB DR  
KING CITY ON L7B 1M5

---

<b>Bill Date</b> Jul 25, 2018	<b>Account Number</b> 91 00 06 52867 1
<b>Billing Period</b> Jun 23, 2018 - Jul 23, 2018	<b>Service Address</b> 24 COUNTRY CLUB DR KING CITY ON L7B 1M5



enbridgegas.com



Contact Us

**Enbridge Gas Distribution Inc.**  
EMERGENCY, SUCH AS THE SMELL OF  
GAS: 1-866-763-5427

For all other Enbridge Inquiries:  
Call: 1-877-362-7434  
Mail: PO Box 650, Scarborough  
ON, M1K 5E3



Messages From  
Enbridge



Summary of All Charges (Taxes Included)

Balance from previous bill	\$145.95	
Payment Received	74.75 <sup>CR</sup>	Jul 04, 2018
Balance forward & past due	\$71.20	if paid, thank you
Charges for Natural Gas	64.20	<i>PAID AW</i>
Late Payment Charge	1.07	

Amount due now **\$136.47** *64.27 due*

Late payment effective date\* **Aug 14, 2018**

All payments made to Enbridge are accepted under the express condition that the Company may demand payment of account deficiencies irrespective of any conditions attached to the payment by the customer.

Make Payments to: PO Box 644  
Scarborough ON M1K 5H1

When this bill was printed, full payment for your previous bill had not been received. Please pay the previous balance promptly. If payment has been made, please accept our thanks.

Account number  
239-162873701Bill date  
Jul 17, 2018Page  
1 of 5

Hello **J DAVIES**, this page gives you a quick summary of your bill.

## What is the total due?

**\$624.18**

➔ **Please pay past due balance of \$305.40 immediately**

Then please pay \$318.78 by the required payment date of Aug 10, 2018

See page 2 for ways to pay >

## What makes up my total?

<b>Account summary</b>		<b>\$</b>
Balance from last bill		605.40
Your payments - thank you	Jul 09	-300.00
<b>Balance brought forward</b>		<b>305.40</b>
<b>This bill</b>		<b>\$</b>
Account charges & credits	See page 2 >	11.09
Internet	See page 4 >	114.12
TV	See page 4 >	193.57
<b>Total (Includes \$35.40 HST)</b>		<b>318.78</b>
<b>Total to pay</b>		<b>\$624.18</b>

Any payments we received and processed after Jul 17, 2018 will show on your next bill.

Chat with us! For other ways to reach Rogers Customer Care, visit [rogers.com/contactus](http://rogers.com/contactus)

See page 2 for other ways to contact us >



### IMPORTANT

Payment due upon receipt. Payment must be received on or before the Required Payment Date to avoid a Late Payment Charge. Please make the cheque payable to Rogers (12 digit account number) and write your account number on the front of the cheque. Return this stub with your payment.

Your account number: 239162873701  
**Total amount due:** **\$624.18**  
 Required Payment Date: Aug 10, 2018

Amount of your payment

\$


162873701006241800002398

Rogers 12 Digit Account Number  
 P.O. Box 4100  
 Don Mills, ON  
 M3C 3N9

JUDITH DAVIES  
 24 COUNTRY CLUB DR MAIN  
 KING CITY ON  
 L7B 1M5





	610 E. BELL ROAD, #2-469 Phoenix, AZ 85022 License# 8289 Phone: 623-582-5505 Phone: 480-874-8048 Fax: 623-869-8739		<b>SERVICE SLIP / INVOICE #</b> 01-0592814							
	<b>BILLING ADDRESS</b> John Davies PO Box 1741 Cave Creek, AZ 85327		<b>TIME IN:</b> 08:42 AM	<b>TIME OUT:</b> 09:11 AM						
<b>SERVICE ADDRESS</b> John Davies 35410 N 66th Pl Cave Creek, AZ 85331		<b>CUSTOMER #</b> 01-0134724 <b>DATE</b> 08/13/2018	<b>TECH</b> Craig Bisnett <b>TECH LIC #</b> 140179 <b>ROUTE / GRID</b> Route Code 2	79						
<b>SERVICE TYPE / MATERIAL</b> Pest - Quarterly Service		<b>AMOUNT</b> \$44.95	<b>TARGET</b> General Pest							
<b>TERMS</b> PREVIOUS BALANCE \$0.00 COD CASH ON ACCOUNT \$0.00		<b>TOTAL</b> \$44.95	WARNING -- Pesticides can be harmful, keep children and pets away from pesticide applications until dry, dissipated or aerated. For more information please contact BUDGET BROTHERS TERMITE & PEST ELIMINATION at 623-582-5505 Lic # 8289 or (Poison Control - 602-253-3334) ##### CALL FOR YOUR FREE ESTIMATES #####							
<input type="checkbox"/> BILL <input type="checkbox"/> CASH <input type="checkbox"/> CHECK # <input checked="" type="checkbox"/> CC /AP #		<b>TOTAL PAID</b> \$44.95 <b>TOTAL DUE</b> \$0.00	<b>PESTICIDES / PRODUCTS</b> <table border="1" style="width: 100%;"> <thead> <tr> <th></th> <th style="text-align: center;">%</th> <th style="text-align: center;">AMOUNT</th> </tr> </thead> <tbody> <tr> <td><input checked="" type="checkbox"/> Bithor SC / EPA # 83923-2</td> <td style="text-align: center;">0.068</td> <td style="text-align: center;">3.5 Gallon</td> </tr> </tbody> </table>			%	AMOUNT	<input checked="" type="checkbox"/> Bithor SC / EPA # 83923-2	0.068	3.5 Gallon
	%	AMOUNT								
<input checked="" type="checkbox"/> Bithor SC / EPA # 83923-2	0.068	3.5 Gallon								
Exp Date:    CVV:		Next Appointment Date:								
Credit Card Approval Number:		<b>CUSTOMER SIGNATURE</b> _____		<b>DATE</b> _____						
By signing you are authorizing me to send your pesticide notification electronically.										

You can now pay your invoice at [www.budgetbrotherstermite.com](http://www.budgetbrotherstermite.com)



Customer Assistance  
Asistencia al Cliente  
Toll Free/Llamada Gratis  
1-877-860-6020

PO Box 98890  
Las Vegas NV 89193-8890

Hearing Impaired: Dial 711  
www.swgas.com

PLEASE RETAIN THIS TOP PORTION FOR YOUR RECORDS

JUDITH L DAVIES  
GENERAL DELIVERY  
CAREFREE AZ 85327-9999

**DUPLICATE**

Service Address: 35410 N 66TH PL 85377  
Rate Schedule: 010/G-5 RESIDENTIAL GAS SERVICE  
Your Local Office Is: 2200 N CENTRAL, STE 101, PHOENIX AZ 85004

ACCOUNT NUMBER	CYCLE	DATE MAILED	PAST DUE AFTER	PLEASE PAY AMOUNT DUE
421-6428597-002	09	07/19/18	08/07/18	\$69.73
<b>PREVIOUS BILLING:</b>				
Previous Balance				483.45
Payments Since Last Bill - Thank You				413.69
Late Fee Charge Including Tax				8.73
<b>Balance Forward</b>				53.54
<b>CURRENT BILLING: 32 Days</b>				
Meter Reading: Current		Previous	Billing	Total
July 17		June 15	Factor	Therms
5692 -		5686 =	3 X .2783 =	3
Usage Charges				3.48
Delivery Charge Adj				0.00
Basic Service Charge				18.75
DBS Safety Surcharge				0.00
Applicable Revenue Taxes				1.37
<b>Current Bill</b>				16.17

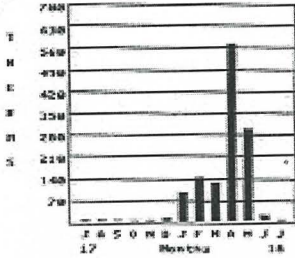
**Due on or before: 08/07/18 Amount due: \$69.73**

Important Messages:  
Your next meter read date is: Aug. 13, 2018

VACATION PLANS THIS SUMMER? OUR AUTOMATIC PAYMENT PLAN SAVES YOU TIME. SIMPLY USE YOUR CHECKING OR SAVINGS ACCOUNT TO AUTOMATICALLY PAY YOUR BILL - YOU'LL HAVE PEACE OF MIND KNOWING THAT YOUR BILL WILL BE PAID ON TIME, EVERY TIME, AND YOU CAN SPEND YOUR TIME CHOOSING YOUR VACATION! CLICK ON SWGAS.COM TO GET STARTED TODAY.

Gas Usage History Information:

	Therms / Day	Days	Therms
This Month	3	32	9.96
Last Month	23	30	6.90
Last Year	3	32	9.60



Previous Balance	Payments & Adjustments	Balance Forward	Current Bill	Current Balance	AMOUNT DUE
483.45	- 413.69	= 53.54	+ 16.17	= 69.73	69.73

PLEASE SEE REVERSE SIDE FOR RULES AND REGULATIONS • RETURN BOTTOM PORTION WITH PAYMENT

www.Sign up for paperless billing at www.swgas.com www

ACCOUNT NUMBER	CYCLE	DATE MAILED	PAST DUE AFTER	AMOUNT DUE
421-6428597-002	09	07/19/18	08/07/18	\$69.73

JUDITH L DAVIES  
GENERAL DELIVERY  
CAREFREE AZ 85327-9999

SOUTHWEST GAS CORPORATION  
PO Box 98890  
Las Vegas NV 89193-8890

421642859700200000069730000052813

This bill is now due and payable. Please make check payable to SWG and write account number on front of check or money order. Do not send cash through the mail or place cash in the night depository.



**your bill is ready, payment is due by august 17, 2018**

**total amount due : \$746.78**

### charges for electricity services

*Due 746.78*

for service at: **35410 N 66 PL, CAREFREE, AZ, 85377**  
plan: **saver choice max**

bill date: **august 02, 2018**

[view bill](#)

### charges for this month

[view your usage history summary](#)

billing days	on-peak charge	off-peak charge	fixed charges	other charges & credits	taxes fees	total charges	average cost	demand charge
30	555.10	\$244.14	\$25.46	\$33.94	\$77.23	\$732.32	\$24.41	\$296.45

[exploration of charges](#)

*\$746.78*

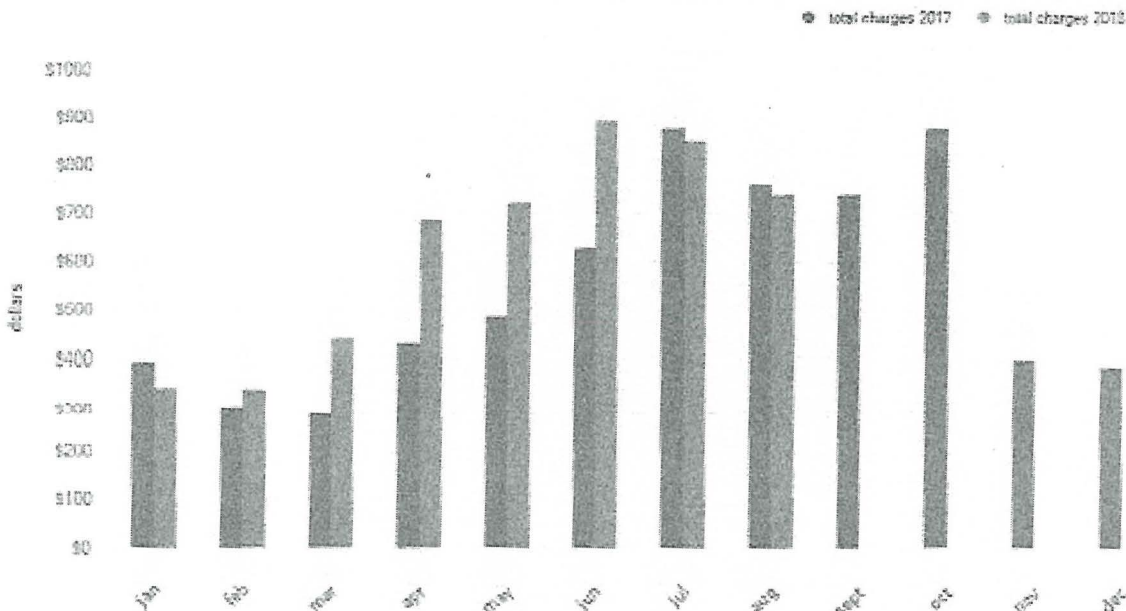
### charges breakdown per month

**charges breakdown**

[download billing data](#)

[graph](#) [table](#)

more views : [total charges](#) | [on-peak](#) | [off-peak](#) | [taxes fees](#) | [fixed charges](#) | [demand charge](#)







(NOT FOR PAYMENTS)  
 DEPARTMENT # 102285  
 PO BOX 1259  
 OAKS, PA 19456  
 9400 0070 NO DA 10 05102018 MNYMNY 01 000798



JUDY DAVIES  
 35410 N 66TH PL  
 CAREFREE, AZ 85377-0000

August 15, 2018

**CONTACT US:** [www.cox.com/mybill](http://www.cox.com/mybill)  
 623-594-1000

Account Number **001 8501 133263302**  
 COX PIN **5522**  
 SERVICE ADDRESS **35410 N 66TH PL  
 CAREFREE, AZ 85377-0000**



**ACCOUNT SUMMARY as of Aug 15, 2018**

Previous Balance	<b>\$121.01</b>
Remaining Previous Balance	<b>\$121.01</b>
<b>DUE IMMEDIATELY</b>	
<b>New Charges: Aug 16, 2018 - Sep 15, 2018</b>	
Internet	\$71.99
Telephone	\$34.99
One Time Charges and Credits	\$8.81
Taxes, Fees and Surcharges	\$13.87
<b>New Charges Due By SEP 10, 2018</b>	<b>\$129.66</b>
<b>Total Due</b>	<b>\$250.67</b>

**\*\*Account Past Due\*\***

To prevent service disruption, the "Remaining Previous Balance" amount shown in red must be paid immediately. If services are interrupted a reactivation fee may apply.



Thank you for being a Cox Paperless customer!



*Save Time! Save Money! Take control! Enroll in EasyPay - once you set it you'll never forget it. Your bill is automatically paid each month on the day it's due. Sign up today at [www.cox.com/bill](http://www.cox.com/bill)*

August 15, 2018 bill for JUDY DAVIES  
 Account Number **001 8501 133263302**  
 Service at **35410 N 66TH PL  
 CAREFREE, AZ 85377-0000**

Remaining Previous Balance	\$121.01
<b>DUE IMMEDIATELY</b>	
<b>New Charges Due By SEP 10, 2018</b>	<b>\$129.66</b>
<b>Total Due</b>	<b>\$250.67</b>

COX COMMUNICATIONS  
 PO BOX 78071  
 PHOENIX AZ 85062-0071

08501001436133263302000025067

KSV KOFMAN INC.  
Plaintiff

- and -

AEOLIAN INVESTMENTS LTD. et al.  
Defendants

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**ONTARIO  
SUPERIOR COURT OF JUSTICE  
COMMERCIAL LIST**

Proceeding Commenced at Toronto

---

**AFFIDAVIT OF JOHN DAVIES**

**(Sworn August 17, 2018)**

---

**DENTONS CANADA LLP**

77 King Street West, Suite 400  
Toronto-Dominion Centre  
Toronto, ON M5K 0A1  
Fax: (416) 863-4592

**Kenneth D. Kraft / Michael Beeforth**

LSUC #: 31919P / 58824P  
Tel.: (416) 863-4374 / (416) 367-6779  
kenneth.kraft@dentons.com  
michael.beeforth@dentons.com

Lawyers for the Defendants John Davies, Judith Davies  
and Aeolian Investments Ltd.

**TAB 3**

---

**From:** Beeforth, Michael  
**Sent:** August 18, 2018 1:42 PM  
**To:** Sean Zweig (ZweigS@bennettjones.com) <ZweigS@bennettjones.com>  
**Subject:** Davies - living expenses exemption

Sean – thanks for your voicemail. I've spoken with John and Judy about KSV's requests regarding the monthly expenses exemption, which are agreeable. We have prepared the attached budget for your consideration, which generally reflects the Davies' currently monthly expenses. There is backup in John's supporting affidavit. I will have the full motion record to you on Monday once we work out whether we can agree upon a monthly exemption, as the relief sought will depend on that issue. However, for the time being, I've attached a copy of John's affidavit and the relevant exhibits for context in your considerations.

A few notes about the budget:

- John and Judy are seeking an \$8,500 monthly exemption.
- The budget includes a line item for rent. Although John is not currently paying rent as he is still in 24 Country Club, he thinks they will probably be out of there by November at the latest at which point he will need to find a place to live. His daughter Sarah is currently living with him and Judy, and the plan is for her to pay for a third of future rent which John anticipates to be around \$2200.
- The budget is prospective – i.e. it sets out what the Davies would like to be able to pay for if they are able to generate sufficient income. As set out in John's affidavit, a number of the contemplated expenses are not currently being paid. Right now, only Judy is earning income, and they do not know how successful they will be in selling household assets. As such, it is likely that their monthly spend will be substantially less than what is set out in the budget.

- There is a line item for loan repayments, which contemplates partial repayment of expenses that have been paid on John's behalf by family members or friends (e.g. the Arizona mortgage).

In terms of reporting, as noted in the affidavit, John and Judy now have access to a bank account opened in Judy's sister's name. All income is paid into the account, and the vast majority of expenses are paid out of it. John has also taken out a low-limit credit card which accounts for the remainder of expenses. They can provide you with monthly statements for both which will show all income and expenses – if some backup is required or requested, they are prepared to be reasonable so as to satisfy KSV that they are within the monthly limit.

Once you've had a chance to consider, perhaps we can discuss any comments or requested changes that KSV may have. I'd like to get this done by Monday if at all possible, though I recognize it is a weekend. I'm out of the office next week but will be working so can hop on a call fairly easily.

Thanks and looking forward to hearing from you.

Mike



**Michael Beeforth**  
Partner

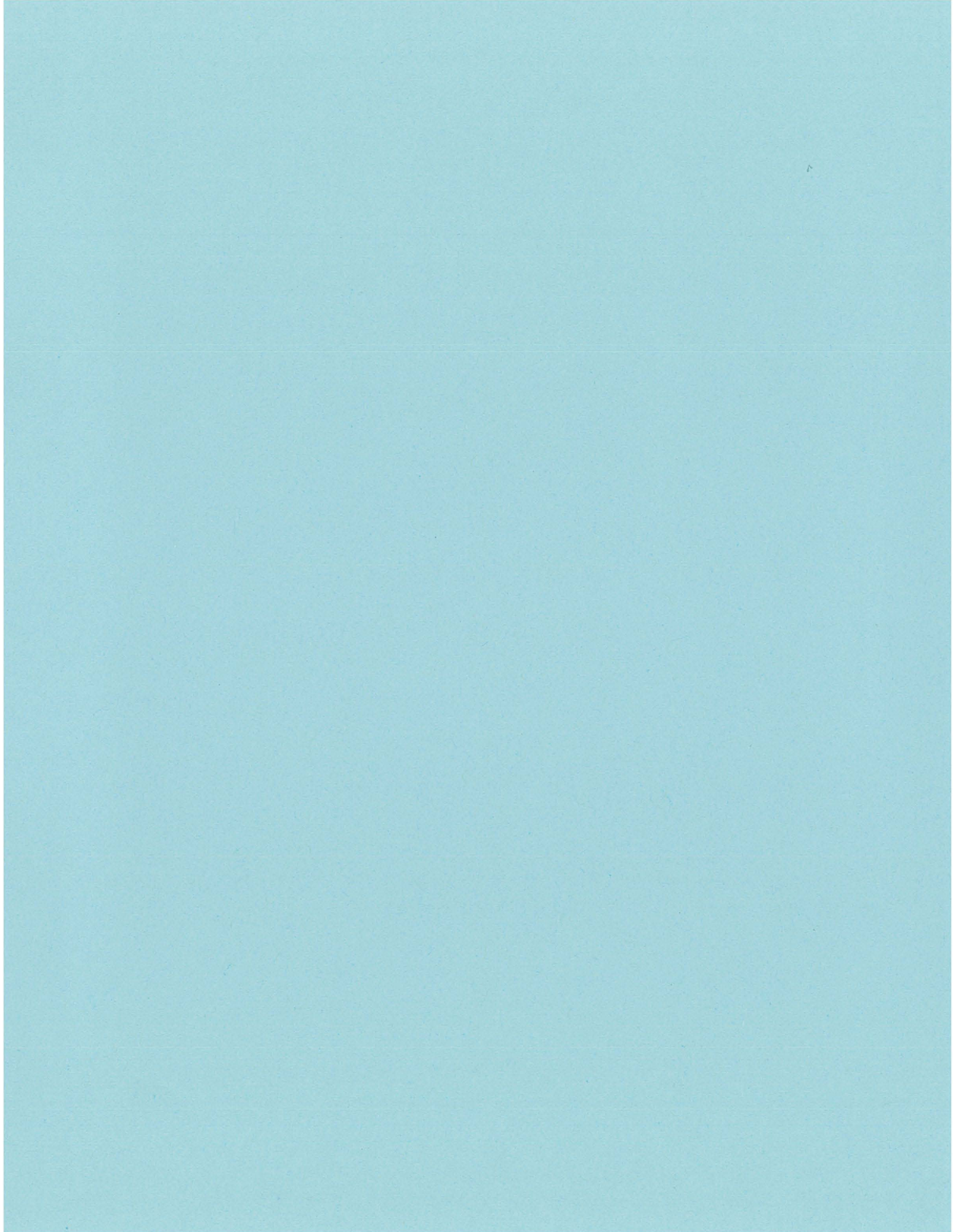
D +1 416 367 6779  
michael.beeforth@dentons.com  
Bio | Website

Dentons Canada LLP  
77 King Street West, Suite 400, Toronto-Dominion Centre Toronto, ON M5K 0A1 Canada

Maclay Murray & Spens > Gallo Barrios Pickmann > Muñoz > Cardenas & Cardenas > Lopez Velarde > Rodyk > Boekel > OPF Partners > 大成 > McKenna Long

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John and Judith Davies  
**Monthly Budget**  
 Prepared as at August 17, 2018

---

**Receipts**

Judith Davies monthly net earnings	2300	
John Davies monthly net earnings	TBD	
Asset sales	TBD	
<b>Total receipts</b>		

**Disbursements**

<i>Rent</i>	1500	
<i>Utilities</i>		
Arizona		
Phone/Internet	157	US 120
Hydro	785	US 600
Water	130	US 100
Gas*	90	US 70
Pool maintenance	118	US 90
Property maintenance	260	US 200
Security	206	US 158
Insurance	275	US 210
Toronto		
Hydro	330	
Gas	70	
Cable/Internet	320	
Cell phones	335	
Car insurance	250	
Medication	950	
Entertainment	75	
Food and beverage	900	
Toiletries/personal care	200	
Clothing	100	
Loan repayments	1000	
Gas	500	
<b>Total disbursements</b>	8551	

\* Gas provider has asked for a USD \$1570 security deposit which has not been paid.

KSV KOFMAN INC.  
Plaintiff

- and -

AEOLIAN INVESTMENTS LTD. et al.  
Defendants

---

**ONTARIO  
SUPERIOR COURT OF JUSTICE  
COMMERCIAL LIST**

Proceeding Commenced at Toronto

---

**MOTION RECORD**

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**DENTONS CANADA LLP**

77 King Street West, Suite 400  
Toronto-Dominion Centre  
Toronto, ON M5K 0A1  
Fax: (416) 863-4592

**Kenneth D. Kraft / Michael Beeforth**

LSO #: 31919P / 58824P  
Tel.: (416) 863-4374 / (416) 367-6779  
kenneth.kraft@dentons.com  
michael.beeforth@dentons.com

Lawyers for the Defendants John Davies, Judith Davies  
and Aeolian Investments Ltd.