

No. S 095362
Vancouver Registry

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

AND

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

AND

IN THE MATTER OF THE *PARTNERSHIP ACT*, R.S.B.C. 1996, c. 348

AND

IN THE MATTER OF POINTE OF VIEW DEVELOPMENTS (SQUAMISH) INC.,
in its own capacity and in its capacity as General Partner of
SQUAMISH POINTE LIMITED PARTNERSHIP,
NO. 249 SEABRIGHT HOLDINGS LTD. and
BEL-TAR HOLDINGS LTD.

PETITIONERS

NOTICE OF MOTION

To: All Interested Parties and Parties of Record

TAKE NOTICE that an application will be made by the Applicant, Dana Williams to the presiding judge or master at the courthouse at 800 Smithe Street, Vancouver, British Columbia on Friday August 21 at 9 a.m. for the following relief:

1. a declaration that the *Companies' Creditors Arrangement Act*, R.S.C. 1985, c. C-36 ("CCAA") should not have been invoked in the circumstances of this case;
2. an order that the Initial Order of Mr. Justice Rice, pronounced July 21, 2009, be set aside *nunc pro tunc*;
3. in the alternative, orders that:

- 2 -

- (a) Harper Grey LLP be appointed as representative counsel for those parties who have purchased units on a pre-construction basis in the residential development called "Coastal Village" (the "Presale Purchasers");
- (b) the Petitioners provide Harper Grey LLP with the contact information of the Presale Purchasers (the "Contact Information");
- (c) Harper Grey LLP use the Contact Information only to contact the Presale Purchasers with respect to these proceedings and for no other purpose; and
- (d) Harper Grey LLP's fees be paid from the DIP Facility in the same manner as the other professional advisors or, in the alternative, from the funds held in trust by the Petitioners' solicitors pursuant to the provisions of the *Real Estate Development Marketing Act*, R.S.B.C. 1996, c. 41 ("REDMA") and the contracts of purchase and sale entered into between Bel-Tar Holdings Ltd. and Pointe of View Developments (Squamish) Inc. and the Presale Purchasers.

The applicant will rely on the CCAA, REDMA, and the Court's inherent jurisdiction.

At the hearing of the application, the applicant will rely on the following affidavit(s) and other documents

1. Affidavit #1 of Cameron B.P. Elder, sworn August 18, 2009.

The applicant estimates that the application will take 2 hours.

If you wish to receive notice of the time and date of the hearing or to respond to the application, you must, within the proper time for response,

- (a) deliver to the applicant
 - (i) 2 copies of a response in Form 124, and
 - (ii) 2 copies of each of the affidavits and other documents, not already in the court file, on which you intend to rely at the hearing, and
- (b) deliver to every other party of record
 - (i) one copy of a response in Form 124, and
 - (ii) one copy of each affidavit and other document, not already in the court file, on which you intend to rely at the hearing.

- 3 -

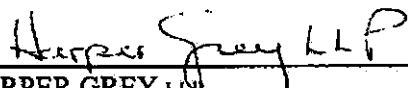
TIME FOR RESPONSE

If the application is for a final judgment under Rule 18A, the response must be delivered on or before the 11th day after the delivery to you of the notice of motion.

In all other cases, the response must be delivered on or before the 8th day after the later of

- (a) the last date fixed for entry of appearance by you, and
- (b) the date on which the notice of motion was delivered to you.

Dated: 18 August 2009



HARPER GREY LLP
(Per Bryan G. Baynham, Q.C.)
Solicitor for the Applicant

Name and address of solicitor:
HARPER GREY LLP
Barristers & Solicitors
3200 - 650 West Georgia Street
Vancouver, BC V6B 4P7
Telephone: (604) 687-0411
(Fax No: (604) 669-9385)
Attn: Bryan G. Baynham, Q.C.