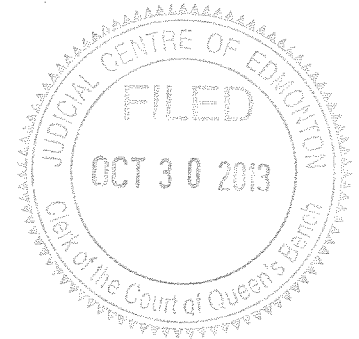


COURT FILE NUMBER: 1303 13257  
COURT: COURT OF QUEEN'S BENCH OF ALBERTA  
JUDICIAL CENTRE: EDMONTON  
PLAINTIFF: CAREVEST CAPITAL INC.  
DEFENDANT: 830480 ALBERTA INC.  
DOCUMENT: **AFFIDAVIT OF JILL PLASTERAS**



ADDRESS FOR SERVICE  
AND  
CONTACT INFORMATION  
OF  
PARTY FILING THIS  
DOCUMENT

KENNEDY AGRIOS LLP  
Suite 1325 Manulife Place,  
10180 – 101<sup>st</sup> Street,  
Edmonton, Alberta T5J 3S4

Attention: Ronald H. Haggett  
Telephone: 780.969.6912  
Fax: 780.969.6901

Let this Affidavit be filed:

M.C.C.Q.B.A.

File No. 38630 RHK

I, **JILL PLASTERAS**, of the City of Victoria, in the Province of British Columbia,  
MAKE OATH AND SAY THAT:

1. I am Vice-President, Mortgage Services, in the employ of Plaintiff, Carevest Capital Inc. ("Carevest"), and as such I have a personal knowledge, or have reviewed the records of Carevest made in the ordinary course of its business in respect of the matters hereinafter deposed, except where stated to be on information and belief, and where so stated I do verily believe the same to be true.
2. I am authorized to make this Affidavit on behalf of Carevest.
3. There is located in the Riverpointe at Windermere development, which includes the lands which are the subject of the within action, and which are being, or were being, developed by the Defendant in this action, a sewage "lift station" to which electrical utility services have not been connected. The said lift station also has not had several necessary controls and other instrumentation installed due to the

Defendant's construction contractor, Standard General Inc. ("Standard General"), having stopped work on the development of the subject lands. Prior to the commencement of the within action, the Defendant had arranged for the maintenance of sewage lines from the lift station by a truck-based sewage pumping service.

4. I am advised by Richard Wilson, an employee of Courtenay Immobilia Ltd. ("Courtenay"), a real estate services consultant contracted to the Plaintiff, who was present at the subject lands on October 24, 2013, and do verily believe, that sewage is no longer being pumped out from sewage lines connected to the lift station at the request and expense of the Defendant, and there is presently sewage backing up in sewage lines between several homes and show homes that have sewage service lines connected to the lift station. Further, I am advised by Mr. Wilson, and do verily believe, that it is likely that accumulating sewage will soon lead to noxious odours emanating from the sewer lines and manholes in located on the subject lands.
5. I have also been advised by Mr. Wilson, and do verily believe, that the pumping station also serves, or will serve, developments adjacent to and near the Riverpointe at Windermere lands, and that fees are often payable by other developers, through the City of Edmonton, to the account of the Defendant in respect of water and sewer services that have been or will be provided through the lift station, and other services installed on the subject lands by the Defendant, to these other developments, which fees are commonly referred to as "latecomer fees". The Plaintiff has no information as to whether fees have been, to date, paid to the Defendant, any affiliate corporation, or any director, officer or shareholder of the Defendant, by the City of Edmonton.
6. I make this Affidavit in support of an Application for a Preservation Order in the within action authorizing the Plaintiff or its agents to complete the work necessary to provide electrical services and controls required for the operation of the said lift station, and for a direction by this Honourable Court that the Plaintiff be entitled to provide a notice to the City of Edmonton to direct the payment of the said

"latecomer fees" and similar charges, to counsel for the Plaintiff, and also that the City of Edmonton be required to direct latecomer fees or similar charges related to the subject lands otherwise payable to the Defendant in respect of the subject lands, to counsel for the Plaintiff, to be held in trust until further Order of this Honourable Court.

SWORN before me at the City of Victoria, in the Province of Alberta, this 29<sup>th</sup> day of October, 2013. *R.C.*

  
A NOTARY PUBLIC in and for the Province of British Columbia

**Robert Connolly**  
Barrister, Solicitor & Notary Public  
1212-1175 Douglas Street  
Victoria, BC V8W 2E1  
250-382-7222

  
\_\_\_\_\_  
JILL PLASTERAS