

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: **PRESERVATION ORDER**

Clerk's Stamp:

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT  
KENNEDY AGRIOS LLP  
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File No. 38630-099 RHK

**DATE ON WHICH ORDER WAS PRONOUNCED: OCTOBER 30, 2012**

**LOCATION WHERE ORDER WAS PRONOUNCED: LAW COURTS BUILDING, EDMONTON, ALBERTA**

**NAME OF MASTER WHO MADE THIS ORDER: MASTER L.A. SMART, Q.C.**

UPON THE APPLICATION without notice of the Plaintiff; AND UPON hearing the representations of counsel for the Plaintiff, AND UPON HEARING READ the Affidavit of Jill Plasteras sworn October 29, 2013 in the within action; IT IS HEREBY ORDERED AND DIRECTED THAT:

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1. The Plaintiff or the Plaintiff's authorized agents shall be allowed to enter the lands and any buildings located on the property which the subject of the within action (the "Secured Property") located in the City of Edmonton, in the Province of Alberta, and legally described in the Statement of Claim in the within action, and may do all things necessary to preserve the Secured Property, and the

Plaintiff or such duly authorized agent shall not be considered a Mortgagee in possession or trespasser.

2. Without limiting the generality of the authorization set out in Paragraph 1, the Plaintiff or its authorized agents shall be at liberty to take such steps and incur such expense as may be necessary to secure, repair and make operational that sewage pumping lift station located on the Secured Property, including any essential sewage lines attached, supplying or flowing from the said lift station. Any expense reasonably incurred by the Plaintiff shall be recoverable under the Plaintiff's security being enforced in the within action, and shall not be an advance under the Plaintiff's mortgage and related security identified in the Statement of Claim to the within action (the "Plaintiff's Security").
3. Further, and without limiting the generality of the authorization set out in Paragraph 1 above, until the sewage pumping lift station located on the Secured Property has been made operational pursuant to this Order, the Plaintiff or its authorized agent shall be at liberty to contract with any truck-based sewage pumping service or contractor that it may choose to ensure that sewage is properly removed from the lines to be serviced by the said lift station, and the reasonable cost of such service shall be recoverable under the Plaintiff's security being enforced in the within action, and shall not be an advance under the Plaintiff's Security .
4. The Plaintiff or its authorized agents are hereby authorized to notify the City of Edmonton and obtain from any branch of the City of Edmonton such information ~~as would be available to the Defendant as the developer of the Secured Property, including~~ a true copy of any servicing agreement in respect of the Subject Property. Any fees or charges, including any servicing contribution or permanent area contribution, otherwise payable to the Defendant by or through the City of Edmonton in respect of the construction or operation of, or services provided through the Subject Property, including the said sewage pumping lift station, if any, are hereby directed to be paid instead to the Plaintiff, and shall be

retained by counsel for the Plaintiff in trust until further Order of this Honourable Court.

5. Any party, or any person interested in, affected or aggrieved by this Preservation Order may apply on <sup>2</sup>seven (7) days' notice to counsel for the Plaintiff for an Order to vary the directions set out herein.
6. Service of notice of this Application upon the Defendant is hereby abridged to the time actually provided.
7. The Plaintiff shall have its solicitor-client costs of this Application.



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MASTER IN CHAMBERS - COURT OF  
QUEEN'S BENCH OF ALBERTA