



No. H-210440
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

PROSPERA CREDIT UNION

PETITIONER

AND:

PORTLIVING FARMS (3648 PARKVIEW) INVESTMENTS INC.
SUNNY BEACH MOTEL INC.
LIVING BEACHSIDE DEVELOPMENT LIMITED PARTNERSHIP
PORT CAPITAL FARMS (BEACH) INC.
PORT CAPITAL GROUP INC.
PORT CAPITAL DEVELOPMENT INC.
ERLENMATTE AG
ROLAND KRUGER
ROLAND KRUGER FAMILY TRUST IN TRUST
HAGEN KRUGER
HAGEN KRUGER FAMILY TRUST IN TRUST
JOHN DOE

RESPONDENTS

APPLICATION RESPONSE

Application response of: The Bowra Group Inc., court-appointed receiver of Portliving Farms (3648 Parkview) Investments Inc. and Sunny Beach Motel Inc. (the “**application respondent**” or “**Receiver**”)

THIS IS A RESPONSE TO the notice of application of Prospera Credit Union filed January 13, 2022.

PART 1 ORDERS CONSENTED TO

The application respondent consents to the granting of the orders set out in the following paragraphs of Part 1 of the notice of application on the following terms:

1. An order substantially in the form attached as Schedule “A”, or as the court may otherwise order, granting the receiver, The Bowra Group Inc. (the “**Receiver**”), the powers to market and sell the property of Portliving (3648 Parkview) Investments Inc. (“**Portliving Farms 3648**”) and Sunny Beach Motel Inc. (“**Sunny Beach**”) (collectively, the “**Property**”)

PART 2 ORDERS OPPOSED

The application respondent opposes the granting of the orders set out in paragraphs NIL of Part 1 of the notice of application.

PART 3 ORDERS ON WHICH NO POSITION IS TAKEN

The application respondent takes no position on the granting of the orders set out in paragraphs NIL of Part 1 of the notice of application.

PART 4 FACTUAL BASIS

1. The Receiver has received fourteen different unsolicited inquiries about the sales process and timing to make an offer for the motels.
2. Given its activities in the Receiverships to date, the Receiver is in a good position to understand the Property which would be subject to marketing and sale should the relief sought in the three applications be granted.

PART 5 LEGAL BASIS

1. The relief sought by the Applicants to provide the Receiver with the power to market and sell the Property is fairly standard and is included in the BC Model Receivership Order.

PART 6 MATERIAL TO BE RELIED ON

1. First Report of the Receiver dated February 4, 2022;

The application respondent estimates that the application will take 10 minutes.

The application respondent has not filed in this proceeding a document that contains an address for service. The application respondent's ADDRESS FOR SERVICE is:

c/o DLA Piper (Canada) LLP
Suite 2800, Park Place
666 Burrard St
Vancouver, BC V6C 2Z7

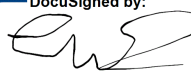
Attention: Colin D. Brousson

Telephone: 604.643.6400

Email: colin.brousson@dlapiper.com

February 4, 2022

Dated

DocuSigned by:

028B7D8486BA463

Signature of lawyer for application respondent
DLA Piper (Canada) LLP (Colin D. Brousson)
Lawyer for the Receiver

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ERLENMATTE AG, ROLAND
KRUGER, ROLAND KRUGER FAMILY
TRUST IN TRUST, HAGEN KRUGER,
HAGEN KRUGER FAMILY TRUST IN
TRUST, JOHN DOE

RESPONDENTS

APPLICATION RESPONSE

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File No.: 063227-00021

CDB/day