

No. VLC-S-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

ORDER MADE AFTER APPLICATION

BEFORE THE HONOURABLE
JUSTICE *GOMERY*

)
) 8/FEB/2022
)
)

ON THE APPLICATION of Prospera Credit Union for an Order pursuant to Section 39 of the *Law and Equity Act*, R.S.B.C. 1996 c. 253, as amended, coming on for hearing, by MS Teams, this day at Vancouver, British Columbia.

AND ON READING the notice of application and materials filed herein, including the receivership order pronounced herein on 29/NOV/2022 pursuant to which The Bowra Group Inc. was appointed Receiver and Manager (in that capacity, the “Receiver”), without security, of all of the assets, undertakings and property of Portliving Farms (3648 Parkview) Investments Inc.

and Sunny Beach Motel Inc. (together, the “Debtors”) including all proceeds (collectively, the “Property”); AND ON HEARING Scott H. Stephens, counsel for Prospera Credit Union, and Ritchie Clark, Q.C., counsel for 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. and Macario Teodoro Reyes, and no one else appearing, although duly served.

THIS COURT ORDERS AND DECLARES that ^{effective February 18, 2022}

1. The Receiver is empowered and authorized, but not obligated, to do any of the following where the Receiver considers it necessary or desirable:

- (i) to market any or all of the Property, including advertising and soliciting offers in respect of the Property or any part or parts thereof and negotiating such terms and conditions of sale as the Receiver considers appropriate;
- (ii) to sell, convey, transfer, lease or assign the Property or any part or parts thereof out of the ordinary course of business:
 - (a) without the approval of this Court in respect of a single transaction for consideration up to \$50,000, provided that the aggregate consideration for all such transactions does not exceed \$150,000; and
 - (b) with the approval of this Court in respect of any transaction in which the individual or aggregate purchase price exceeds the limits set out in subparagraph (a) above,

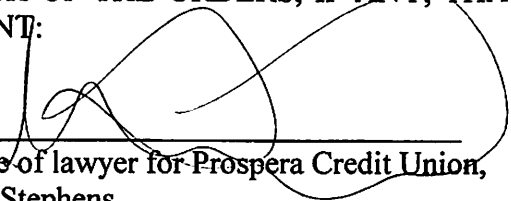
and in each such case notice under Section 59(10) of the *Personal Property Security Act*, R.S.B.C. 1996, c. 359 shall not be required; and

- (iii) to apply for any vesting order or other orders necessary to convey the Property or any part or parts thereof to a purchaser or purchasers, free and clear of any liens or encumbrances.

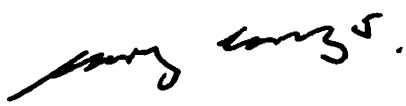
2. The Receiver may from time to time apply to this Court for advice and directions in the discharge of its powers and duties hereunder.

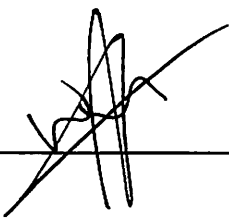
3. Endorsement of this Order by counsel appearing on this application other than the Petitioner is dispensed with.

THE FOLLOWING PARTIES APPROVE THE FORM OF THIS ORDER AND CONSENT TO EACH OF THE ORDERS, IF ANY, THAT ARE INDICATED ABOVE AS BEING BY CONSENT:



Signature of lawyer for Prospera Credit Union,
Scott H. Stephens



By the Court. 

Registrar

No. VLC-S-H-210439
Vancouver Registry

**IN THE SUPREME COURT OF BRITISH
COLUMBIA**

BETWEEN:

PROSPERA CREDIT UNION

Petitioner

AND:

PORTLIVING FARMS (3624 PARKVIEW) INVESTMENTS INC.
(FORMERLY W.D.C. WHITMAR DEVELOPMENT
CORPORATION)
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
HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF
BRITISH COLUMBIA as represented by THE ATTORNEY GENERAL
OF BRITISH COLUMBIA
JOHN DOE

Respondents

SUPPLEMENTAL RECEIVERSHIP ORDER

OWEN BIRD LAW CORPORATION
P.O. Box 49130
Three Bentall Centre
2900 - 595 Burrard Street
Vancouver, BC V7X 1J5
Attention: Scott H. Stephens
File No. 23772-0215