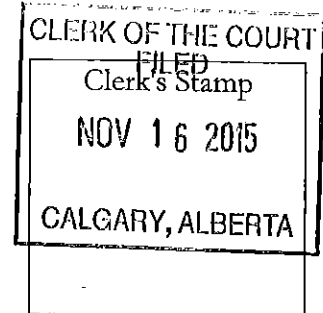




Grant Thornton



COURT FILE NUMBER	1201-15430
COURT	COURT OF QUEEN'S BENCH OF ALBERTA
JUDICIAL CENTRE	CALGARY
PLAINTIFFS	STANLEY EISENBERG, BRENDA EISENBERG, JACK EISENBERG, LYNN EISENBERG and EISENBERG'S PROPERTIES LTD.
DEFENDANTS:	910234 ALBERTA LTD., RANDY CALMUSKY, THERESA CALMUSKY, KYLE CALMUSKY, CALE HUMENIUK and JORDAN RINTOUL
DOCUMENT	RECEIVER'S TWELFTH REPORT NOVEMBER 13, 2015
ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING DOCUMENT	<u>RECEIVER</u> Grant Thornton Limited 900, 833 – 4 th Avenue SW Calgary, AB T2P 3T5 Attention: Guy Odhams Telephone: (403) 296-3143 Facsimile: (403) 260-2571 E-Mail: Guy.Odhams@ca.gt.com <u>COUNSEL</u> Field LLP 400, 604 – 1 Street S.W. Calgary, AB T2P 1M7 Attention: Douglas S. Nishimura Telephone: (403) 260-8548 Facsimile: (403) 264-7084 E-Mail: dnishimura@fieldlaw.com

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Exhibits

Exhibit 1 – Receipts and disbursements as at November 4, 2015

Exhibit 2 – Attachment Order extension granted November 4, 2015

Background

1. 910234 Alberta Ltd. ("**910**" or the "**Company**") is a corporation incorporated pursuant to the laws of the Province of Alberta. Randy Calmusky is the sole director of 910.
2. 910 was in the business of raising funds from investors for the purpose of investing in residential mortgages. Investors provided funds in the form of loans to 910, and those loans were to be documented through a series of mortgage sale and servicing agreements.
3. On December 6, 2012, Stanley Eisenberg, Brenda Eisenberg, Jack Eisenberg, Lynn Eisenberg and Eisenberg's Properties Ltd. (collectively the "**Eisenbergs**"), applied for, and were granted an Attachment Order by the Honourable Justice K. D. Yamauchi on December 6, 2012 (the "**Attachment Order**").
4. On December 10, 2012, the Eisenbergs applied for a Receivership Order against 910 and other parties. On December 12, 2013, a Receivership Order was granted by the Honourable Mr. Justice S. J. LoVecchio, appointing Grant Thornton Limited (the "**Receiver**") as Receiver of all of the assets of 910 (the "**Property**").
5. The Receiver filed an Initial Report to the Court on December 20, 2012. On December 21, 2012, an Order was granted by the Honourable Mr. Justice R. G. Stevens, extending the Attachment Order to January 14, 2013.
6. The Receiver filed its Second Report to the Court on January 9, 2013. On January 14, 2013, an Order (the "**Amended Receivership Order**") was granted by the Honourable Madam Justice K. M. Horner, expanding the Receiver's powers was granted. A copy of the Amended Receivership Order has been attached to previous receiver's reports. On the same day, the Honourable Madam Justice K. M. Horner granted an Order extending the Attachment Order to February 22, 2013.

7. The Receiver has filed eleven reports prior to this Report, dealing with various activities, recommendations and disputes. They are available on its website at:

http://www.granthornton.ca/services/reorg/bankruptcy_and_insolvency/910234Alberta

8. The purpose of this twelfth report is provide the Court with an update of the activities of the Receiver since the issuance of its eleventh report together with recommendations to make an interim distribution and recommendations to the Court on outstanding matters.

Disclaimer and Limitations of Report

9. In preparing this Report, the Receiver has necessarily relied upon financial and other information and representations supplied by various parties. Although the information supplied has been reviewed for reasonableness, the Receiver has not independently verified the accuracy or completeness of the information nor has the Receiver conducted an audit and, as a result, the Receiver is not providing any form of assurance on the information subject to its review. The procedures the Receiver performed are limited in nature to those outlined in its report. As such, the Receiver's work may not necessarily disclose all the significant matters about 910 or any errors, misstatements, irregularities, or illegal acts, if such exist, on the part of 910 or its management, directors, and advisors or in the underlying information.
10. The findings contained herein are based primarily on review of various documents made available to the Receiver and discussions and communications with various parties. Due to the lack of summary financial records of 910, the Receiver has not had an opportunity to complete all of its potential work, as disclosed within the Report. The Receiver may refine or alter its observations as further information is obtained or is brought to its attention after the date of this Report.
11. The Receiver assumes no responsibility or liability for any loss or damage occasioned by any party as a result of the circulation, publication, reproduction or use of this report. Any use

which any party makes of this report, or any reliance on or decisions to be made based on it is the responsibility of such party.

Receiver's Activities

12. As previously discussed in the Receiver's earlier reports, the Receiver disallowed Theresa, Gary and Mary Calmusky's claims (the "**Calmusky Claims**") against funds in the possession of the Receiver. A notice to appeal these disallowances was filed on April 22, 2015 and these claims will be withdrawn as part of the settlement agreement the Receiver is in the process of concluding with these parties.
13. The settlement agreement regarding the Calmusky Claims included a second charge on the Priddis Property in the amount of \$150,000 secured by a mortgage and the listing of the property as soon as possible.

Receipts and Disbursements

14. Attached as **Exhibit 1** is a statement of receipts and disbursements for the period ending November 4, 2015.
15. The majority of the proceeds arose from the repayment of mortgages, including Trickle Creek. The proceeds from the sale of 27 Elveden Place and from 57 Elveden Place have been deposited into the Receiver's trust account, amounting to \$929,441.56, including interest accumulated in legal counsel's trust account. Settlement costs, as previously discussed in the Sixth and Eight Receiver's Reports, regarding the Rembrandt Master Home Builders Ltd. action have been collected and deposited into the Receiver's trust account amounting to \$42,500.
16. \$7,500 has been deposited into the Receiver's trust account regarding an agreement with the parties that presided on title to 41 Everglen Crescent in exchange for the Receiver to release

its interest in the Property. This was also discussed in the Receiver's Eleventh report in greater detail and approved by a Court Order granted May 13, 2014.

17. \$30,875.21 was received and deposited into the Receiver's trust account regarding the Court of Appeal awarding costs against the Calmuskys to the Receiver.
18. All Receiver and legal fees are up to date.

Estimated Future Recoveries

19. The Receiver filed a Statement of Claim against Vaughn Custom Builders & Design Inc. and its principals as discussed in paragraphs 88-90 of the Receiver's Third Report. The Company appears to have been dissolved and the individual Defendants have not yet filed a Statement of Defence. It may be difficult to obtain any funds from this claim.
20. There are two potential future recoveries as follows:
 - (a) Pursuant to the settlement with the Calmuskys, the Receiver has a secured charge on the Priddis property in the amount of \$150,000 which will be paid out upon the sale of the property. The property is currently listed for sale.
 - (b) The Receiver has a consent judgment against Randy Calmusky in the amount of \$966,319. At the present time it is not known how much of that amount that will be collected. As per a statutory declaration filed by Randy Calmusky, he has few assets currently available.

Proposed Distribution

21. Given the timing of any additional recoveries the Receiver believes that it would be appropriate to make another interim distribution to the Trust creditors in the amount of \$1.5 million.

Current Attachment Order

22. Attached as Appendix 2 is a copy of the Attachment Order, which was extended by Order of this Court to February 4, 2016 on November 4, 2015, that covers 110 Hawk's Landing Drive.
23. As discussed in previous reports, the Hawks Landing Property was in the joint names of Randy Calmusky and Theresa Calmusky until it was transferred solely to the name of Theresa Calmusky on May 4, 2011. This attachment Order will be discharged upon the registration of a mortgage in favor of the Receiver.
24. Other properties that were previously part of the attachment order have been discharged as discussed in prior reports.

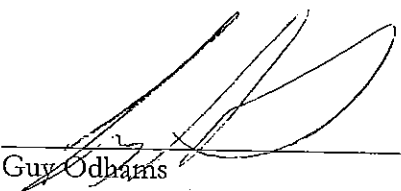
Recommended Course of Action

25. The Receiver makes the following recommendations to the Court:
 - (a) the Receiver's actions to date, as outlined in its reports, be approved; and
 - (b) the Court approve an interim distribution of \$1.5 Million.

Dated at Calgary Alberta, the 13th day of November, 2015.

GRANT THORNTON LIMITED

Per:


Guy Odhams

**In the Matter of the Receivership of 910234 Alberta Ltd.
Statement of Receipts and Disbursements
For the period ending November 4, 2015**

Receipts

Cash on hand	\$ 53.28
Sales of assets enbloc	929,441.56
Interest allocation	19,102.52
Rembrandt action settlement	42,500.00
Miscellaneous other receipts	58.50
Income Tax Refund	4,459.93
Mortgages receivable	2,767,321.97
Settlement	38,375.21
Utility Refunds	41.30
Total Receipts	<u>3,801,354.27</u>

Disbursements

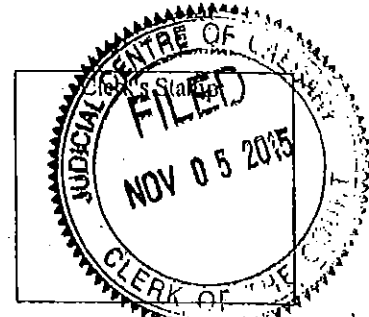
Fees paid to registrar	150.00
Fees paid to official receiver	70.00
Local Paper	223.04
Insurance	10,690.00
Trustee's Fees	12,015.00
GST charged on Trustee remuneration	600.75
Net Operating expenses	1,370.50
Search fees	9.00
Bank charges	630.05
Security	2,644.09
Utilities	3,341.52
Legal fees/disbursements	428,260.15
Receiver's fees and costs	300,435.35
Ascend Software Fee	170.00
Expenses - sales	1,245.76
GST Paid	36,708.52
Property taxes paid	10,052.14
Total Disbursements	<u>808,615.87</u>

Amount available for distribution	<u>2,992,738.40</u>
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Interim Distribution - Mar 11/14	1,000,000.00
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Amount retained in the Trust account by the Receiver	<u><u>\$ 1,992,738.40</u></u>
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COURT FILE NUMBER 1201 15430
 COURT COURT OF QUEEN'S BENCH OF ALBERTA
 JUDICIAL CENTRE CALGARY
 PLAINTIFF STANLEY EISENBERG, BRENDA EISENBERG, JACK EISENBERG,
 LYNN EISENBERG and EISENBERG'S PROPERTIES LTD.
 DEFENDANT 910234 ALBERTA LTD., RANDY CALMUSKY, THERESA
 CALMUSKY, KYLE CALMUSKY, CALE HUMENIUK, JORDAN
 RINTOUL AND RYAN CALMUSKY
 DOCUMENT CONSENT ORDER



ADDRESS FOR SERVICE AND
 CONTACT INFORMATION OF
 PARTY FILING THIS DOCUMENT

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 Email Address: dnishimura@fieldlaw.com
 File No. 56679-3

I hereby certify this to be a true copy of
 the original Order
 Dated this 5 day of Nov, 2015
Alana
 for Clerk of the Court

DATE ON WHICH ORDER WAS PRONOUNCED: November 4, 2015.

NAME OF JUSTICE WHO MADE THIS ORDER: Justice G.A. Campbell

CONSENT ORDER

UPON THE APPLICATION of Grant Thornton Limited, Receiver of 910234 Alberta Ltd. (the "Receiver"); AND UPON HAVING read the Application filed by the Receiver on July 29, 2015; AND UPON being referred to the documents outlined in the said Application filed by the Receiver; AND UPON HEARING counsel for the Receiver and all other interested parties present;

IT IS HEREBY ORDERED AND DECLARED THAT:

1. The time for service of the Application and all materials in support is hereby abridged to the date of actual service and service is hereby deemed good and sufficient.

2. The Ex-Parte Attachment Order, granted by the Honourable Justice K.D. Yamauchi on December 6, 2012, as amended by the Orders granted on December 21, 2012, January 14, 2013, February 19, 2013, April 5, 2013, September 4, 2013, November 21, 2013, February 13, 2014, May 13, 2014, August 12, 2014, November 10, 2014, February 10, 2015, May 7, 2015 and August 6, 2015, is hereby extended for an additional three (3) months from the date of this Order, on the same terms and conditions set out therein.
3. All parties affected by the Ex-Parte Attachment Order, as amended and extended, are at liberty to apply for an Order varying or vacating the Ex-Parte Attachment Order, in whole or in part, at any time prior to the expiry of the three (3) months.
4. This Consent Order may be transmitted via facsimile or email.


Justice of the Court of Queen's Bench of Alberta

CONSENTED TO:

DE WAAL LAW


Per: _____
Solicitors for Theresa Galmusky