

**ONTARIO  
SUPERIOR COURT OF JUSTICE  
COMMERCIAL LIST**

B E T W E E N:

**CANADIAN IMPERIAL BANK OF COMMERCE**

Applicant

- and -

**1299746 ONTARIO INC. o/a COMPUQUEST2000 and  
2252709 ONTARIO INC.**

Respondents

**BRIEF OF EXHIBITS FROM THE CROSS-EXAMINATION OF  
AIMEE BODIMEADE HELD ON JANUARY 13, 2017**

**(Motion returnable January 25, 2017)**

January 19, 2017

**AIRD & BERLIS LLP**  
Barristers & Solicitors  
Brookfield Place  
181 Bay Street, Suite 1800  
Toronto, Ontario M5J 2T9

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*Lawyers for Canadian Imperial Bank of  
Commerce*

**TO: ALL THE PARTIES ON THE ATTACHED SERVICE LIST**

## SERVICE LIST

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*Lawyers for Canadian Imperial Bank of Commerce*

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**AND TO:**        **HER MAJESTY THE QUEEN IN RIGHT OF THE  
PROVINCE OF ONTARIO AS REPRESENTED BY  
THE MINISTER OF FINANCE**  
(Income Tax, PST)  
PO Box 620  
33 King Street West, 6<sup>th</sup> Floor  
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**I N D E X**

| <b>TAB NO.</b> | <b>DOCUMENT</b>                                                           | <b>PAGE NO.</b> |
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| 5              | Email exchange between M. Spence and S. De Caria dated January 17, 2017   | 24-27           |

# TAB 1



# Fax

TIME

DATE: Jan 08 2015

TO: FNF Canada

FAX NO: 800-316-6884

ADDRESS:

PHONE NO: 877-348-6479

FROM: Joan Desroches-loudon

FAX NO: 905-683-4641

MAILING 32102

PHONE NO:

ADDRESS: 314 HARWOOD AVENUE SOUTH, UNIT #HP05 AJAX ON

905-683-4164 x 4450

Number of pages including this one: 3

## THE BANK OF NOVA SCOTIA - NOTICE OF CONFIDENTIALITY

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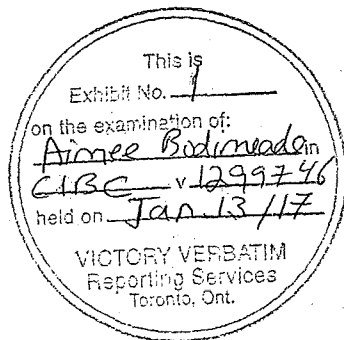
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## REMARKS:

Consent for Electronic Disclosure: This is to confirm your request and consent for the enclosed information, documents and/or notices to be provided to you at the designated fax number indicated above in this electronic format only. We recommend that you keep a copy of this fax document for your records.

Discharge statement for Gary Bodimeade and Almee Bodimeade



Ex. 1



AJAX, ONTARIO  
314 HARWOOD AVENUE SOUTH, UNIT #HP05  
AJAX, ON L1S 2J1  
Phone: (905) 683-4070

This Statement issued on Jan 08, 2015 is for Payout Purposes

|                                                                                                                                                                                                                                                           |                     |                                                                     |               |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|---------------------------------------------------------------------|---------------|
| <b>Mortgagor(s):</b><br>MRS AIMEE L BODIMEADE<br>MR GARY W BODIMEADE<br>7472 ASHBURN RD<br>WHITBY, ON L1M 1L4                                                                                                                                             |                     | <b>Property Address:</b><br>7472 Ashburn Road<br>Whitby, ON L1M 1L4 |               |
| <b>Mortgage Details</b>                                                                                                                                                                                                                                   |                     | <b>Prepayment Charge Variables</b>                                  |               |
| Mortgage Number:                                                                                                                                                                                                                                          | 3046681             | Mortgage Balance as at: Jan 9, 2015                                 | \$ 775,687.36 |
| Interest Rate Type:                                                                                                                                                                                                                                       | Fixed               | Term Remaining:                                                     | 39 Months     |
| Term:                                                                                                                                                                                                                                                     | 5 Year Closed (60M) | Comparison Term:                                                    | 36 Months     |
| Capped Rate:                                                                                                                                                                                                                                              |                     | Current Rate for Comparison Term:                                   | 3.4400%       |
| Interest Rate Discount Received:                                                                                                                                                                                                                          | -1.9000%            | Interest Rate Discount Received:                                    | -1.9000%      |
| Current Interest Rate:                                                                                                                                                                                                                                    | 3.0900%             | Comparison Interest Rate:                                           | 1.5400%       |
| Maturity Date:                                                                                                                                                                                                                                            | Apr 29, 2018        | Interest Rate Difference:                                           | 1.5500%       |
| Payment Frequency:                                                                                                                                                                                                                                        | Bi-Weekly           |                                                                     |               |
| P&I Payment:                                                                                                                                                                                                                                              | \$ 2,000.00         |                                                                     |               |
| Property Tax Amount:                                                                                                                                                                                                                                      | \$                  |                                                                     |               |
| Total Payment Bi-Weekly:                                                                                                                                                                                                                                  | \$ 2,000.00         |                                                                     |               |
| Cashback Received:                                                                                                                                                                                                                                        | \$                  |                                                                     |               |
| Mortgage Insurer:                                                                                                                                                                                                                                         | Uninsured           |                                                                     |               |
| Mortgage Insurer Certificate No.:                                                                                                                                                                                                                         |                     |                                                                     |               |
| <b>Payout Details with an effective date of Jan 19, 2015</b>                                                                                                                                                                                              |                     |                                                                     |               |
| Mortgage Balance as at: Jan 9, 2015                                                                                                                                                                                                                       |                     | \$ 775,687.36                                                       |               |
| Interest Accrued to: Jan 19, 2015                                                                                                                                                                                                                         |                     | \$ 652.04                                                           |               |
| Sub Total:                                                                                                                                                                                                                                                |                     | \$ 776,339.40                                                       |               |
| Prepayment Charge - Interest Rate Differential                                                                                                                                                                                                            |                     | \$ 36,093.82                                                        |               |
| Cashback Repayment: (prorated based on the term remaining)                                                                                                                                                                                                |                     | \$                                                                  |               |
| Property Tax Account Balance:                                                                                                                                                                                                                             |                     | \$                                                                  |               |
| Discharge Administration Fee:                                                                                                                                                                                                                             |                     | \$ 250.00                                                           |               |
| Registry Office Discharge Registration Fee:                                                                                                                                                                                                               |                     | \$ 70.00                                                            |               |
| Total Balance Due as at: Jan 19, 2015                                                                                                                                                                                                                     |                     | \$ 812,753.22                                                       |               |
| Funds must be received no later than 3 pm on Jan 19, 2015. A per diem of \$ 65.30 is to be added for each additional day. If funds have not been received by Jan 22, 2015, this statement in its entirety is not valid. A new statement must be requested |                     |                                                                     |               |
| The individuals listed below are also Borrowers on this Mortgage:                                                                                                                                                                                         |                     |                                                                     |               |

#### Terms and Conditions

- This mortgage represents one component of a Scotia Total Equity Plan® (STEP) which is a revolving credit facility for multiple products secured by a collateral mortgage.
- This statement assumes all payments due and including the payment due on Jan 09, 2015 are paid on the due date. The payments quoted on this statement do not include Scotia Mortgage Protection premiums, and are not included in the amounts outstanding (if applicable).
- If any payments have not been honoured, or if any other entries are processed or reversed, the balances quoted in this statement may not be relied upon. Taxes should be verified with the appropriate municipalities.

#### Prepayment Charge and Cashback Repayment:

- Please refer to your Mortgage Contract and Cost of Borrowing Disclosure Statement or Renewal Agreement, if applicable, for an explanation and examples for estimating your prepayment charge and cashback repayment amount. For more information about prepayment charges in general, please refer to Scotiabank.com

#### Factors that could cause your prepayment charge to change:

- Your mortgage is renewed to a new term or the balance of your mortgage changes
- You have a variable rate mortgage and the bank's prime lending rate and therefore your mortgage interest rate changes
- You have a fixed rate mortgage and the factors for calculating Interest Rate Differential change.
  - Posted interest rates change. If posted interest rates decrease, the Interest Rate Differential amount increases.
  - The remaining term of your mortgage changes. For example, a 4 year comparison term on the day your prepayment charge is estimated, over time shortens to a 3 year comparison term. The comparison term interest rate decreases, therefore the Interest Rate Differential amount increases.
  - The Interest Rate Differential amount could change to an amount that is now greater than 3 months interest.

#### Registry Office Discharge Registration Fee:

When the fee is blank, you will be required to pay a government registration fee directly to the Land Registry Office. In Quebec, please contact your notary for the discharge/transfer preparation and registration costs.

This statement is issued by an authorized representative of Scotiabank

# TAB 2

# Proposal

To be completed by a Building Boss Representative.

Building Boss Head Office:  
1720191 Ontario Limited  
2020 Winston Park Dr. Suite 100  
Oakville, Ontario. L6H 6X7



Refer to Quote Number: BODIMEADE-05

Date: May 6, 2011

## Customer Information:

Company: N/A  
Contact: Gary Bodimeade  
Address: 7472 Ashburn Road  
City: Whitby, Ontario  
Postal Code:  
Phone Number: 905-839-5255  
Cell Number: 416-560-0750

## Sales Rep Information:

Company: Building Boss  
Contact: Olaf Kaminski/Bob Landry  
Address: 2020 Winston Park Dr. Suite 100  
City: Oakville, Ontario  
Postal Code: L6H 6X7  
Phone Number: 905-693-2288/905-299-0500  
Fax Number: 905-287-5599

## Supply & Install Package Page 1 of 2

|                       |                                                |
|-----------------------|------------------------------------------------|
| Building Particulars: | 60' X 48' X 10' Post Frame Stall Barn c/w Loft |
|-----------------------|------------------------------------------------|

| Item                                                                                                                     | Price        | Totals               |
|--------------------------------------------------------------------------------------------------------------------------|--------------|----------------------|
| <b>PACKAGE PRICE</b>                                                                                                     |              | <b>\$ 148,500.00</b> |
| Includes all labour & material to erect the specified building per attached specs                                        |              |                      |
| Includes 4 - 12' x 9' Sliders, 8 - 36" x 36" windows, 1 - 42" x 42" Cupola                                               |              |                      |
| Interior Perimeter Walls to be 2" x 6" Ash T&G/Poly/Insulated                                                            |              |                      |
| Interior Walls in Barn to be Barn Pine, Loft finished in Barn Pine/Poly/Insulated.                                       |              |                      |
| Ceiling in Barn over stalls and Loft to be Steel/Poly/Insulated.                                                         |              |                      |
| Stall Packages Include, Galvanized, Welded Stall Fronts c/w Feeder Door                                                  |              |                      |
| Solid Partitions, Ash T&G. Floor covered with mats on compacted Screenings                                               |              |                      |
| 8 - 36" x 36" Windows Installed c/w Grills                                                                               |              |                      |
| 36' x 48' Fibre Reinforced Concrete Pad 4" Thick                                                                         |              |                      |
| Stairs to loft in office and 2 trap doors from loft to breezeways                                                        |              |                      |
| <b>OPTION PRICES - NOT INCLUDED IN SHELL PRICE</b>                                                                       |              |                      |
| Front doors on barn sliders to Double Dutch c/w windows & grills (can open)                                              | \$ 3,500.00  |                      |
| Upgrade stall fronts as well as from solid to privacy partitions                                                         | \$ 5,600.00  |                      |
| Rubber interlock in concrete aisles approx. 10' x 96'                                                                    | \$ 10,350.00 |                      |
| Eavestroughs with Snowstop                                                                                               | \$ 925.00    |                      |
|                                                                                                                          |              |                      |
|                                                                                                                          | <b>HST</b>   |                      |
| Notes: <b>Total to be completed when options are finalized:</b>                                                          | <b>Total</b> |                      |
| 1) Owner responsible for all permits, locates, site prep, Hydro to job site and final grading unless specified in quote. |              |                      |
| 2) ALL APPLICABLE TAXES ARE EXTRA.                                                                                       |              |                      |

Approved and accepted by \_\_\_\_\_

Date \_\_\_\_\_

Building Boss signature \_\_\_\_\_

Quotation is valid for 14 days  
Building Boss is a Registered Trademark



# Proposal

To be completed by a Building Boss Representative.

Building Boss Head Office:  
1720191 Ontario Limited  
2020 Winston Park Dr. Suite 100  
Oakville, Ontario. L6H 6X7



Refer to Quote Number: **BODIMEADE-05**

Date: **May 6, 2011**

**Customer Information:**

**Sales Rep Information:**

Company: N/A  
Contact: Gary Bodimeade  
Address: 7472 Ashburn Road  
City: Whitby, Ontario  
Postal Code:  
Phone Number: 905-839-5255  
Cell Number: 416-560-0750

Company: Building Boss  
Contact: Olaf Kaminski/Bob Landry  
Address: 2020 Winston Park Dr. Suite 100  
City: Oakville, Ontario  
Postal Code: L6H 6X7  
Phone Number: 905-693-2288/905-299-0500  
Fax Number: 905-287-5599

## Supply & Install Package Page 2 of 2

| Building Particulars:                                                                                                    | 60' X 60' X 16' Post Frame Arena |        |                  |
|--------------------------------------------------------------------------------------------------------------------------|----------------------------------|--------|------------------|
| Item                                                                                                                     | Price                            | Totals |                  |
| <b>PACKAGE PRICE</b>                                                                                                     |                                  | \$     | <b>53,500.00</b> |
| Includes all labour & material to erect the specified building per attached specs                                        |                                  |        |                  |
| Includes 1 - Large Slider on Gable Wall & 1 - Small Slider on Gable or Eave Wall                                         |                                  |        |                  |
|                                                                                                                          |                                  |        |                  |
|                                                                                                                          |                                  |        |                  |
|                                                                                                                          |                                  |        |                  |
|                                                                                                                          |                                  |        |                  |
|                                                                                                                          |                                  |        |                  |
|                                                                                                                          |                                  |        |                  |
| <b>OPTION PRICES - NOT INCLUDED IN SHELL PRICE</b>                                                                       |                                  |        |                  |
|                                                                                                                          |                                  |        |                  |
|                                                                                                                          |                                  |        |                  |
| Ag-Plus Under Roof Metal                                                                                                 | \$ 3,050.00                      |        |                  |
| Kickboards (Plywood)                                                                                                     | \$ 3,300.00                      |        |                  |
| Eavestroughs with Snowstop                                                                                               | \$ 1,800.00                      |        |                  |
| Spruce T&G Kickboards                                                                                                    | \$ 5,600.00                      |        |                  |
|                                                                                                                          | HST                              |        |                  |
| Notes: Total to be completed when options are finalized:                                                                 | Total                            |        |                  |
| 1) Owner responsible for all permits, locates, site prep, Hydro to job site and final grading unless specified in quote. |                                  |        |                  |
| 2) ALL APPLICABLE TAXES ARE EXTRA.                                                                                       |                                  |        |                  |

Approved and accepted by \_\_\_\_\_

Date \_\_\_\_\_

Building Boss signature \_\_\_\_\_

Quotation is valid for 14 days  
Building Boss is a Registered Trademark



# Proposal

To be completed by a Building Boss Representative.

Building Boss Head Office:  
1720191 Ontario Limited  
2020 Winston Park Dr. Suite 100  
Oakville, Ontario. L6H 6X7



Refer to Quote Number: BODIMEADE-05

Date: May 6, 2011

## Customer Information:

Company: N/A  
Contact: Gary Bodimeade  
Address: 7472 Ashburn Road  
City: Whitby, Ontario  
Postal Code:  
Phone Number: 905-839-5255  
Cell Number: 416-560-0750

## Sales Rep Information:

Company: Building Boss  
Contact: Olaf Kaminski/Bob Landry  
Address: 2020 Winston Park Dr. Suite 100  
City: Oakville, Ontario  
Postal Code: L6H 6X7  
Phone Number: 905-693-2288/905-299-0500  
Fax Number: 905-287-5599

## Supply & Install Package Page 2 of 2

|                       |                                                                                        |      |                     |                         |
|-----------------------|----------------------------------------------------------------------------------------|------|---------------------|-------------------------|
| Building Particulars: | 60' X 48' X 10' Post Frame Stall Barn c/w Loft with a 60' X 60' X 16' Post Frame Arena |      |                     |                         |
| COLOURS               | NAME<br>OF COLOUR                                                                      | CODE | CUSTOMER<br>INITIAL | BUILDNG BOSS<br>INITIAL |
| WALLS                 |                                                                                        |      |                     |                         |
| ROOF                  |                                                                                        |      |                     |                         |
| TRIM                  |                                                                                        |      |                     |                         |

All orders are subject to acceptance by the credit department of Building Boss. Building Boss assigns to the purchaser only warranties provided by its suppliers and manufacturers and reserves the right to substitute equivalent industry-standard materials. The owner grants access to the building site, including deliveries and sub-trades, and will save harmless Building Boss and its suppliers for damages beyond the curb. If access is unavailable, the owner will bear the cost of moving materials to the building site. If the buyer fails to make such payments in accordance with the terms hereof, Building Boss may stop work and/or shipments until such payments are made, or terminate this agreement with the owner accepting responsibility for costs incurred.

Deposit: \$ \_\_\_\_\_ 10%

Material on Site: \$ \_\_\_\_\_ 40%

Draws of \$ 15,000.00

Or remaining balance - whichever is less, per week due each Friday until project is complete

Approved and accepted by

By my signature, this proposal forms a binding contract. I personally guarantee that all amounts owing, including additions to contract, will be paid in full.

Date

Building Boss signature

Quotation is valid for 14 days  
Building Boss is a Registered Trademark



## **PART 1: BUILDING STRUCTURE – EXTERIOR**

### **1. CONSTRUCTION TYPE:**

- 1.1 Designed with an Agricultural and Low Human Occupancy rating – under the Ontario Building Code and the National Farm Building Code.
- 1.2 Post Frame Construction
- 1.3 Diaphragm Bracing System

### **2. DESIGN AND DRAWINGS:**

- 2.1 Drawings included in this proposal are preliminary for concept purposes. These drawings are not construction drawings and are subject to change when the construction drawings are completed.
- 2.2 Official construction drawings will be supplied by Building Boss. An engineer stamp should NOT be required and therefore not included in the quotation. However, if a project engineer is required; engineering can be obtained at a reasonable cost.
- 2.3 Engineered truss system drawings will be supplied if required.
- 2.4 Geotechnical investigation by a certified soils engineer if deemed required is NOT included in this quotation.

### **3. PERMITS AND APPROVALS:**

- 3.1 Additional approvals may be required for permit attainment such as approvals from regulating bodies of protected lands. We can investigate and manage all required approvals and applications at a fee of \$0 per application. Actual fees charged by the regulatory bodies are NOT included in this quotation.
- 3.2 Permit fees and required additional costs in the attainment of the building permit or required approvals are deemed extra to quotation.

### **4. FOUNDATION:**

- 4.1 Post Frame Construction. PT Posts as per designer on top of Concrete footings below grade (frost) also per designer.

### **5. FRAMING:**

- 5.1 Typical Post Frame Construction:
  - Diagonal Bracing at corners per Designer
  - Sandwich Wall Construction to allow for Insulation.
- 5.2 Typical Roof Framing:
  - Approved agricultural design common truss system (9/12 exterior pitch) spaced 48" o/c. or Rafters per design. Arena (4/12) 60' – 0" agricultural design common truss system.
  - Design accommodates for snow shadow, additional trusses other than spacing indicated above may be required.

- 2 X 4 lateral and cross bracing within the truss webbing as per engineer directions if applicable.
  - 2 X 4 spruce roof strapping spaced 24" o/c
  - 2 X 6 sub-fascia.
  - All valleys, hips framed as required to suit.
- 5.3 All nailing of lumber as per engineer and/or O.B.C. requirements

## 6. CLADDING:

- 6.1 Standard Agricultural/Rural Metal Exterior Package:
- Trims to be 29 ga. pre-painted metal to eaves
  - Roof to be clad with 29 ga. Century Rib (or equivalent profile) pre-painted metal fastened with #9 x 2" colour coded woodgrips.
  - Walls to be clad with 29 ga. Century Rib (or equivalent profile) pre-painted metal fastened with #9 x 1" colour coded woodgrips.  
Option – 2 Tone
  - Based upon selection of "standard colours" – Extra charges may apply if premium colours are desired.
  - Metal is G-90 rated, proven to meet building code requirements.
  - Option - Walls to be clad with Faux Stone Finish on Bottom 3ft of Barn 3 Sides.

## 7. VENTILATION:

- 7.1 Attic Ventilation:
- 7.1.1. Eave: Continuous venting in soffits.
- 7.1.2. Roof: Continuous #1200 roof ventilators. Low-profile; filter insulated to minimize snow, rain, and insects from entering attic; 28 gauge metal construction.

## 8. EXTERIOR & INTERIOR DOORS & ACCESSORIES:

- 8.1 4 - 12' x 9' Sliders. Arena 1 large & 1 small slider (2 maint. Doors)
- 8.2 1 – Hand Built Door in Loft
- 8.3 1 – 48" x 48" Cupola
- 8.4 2 – 8' x 8' Double Dutch System Doors c/w Windows & Grills (Option)

## 9. INTERIOR:

- 9.1 8 - 36" x 36" Dutch Windows/Grills for Stalls
- 9.2 Interior Perimeter walls to be Ash T&G/Poly/Insulated
- 9.3 Ceiling in Barn Loft to be Steel/Poly/Insulated
- 9.4 Fibre Reinforced Concrete Pad in Aisle/Wash Stall/Tack Room
- 9.5 Stall Package includes Galvanized, Welded Stall Fronts c/w Feeder Door. Solid Partitions, Ash T&G. Floors Covered With Mats on Compacted Screenings.
- 9.6 Stairs to Loft.

- 9.7 Option - Stall Package includes Painted, Welded Stall Fronts c/w Feeder Door and Privacy Partitions. (Nobleman Style System Product)

## **PART 2: OPTIONS**

### **10. OPTIONS**

- 10.1 Eavestroughs c/w Snowstop Barn & Arena

## **PART 3: TRADE ALLOWANCES (NOT APPLICABLE)**

### **Reasoning for Allowances:**

- All actual invoices are presented upon invoicing for review.
- The allowance operates as an expected budget for typical specs.
- Costs less than allowance result in a credit to the project.
- Costs that exceed the allowance result in an extra cost above quoted project cost and are subject to a **management fee of 7.0%**.

### **The following allowances are included in the quotation:**

### **12. EXCAVATION:**

- 12.1 Included in the project quotation is an **allowance of \$0.00** for a typical budget for stripping of topsoil, digging and rough backfilling. (Note: Budget is not based on final grading, required fill, site access, etc.)
- 12.2 Actual excavation costs depend largely on the building site characteristics. Site levels may require additional fill, gravel or sand to be installed. Extra costs may also be realized if frost, rock, natural springs, buried debris, or sludge pockets etc. are encountered.
- 12.3 We will provide supervision for excavation work required. All efforts will be made to minimize excavation costs.

### **13. ELECTRICAL:**

- 13.1 Included in quotation is an **allowance of \$0.00** for supply and installation of electrical.
- 13.2 Details and exact quotation can be provided prior to commencement of work.
- 13.3 Actual electrical costs depend largely on the hydro service available and the building electrical requirements or owner preferences.

### **14. PLUMBING:**

- 14.1 Included in quotation is an **allowance of \$0.00** for supply and installation of plumbing.
- 14.2 Details and exact quotation to be provided prior to commencement of work.
- 14.3 Actual plumbing costs depend largely on the water service available and the plumbing requirements or owner preferences.

#### **PART 4: ADDITIONAL INCLUSIONS AND EXCLUSIONS**

##### **15. ADDITIONAL INCLUSIONS:**

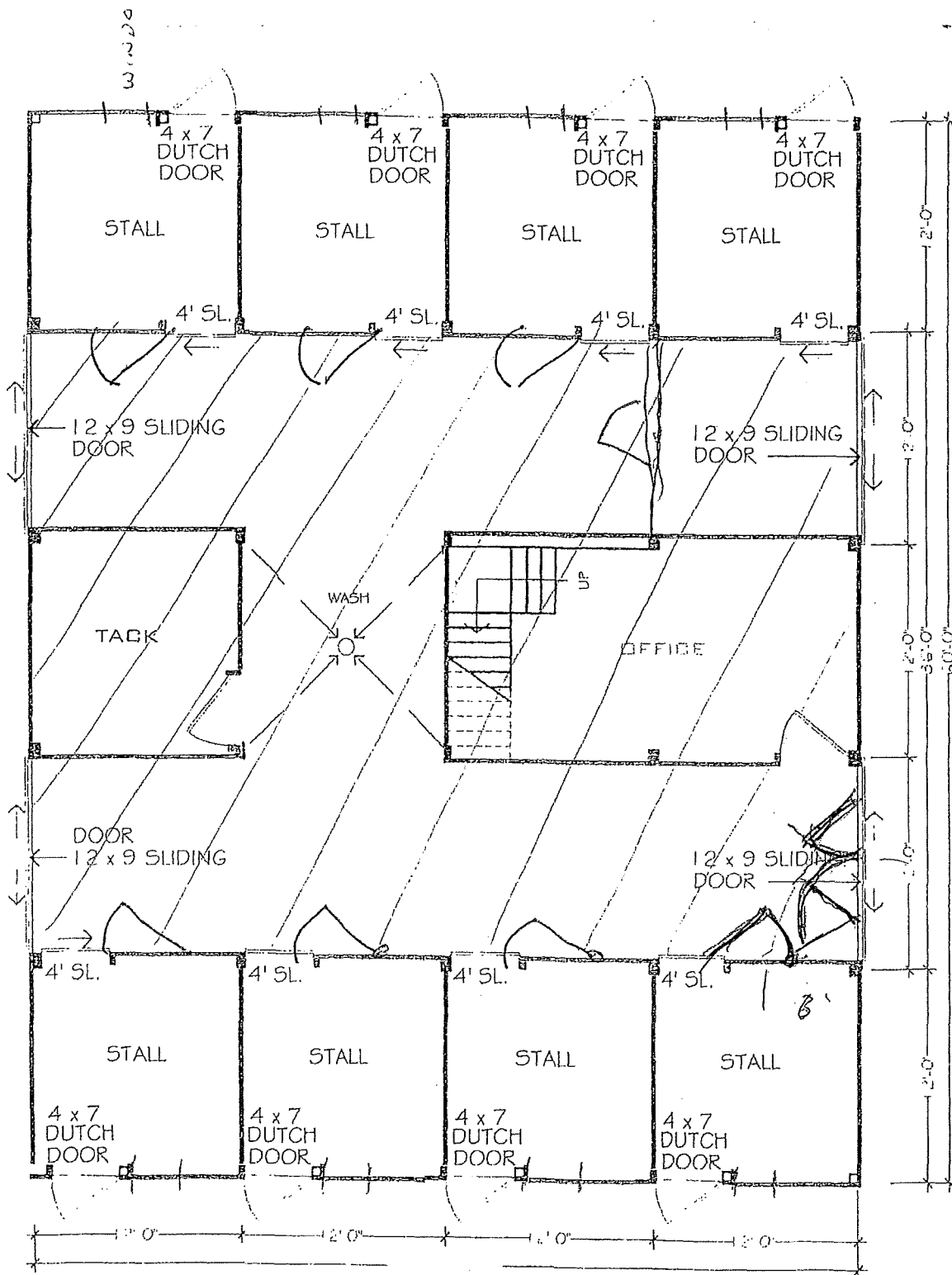
- 15.1 General cleanup of worksite during and after construction.
- 15.2 Temporary toilet facilities included for the duration of the project.
- 15.3 All workers and trades covered by Workplace Safety and Insurance Board and Ontario Health and Safety Act.
- 15.4 Insurance on construction project for theft, fire, etc. including general liability coverage up to \$5,000,000.00.
- 15.5 Complete and submit "Notice of Project" to the Ministry of Labour.
- 15.6 Confirmation of required inspections by building officials and/or engineers.

##### **16. EXCLUSIONS TO CONTRACT:**

- 16.1 Building permit fee and regulatory approval fees are not included in the quotation.
- 16.2 Eavestrough to eaves.
- 16.3 Overhead door openers and/or windows to overhead doors.
- 16.4 Winter heat costs associated with excavation, foundation and concrete floor placement or protection.
- 16.5 Client is deemed "Constructor" as determined by the Ministry of Labour and in accordance with the Ontario Health and Safety Act – if the client hires 1 or more additional trades, other than Building Boss.

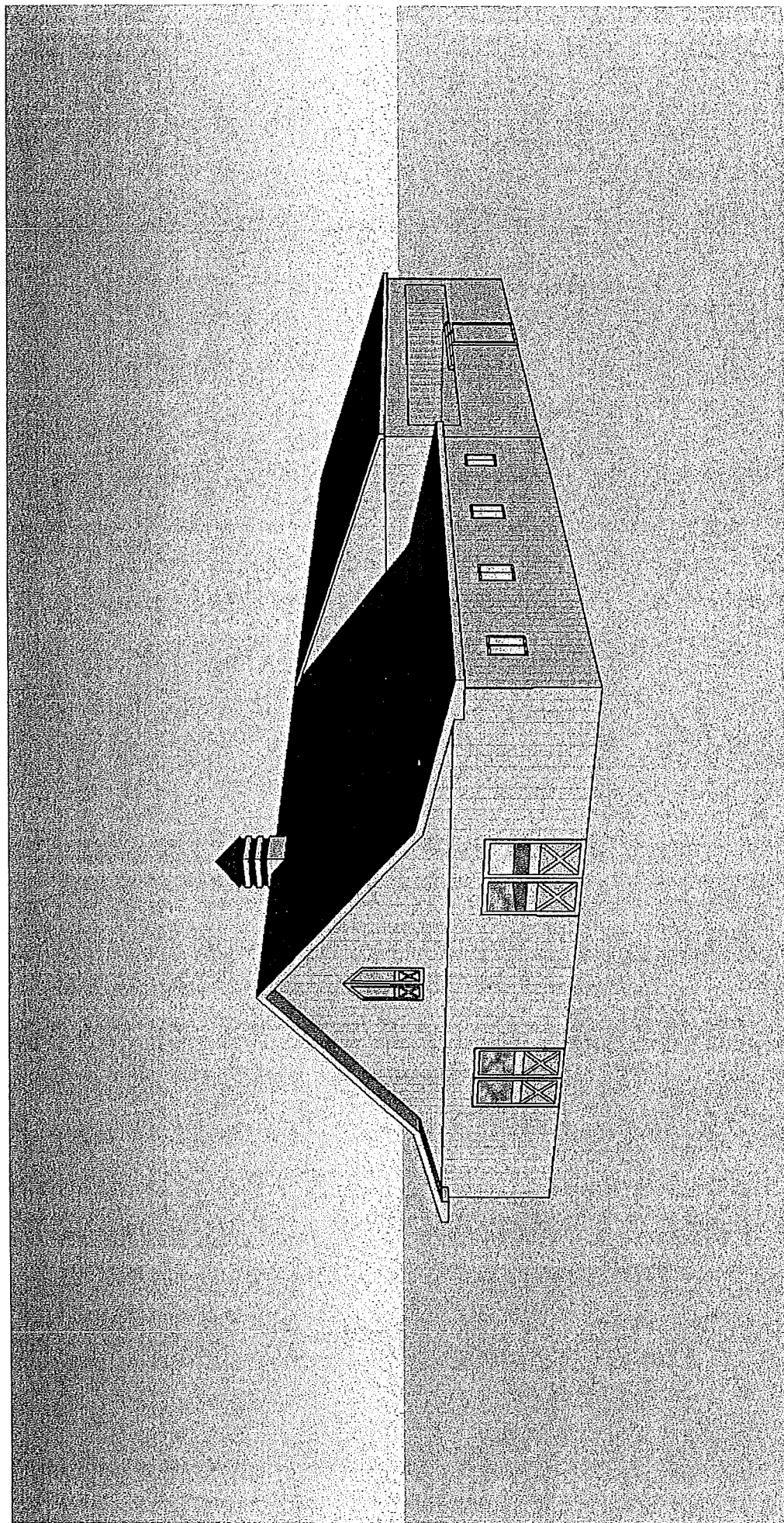
##### **17. ACCEPTANCE BY OWNER:**

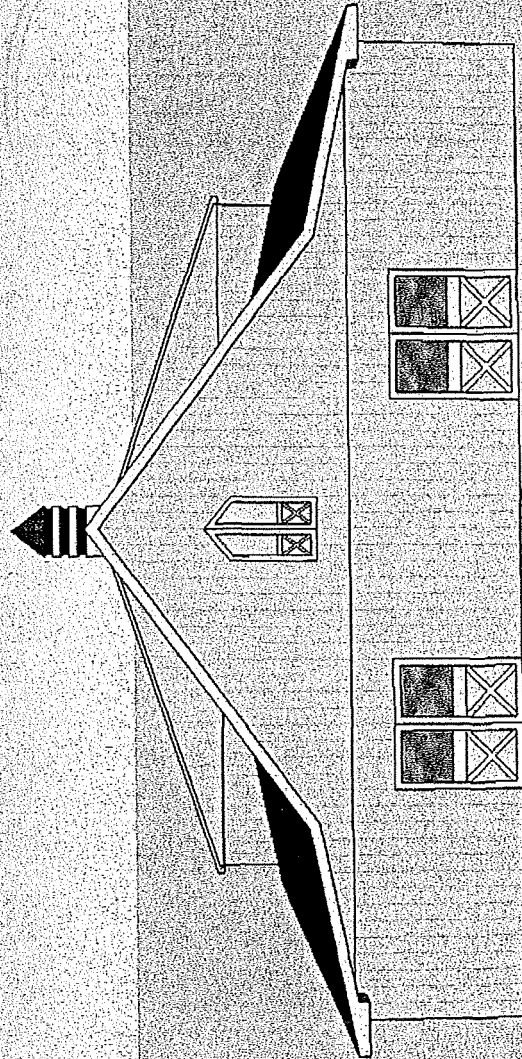
- 17.1 It is agreed that upon completion, the building shall be inspected by the owners and the contractor, and the contractor shall make any necessary repairs.
- 17.2 It is agreed that the owners shall not be permitted to occupy the building until the contractor is paid in full. Occupancy of the building by the owners in violation of these provisions and shall constitute unconditional acceptance of the building and a waiver of any defects or uncompleted work.



# The Equestrian 48

**BARN PROS**  
 EQUESTRIAN FACILITIES  
 NATIONWIDE  
 866-844-2276  
 WWW.BARNPROS.COM





# TAB 3



3476 West County Road 50 North  
Rockport, Indiana 47635  
(812) 649-2518 farm (812) 649-9949 Fax  
lmiles113@yahoo.com tmiles416@yahoo.com

## BILL OF SALE

This legal document is to certify that the registered American Saddlebred horse, Feng Shui

\_\_\_\_\_, registration # 105628, was purchased from DeLovely Farm

Inc. Agent-in sound condition on this, the 20 day of Jan, 2013.

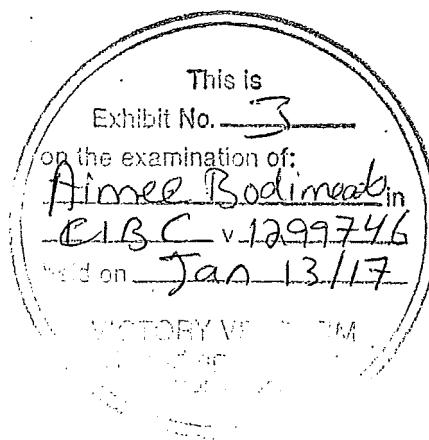
Horse's name Feng Shui, was sold to Amiee Bodimeade

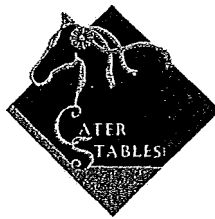
in the amount of \$ 50,000.<sup>00</sup>

Signed,

Todd M. Miles

DeLovely Farm, Inc.  
3476 West County Road 50 North  
Rockport, IN 47635





## BILL OF SALE: Young Winston

December 31, 2008

This is the Bill Of Sale for the American Saddlebred horse Young Winston, registration number 106637, for seller Deborah +/-or Dominique Bowlen to buyer Nicholas Bodimeade (minor) or Aimee Bodimeade. He was sold on December 18, 2008 for \$15,000. Cater Stables, LLC acts as agent for the seller in this sale.

Kristen Cater- Cater Stables, LLC

**ROBERTSON**  
 EQUINE SALES

 P.O. Box 616, Simpsonville, KY 40067  
 Phone 502-802-5977 www.robertsonequinesales.com

 Aimee Bodimeade  
 7472 Ashburn Rd.  
 Brooklin, ON L1M 1L4

 Pd. 10/29/12  
 MCard

| DATE     | LOT NO. | DESCRIPTION                                    | AMOUNT                                  |
|----------|---------|------------------------------------------------|-----------------------------------------|
| 10/29/12 | 102     | Sell Me A Rainbow<br>Tax<br>Feed<br>Credit Chg | \$3,000.00<br>180.00<br>15.00<br>111.30 |
| FEED     | THRU    | DATE & TIME CHECKED OUT                        | OTHER                                   |
|          |         |                                                |                                         |
|          |         |                                                | TOTAL → 3306 <sup>30</sup>              |

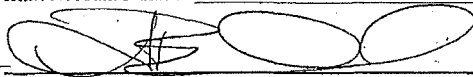
**CERTIFICATE OF SALES TAX EXEMPTION**

The undersigned claims exemption from Kentucky Sales Tax on the above purchase and certifies that: (please check one)

- ☐ The purchase is made for breeding purposes only; or  
☐ The horse is less than two (2) years of age and the Purchaser is a non-resident of Kentucky; or  
☐ The horse is two (2) years of age or older, is not purchased for breeding purposes only and will be immediately shipped by RES to Purchaser to an out of state location via licensed interstate common carrier ("ICC") at Purchaser's sole risk and expense. A release will be issued to ICC upon receipt of a bill of lading.  
☐ Purchaser is engaged in the business of selling horses and has purchased this horse for resale in the regular course of business. Purchaser holds a valid Commonwealth of Kentucky Sales and Use Tax Permit Account Number \_\_\_\_\_

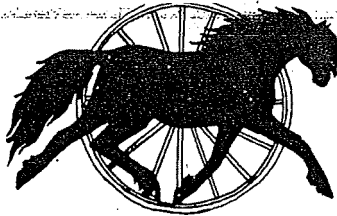
Oct 29, 2012

Date



Signature of Purchaser

Address of Purchaser



INVOICE

No 0740

BEAVERWOOD FARM  
R.R. #2, HILLSBURGH, ONT. NOB 1Z0  
TELEPHONE (519) 833-7169

G.S.T.#R123131765

Name of Owner: Amnee Bodemeade  
Address: 72 McBeath place  
Brooklin, Ont. L1M 1E8 Date: Aug. 24.01

| Horse/Pony                          | AMOUNT<br>\$      |
|-------------------------------------|-------------------|
| <u>FARENA</u>                       |                   |
| Board: _____ days at \$ _____       |                   |
| Training: _____ days at \$ _____    |                   |
| Veterinary: _____                   |                   |
| Lessons: <u>new</u>                 |                   |
| Farrier: _____                      |                   |
| Transport: _____                    |                   |
| Separate Turnout: _____             |                   |
| Show Fee: _____                     |                   |
| Other: <u>Sold one Reg A8763</u>    | <u>\$ 4000.00</u> |
| <u>welsh mountain pony</u>          |                   |
| <u>mare,</u>                        | <u>280.00</u>     |
|                                     | <u>4280.00</u>    |
| <u>Less \$ 100.00 CASH deposit.</u> | <u>100.00</u>     |
|                                     | <u>\$ 4180.00</u> |

Make cheques payable to Beaverwood Farm  
5% Interest per month on all overdue accounts over 30 days.

TOTAL

212501

| NAME<br>Joan & Bredin Rush                         |                                                                | SHIP TO<br>Amy Bodmeade                     |             |
|----------------------------------------------------|----------------------------------------------------------------|---------------------------------------------|-------------|
| ADDRESS<br>105 Kendall Ct.                         |                                                                | ADDRESS<br>1472 Ashburn Rd.                 |             |
| CITY, STATE, ZIP<br>Cary, N.C. 27511               |                                                                | CITY, STATE, ZIP<br>Brooklyn Ontario Canada |             |
| ORDER NO.                                          | TERMS<br>Cash in full                                          | DATE<br>10-18-10                            |             |
| WHEN SHIP<br>10-25-10                              | HOW SHIP<br>Tapp Brothers                                      | SALESPERSON<br>Myra Williams                |             |
| QUANTITY                                           | DESCRIPTION                                                    | PRICE                                       | AMOUNT      |
| 1                                                  | Saddlebred gelding<br>Making A Move<br>Registration no. 113679 | \$30,000                                    | \$30,000.00 |
| paid in full<br>via International<br>wire 10-18-10 |                                                                |                                             |             |
| Joan Rush<br>Myra Williams<br>Bredin Rush          |                                                                |                                             |             |
| BUYER                                              |                                                                |                                             |             |

A-6802/6803  
T-46500/46510

KEEP THIS SLIP FOR REFERENCE



**February 25, 2010**

**Bill of Sale for: The Watchman ASB 5  
year old Show Horse.**

**Sale Price: \$ 27,500.00 all inclusive  
with board and training for 30 days.**

**Paid in Full:**

**Buyers: Gary and Aimee Bodimeade**

**Sellers: Rob and Julianne Wilson**



# Lukens Stables

Saddle Horses and Equitation  
Showing - Training - Private Riding Instruction

259 Tracy Road, Ravenna, NY 12143  
Telephone ..... 518-756-9777  
Fax ..... 518 756-8272



Dec 20, 2013

Received from Aimee Bodianede  
\$10,000 in payment for  
American Saddlebred gelding Chukuli

Jan Lukens  
JL

## BILL OF SALE

**Horse's Name:** Chase What Matters

**American Saddlebred Two Year Old Gelding Registration #125435**

**Date of Birth:** April 26, 2013

**Seller:** Hickory Knoll Farm LLC  
P.O. Box  
Belvidere, IL 61008

**Seller's Agent:** Joe D. Russell  
815-341-6023  
hkfarm@aol.com

**Buyer:** Gary & Aimee Bodimeade  
7472 Ashburn Rd  
Brooklin, ON L1MJ1O4  
Canada

**Purchase Price:** \$2,500 Paid in full  
**Commissions:** None

**BILL OF SALE:**

Horse:

Royal Crest's Moonlight On The Stone

Seller:

Victoria &/or Evelyn Telesco

23252 County Road X

Keil, WI

(920) 254-6264

Seller's Agent:

Kathleen (Keen) Sullivan

Sublime Saddlebreds LLC

388 S. Park Ave

Fond Du Lac, WI 54935

Date:

2/13/2013

Purchase Price:

\$4000.00

Buyer:

Amy Bodimeade



## BILL OF SALE: Young Winston

December 31, 2008

This is the Bill Of Sale for the American Saddlebred horse Young Winston, registration number 106637, for seller Deborah +/-or Dominique Bowlen to buyer Nicholas Bodimeade (minor) or Aimee Bodimeade. He was sold on December 18, 2008 for \$15,000. Cater Stables, LLC acts as agent for the seller in this sale.

Kristen Cater- Cater Stables, LLC

# TAB 4

**fogler  
rubinoff**

Fogler, Rubinoff LLP  
Lawyers

77 King Street West  
Suite 3000, PO Box 95  
TD Centre North Tower  
Toronto, ON M5K 1G8  
t: 416.864.9700 | f: 416.941.8852  
foglers.com

January 11, 2017

GRANT THORNTON LLP  
200 King Street West  
11<sup>th</sup> Floor  
Toronto, ON  
M5H 3T4

Reply To: Greg Azeff  
Direct Dial: 416.365.3716  
E-mail: gazeff@foglers.com  
Our File No. 16/3064

Attention: Ann Lakeram and Jan Oros

Dear Ms. Lakeram/Mr. Oros:

**Re: Gary Bodimeade / Unauthorized sale of personal property by Aimee Bodimeade**

As you know, we are counsel to Gary Bodimeade, a bankrupt.

Our client has advised us that his estranged spouse, Aimee Bodimeade, has been selling his personal property for cash during the course of his bankruptcy. Our client advises that he has repeatedly notified you of Aimee's actions in this regard, but no steps have been taken to prevent further such sales. We understand that your advice to Mr. Bodimeade is that at some point in the future you may pursue Aimee for the proceeds of these sales.

It is not clear to us why the Trustee would allow these ongoing dispositions of estate property. Pursuing Aimee for the proceeds would obviously be a fruitless exercise if she does not have sufficient funds to compensate the estate. Given Aimee's precarious financial situation, it is likely that each dollar of sales proceeds that lands in Aimee's hands will ultimately prove to be one less dollar available to satisfy Gary's indebtedness to the bank.

We trust that appropriate steps will be taken to preserve and protect any of Mr. Bodimeade's personal property that has vested in the Trustee.

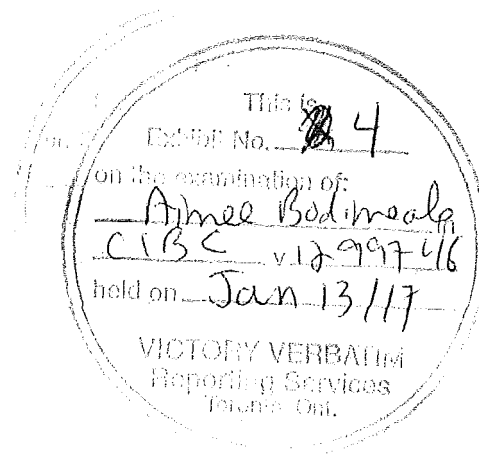
Thank you for your attention to this matter.

Yours truly,

**FOGLER, RUBINOFF LLP**

  
Greg Azeff  
GA/cc

cc: Gary Bodimeade



# TAB 5

**Miranda Spence**

---

**From:** De Caria, Stephanie <sdecaria@foglers.com>  
**Sent:** January-17-17 4:17 PM  
**To:** Miranda Spence; Steve Graff  
**Cc:** Azeff, Greg  
**Subject:** RE: CIBC v. 1299746 Ontario Inc. o/a Compuquest

Hi again - there are two separate questions on the table here:

1) What was asked and answered on the record - Gary does not recall this with any degree of specificity. Neither do I, and certainly not to the extent where I could confirm specific semantic formulations of your question or Gary's response. Again, we are not in a position to confirm that what you recall is accurate.

2) What is his position now - I have answered this in my email response to Steve, below.

Thanks  
 Steph

Stephanie De Caria  
 Fogler, Rubinoff LLP  
 Lawyers  
 Direct: 416.864.1278

-----Original Message-----

From: Miranda Spence [mailto:mspence@airdberlis.com]  
 Sent: Tuesday, January 17, 2017 3:43 PM  
 To: De Caria, Stephanie <sdecaria@foglers.com>; Steve Graff <sgraff@airdberlis.com>  
 Cc: Azeff, Greg <gazeff@foglers.com>  
 Subject: RE: CIBC v. 1299746 Ontario Inc. o/a Compuquest

Stephanie,

Mr. Bodimeade was asked on the record whether he believes he has an interest in the Ashburn Property. He answered the question and did not make any claim to privilege. We are asking you to confirm his position because the recording system malfunctioned, and we do not want to trouble the parties with re-convening the cross-examination. I understand from the court reporter that this was a 40 second exchange.

I have a clear recollection that Mr. Bodimeade said that he believes he has a half interest in the Ashburn Property based on his matrimonial rights. Can you please ask him if this is accurate.

To be clear, we are not asking for Mr. Bodimeade to advise of the basis for his belief in this regard, which I agree may be privileged.

Thanks,  
 Miranda

-----Original Message-----

From: De Caria, Stephanie [mailto:sdecaria@foglers.com]  
 Sent: January-17-17 3:28 PM

To: Steve Graff <sgraff@airdberlis.com>  
 Cc: Miranda Spence <mspence@airdberlis.com>; Azeff, Greg <gazeff@foglers.com>  
 Subject: RE: CIBC v. 1299746 Ontario Inc. o/a Compuquest

Hi.

I was writing a follow up to Miranda when you sent that email to advise that while I vaguely recall Miranda asking about his interest in the Ashburn Property, I certainly don't recall his evidence (or her question) being as specific as she has put it below.

In any event, I just spoke with Gary - he believes he has an interest in the Ashburn Property. However, his understanding of his interest and the extent to which it exists is based on legal advice he has received and is therefore protected by solicitor-client privilege.

Thanks  
 Steph

Stephanie De Caria  
 Fogler, Rubinoff LLP  
 Lawyers  
 Direct: 416.864.1278

-----Original Message-----

From: Steve Graff [mailto:sgraff@airdberlis.com]  
 Sent: Tuesday, January 17, 2017 3:02 PM  
 To: De Caria, Stephanie <sdecaria@foglers.com>  
 Cc: Miranda Spence <mspence@airdberlis.com>; Azeff, Greg <gazeff@foglers.com>  
 Subject: Re: CIBC v. 1299746 Ontario Inc. o/a Compuquest

Then please ask him to confirm that is his position. Thx.

Steve Graff  
 Cell 416 894-5090  
 Office 416 865-7726  
 Email sgraff@airdberlis.com<mailto:sgraff@airdberlis.com>

Sent from my iPhone

On Jan 17, 2017, at 3:01 PM, De Caria, Stephanie <sdecaria@foglers.com<mailto:sdecaria@foglers.com>> wrote:

Hi Miranda - I do not recall what was said off the record and therefore I am not in a position to confirm that was his evidence.

Steph

<image001.png>

Stephanie De Caria  
 Fogler, Rubinoff LLP  
 Lawyers  
 Direct: 416.864.1278

From: Miranda Spence [mailto:mspence@airdberlis.com]  
Sent: Tuesday, January 17, 2017 2:43 PM  
To: De Caria, Stephanie <sdecaria@foglers.com<mailto:sdecaria@foglers.com>>  
Cc: Steve Graff <sgraff@airdberlis.com<mailto:sgraff@airdberlis.com>>  
Subject: CIBC v. 1299746 Ontario Inc. o/a Compuquest

Stephanie,

As you have heard from Victory Verbatim, the court reporter's equipment malfunctioned and failed to capture the last questions of my cross-examination of Gary Bodimeade held January 13, 2017. Our recollection is that Mr. Bodimeade's evidence during this portion of the cross-examination was as follows:

Mr. Bodimeade's view is that he holds a 50% interest in the Ashburn Property, through his matrimonial rights.

Please confirm that the foregoing was Mr. Bodimeade's evidence, so that it may form part of the record.

Best regards,  
Miranda

<image003.png>

Miranda Spence

T 416.865.3414  
F 416.863.1515  
E mspence@airdberlis.com<mailto:mspence@airdberlis.com>

Brookfield Place \* 181 Bay Street  
Suite 1800 \* Box 754  
Toronto ON \* M5J 2T9 \* Canada  
www.airdberlis.com<http://www.airdberlis.com/>

<image005.jpg>

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<image006.jpg>Please consider the environment before printing this email.

27  
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P Before printing, please consider the environment.

CANADIAN IMPERIAL BANK OF COMMERCE

- and -

1299746 ONTARIO INC. o/a COMPUQUEST2000 et al.

Applicant

Respondents

Court File No. CV-16-11369-00CL

**ONTARIO  
SUPERIOR COURT OF JUSTICE  
COMMERCIAL LIST**

Proceedings commenced at Toronto

**BRIEF OF EXHIBITS FROM THE CROSS-  
EXAMINATION OF AIMEE BODIMEADE HELD ON  
JANUARY 13, 2017**

**(Motion returnable November 30, 2016)**

**AIRD & BERLIS LLP**  
Barristers and Solicitors  
Brookfield Place  
181 Bay Street, Suite 1800  
Toronto, ON M5J 2T9

**Steven L. Graff (LSUC # 31871V)**  
Tel: (416) 865-7726  
Fax: (416) 863-1515  
Email: [sgraff@airdberlis.com](mailto:sgraff@airdberlis.com)

**Miranda Spence (LSUC # 60621M)**  
Tel: (416) 865-3414  
Fax: (416) 863-1515  
Email: [mspence@airdberlis.com](mailto:mspence@airdberlis.com)

*Lawyers for Canadian Imperial Bank of Commerce*