



COURT FILE NUMBER

1601-10510

COURT

COURT OF QUEEN'S BENCH OF ALBERTA

JUDICIAL CENTRE

CALGARY

APPLICANT

ROYAL BANK OF CANADA

RESPONDENT

**MJ's WATER HAULING CO. LTD., 1825377
ALBERTA LTD., DARREN BISHOP, VANESSA
BISHOP, 1521580 ALBERTA LTD.**

DOCUMENT

APPLICATION FOR DISTRIBUTION ORDER

ADDRESS FOR SERVICE AND CONTACT
INFORMATION OF PARTY FILING THIS
DOCUMENT

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NOTICE TO RESPONDENT(S)

This application is made against you. You are a respondent.

You have the right to state your side of this matter before the Judge.

To do so, you must be in Court when the application is heard as shown below:

Date	February 26, 2018
Time	2:00 p.m.
Where	Calgary Courts Centre
Before Whom	The Honourable Mr. Justice P.R. Jeffrey

Go to the end of this document to see what else you can do and when you must do it.

Remedy claimed or sought:

1. Grant Thornton Limited. (the "**Receiver**"), in its capacity as receiver of the current and future assets, undertakings and properties, excluding certain equipment owned by Mercedes Benz Financial Services Canada (collectively, the "**Property**") of MJ's Water Hauling Co. Ltd. ("**MJs**") and 1825377 Alberta Ltd. (collectively, the "**Debtors**") pursuant to the Order issued by the Honourable Justice J. Dario on August 10, 2016 (the "**Receivership Order**"), seeks the following relief:
2. Declaring that service of this Application (the "**Application**") and the Fourth Report of the Receiver, dated February 16 2018 (the "**Fourth Receiver's Report**") on the persons listed in Appendix "A" to the Application (the "**Service List**") is good and sufficient and that no persons other than those on the Service List are entitled to service of the Fourth Receiver's Report or the Application or Orders arising from the Application.
3. Approving the Receiver's actions to date.
4. Granting the Receiver authority to make a distribution to unsecured and other creditors in the estates of the Debtors ("**the Distribution**");
5. Advice and directions to the Receiver with respect to whether the Distribution should be made through a claims process in the Receivership, or through bankruptcy proceedings;
6. Such further and other relief as counsel for the Receiver may advise.

Grounds for the Application:

7. The Receiver was appointed as receiver of the Property pursuant to the Receivership Order, and has proceeded to comply with its duties pursuant to the Receivership Order, including the sale of the Property.
8. By Court Order dated September 23, 2016, the Receiver obtained the Court's authority to sell equipment owned by MJ's by sending it to auction. By Court Order dated January 17, 2017, the Receiver was authorized to make an interim distribution of the auction sale proceeds to the priority secured creditor, the Royal Bank of Canada ("**RBC**").
9. By order dated April 24, 2017, the Receiver obtained Court approval of the sale of lands owned by the debtor 1825377 Alberta Ltd. ("**182**"), and an order to distribute the sale proceeds to RBC, in an amount sufficient to satisfy the claim of RBC in full.
10. As a result of the above-noted sales and other recoveries including the collection of accounts receivable, the Receiver holding is holding excess funds in the estates of 182 and MJ's which it now seeks to distribute to unsecured and other priority creditors.

11. By Court Order dated September 23, 2016, the Receiver was given authority to assign the Debtors into bankruptcy. The Receiver has not run a formal claims process for either estate. With respect to the estate of MJ's, there are many unsecured creditors, along with priority claims for GST, etc., which would see their recovery materially affected by the method of distribution (ie. receivership or bankruptcy). The Receiver seeks advice and directions from the Court with respect to distributing any excess funds by way of bankruptcy, or by way of Court-supervised claims process in the Receivership.
12. Such further and other grounds as counsel for the Receiver may advise.

Material or Evidence to be relied On:

The Receiver will rely on the following material:

13. The Fourth Receiver's Report.
14. Such further and other material as counsel for the Receiver may advise.

Applicable rules:

15. Rule 6.3(1) and 6.9(1) of Rules.
16. Such further and other rules as counsel for the Receiver may advise.

Applicable Acts and Regulations:

17. Section 243 of the BIA.
18. Such further and other acts and regulations as counsel for the Receiver may advise.

Any irregularity complained of or objection relied on:

19. There are no irregularities complained of or objections relied on.

How the application is proposed to be heard or considered:

20. The Receiver proposes that the Application be heard in person with one, some or all of the parties present.

WARNING

If you do not come to Court either in person or by your lawyer, the Court may give the applicant(s) what they want in your absence. You will be bound by any order that the Court makes. If you want to take part in this application, you or your lawyer must attend in Court on the date and at the time shown at the beginning of the form. If you intend to rely on an affidavit or other evidence when the application is heard or considered, you must reply by giving reasonable notice of the material to the applicant.

APPENDIX "A"

COURT OF QUEEN'S BENCH ACTION NO.: 1601-10510

ROYAL BANK OF CANADA

v.

MJ'S WATER HAULING CO. LTD., 1825377 ALBERTA LTD., DARREN BISHOP, VANESSA BISHOP, 1521580 ALBERTA LTD.

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