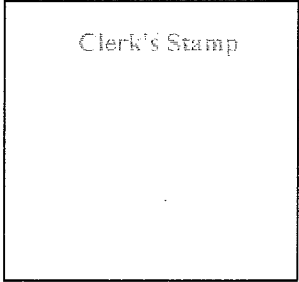


COURT FILE NUMBER      **Q.B. No. 1401 of 2019**  
COURT OF QUEEN'S BENCH FOR SASKATCHEWAN  
JUDICIAL CENTRE              **SASKATOON**  
APPLICANT                      **HARMON INTERNATIONAL**  
(ORIGINAL RESPONDENT) **INDUSTRIES INC.**  
RESPONDENT  
(ORIGINAL APPLICANT)      **PILLAR CAPITAL CORP.**



**IN THE MATTER OF THE RECEIVERSHIP OF  
HARMON INTERNATIONAL INDUSTRIES INC.**

=====  
**NOTICE OF APPLICATION**  
=====

**Notice to Respondents: All Parties Listed on the Enclosed Service List**

This application is made against you. You are a Respondent. You have the right to state your side of this matter before the Court.

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

**Where:**                      **Court of Queen's Bench**  
   **520 Spadina Crescent East**  
   **Saskatoon, SK S7K 3G7**  
**Telephone:**                **(306) 933-5135**  
**Date:**                         **October 14, 2020**  
**Time:**                        **10:00 A.M.**

(Read the Notice at the end of this document to see what else you can do and when you must do it.)

**Remedy claimed or sought:**

1.      The Applicant seeks declaration with respect to:

(a) The total amount owing by the Applicant to the Respondent Pillar Capital Corp. (“Pillar Capital”) for principal and interest on its mortgage loan (the “Mortgage Loan”); and

(b) The total amount owing to the Receiver on account of the Receiver’s Charge and the Receiver’s Borrowings Charge;

2. The Applicant further seeks an order that:

(a) The Applicant has the right to redeem and pay out the amount owing to the Respondent Pillar Capital and the Receiver pursuant to Paragraph 1;

(b) Being satisfied that the payments required to be made in Paragraphs 1(a) and 1(b) have been made to W Law Group LLP as counsel for Pillar Capital and MLT Aikins LLP as counsel for the Receiver, the appointment of BDO Canada Limited as receiver of the Applicant pursuant to the Receivership Order made by this Honourable Court and issued on January 17, 2020, and the Order issued October 2, 2020, shall be terminated;

(c) The Receiver be discharged; and

(d) There be no order as to costs.

**Grounds for making this application:**

3. The Applicant is entitled to redeem and pay out the Mortgage Loan, the Receiver’s Charge and the Receiver’s Borrowings Charge. Further and more particular grounds will be set out in the Applicant’s Brief of Law.

**Material or evidence to be relied on:**

4. In support of this Application, will be read the following:

- (i) All affidavits and reports filed in this matter to date;
- (ii) Affidavit of Calvin Moneo, sworn October 2, 2020;
- (iii) Affidavit of Victor Moneo, sworn October 2, 2020;
- (iv) Draft Order;
- (v) Service List;
- (vi) Brief of Law, to be filed;
- (vii) Such further material as counsel may advise and this Honourable Court may allow.

**Applicable Rules:**

5. None.

**Applicable Acts and regulations:**

6. *The Queen's Bench Act, 1998*, SS, 1998, c Q-1.01, s. 11;  
*Bankruptcy and Insolvency Act*, RSC, 1985, c B-3, s. 187(5);  
*The Land Titles Act, 2000*, SS, 2001, c L-5.1, s. 109.

DATED at the City of Saskatoon, in the Province of Saskatchewan, this 6<sup>th</sup> day of October, 2020.

**LELAND KIMPINSKI LLP**

PER: \_\_\_\_\_

Solicitors for the Applicant,  
Harmon International Industries Inc.

## NOTICE

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

## CONTACT INFORMATION AND ADDRESS FOR SERVICE

This document was prepared and delivered by:

Leland Kimpinski LLP  
Lawyer in charge of file: Ryan A. Pederson  
336 6<sup>th</sup> Avenue North  
Saskatoon, SK S7K 2S5

Telephone: (306) 653-6474  
Facsimile: (306) 653-7008  
E-mail: [rpederson@lelandlaw.ca](mailto:rpederson@lelandlaw.ca)

The Applicant's address for service is as above.