

IN THE COURT OF QUEEN'S BENCH OF ALBERTA
JUDICIAL DISTRICT OF CALGARY

IN THE MATTER OF THE TRUSTEESHIP OF JOHN
FRANCIS QUINN, A DEPENDENT ADULT

AND IN THE MATTER OF THE JUDICATURE ACT
(ALBERTA) AND THE APPOINTMENT OF A RECEIVER
AND MANAGER OF THE PROPERTY, ASSETS AND
UNDERTAKING OF JOHN FRANCIS QUINN

BETWEEN:

MICHAEL A. CONE, TRUSTEE FOR JOHN FRANCIS
QUINN, A DEPENDENT ADULT

Applicant,

- and -

JOHN FRANCIS QUINN AND
DAWN T. QUINN

Respondents.

NOTICE OF MOTION

TAKE NOTICE that an application will be made on behalf of Hardie & Kelly Inc. (the "Receiver"), Receiver and Manager of the property, assets and undertaking of John Francis Quinn, a dependent adult, before the presiding Master in Chambers, at the Court House, in Calgary, Alberta, on **Wednesday, the 21st day of November, 2007**, at the hour of 10:00 o'clock in the forenoon, or so soon thereafter as counsel can be heard, for the following orders and directions:

1. Authorizing the Receiver to reduce the listing price for the property municipally known as 803 - 104 Avenue S.W., Calgary, Alberta, and legally described as Plan 1163JK, Block 5, Lot 15, Excepting thereout all mines and minerals and the right to work the

same, from \$374,900.00 to such lesser listing price from time to time as the Receiver and Michael Cone, Trustee of the financial affairs of Mr. Quinn, may agree;

2. Authorizing and directing the Receiver to pay and deliver to Mr. Cone, as Trustee, all Canada Pension Plan ("CPP") disability benefits and Assured Income for the Severely Handicapped ("AISH") benefits payable to Mr. Quinn;
3. Authorizing service of notice of this application on all known creditors, potential creditors and other interested parties by posting copies of the same on the website of Hardie & Kelly Inc. at *www.insolvency.net*;
4. Abridging the time for service of notice of this application as may be required and otherwise deeming service hereof good and sufficient;
5. Amending the style of cause in these proceedings to add Susan M. MacAdam as a Respondent;
6. Granting such further and other orders and relief as counsel may seek and this Honourable Court may consider just and appropriate in the circumstances;
7. Costs, to be paid from the non-exempt assets in the receivership.

AND TAKE NOTICE that in support of said application, the Receiver will rely upon the First Report of the Receiver-Manager dated August 9th, 2007; the Affidavit of A. Ronald Hardie sworn on August 10th, 2007, filed; the Affidavit of A. Ronald Hardie sworn on November 5th, 2007, to be filed and served herewith; the proceedings had and taken herein and in Court of Queen's Bench of Alberta (Surrogate Matter) Action No. 10863 (In the Matter of John Francis Quinn, a Dependent Adult) to date; and such further and other materials as counsel may advise and this Honourable Court may permit.

AND TAKE NOTICE that the grounds of this application are fully set out in the

Affidavit of A. Ronald Hardie sworn on November 5th, 2007 and include the following:

- (a) The real estate market in Calgary has slowed and, given ongoing mortgage interest, utilities and other expenses, it is important for the Receiver and the Trustee to have some discretion to adjust the listing price for the Property from time to time in order to promote an immediate sale;

- (b) The CPP and AISH benefits are exempt from the claims of Mr. Quinn's unsecured creditors and are required by his Trustee to meet Mr. Quinn's ongoing living and assisted-care expenses and other expenses of the trusteeship.

DATED at the City of Calgary, in the Province of Alberta, this 14th day of November, 2007; AND DELIVERED BY MILES DAVISON LLP, Solicitors for the Applicants herein, whose address for service is in care of said solicitors at 1600 Bow Valley Square II, 205 - 5th Avenue S.W., Calgary, Alberta, T2P 2V7.

MILES DAVISON LLP, Solicitors for
Hardie & Kelly Inc., in its capacity as
Receiver and Manager of the property,
assets and undertaking of John Francis
Quinn

Per: 

SUSAN L. ROBINSON BURNS, Q.C.

TO: Clerk of the Court

AND TO: Underwood Cherry Gilholme (Attention: Ms. Leanne Cherry)
Solicitors for Michael Cone, Susan M. MacAdam and Dawn Quinn

AND TO: Creditors and Other Interested Persons pursuant to paragraph 3 hereof

ACTION NO. 0701-04154

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BETWEEN:

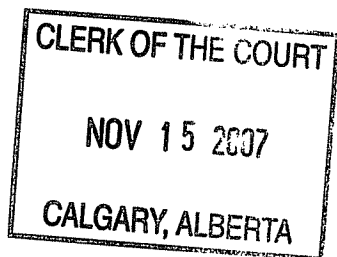
MICHAEL A. CONE, TRUSTEE FOR JOHN FRANCIS
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Applicant,

- and -

JOHN FRANCIS QUINN AND
DAWN T. QUINN

Respondents.



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MILES DAVISON LLP
Barristers and Solicitors
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205 - 5 Avenue S.W.
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T2P 2V7
Telephone: (403) 298-0333
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Attention: Susan L. Robinson Burns, Q.C.

Our File: 21664 SLB