



COURT FILE NUMBER 0701-04154

COURT COURT OF QUEEN'S BENCH OF ALBERTA

JUDICIAL CENTRE CALGARY

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

DEFENDANT JOHN FRANCIS QUINN AND DAWN T. QUINN

DOCUMENT **APPLICATION BY HARDIE & KELLY INC. (THE "RECEIVER")**

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT Miles Davison LLP  
Bow Valley Square II  
1600, 205 – 5<sup>th</sup> Avenue S.W.  
Calgary, Alberta T2P 2V7  
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Attention: Susan L. Robinson Burns, Q.C.

**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 Master.

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

Date **Monday, December 20, 2010**  
Time **10:00 am**  
Where **Calgary Courts Centre, North Tower, 601 - 5 Street S.W.,  
Calgary, Alberta T2P 1T5**  
Before Whom **Presiding Master in Chambers, 9<sup>th</sup> Floor**

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. An Order:

- a. Approving and directing payment of the final compensation requested by the Receiver;
- b. Approving and directing payment of all legal fees and disbursements incurred by the Receiver in connection with this receivership, including legal fees incurred for this application;
- c. Passing and approving the final accounts of the Receiver and Manager of the property, assets, and undertaking of John Francis Quinn ("Quinn");
- d. Approving all distributions of assets and proceeds of assets and all payments of monies made and to be made by the Receiver to various creditors of Quinn, as more fully set forth in the reports of the Receiver filed herein;
- e. Authorizing the Receiver to dispose of such receivership records as the Receiver deems appropriate, without further notice to any creditor, but subject to the requirements of the *Income Tax Act* (Canada), and its regulations;
- f. Upon completion of the foregoing, absolutely discharging the Receiver as Receiver and Manager of the property, assets and undertaking of Quinn, and relieving the Receiver from any further obligations under or pursuant to the Order of appointment granted herein on April 23, 2007.
- g. Dispensing with service of notice of this Application on any person other than the persons listed on the attached service list.
- h. Such further and other Orders and directions as this Honourable Court may consider necessary or appropriate in the circumstances.

**Grounds for making this application:**

2. The administration of this receivership is substantially complete and it is just and convenient in all the circumstances that the Receiver be discharged.

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

3. The proceedings had and taken herein to date and, in particular:
  - a. The First and Second Reports of the Receiver;

b. The Order of Madam Justice P.A. Rowbotham granted on April 23, 2007.

4. Such further and other material as Counsel may advise and this Honourable Court may permit.

**Any irregularity complained of or objection relied on:**

N/A

**How the application is proposed to be heard or considered:**

In person

**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.

## SERVICE LIST

Bellingham Ear, Nose and Throat  
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Manulife Bank of Canada  
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Mt. Baker Nephrology  
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Paccar Financial  
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Susan MacAdam

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Merchant's Credit  
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Federal Way, 98003

Psychiatry Association  
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Dawn Quinn

Leanne Cherry,  
Legal Counsel for Michael A. Cone