

26-Feb-20

REGISTRY

No. S1710393  
Vancouver Registry

**IN THE SUPREME COURT OF BRITISH COLUMBIA**

IN THE MATTER OF THE *COMPANIES' CREDITORS ARRANGEMENT ACT*,  
R.S.C. 1985, c. C-36, AS AMENDED

AND

IN THE MATTER OF THE *BUSINESS CORPORATIONS ACT*,  
S.B.C. 2002, c. 57, AS AMENDED

AND

IN THE MATTER OF THE *CANADA BUSINESS CORPORATIONS ACT*,  
R.S.C. 1985, c. C-44, AS AMENDED

AND

IN THE MATTER OF A PLAN OF COMPROMISE AND ARRANGEMENT OF  
ALL CANADIAN INVESTMENT CORPORATION

**AFFIDAVIT**

I, Hana Sparks Legal Administrative Assistant, of the city of Kelowna in the province of British Columbia, SWEAR THAT:

1. I have been authorized by Parkland Funding Ltd. "(Parkland)" an Alberta corporation to swear this affidavit on its behalf and this is my second affidavit in this proceeding.
2. Parkland is a creditor of the All Canadian Investment Corporation ("ACIC") by virtue of a settlement reached between the two companies to settle the claims of Parkland brought in in the British Columbia Supreme Court in the Kelowna Registry having court file number 109643.
3. That Supreme Court Action was filed on January 4, 2016 and named All Canadian Investment Corporation as one of the defendants.
4. Mr. Jim Schmidt wrote to counsel for Parkland Funding Ltd. on January 11, 2016 advising that he was retained by the defendants in that proceeding.. Attached hereto as Exhibit "A" is a true copy of that letter.



# CLARK WILSON LLP

Reply to: Jim Schmidt  
Direct Tel: 604.891.7716  
Email: JSchmidt@cwilson.com  
File No:

CLARK WILSON LLP  
Barristers & Solicitors  
Patent & Trade-Mark Agents  
900 - 885 West Georgia Street  
Vancouver, BC V6C 3H1 Canada  
T. 604.687.5700 F. 604.687.6314  
cwilson.com

January 11, 2016

VIA E-MAIL – sean@seankellylaw.ca

Sean Kelly Law  
#101 - 1353 Ellis Street  
Kelowna, BC  
V1Y 1Z9

Attention: Sean M. Kelly

Dear Sirs:

**Re: Parkland Funding Ltd. v. All Canadian Investment Corporation et al.  
Supreme Court of British Columbia, Kelowna Registry, Action No. 109643**

We have been retained by the defendants and are in the process of taking instructions in order to prepare, file and serve a Response to Civil Claim.

In the interim, we ask that no further steps be taken against our client without adequate, prior written notice to our office.

Yours truly,

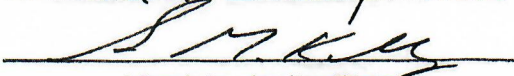
CLARK WILSON LLP

Per: 

LAA For:  
Jim Schmidt

JYS/nea

This is Exhibit "A" referred to in the affidavit  
of Hans Sparkes, sworn before me  
this 10th day of January 2020

  
A Commissioner for taking affidavits  
within British Columbia  
A Notary Public in and for the Province  
of British Columbia

**From:** Jim Schmidt JSchmidt@cwilson.com  
**Subject:** Parkland v All Canadian et al: WITHOUT PREJUDICE  
**Date:** February 12, 2016 at 7:25 AM  
**To:** sean@seankellylaw.ca



Hi Sean –

My clients are in a position to fund payment to your client of the sum of \$200,000. That can be done immediately upon you providing me with a signed consent dismissal order in the usual form, providing for a without costs dismissal against all defendants on the same basis as if pronounced after a trial on the merits.

Please confirm this resolution is acceptable. If you wish me to prepare the CDO, let me know.

Regards,

Jim

**Jim Schmidt** | Clark Wilson LLP  
Partner  
900-885 West Georgia Street | Vancouver, BC | V6C 3H1  
Tel: 604.891.7716 | Fax: 604.687.6314 | Email: JSchmidt@cwilson.com  
[www.cwilson.com](http://www.cwilson.com) | [Contact Information](#) | [Profile](#)

This e-mail may be confidential. Unauthorised use is prohibited. Unintended recipients are asked to return and delete this message. E-mail is inherently vulnerable to interception and we will use alternate means upon request.

This is Exhibit "B" referred to in the affidavit  
of Hann Sparks, sworn before me  
this 10th day of January 2020

A Commissioner for taking affidavits  
within British Columbia  
A Notary Public in and for the Province  
of British Columbia

From: Sean Kelly sean@seankellylaw.ca  
Subject: Re: Parkland v All Canadian et al: WITHOUT PREJUDICE  
Date: February 12, 2016 at 3:02 PM  
To: Jim Schmidt JSchmidt@cwilson.com  
Cc: Sean Kelly Legal Assistant assistant@SeanKellyLaw.ca  
Bcc: ekulak.kulak1@gmail.com



Thank you, Jim.

That resolution is acceptable. Please send the funds to my attention payable to Parkland Funding Ltd. and I will undertake not to release same to my client until we have filed the CDO. You might as well prepare the CDO and send it along with the settlement funds.

Regards,

Sean M. Kelly  
Lawyer

## SEAN KELLY LAW

LITIGATION & DISPUTE RESOLUTION

#101-1353 Ellis Street  
Kelowna, BC V1Y 1Z9  
Tel: (250) 860-4201 Fax: 1-855-387-0215  
Email: [sean@seankellylaw.ca](mailto:sean@seankellylaw.ca)  
Web: [www.seankellylaw.ca](http://www.seankellylaw.ca)

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On Feb 12, 2016, at 7:24 AM, Jim Schmidt <[JSchmidt@cwilson.com](mailto:JSchmidt@cwilson.com)> wrote:

Hi Sean –

My clients are in a position to fund payment to your client of the sum of \$200,000. That can be done immediately upon you providing me with a signed consent dismissal order in the usual form, providing for a without costs dismissal against all defendants on the same basis as if pronounced after a trial on the merits.

Please confirm this resolution is acceptable. If you wish me to prepare the CDO, let me know.

Regards,

Jim

**Jim Schmidt** | Clark Wilson LLP  
Partner  
900-885 West Georgia Street | Vancouver, BC | V6C 3H1

This is Exhibit "C" referred to in the affidavit  
of Hana Spinks, sworn before me  
this 10<sup>th</sup> day of January 2016

A Commissioner for taking affidavits  
within British Columbia  
A Notary Public in and for the Province  
of British Columbia