



Affidavit #1 of E. Zhu
Made December 10, 2020
Court File No. **VLC-S-S-2013202**
No.
Vancouver Registry

In the Supreme Court of British Columbia

BETWEEN

NORTHSTAR OWNERS CORPORATION

PETITIONER

AND

RICHARD BURTON LAW, RENEE ALLISON LAW
(AND OTHERS AS PER SCHEDULE A OF PETITION)

RESPONDENTS

AFFIDAVIT

I, Elynne Zhu, care of 1400 – 1125 Howe Street, Vancouver, British Columbia, MAKE
OATH AND SAY THAT:

1. I am a legal assistant at Citadel Law Corporation and as such have personal knowledge of the facts hereinafter deposed to save and except where stated to be upon information and belief and where so stated I verily believe them to be true.
2. Now produced and shown to me and marked as **Exhibit "A"** to this my Affidavit are true copies of the order granted in *Tyndall Owners Corp. v. Cook et al.* Vancouver S149243 by Mr. Justice Affleck on November 23, 2016.
3. Now produced and shown to me and marked as **Exhibit "B"** to this my Affidavit is a true copy of the order granted in *The Owners, Strata Plan VR 338 v. Monsour et al.* Vancouver S165843.

4. Now produced and shown to me and marked as **Exhibit "C"** to this my Affidavit is a true copy of the order granted in *The Owners, Strata Plan VR 338 v. Michael Hutchison et al.* Vancouver S139468.

5. Now produced and shown to me and marked as **Exhibit "D"** to this my Affidavit is a true copy of the order granted in *The Owners, Strata Plan VR 338 v. Ramos et al.* Vancouver S145287.

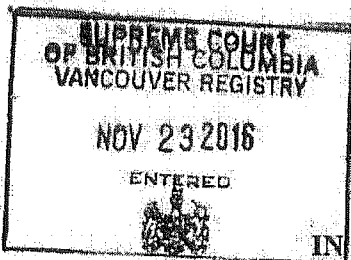
SWORN BEFORE ME at the City of
Vancouver, in the Province of British Columbia,
this 10th day of December, 2020.

A Commissioner for taking Affidavits for British
Columbia

Polina H. Furtula
Barrister and Solicitor
Citadel Law Corporation
1400 – 1125 Howe Street
Vancouver, BC V6E 4E6
Phone: 778-945-9990



ELYNNE ZHU



This is Exhibit "A" referred to in the
affidavit of E. Zhu
sworn before me at Vancouver
this 10 day of Dec 20 NOV S149203
VANCOUVER REGISTRY
A Commissioner for taking Affidavits

001

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

TYNDALL OWNERS CORP.

PETITIONER

AND:

LORRAINE MERLE COOK,
DAVID GREGG HAMPTON, ELMA GRACE HAMPTON,
YONGSU KIM and JUNGHI KIM,
NICOLE CHRISTIAN,
KIMBERLEY JOANNE MARTIN,
WILLIAM AND MARY FOUNDATION, LLC
TIMESHARE TRAVEL LLC,
ERNEST MARION DILL, VIRGINIA TUCKER DILL,
NASHEKA TOWERS,
DAMON ANDREW DAMBROSIA,
NICOLE PETRUS,
MICHAEL VERNON TSCHOHL, SUSAN LINNAE TSCHOHL,
DOUGLAS TURNER SUTPHEN,
ZOLTAN JAKUBOVIC, EFRAIM JAKUBOVIC,
KENNETH WAYNE WHITFIELD, SUZANNE CARMEN PEIZER,
GUS JAMES THEMELIS, SUSAN MARIE THEMELIS,
STAPLES CONSTRUCTION INC.,
MAURICE TAN HUCK LIANG, MICHELLE KOH CHENG JOO,
KEITH BARKAS,
BIRINDER SINGH ARNEJA, MANJIT ARNEJA,
JAMES WALLACE JOHNSON, LORA ANN THAYER,
FUTURA ENTERPRISES LTD., formerly
FUTURA MORTGAGE INVESTMENT COMPANY LTD.,
GIBBSON FAMILY HOLDING, LLC,
DAWN MAUREEN CLARKE, also known as
DAWN GRIFFIN-BEALE and DAWN BELISLE,
BMO NESBITT BURNS INC., formerly known as NESBITT BURNS INC.,
INTERNATIONAL RESORT EXCHANGE LLC,
JAY JOEL JACK,
SHANTA MARIE GROVER,
ROOSEVELT HATTIN, JR., GLORIA ANN MORGAN,
GARRETT LAWRENCE RITTER,
JANET LYNN MARTIN-GRAHAM, MERVIN MONTGOMERY GRAHAM,

RONALD WADE BATES, SR., AMY GEORGIA KOUYIAN-BATES,
 NORMAN CHRISTIAN GLIMBERG, SARAH JANE GLIMBERG,
 CAREN WAI KWING NG, KIM HUNG NG,
 THE CARDENAS FAMILY TRUST, LLC,
 JAMES ALBERT HUEBNER,
 PAOLO BURTINI, COLLEEN FRANCES BURTINI,
 PAUL MELVIN SIRES, PATRICIA LYNN SIRES,
 NORTH SHORE CREDIT UNION,
 JAMES PATRICK FOLEY, OPAL NELME FOLEY,
 SUK YIN TANG, YAN HUAN MO,
 KIM WARD, DAVID WARD,
 PATRICIA ANN SLOCUM,
 BARRY POKORNEY, JENNIFER MARIA POKORNEY,
 STELLA DIRKS,
 THOMAS RANDALL SMITH, CYNTHIA DIANNE SMITH,

RESPONDENTS

ORDER MADE AFTER APPLICATION
(ORDER ABSOLUTE)

BEFORE *THE HONOURABLE*) WEDNESDAY, THE 23 DAY
MR. JUSTICE AFFLECK) OF November, 2016

The application of the Petitioner, Tyndall Owners Corp., coming on for hearing before me at Vancouver, British Columbia on this date; and upon hearing Philip Dougan, counsel for the Petitioner without notice; and no one appearing for the Respondents;

THIS COURT ORDERS that:

1. There be a final order of foreclosure in the first instance of each of their 1/51st interest of the Respondents, Lorraine Merle Cook (Title #BL332122), Yongsu Kim and Junghi Kim (Title #BM108684) and Nicole Christian (Title #CA2530168) (the "Strata Lot 13 Owners"), in the lands and premises situated at #202- 4338 Main Street, Whistler, British Columbia, and more particularly known and described as:

Parcel Identifier: 023-416-637

Strata Lot 13 District Lot 5275

Group 1 New Westminster District

Strata Plan LMS 2383

Together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form 1

("Strata Lot 13")

2. The Strata Lot 13 Owners, and all persons claiming through them, are absolutely foreclosed of any interest in Strata Lot 13.

3. The Strata Lot 13 Owners shall forthwith deliver to the Petitioner vacant possession of each of their 1/51st interest in Strata Lot 13.

4. There be a final order of foreclosure in the first instance of each of their 1/51st interest of the Respondents, William and Mary Foundation LLC (Title #CA1481360) and Timeshare Travel, LLC (Title #BB1172832) (the "Strata Lot 14 Owners"), in the lands and premises situated at #203 - 4338 Main Street, Whistler, British Columbia, and more particularly known and described as:

Parcel Identifier: 023-416-645

Strata Lot 14 District Lot 5275

Group 1 New Westminster District

Strata Plan LMS 2383

Together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form 1

("Strata Lot 14")

5. The Strata Lot 14 Owners, and all persons claiming through them, are absolutely foreclosed of any interest in Strata Lot 14.

6. The Strata Lot 14 Owners shall forthwith deliver to the Petitioner vacant possession of each of their 1/51st interest in Strata Lot 14.

7. There be a final order of foreclosure in the first instance of each of their 1/51st interest of the Respondent, Nasheka Towers (Title #CA2839866) (the "Strata Lot 15 Owner"), in the lands and premises situated at #204 - 4338 Main Street, Whistler, British Columbia, and more particularly known and described as:

Parcel Identifier: 023-416-653

Strata Lot 15 District Lot 5275

Group 1 New Westminster District

Strata Plan LMS 2383

Together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form 1

("Strata Lot 15")

8. The Strata Lot 15 Owner, and all persons claiming through her, is absolutely foreclosed of any interest in Strata Lot 15.

9. The Strata Lot 15 Owner shall forthwith deliver to the Petitioner vacant possession of her 1/51st interest in Strata Lot 13.

10. There be a final order of foreclosure in the first instance of each of their 1/51st interest of the Respondents, Damon Andrew Dambrosia (Title #BL15880) and Nicole Petrus (Title #CA2596529) (the "Strata Lot 19 Owners"), in the lands and premises situated at #208 - 4338 Main Street, Whistler, British Columbia, and more particularly known and described as:

Parcel Identifier: 023-416-696

Strata Lot 19 District Lot 5275

Group 1 New Westminster District

Strata Plan LMS 2383

Together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form 1

("Strata Lot 19")

11. The Strata Lot 19 Owners, and all persons claiming through them, are absolutely

foreclosed of any interest in Strata Lot 19.

12. The Strata Lot 19 Owners shall forthwith deliver to the Petitioner vacant possession of each of their 1/51st interest in Strata Lot 19.

13. There be a final order of foreclosure in the first instance of each of their 1/51st interest of the Respondents, Michael Vernon Tschohl and Susan Linnae Tschohl (Title #BM101955), Kenneth Wayne Whitfield and Suzanne Carmen Peizer (Title #BM141422) (the "Strata Lot 20 Owners"), in the lands and premises situated at #209 - 4338 Main Street, Whistler, British Columbia, and more particularly known and described as:

Parcel Identifier: 023-416-700
Strata Lot 20 District Lot 5275
Group 1 New Westminster District
Strata Plan LMS 2383

Together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form 1

("Strata Lot 20")

14. The Strata Lot 20 Owners, and all persons claiming through them, are absolutely foreclosed of any interest in Strata Lot 20.

15. The Strata Lot 20 Owners shall forthwith deliver to the Petitioner vacant possession of each of their 1/51st interest in Strata Lot 20.

16. There be a final order of foreclosure in the first instance of each of their 1/51st interest of the Respondents, Gus James Themelis and Susan Marie Themelis (Title #BN103510), Maurice Tan Huck Liang and Michelle Koh Cheng Joo (Title #BM35974) and Nasheka Towers (Title #CA2839977) (the "Strata Lot 24 Owners"), in the lands and premises situated at #213 - 4338 Main Street, Whistler, British Columbia, and more particularly known and described as:

Parcel Identifier: 023-416-742

Strata Lot 24 District Lot 5275
Group 1 New Westminster District
Strata Plan LMS 2383

Together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form 1

("Strata Lot 24")

17. The Strata Lot 24 Owners, and all persons claiming through them, are absolutely foreclosed of any interest in Strata Lot 24.

18. The Strata Lot 24 Owners shall forthwith deliver to the Petitioner vacant possession of each of their 1/51st interest in Strata Lot 24.

19. There be a final order of foreclosure in the first instance of each of their 1/51st interest of the Respondent, Keith Barkas (Title #BB4037790) (the "Strata Lot 25 Owner"), in the lands and premises situated at #214 - 4338 Main Street, Whistler, British Columbia, and more particularly known and described as:

Parcel Identifier: 023-416-751
Strata Lot 25 District Lot 5275
Group 1 New Westminster District
Strata Plan LMS 2383

Together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form 1

("Strata Lot 25")

20. The Strata Lot 25 Owner, and all persons claiming through him, is absolutely foreclosed of any interest in Strata Lot 25.

21. The Strata Lot 25 Owners shall forthwith deliver to the Petitioner vacant possession of his 1/51st interest in Strata Lot 25.

22. There be a final order of foreclosure in the first instance of each of their 1/51st interest of the Respondents, Nicole Petrus (Title #CA2382956) and Gibbson Family Holding, LLC (Title #CA1866733) (the "Strata Lot 26 Owners"), in the lands and

premises situated at #215 - 4338 Main Street, Whistler, British Columbia, and more particularly known and described as:

Parcel Identifier: 023-416-751

Strata Lot 26 District Lot 5275

Group 1 New Westminster District

Strata Plan LMS 2383

Together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form 1

("Strata Lot 26")

23. The Strata Lot 26 Owners, and all persons claiming through them, are absolutely foreclosed of any interest in Strata Lot 26.

24. The Strata Lot 26 Owners shall forthwith deliver to the Petitioner vacant possession of each of their 1/51st interest in Strata Lot 26.

25. There be a final order of foreclosure in the first instance of each of their 1/51st interest of the Respondent, International Resort Exchange LLC (Title #BB947115), (the "Strata Lot 30 Owner"), in the lands and premises situated at #219 - 4338 Main Street, Whistler, British Columbia, and more particularly known and described as:

Parcel Identifier: 023-416-807

Strata Lot 30 District Lot 5275

Group 1 New Westminster District

Strata Plan LMS 2383

Together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form 1

("Strata Lot 30")

26. The Strata Lot 30 Owner, and all persons claiming through it, is absolutely foreclosed of any interest in Strata Lot 30.

27. The Strata Lot 30 Owner shall forthwith deliver to the Petitioner vacant possession of each of its 1/51st interest in Strata Lot 10.

28. There be a final order of foreclosure in the first instance of each of their 1/51st interest of the Respondents, Jay Joel Jack (Title #CA1913246), Shanta Grover (Title #CA2337811), Roosevelt Hattin, Jr. and Gloria Ann Morgan (Title #BP473332) and Garrett Lawrence Ritter (Title #CA2795139) (the "Strata Lot 32 Owners"), in the lands and premises situated at #221 - 4338 Main Street, Whistler, British Columbia, and more particularly known and described as:

Parcel Identifier: 023-416-823

Strata Lot 32 District Lot 5275

Group 1 New Westminster District

Strata Plan LMS 2383

Together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form 1

("Strata Lot 32")

29. The Strata Lot 32 Owners, and all persons claiming through them, are absolutely foreclosed of any interest in Strata Lot 32.

30. The Strata Lot 32 Owners shall forthwith deliver to the Petitioner vacant possession of each of their 1/51st interest in Strata Lot 32.

31. There be a final order of foreclosure in the first instance of each of their 1/51st interest of the Respondents, Janet Lynn Martin-Graham and Mervin Montgomery Graham (Title #BN306611), Ronald Wade Bates, Sr. and Amy Georgia Kouvan-Bates (Title #BN79007), Norman Christian Glimberg and Sarah Jane Glimberg (Title #BM201553), Caren Wai Kwin Ng and Kim Hung Ng (Title #BN248228) (the "Strata Lot 37 Owners"), in the lands and premises situated at #302 - 4338 Main Street, Whistler, British Columbia, and more particularly known and described as:

Parcel Identifier: 023-416-874

Strata Lot 37 District Lot 5275

Group 1 New Westminster District

Strata Plan LMS 2383

Together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form 1

("Strata Lot 37")

32. The Strata Lot 37 Owners, and all persons claiming through them, are absolutely foreclosed of any interest in Strata Lot 37.

33. The Strata Lot 37 Owners shall forthwith deliver to the Petitioner vacant possession of each of their 1/51st interest in Strata Lot 37.

34. There be a final order of foreclosure in the first instance of each of their 1/51st interest of the Respondents, The Cardenas Family Trust, LLC (Title #CA1457927) and James Albert Huebner (Title #BN172324) (the "Strata Lot 39 Owners"), in the lands and premises situated at #304 - 4338 Main Street, Whistler, British Columbia, and more particularly known and described as:

Parcel Identifier: 023-416-891
Strata Lot 39 District Lot 5275
Group 1 New Westminster District
Strata Plan LMS 2383

Together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form 1

("Strata Lot 39")

35. The Strata Lot 39 Owners, and all persons claiming through them, are absolutely foreclosed of any interest in Strata Lot 39.

36. The Strata Lot 39 Owners shall forthwith deliver to the Petitioner vacant possession of each of their 1/51st interest in Strata Lot 39.

37. There be a final order of foreclosure in the first instance of each of their 1/51st interest of the Respondents, Paolo Burtini and Colleen Francis Burtini (Title #BM320122) and Paul Melvin Sires and Patricia Lynn Sires (Title #BP253305) (the

"Strata Lot 43 Owners"), in the lands and premises situated at #308 - 4338 Main Street, Whistler, British Columbia, and more particularly known and described as:

Parcel Identifier: 023-416-939

Strata Lot 43 District Lot 5275

Group 1 New Westminster District

Strata Plan LMS 2383

Together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form 1

("Strata Lot 43")

38. The Strata Lot 43 Owners, and all persons claiming through them, are absolutely foreclosed of any interest in Strata Lot 43.

39. The Strata Lot 43 Owners shall forthwith deliver to the Petitioner vacant possession of each of their 1/51st interest in Strata Lot 43.

40. There be a final order of foreclosure in the first instance of each of their 1/51st interest of the Respondents, Patricia Ann Slocum (Title #BM67101), Barry Pokourney and Jennifer Maria Pokourney (Title #BN55577), Stella Dirks (Title #CA2020527), Thomas Randall Smith and Cynthia Dianne Smith (Title #BN248230) (the "Strata Lot 44 Owners"), in the lands and premises situated at #309 - 4338 Main Street, Whistler, British Columbia, and more particularly known and described as:

Parcel Identifier: 023-416-947

Strata Lot 44 District Lot 5275

Group 1 New Westminster District

Strata Plan LMS 2383

Together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form 1

("Strata Lot 44")

41. The Strata Lot 44 Owners, and all persons claiming through them, are absolutely foreclosed of any interest in Strata Lot 44.

42. The Strata Lot 44 Owners shall forthwith deliver to the Petitioner vacant possession of each of their 1/51st interest in Strata Lot 44.

43. The following subleases and mortgages be discharged:

Strata Lot 13

Sublease granted by Ms. Cook (Title #BL332122), which was registered on September 29, 1997, under number BL332123;

Mortgage granted by Ms. Cook in favour of North Shore Credit Union ("NSCU"), which was registered on September 29, 1997, under number BL332124;

Sublease granted by Mr. and Mrs. Hampton (Title #BN112870), which was registered on May 5, 1999, under number BB112871;

Sublease granted by Mr. and Ms. Kim (Title #BM108684), which was registered on April 17, 1998, under number BM18685;

Sublease granted by Ms. Christian (Title #CA2530168), which was registered on May 8, 2012, under number CA2530169;

Strata Lot 14

Sublease granted by William and Mary Foundation, LLC (Title #CA1481360), which was registered on March 8, 2010, under number CA1481361;

Sublease granted by Timeshare Travel, LLC (Title #BB1172832), which was registered on July 20, 2010, under number BB1172833;

Strata Lot 15

Sublease granted by Ms. Towers (Title #CA2839866), which was registered on October 26, 2012, under number CA2839867;

Strata Lot 19

Sublease granted by Mr. Dambrosia (Title #BL115880), which was registered on April 3, 1997, under number BL115881;

Sublease granted by Ms. Petrus (Title #CA2596529), which was registered on October 26, 2012, under number CA2596530;

Strata Lot 20

Sublease granted by Mr. and Mrs. Tschohl (Title #BM101955), which was registered on April 8, 1998, under number BM101956;

Sublease granted by Mr. Whitfield and Ms. Peizer (Title #BM141422), which was registered on May 21, 1998, under number BM141423;

Strata Lot 24

Sublease granted by Mr. and Mrs. Themelis (Title #BN103510), which was registered on April 28, 1999, under number BN103511;

Sublease granted by Mr. Liang and Ms. Joo (Title #BM35974), which was registered on February 4, 1998, under number BM35975;

Sublease granted by Ms. Towers (Title #CA2839977), which was registered on October 26, 2012, under number CA2839978;

Strata Lot 25

Sublease granted by Mr. Barkas (Title #BB4037790), which was registered on February 16, 2012, under number BB4037791;

Strata Lot 26

Sublease granted by Ms. Petrus (Title #CA2382956), which was registered on February 7, 2012, under number CA2382957;

Sublease granted by Gibbson Family Holding, LLC (Title #CA1866733), which was registered on January 12, 2011, under number CA1866734.

Strata Lot 30

Sublease granted by International Resort Exchange LLC (Title #BB947115), which was registered on June 26, 2009, under number BB947116;

Strata Lot 32

Sublease granted by Mr. Jack (Title #CA1913246), which was registered on February 24, 2011, under number CA1913247;

Sublease granted by Ms. Grover (Title #CA2337811), which was

registered on January 5, 2012, under number CA2337812;

Sublease granted by Mr. Hattin and Ms. Morgan (Title #BP47732), which was registered on February 29, 2000, under number BP47733;

Mortgage granted by Mr. Hattin and Ms. Morgan in favour of NSCU, which was registered on February 29, 2000, under number BP47734.

Sublease granted by Mr. Ritter (Title #CA2795139), which was registered on September 28, 2012, under number CA2795140;

Strata Lot 37

Sublease granted by Ms. Martin-Graham and Mr. Graham (Title #BN306611), which was registered on November 18, 1999, under number BN306612;

Sublease granted by Mr. Bates and Ms. Kouyian-Bates (Title #BN79007), which was registered on March 31, 1999, under number BN79008;

Sublease granted by Mr. and Mrs. Glimberg (Title #BM201553), which was registered on July 17, 1998, under number BM201554;

Sublease granted by Mr. and Mrs. Ng (Title #BN248228), which was registered on September 15, 1999, under number BN248229;

Strata Lot 39

Sublease granted by The Cardenas Family Trust, LLC (Title #CA1457927), which was registered on February 15, 2010, under number CA1457928;

Sublease granted by Mr. Huebner (Title #BN172324), which was registered on June 30, 1999, under number BN172325;

Strata Lot 43

Sublease granted by Mr. and Mrs. Burtini (Title #BM320122), which was registered on November 20, 2009, under number BM320123;

Sublease granted by Mr. and Mrs. Sires (Title #BP253305), which was registered on October 24, 2000, under number BP253306;

Mortgage granted by Mr. and Mrs. Sires in favour of NSCU, which was registered on October 24, 2000, under number BP253307;

Strata Lot 44

Sublease granted by Ms. Slocum (Title #BM67101), which was registered on March 9, 1999, under number BN55578;

Sublease granted by Mr. and Ms. Pokorney (Title #BN55577), which was registered on February 17, 2005, under number BX113550;

Sublease granted by Ms. Dirks (Title #CA2020527), which was registered on May 19, 2011, under number CA2020528; and

Sublease granted by Mr. and Mrs. Smith (Title #BN248230), which was registered on September 15, 1999, under number BN248231.

44. Each party shall bear their own costs.

45. All of the fee simple interests of all the Respondent owners in the strata subject to the Subleases be conveyed and transferred to Tyndall Owners Corp., with the exception of the following Respondents and who voluntarily quit claimed or paid the arrears: Birinder and Manjit Arneja, Ernest and Virginia Dill, Dawn Maureen Clarke and James and Opal Foley.

BY THE COURT

DISTRICT REGISTRAR

APPROVED AS TO FORM

Counsel for the Petitioner

Philip J. Duggan
Barrister & Solicitor



NO. S149203
VANCOUVER Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

TYNDALL OWNERS CORP.

PETITIONER

AND:

LORRAINE MERLE COOK and Others

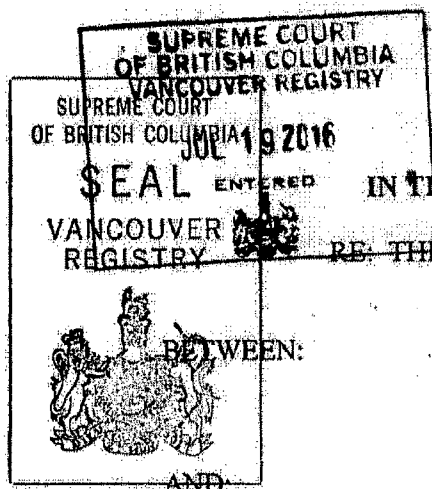
RESPONDENTS

**ORDER MADE AFTER APPLICATION
(ORDER ABSOLUTE)**

ACCESS LAW GROUP
Barristers and Solicitors
17th Floor – 1185 West Georgia Street
Vancouver, B.C.
V6E 4E6 604-689-8000

File No. 20803000
JAB/cl

This is Exhibit "B" referred to in the
 affidavit of E. Zha
 sworn before me at Vancouver
 this 10 day of December 2016
 NO. SI 65843
 A Commissioner for Taking Affidavits
 for British Columbia



IN THE SUPREME COURT OF BRITISH COLUMBIA

RE: THE STRATA PROPERTY ACT, R.S.B.C. 1998 AND
 AMENDED STRATA PROPERTY ACT, 1999

BETWEEN:

THE OWNERS, STRATA PLAN VR 338

PETITIONER

AND:
 GEORGE MONSOUR, JAMES DAVID HANNAY, JOHN SMITH RILEY,
 MARIE JOY EVERETT, A.K.A MAIRE JOY BOLLEN; KELLY ROLSTON,
 WILLIAM ANDREW DOW, DAVID WONG, HILDA ELIZABETH SURRIDGE,
 MARCIA SOFIELD, JACQUELINE BIRRELL, LUCY JULIA WHISTLER,
 SCOTT LEE WILSON

RESPONDENTS

ORDER MADE AFTER APPLICATION

BEFORE } MASTER SCARTH } Wednesday June 29, 2016.

ON THE APPLICATION of the Petitioner, The Owners, Strata Plan VR 338, coming on
 for hearing at Vancouver, British Columbia on Wednesday, June 29, 2016, and on hearing Philip J.
 Dougan, counsel for the Petitioner, without notice;

THIS COURT DECLARES that:

A. the Respondents,

GEORGE MONSOUR, JAMES DAVID HANNAY, JOHN SMITH RILEY,
 MARIE JOY EVERETT, A.K.A MAIRE JOY BOLLEN, WILLIAM ANDREW DOW,
 DAVID WONG, HILDA SURRIDGE, MARCIA SOFIELD, JACQUELINE BIRRELL,
 LUCY JULIA WHISTLER, and SCOTT LEE WILSON (the "Owners"), have defaulted in
 the payment of their shares of the common expenses due and owing to the Petitioner as defined

in Section 116 of the *Strata Property Act* (the "Act"), and a declaration that the Petitioner has a valid charge, registered pursuant to Section 116 (4) of the Act, on April 2, 2015 May 3, 2016, June 4, 2014, December 12, 2013, under numbers CA5158549 and CA3762113, against the lands and premises situate, lying and being in the Resort Municipality of Whistler in the Province of British Columbia, and more particularly known and described as:

GEORGE MONSOUR Inc. a 1/51st interest in,

Parcel Identifier: 003-283-925

Strata Lot 11 District Lot 4749

Strata Plan VR 338

Together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form 1

GEORGE MONSOUR Inc. a 1/51st interest in,

Parcel Identifier: 003-306-461

Strata Lot 12 District Lot 4749

Strata Plan VR 338

Together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form 1

JAMES DAVID HANNAY,

a 1/51st interest in

Parcel Identifier: 003-272-907

Strata Lot 4 District Lot 4749

Strata Plan VR 338

Together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form 1

JOHN SMITH RILEY;

a 1/51st interest in

Parcel Identifier: 003-366-545

Strata Lot 19 District Lot 4749

Strata Plan VR 338

Together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form 1

MARIE JOY EVERETT, A.K.A MAIRE JOY BOLLEN;

a 2/51st interest in

Parcel Identifier: 003-366-545

Strata Lot 19 District Lot 4749

Strata Plan VR 338

Together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form 1

WILLIAM ANDREW DOW

a 1/51st interest in

Parcel Identifier: 003-366-561

Strata Lot 20 District Lot 4749

Strata Plan VR 338

Together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form 1

HILDA ELIZABETH SURRIDGE, MARCIA SOFIELD, JACQUELINE BIRRELL, as joint tenants, a 1/51st interest in

Parcel Identifier: 003-272-907

Strata Lot 4 District Lot 4749

Strata Plan VR 338

Together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form 1

DAVID WONG;

a 2/51st interest in

Parcel Identifier: 003-283-925

Strata Lot 11 District Lot 4749

Strata Plan VR 338

Together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form 1

LUCY JULIA WHISTLER

a 2/51st interest in

Parcel Identifier: 003-283-844

Strata Lot 6 District Lot 4749

Strata Plan VR 338

Together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form 1

SCOTT LEE WILSON;

a 2/51st interest in

Parcel Identifier: 003-283-844

Strata Lot 6 District Lot 4749

Strata Plan VR 338

Together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form 1

(the "Lands and Premises")

B. A declaration that all monies secured by the Charge, together with such further monies as have accrued since the filing of the Charge, are now due and owing to the Petitioner.

C. A declaration that the Owners be required to pay the amount adjudged to be due and owing together with the costs of this proceeding to discharge the Lien.

THIS COURT ORDERS that:

D. the Petitioner recover Judgment from the Owners for the amount adjudged to be due and owing together with the administrative and legal costs of the Petitioner, judgment being in the following amounts:

GEORGE MONSOUR,	\$7,142.00
JAMES DAVID HANNAY	\$3,771.00
MARIE JOY EVERETT, A.K.A MAIRE JOY BOLLEN;	\$7,142.00
WILLIAM ANDREW DOW	\$3,771.00
DAVID WONG	\$7,142.00
HILDA ELIZABETH SURRIDGE, MARCIA SOFIELD,	
and JACQUELINE BIRRELL,	\$3,771.00
LUCY JULIA WHISTLER	\$7,142.00
SCOTT LEE WILSON	\$7,142.00
JOHN SMITH RILEY	\$3,771.00
Total owing:	\$50,794.00

- E. unless the Owners pay the amount adjudged to be due and owing into Court to the credit of this proceeding, at the registry of this Court at 800 Smithe Street, Vancouver, British Columbia, or to the Petitioner on or before the expiration of one day after the making of the Order, or within such other time period set by this Honourable Court, the Lands and Premises are to be transferred to the Petitioner by vesting order in full and final satisfaction of the Judgment herein ordered.
- F. An Order that all necessary accounts, directions and inquiries are to be taken.
- G. That for the purpose of issuing title in respect of the Lands and Premises, the following charges, liens, encumbrances, caveats, mortgages, and Certificate of Pending Litigation be cancelled insofar as they apply to the Lands and Premises:
- a. *Strata Property Act* Liens in favour of the Owners, which were registered on April 2, 2015 May 3, 2016, June 4, 2014, December 12, 2013, under numbers CA5158549 and CA3762113,
 - b. Lease in the name of the Owners, Strata Plan VR 338, under numbers H85249; H91963
 - c. Mortgages in favour of *Whistler Time Share Inc.* under numbers R25820;
 - d. All prior judgments under numbers BL142677 and BN57670;
 - e. Lis Pendens, GB40414 (*Whistler Time Share Inc. v. David Wong*);
- together with any other charges, liens, encumbrances, caveats or certificates of pending litigation registered against the Lands and Premises subsequent to the Petitioner's Certificate of Pending Litigation;
- H. The Lands and Premises do vest in the Petitioner as aforesaid and that the above-mentioned encumbrances be discharged as aforesaid upon registration by the Petitioner, of a certified copy of this Order in the New Westminster Land Title Office without the necessity of filing of a Form F pursuant to the *Strata Property Act*;

I. The parties may apply for such further direction as may be necessary to carry out this Order.

J. The certificate of *Lis Pendens* filed by Kelly Rolston on April 29, 1987 filed against Charles Roderick Rolston

a 2/51st interest in

Parcel Identifier: 003-283-925

Strata Lot 11 District Lot 4749

Strata Plan VR 338

Together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form 1

is hereby discharged.

K. The signature of the Respondents as to the form of this order is hereby dispensed with.

BY THE COURT

Reviewed for Master Scarth

Janet Leung

REGISTRAR

APPROVED AS TO FORM:

[Signature]
Solicitor for the Petitioner
Philip J. Dougan

Certified a true copy according to the records of the Supreme Court at Vancouver, B.C.

This 15 day of July 20 16

[Signature]
Authorized Signing Officer

CIV.

NO. S165843
VANCOUVER Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

THE OWNERS, STRATA PLAN VR 338

PETITIONER

AND:

**GEORGE MONSOUR, JAMES DAVID HANNAY, JOHN SMITH RILEY,
MARIE JOY EVERETT, A.K.A MAIRE JOY BOLLEN; KELLY ROLSTON,
WILLIAM ANDREW DOW, DAVID WONG, HILDA ELIZABETH SURRIDGE,
MARCIA SOFIELD, JACQUELINE BIRDELL, LUCY JULIA WHISTLER,
SCOTT LEE WILSON**

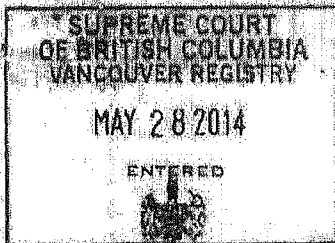
15/7
ORDER MADE AFTER APPLICATION

ACCESS LAW GROUP
Barristers and Solicitors
1700 - 1185 West Georgia Street
Vancouver, B.C.
V6E 4E6 689-8000

File No. 20741003

PJD/cl

RUSH
IN
✓
CC.



This is Exhibit "C" referred to in the
affidavit of E. Zhu
sworn before me at Vancouver
this 10 day of December 2010

023

A Commissioner for Taking Affidavits
for British Columbia

No. S139468

VANCOUVER REGISTRY

IN THE SUPREME COURT OF BRITISH COLUMBIA

RE: THE STRATA PROPERTY ACT, R.S.B.C. 1998 AND
AMENDED STRATA PROPERTY ACT, 1999

BETWEEN:

THE OWNERS, STRATA PLAN VR 338

PETITIONER

AND:

MICHAEL HUTCHISON, Q.C.

in his capacity as executor of the ESTATE OF ELEANOR ADAIR PEARSON, DUNCAN
THEO WILLIAMS, GILLIAN ANNE WILLIAMS, LISA HAMMOND a.k.a LISA ANNE
BENNETT, CAMPBELL WALLS McCONNACHIE, DORIS TROWBRIDGE, DAVID
JOHN ALLEN a.k.a. DAVID ALLEN, and ANNETTE MARY D'SOUZA a.k.a MARY
D'SOUZA

RESPONDENTS

ORDER MADE AFTER APPLICATION

BEFORE MASTER TAYLOR

) WEDNESDAY, THE 28TH DAY

) OF MAY, 2014

ON THE APPLICATION of the Petitioner, The Owners, Strata Plan VR 338, coming on for
hearing at Vancouver, British Columbia on Wednesday, May 28, 2014; and upon hearing Philip J.
Dogan, on behalf of counsel for the Petitioner;

THIS COURT ORDERS THAT:

1. The sale of the following lands and premises be approved:

1/51st interest in the name of Eleanor Adair Pearson

Parcel Identifier: 003-248-101

Strata Lot 2 District Lot 4749

Strata Plan VR 338

Together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form 1

2/51st interests in the name of Eleanor Adair Pearson

Parcel Identifier: 003-306-461

Strata Lot 12 District Lot 4749

Strata Plan VR 338

Together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form 1

1/51st interest in the name of Campbell Walls McConnachie

Parcel Identifier: 003-272-885

Strata Lot 3 District Lot 4749

Strata Plan VR 338

Together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form 1

1/51st interest in the name of Campbell Walls McConnachie

Parcel Identifier: 003-366-545

Strata Lot 19 District Lot 4749

Strata Plan VR 338

Together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form 1

(the "Lands and Premises")

To: The Owners, Strata Plan VR 338 care of 1700 - 1185 West Georgia Street, Vancouver, BC, V6B 4E6, on the terms and conditions set out in the Contracts of Purchase and Sale dated May 27, 2014, for the sum of \$4.00; \$1.00 per fractional interest.

2. Upon filing a certified copy of this Order in the New Westminster Land Title Office without the necessity of filing of a Form F pursuant to the *Strata Property Act* and subject to the terms of this Order, the Lands and Premises be conveyed to and vest in the Purchaser, in fee simple, free and clear of any estate, title, right, interest, equity of redemption, and other claims of the parties, except

the reservations, provisos, exceptions, and conditions expressed in the original grants thereof from the Crown.

3. Vacant possession of the Lands and Premises be delivered to the Purchaser at 12:00 noon on May 29, 2014.

4. The net purchase price after adjustments shall be paid to Jamie Bleay Law Corporation, In Trust, and shall be paid out in accordance with the following priorities without further order:

(a) Firstly, in payment of arrears of taxes, interest on arrears of taxes, penalties owing in respect of the taxes, arrears of utility rates or charges and common expenses pursuant to the *Strata Property Act* which constitute a lien against the Lands and Premises in priority to the Petitioner's mortgage;

(b) Secondly, the balance of real estate commission payable on the sale of the Lands and Premises as reduced by the deposit held by the real estate agent;

(c) Thirdly, to the Owners, the amount required to pay for principal, interest and taxable costs;

(d) Fourthly, the balance, if any to be paid into Court to the credit of these proceedings and to be held pending further order of this Court.

5. That for the purpose of issuing title in respect of the Lands and Premises, the following charges, liens, encumbrances, caveats, mortgages, and Certificate of Pending Litigation be cancelled insofar as they apply to the Lands and Premises:

a. *Strata Property Act* Liens in favour of the Owners, which was registered on December 12, 2013, under number CA3505282; CA3505279; CA3505283; CA3505281;

b. Mortgages in the name of Saanich Peninsula Savings Credit Union, [no Credit Union of this name was ever registered as a corporation in BC] and Whistler Time Shares Inc. [dissolved January 30, 1998] under numbers J31717, R35482

c. Lis Pendens in the name of Whistler Time Shares Inc. under number R82947

d. Judgments in the name of the Crown in Right of Canada as to the interests of Whistler Time Shares Inc. under numbers BL142677; BN57670

together with any other charges, liens, encumbrances, caveats or certificates of pending litigation registered against the Lands and Premises subsequent to the Petitioner's Certificate of Pending Litigation;

6. The Lands and Premises do vest in the Purchasers as aforesaid and that the above-mentioned encumbrances be discharged as aforesaid upon registration by the Petitioner, of a certified copy of this Order in the New Westminster Land Title Office without the necessity of filing of a Form F pursuant to the *Strata Property Act*;

7. The parties may apply for such further direction as may be necessary to carry out this Order.

8. The signature of the Respondents as to the form of this order is hereby dispensed with.

BY THE COURT

REGISTRAR

APPROVED AS TO FORM:

Counsel for the Petitioner

Philip J. Duggan
Barrister & Solicitor
1700-1132 West Georgia Street
Vancouver, BC V6E 4B6

027
No. S139468
VANCOUVER REGISTRY

IN THE SUPREME COURT OF BRITISH COLUMBIA

RE: THE STRATA PROPERTY ACT, R.S.B.C. 1998 AND
AMENDED STRATA PROPERTY ACT, 1999

BETWEEN:

THE OWNERS, STRATA PLAN VR 338

PETITIONER

AND:

MICHAEL HUTCHISON, Q.C.

in his capacity as executor of the ESTATE OF ELEANOR ADAIR PEARSON, DUNCAN
THEO WILLIAMS, GILLIAN ANNE WILLIAMS, LISA HAMMOND a.k.a. LISA ANNE
BENNETT, CAMPBELL WALLS McCONNACHE, DORIS TROWBRIDGE, DAVID
JOHN ALLEN a.k.a. DAVID ALLEN, and ANNETTE MARY D'SOUZA a.k.a. MARY
D'SOUZA

RESPONDENTS

ORDER MADE AFTER APPLICATION

ACCESS LAW GROUP
Barristers and Solicitors
17th Floor - 1185 West Georgia Street
Vancouver, B.C.
V6E 4E6 604-689-8000

File No. 20741003

PJD/cl



This is Exhibit "D" referred to in the
affidavit of E. Zhu
sworn before me at Vancouver
this 10 day of December 2014

028

A Commissioner for taking Affidavits
for British Columbia

NO. S145287
VANCOUVER REGISTRY

IN THE SUPREME COURT OF BRITISH COLUMBIA

RE: THE STRATA PROPERTY ACT, R.S.B.C. 1998 AND
AMENDED STRATA PROPERTY ACT, 1999

BETWEEN:

THE OWNERS, STRATA PLAN VR 338

PETITIONER

AND:

SALVADOR PLANCO RAMOS, LUCRECIA
PICORRO RAMOS, JEAN-PIERRE TRUDEAU,
PAMELA FEY PETERSEN

RESPONDENTS

ORDER MADE AFTER APPLICATION

BEFORE MASTER

MACNAUGHTON

TUESDAY, THE 7TH DAY

OF OCTOBER, 2014

ON THE APPLICATION of the Petitioner, The Owners, Strata Plan VR 338, coming on for
hearing at Vancouver, British Columbia on Tuesday, October 7, 2014; and upon hearing Philip J.
Dogan, on behalf of counsel for the Petitioner;

THIS COURT ORDERS THAT:

I. The sale of the following lands and premises be approved:

SALVADOR PLANCO RAMOS, LUCRECIA PICORRO RAMOS

a 2/51st interest in,

Parcel Identifier: 003-272-885

Strata Lot 3 District Lot 4749

Strata Plan VR 338

Together with an interest in the common property in proportion to the unit
entitlement of the strata lot as shown on Form 1

JEAN-PIERRE TRUDEAU
 a 1/51st interest in,
 Parcel Identifier: 003-272-885
 Strata Lot 3 District Lot 4749
 Strata Plan VR 338

Together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form 1

PAMELA FAY PETERSEN
 a 2/51st interest in,
 Parcel Identifier: 003-248-101
 Strata Lot 2 District Lot 4749
 Strata Plan VR 338

Together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form 1 in proportion to the unit entitlement of the strata lot as shown on Form 1

(the "Lands and Premises")

To: The Owners, Strata Plan VR 338 care of 1700 – 1185 West Georgia Street, Vancouver, BC, V6E 4E6, on the terms and conditions set out in the Contracts of Purchase and Sale dated October 6, 2014, for the sum of \$5.00; \$1.00 per fractional interest.

2. Upon filing a certified copy of this Order in the New Westminster Land Title Office without the necessity of filing of a Form F pursuant to the *Strata Property Act* and subject to the terms of this Order, the Lands and Premises be conveyed to and vest in the Purchaser, in fee simple, free and clear of any estate, title, right, interest, equity of redemption, and other claims of the parties, except the reservations, provisos, exceptions, and conditions expressed in the original grants thereof from the Crown.

3. Vacant possession of the Lands and Premises be delivered to the Purchaser at 12:00 noon on October 8, 2014.

4. The net purchase price after adjustments shall be paid to Jamie Bleay Law Corporation, In Trust, and shall be paid out in accordance with the following priorities without further order:

(a) Firstly, in payment of arrears of taxes, interest on arrears of taxes, penalties owing in respect of the taxes, arrears of utility rates or charges and common expenses pursuant to the *Strata Property Act* which constitute a lien against the Lands and Premises in priority to the Petitioner's mortgage;

(b) Secondly, the balance of real estate commission payable on the sale of the Lands and Premises as reduced by the deposit held by the real estate agent;

(c) Thirdly, to the Owners, the amount required to pay for principal, interest and taxable costs;

(d) Fourthly, the balance, if any to be paid into Court to the credit of these proceedings and to be held pending further order of this Court.

5. That for the purpose of issuing title in respect of the Lands and Premises, the following charges, liens, encumbrances, caveats, mortgages, and Certificate of Pending Litigation be cancelled insofar as they apply to the Lands and Premises:

a. *Strata Property Act* Liens in favour of the Owners, which was registered on December 12, 2013, under numbers CA3505282; and CA3505283;

b. Mortgages in the name of Whistler Time Shares Inc. [dissolved January 30, 1998] under numbers GD27989, and Saanich Peninsula Credit Union under J75748 and J1136.

c. Judgments in the name of the Crown in Right of Canada as to the interests of Whistler Time Shares Inc. under numbers BL142677; BN57670

together with any other charges, liens, encumbrances, caveats or certificates of pending litigation registered against the Lands and Premises subsequent to the Petitioner's Certificate of Pending Litigation;

6. The Lands and Premises do vest in the Purchasers as aforesaid and that the above-mentioned encumbrances be discharged as aforesaid upon registration by the Petitioner, of a certified copy of this Order in the New Westminster Land Title Office without the necessity of filing of a Form F pursuant to the *Strata Property Act*;
7. The parties may apply for such further direction as may be necessary to carry out this Order.
8. The signature of the Respondents as to the form of this order is hereby dispensed with.

BY THE COURT

H. MacKinnon
REGISTRAR

Andrew



APPROVED AS TO FORM:

Philip J. Dongan
Counsel for the Petitioner

Philip J. Dongan
Barrister & Solicitor
1700-1185 West Georgia Street
Vancouver, BC V6E 4E6

NO. S145287
VANCOUVER REGISTRY

IN THE SUPREME COURT OF BRITISH COLUMBIA

**RE: THE STRATA PROPERTY ACT, R.S.B.C. 1998 AND
AMENDED STRATA PROPERTY ACT, 1999**

BETWEEN:

THE OWNERS, STRATA PLAN VR 338

PETITIONER

AND:

**SALVADOR PLANCO RAMOS, LUCRECIA
PICORRO RAMOS, JEAN-PIERRE TRUDEAU,
PAMELA FEY PETERSEN**

RESPONDENTS

ORDER MADE AFTER APPLICATION

ORDER MADE AFTER APPLICATION

ACCESS LAW GROUP
Barristers and Solicitors
17th Floor - 1185 West Georgia Street
Vancouver, B.C.
V6E 4E6 604-689-8000

File No. 20741003

PJD/cl