



This is Exhibit "A" referred to
in the Affidavit of Emma Dougan
sworn (or affirmed) before me at
Vancouver on this 10th day
of February, 2021

Signature of Commissioner

NO. VLC-S-S-203388
VANCOUVER REGISTRY

~~IN THE SUPREME COURT OF BRITISH COLUMBIA~~

BETWEEN:

IRONWOOD OWNERS ENTERPRISES LTD.
THE OWNERS, STRATA PLAN VR2558

PETITIONERS

AND:

JOHN WARREN JEANNERET, EFFIE JACQUELIN JEANNERET
WILLIAM FRANCIS SMITH, BARBARA JUNE SMITH
GERALD FERRIER, CHERYL LEA FERRIER
FRED ACKER, SHAWN PUTNAM
MARTIN MOHAMMED HABIB, GENEVIEVE CRISTINE HABIB
JOHN WILLIAM LIGHTOWLER, GLORIA MARIA LIGHTOWLER
SHERI JOHNSON-KROL, CRAIG OTTE,
LEO GROUP ENTERPRISES, LLC
LYNN B. CURRY (JUNIOR), THELMA ELIZABETH CURRY
JESSE WAYNE LOTT, JOY STALLINGS LOTT,
BARBARA ANN KRIBS, KENNETH BURTON DANARD
DEBORAH FLOYD REUTER

RESPONDENTS

ORDER
MADE AFTER APPLICATION

BEFORE)	THE HONOURABLE)	January 21, 2021
)	MR. JUSTICE A. ROSS)	
))	

ON THE APPLICATION of the Petitioners without notice coming on for hearing at 800
Smithe Street, Vancouver, British Columbia, V6Z 2E1 on January 21, 2021 at 9:00 a.m.,
and on hearing, counsel for the Petitioners, Polina H. Furtula:

THIS COURT ORDERS that:

1. Service of the Petition and supporting affidavits on the Respondents is hereby waived.

THIS COURT DECLARES that:**Strat Lot 1**

2. Pursuant to a Head Lease dated July 13, 1993, and registered in the Vancouver Land Title Office on July 15, 1993, under number BG251460, the Petitioner, IRONWOOD OWNERS ENTERPRISES LTD. ("Ironwood"), is entitled to a Head Lease (the "SL1 Head Lease"), charging all and singular that certain parcel or tract of lands and premises situate, lying and being in the Resort Municipality of Whistler, British Columbia, more particularly known and described as follows:

Parcel Identifier: 015-400-816

Strata Lot 1 District Lot 4751

Strata Plan VR 2558

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 1")

3. All rights of and under the following subleases of the SL1 Head Lease charging the following Respondents, each as to an undivided 1/51 fee simple interest in Strata Lot 1 are absolutely forfeited or abandoned by the following Respondents in favour of Ironwood:

- a. Sublease granted by JOHN WARREN JEANNERET and EFFIE JACQUELIN JEANNERET, as joint tenants (Title # BG284517), which was registered on August 10, 1993, under number BG284518;
- b. Sublease granted by WILLIAM FRANCIS SMITH and BARBARA JUNE SMITH (Title # BH262599), which was registered on July 13, 1994, under number BH262600.

Strata Lot 6

4. Pursuant to a Head Lease dated May 16, 1990, and registered in the Vancouver Land Title Office on May 22, 1990, under number GD62522, Ironwood is entitled to a Head Lease (the "SL6 Head Lease"), charging all and singular that certain parcel or tract of lands and premises situate, lying and being in the Resort Municipality of Whistler, British Columbia, more particularly known and described as follows:

Parcel Identifier: 015-400-921

Strata Lot 6 District Lot 4751

Strata Plan VR2558

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 6")

4. All rights of and under the following sublease of the SL6 Head Lease charging the following Respondents, each as to an undivided 1/51 fee simple interest in Strata Lot 6 are absolutely forfeited or abandoned by the following Respondents in favour of Ironwood:

- a. Sublease granted by GERALD FERRIER and CHERYL LEA FERRIER, as joint tenants (Title #GE1709), which was registered on January 9, 1991, under number GE1710.

Strata Lot 9

5. Pursuant to a Head Lease registered in the Vancouver Land Title Office on April 9, 1990, under number GD46892, Ironwood is entitled to a Head Lease (the "SL9 Head Lease"), charging all and singular that certain parcel or tract of lands and premises situate, lying and being in the Resort Municipality of Whistler, British Columbia, more particularly known and described as follows:

Parcel Identifier: 023-416-653

Strata Lot 9 District Lot 4751

Strata Plan VR 2558

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 9")

6. A declaration that all rights of and under the following subleases of the SL9 Head Lease charging the following Respondents, each as to an undivided 1/51 fee simple interest in Strata Lot 9 are absolutely forfeited or abandoned by the following Respondents in favour of Ironwood:

- d. Sublease granted by FRED ACKER (Title #CA1378455), which was registered on December 3, 2009, under number CA1378456 as to an undivided 1/51 interest;**
- e. Sublease granted by SHAWN PUTNAM (Title #CA1764230), which was registered on October 12, 2010, under number CA1764231 as to an undivided 1/51 interest.**

Strata Lot 11

7. Pursuant to a Head Lease dated February 11, 1992, and registered in the Vancouver Land Title Office on February 12, 1992, under number BF48699, Ironwood is entitled to the Head Lease (the "SL11 Head Lease"), charging all and singular that certain parcel or tract of lands and premises situate, lying and being in the Resort Municipality of Whistler, British Columbia, more particularly known and described as follows:

Parcel Identifier: 015-401-031

Strata Lot 11 District Lot 4751

Strata Plan VR 2558

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 11")

8. All rights of and under the following subleases of the SL11 Head Lease charging the following Respondents, each as to an undivided 1/51 fee simple interest in Strata Lot 11 are absolutely forfeited or abandoned by the following Respondents in favour of Ironwood:

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- a. Sublease granted by MARTIN MOHAMMED HABIB and GENEVIEVE CRISTINE HABIB, as joint tenants (Title #BH433975), which was registered on December 12, 1994, under number BH433976.

Strata Lot 14

9. Pursuant to a Head Lease dated March 6, 1990, and registered in the Vancouver Land Title Office on March 22, 1991, under number GE22072, Ironwood is entitled to a Head Lease (the "SL14 Head Lease"), charging all and singular that certain parcel or tract of lands and premises situate, lying and being in the Resort Municipality of Whistler, British Columbia, more particularly known and described as follows:

Parcel Identifier: 015-401-090

Strata Lot 14 District Lot 4751

Strata Plan VR 2558

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")

10. All rights of and under the following subleases of the SL14 Head Lease charging the following Respondents, each as to an undivided 1/51 fee simple interest in Strata Lot 14 are absolutely forfeited or abandoned by the following Respondents in favour of Ironwood:

- a. Sublease granted by JOHN WILLIAM LIGHTOWLER and GLORIA MARIA LIGHTOWLER, as joint tenants (Title #BN338440), which was registered on December 22, 1999, under number BN338441.

Strata Lot 18

11. Pursuant to a Head Lease dated November 1, 1992, and registered in the Vancouver Land Title Office on January 28, 1993, under number BG30571, Ironwood is entitled to a Head Lease (the "SL18 Head Lease"), charging all and singular that certain parcel or tract of lands and premises situate, lying and being in the Resort Municipality of Whistler, British Columbia, more particularly known and described as follows:

Parcel Identifier: 015-401-162

Strata Lot 18 District Lot 4751

Strata Plan VR 2558

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 18")

12. All rights of and under the following subleases of the SL18 Head Lease charging the following Respondents, each as to an undivided 1/51 fee simple interest in Strata Lot 18 are absolutely forfeited or abandoned by the following Respondents in favour of Ironwood:

- a. Sublease granted by SHERI JOHNSON-KROL and CRAIG OTTE (Title #CA2039766), which was registered on June 1, 2011, under number CA2039767;**
- b. Sublease granted by LEO GROUP ENTERPRISES, LLC. (Title #CA2017060), which was registered on May 18, 2011, under number CA2017061;**
- c. Sublease granted by LYNN B CURRY (JUNIOR) and THELMA ELIZABETH CURRY, as joint tenants (Title #BV248582), which was registered on July 2, 2003, under number BV248583; and**
- d. Sublease granted by JESSE WAYNE LOTT and JOY STALLINGS LOTT, as joint tenants (Title #BR196146), which was registered on August 1, 2001, under number BR196147.**

Strata Lot 19

13. Pursuant to a Head Lease dated August 1, 1990, and registered in the Vancouver Land Title Office on September 13, 1990, under number GD99688, Ironwood is entitled to a Head Lease (the "SL19 Head Lease"), charging all and singular that certain parcel or tract of lands and premises situate, lying and being in the Resort Municipality of Whistler, British Columbia, more particularly known and described as follows:

Parcel Identifier: 015-401-289

Strata Lot 19 District Lot 4751

Strata Plan VR 2558

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")

14. All rights of and under the following subleases of the SL19 Head Lease charging the following Respondents, each as to an undivided 1/51 fee simple interest in Strata Lot 19 are absolutely forfeited or abandoned by the following Respondents in favour of Ironwood:

- a. Sublease granted by BARBARA ANN KRIBS and KENNETH BURTON DANARD, joint tenants (Title #BL197753), which was registered on June 4, 1997, under number BL197754; and**
- b. Sublease granted by DEBORAH FLOYD REUTER (Title #BM297619), which was registered on October 28, 1998, under number BM297620.**

Default

15. The Respondents have made default under the terms of the Subleases and that all monies secured by the Subleases and SL1 Head Lease, SL6 Head Lease, SL9 Head Lease, SL11 Head Lease, SL14 Head Lease, SL18 Head Lease, and SL19 Head Lease are due and owing to Ironwood.

16. Every Respondent, except Whiski Jack Resorts Ltd., is in breach of their obligation as owners to pay strata fees as required in s. 92 of the *Strata Property Act*.

17. The Respondents have defaulted in the payment of their share of the common expenses due and owing to the Petitioner, The Owners, Strata Plan VR2558 as defined in Section 116 of the *Strata Property Act* (the "Act"), and the Petitioner, The Owners, Strata Plan VR2558, has a right to charge, registerable pursuant to Section 116 (4) of the

Act, 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 above as Strata Lot 1, Strata Lot 6, Strata Lot 9, Strata Lot 11, Strata Lot 14, Strata Lot 18, and Strata Lot 19 (the "Lands and Premises").

18. All monies secured by the SL1 Head Lease, SL6 Head Lease, SL9 Head Lease, SL11 Head Lease, SL14 Head Lease, SL18 Head Lease, SL19 Head Lease and subleases with charges BG284518, BH262600, GE1710, CA1378456, CA1764231, BH433976, BN338441, CA2039767, CA2017061, BV248583, BR196147, BL197754, BM297620 together with such further monies as have accrued since the filing of these proceedings, are now due and owing to the Petitioners, and will be satisfied by cancellation of the sublease and forfeiture of each of the Respondents' interest in land.

THIS COURT FURTHER ORDERS that:

19. 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 as listed in Schedule A of this Order are conveyed to and vest in the Petitioner, Ironwood Owners Enterprises Ltd., 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.

20. All necessary accounts, directions and inquiries are to be taken.

21. The Respondents, and each of them, her/his/their respective executors, administrators, successors and assigns and all persons claiming by, through or under him/her/them do stand absolutely debarred and foreclosed of and from all the estate, right, title, interest and equity of redemption, of, in and to the lands and premises situate, lying and being in the Resort Municipality of Whistler, in the Province of British Columbia, and all monies paid under the Head Leases/Subleases shall become the property of Ironwood free and clear from any right of the Respondents.

22. The Petitioner be at liberty to apply for a tax clearance certificate for each interest in land vested and conveyed to the Petitioner by this Court.

23. The Petitioner be empowered to take any further steps required by the Canada Revenue Agency or the Land Title and Survey Authority to complete the conveyances ordered herein.

Cancellation

24. The following subleases and mortgages be cancelled:

- a. Sublease granted by JOHN WARREN JEANNERET and EFFIE JACQUELIN JEANNERET, which was registered on August 10, 1993, under number BG284518;
- b. Sublease granted by WILLIAM FRANCIS SMITH and BARBARA JUNE SMITH, which was registered on July 13, 1994, under number BH262600.
- c. Sublease granted by GERALD FERRIER and CHERYL LEA FERRIER, which was registered on January 9, 1991, under number GE1710;
- d. Sublease granted by FRED ACKER, which was registered on December 16, 2009, under number CA1378456;
- e. Sublease granted by SHAWN PUTNAM, which was registered on October 12, 2010, under number CA176231.
- f. Sublease granted by MARTIN MOHAMMED HABIB and GENEVIEVE CRISTINE HABIB, which was registered on December 12, 1994, under number BH433976;
- g. Sublease granted by JOHN WILLIAM LIGHTOWLER and GLORIA MARIA LIGHTOWLER, which was registered on April 8, 1998, under number BN338441;


- h. Sublease granted by SHERI JOHNSON-KROL and CRAIG OTTE, which was registered on June 1, 2011, under number CA2039767;
- i. Sublease granted by LEO GROUP ENTERPRISES, LLC., which was registered on May 18, 2011, under number CA2017061;
- j. Sublease granted by LYNN B CURRY (JUNIOR), THELMA ELIZABETH CURRY, which was registered on July 2, 2003, under number BV248583;
- k. Sublease granted by JESSE WAYNE LOTT, JOY STALLINGS LOTT, which was registered on August 1, 2011, under number BR196147;
- l. Mortgage granted by FUTURA MORTGAGE INVESTMENT COMPANY LTD. registered on August 1, 2001, under number BR196148.
- m. Sublease granted by BARBARA ANN KRIBS, KENNETH BURTON DANARD, which was registered on June 4, 1997, under number BL197754;
- n. Sublease granted by DEBORAH FLOYD REUTER, which was registered on October 28, 1998, under number BM297620.

THE FOLLOWING PARTIES APPROVE THE FORM OF THIS ORDER AND
CONSENT TO EACH OF THE ORDERS, IF ANY, THAT ARE INDICATED ABOVE AS
BEING BY CONSENT.



Polina H. Furuta
Lawyer for the Petitioners

By the Court



Registrar

SCHEDULE "A" OF ORDER

Lands and Premises of the following Respondents to be conveyed to and vest in the Petitioner, Ironwood Owners Enterprises Ltd., pursuant to paragraph 19 of this Order:

JOHN WARREN JEANNERET and EFFIE JACQUELIN JEANNERET, as joint tenants, a 1/51st interest in

Parcel Identifier: 015-400-816

Strata Lot 1 District Lot 4751

Strata Plan VR 2558

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

WILLIAM FRANCIS SMITH and BARBARA JUNE SMITH, a 1/51st interest in

Parcel Identifier: 015-400-816

Strata Lot 1 District Lot 4751

Strata Plan VR 2558

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

GERALD FERRIER and CHERYL LEA FERRIER, as joint tenants, a 1/51st interest in

Parcel Identifier: 015-400-921

Strata Lot 6 District Lot 4751

Strata Plan VR2558

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

FRED ACKER, a 1/51st interest in

Parcel Identifier: 023-416-653

Strata Lot 9 District Lot 4751

Strata Plan VR 2558

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

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SHAWN PUTNAM, a 1/51st interest in

Parcel Identifier: 023-416-653

Strata Lot 9 District Lot 4751

Strata Plan VR 2558

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

MARTIN MOHAMMED HABIB and GENEVIEVE CRISTINE

HABIB, as joint tenants, a 1/51st interest in

Parcel Identifier: 015-401-031

Strata Lot 11 District Lot 4751

Strata Plan VR 2558

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

JOHN WILLIAM LIGHTOWLER and GLORIA MARIA

LIGHTOWLER, as joint tenants, a 1/51st interest in

Parcel Identifier: 015-401-090

Strata Lot 14 District Lot 4751

Strata Plan VR 2558

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

LYNN B. CURRY JR. and THELMA ELIZABETH CURRY, as joint tenants, a 1/51st interest in

Parcel Identifier: 015-401-162

Strata Lot 18 District Lot 4751

Strata Plan VR 2558

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

SHERRI JOHNSON-KROL and CRAIG OTTE, a 1/51st interest in

Parcel Identifier: 015-401-162

Strata Lot 18 District Lot 4751

Strata Plan VR 2558

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

LEO GROUP ENTERPRISES LLC, a 1/51st interest in

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Parcel Identifier: 015-401-162

Strata Lot 18 District Lot 4751

Strata Plan VR 2558

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

JESSE WAYNE LOTT and JOY STALLINGS LOTT, as joint tenants, a 1/51st interest in

Parcel Identifier: 015-401-162

Strata Lot 18 District Lot 4751

Strata Plan VR 2558

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

KENNETH BURTON DANARD and BARBARA ANN KRIBS, as joint tenants, a 1/51st interest in

Parcel Identifier: 015-401-289

Strata Lot 19 District Lot 4751

Strata Plan VR 2558

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

DEBORAH FLOYD REUTER, a 1/51st interest in

Parcel Identifier: 015-401-289

Strata Lot 19 District Lot 4751

Strata Plan VR 2558

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

(collectively, the "Lands and Premises")