

Clerk's Stamp

COURT FILE NUMBER 2001-05482

COURT COURT OF QUEEN'S BENCH OF ALBERTA

JUDICIAL CENTRE CALGARY

IN THE MATTER OF THE COMPANIES' CREDITORS ARRANGEMENT ACT, RSC 1985, c C-36, as amended

AND IN THE MATTER OF A PLAN OF ARRANGEMENT OF JMB CRUSHING SYSTEMS INC. and 2161889 ALBERTA LTD.

APPLICANT J. R. PAINE & ASSOCIATES LTD.

DOCUMENT **AFFIDAVIT OF JOHN SCHRODER**

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT SMITH THOMPSON LAW LLP
Suite 301, 10430 – 61 Avenue
Edmonton, AB T6H 2J3
Attention: Mark Alexander Smith
Telephone: (780) 540-3555 Facsimile: (780) 540-3556

AFFIDAVIT OF JOHN SCHRODER
Sworn on NOVEMBER 5, 2020

I, JOHN SCHRODER, of the City of Edmonton, in the Province Alberta, SWEAR AND SAY THAT:

1. I am the vice president of J.R. Paine & Associates Ltd. ("J.R. Paine") and as such I have personal knowledge of the matters hereinafter deposed to except where stated to be based upon information and belief.
2. J.R. Paine is an Alberta engineering consulting firm whose services include geotechnical engineering, materials engineering, materials testing and environment engineering.

3. JMB Crushing Systems Inc. (“JMB”) is a company which produces and supplies aggregates for industrial purposes including road construction throughout Alberta and subject to the within CCAA proceedings with 2161889 Alberta Ltd.
4. In February of 2020, JMB engaged the services of J.R. Paine to test aggregate which was to be supplied by JMB to the Municipal District of Bonnyville No. 87 (the “MD”) for roadway construction.
5. Between February 2020 and April 2020, J.R. Paine issued a number of invoices to JMB in relation to their testing of the aggregate. Despite demand, J.R. Paine was never paid for these services. Attached as **Exhibit “A”** are copies of said invoices.
6. On May 1, 2020, FTI Consulting Canada Inc. was appointed as a court approved monitor of JMB (“the Monitor”) pursuant to the *Companies’ Creditors Arrangement Act*.
7. On or about May 12, 2020, I completed a Statement of Lien and supporting Affidavit registered with the Registrar of Land Titles, at the City of Edmonton, in the Province of Alberta, a claim for Lien. Attached as **Exhibit “B”** is a copy of the Statement of Lien and Affidavit.
8. On or about July 27, 2020, J.R. Paine’s lien was determined by the Monitor to be invalid pursuant to a Determination Notice for Lien Claims Against JMB Crushing Systems Inc. and 2161889 Alberta Ltd. Attached as **Exhibit “C”** is a copy of the Determination Notice.
9. It was not until October 28, 2020, that J.R. Paine first became aware of the contract, entered into by MD and JMB on November 1, 2013 (the “Contract”) a copy of which was attached to the October 2020 Affidavit of Jason Panter and marked as Exhibit “C”.
10. I note from my review of the Contract that it contains a provision at paragraph 26 which states:

“From the amounts paid to JMB by the MD, JMB is deemed to hold that part of them in trust which are required or needed to pay for any salaries, wages, compensation, overtime pay, statutory holiday pay, vacation pay, entitlements, employee and employer Canada Pension Plan contributions, employee and employer Employment Insurance contributions, Workers’ Compensation premiums and assessments, income taxes, withholdings, GST and all costs

directly or indirectly related to the Product and Services. JMB shall pay the foregoing from such trust funds.”

11. I further note that it states at paragraphs 1.e and 1.f of the Contract:

“Product’ means the production by JMB of the aggregate described in this Agreement which includes the crushing and cleaning of rock/gravel, and all related services whereby rock/gravel is made into usable crushed aggregate for the MD in accordance with the required specifications set out in this Agreement”

“Services’ means the hauling and stockpiling of crushed aggregate of JMB as set out in this Agreement and anything else which is required to be done to give effect to this Agreement”


12. At no time during our dealings with the Monitor, was J.R. Paine ever advised or notified of the Contract or the trust created under the Contract.

13. The undisputed and outstanding amounts due and owing to J.R. Paine, exclusive of interest and costs, remains \$64,207.50.

14. I have been advised by my legal counsel, Mark Alexander Smith, and do verily believe that an application has been advanced by Jerry Shankowski to be heard on November 27, 2020 (“The Application”) for a determination by this Honorable Court as to whether the Contract created a trust and, additionally, a determination as to who the beneficiaries are under this trust.

15. I swear this affidavit in support of the Application for a determination that J.R. Paine is a beneficiary under the trust created by the Contract and an Order to pay all outstanding amounts owed to J.R. Paine including interest and costs, forthwith.

SWORN BEFORE ME at Edmonton,)
Alberta, this 5 day of November,)
2020.)
)
)
)
)
)
)
_____)
Commissioner for Oaths in and for the)
Province of Alberta)
MARK ALEXANDER SMITH
Barrister & Solicitor


_____)
JOHN SCHRODER



J.R. Paine & Associates Ltd.
 17505 - 106 Avenue NW
 Edmonton, AB T5S 1E7
 Canada

Invoice

Number: IN016291
 Page: 1
 Date: 2/29/20
 Account Code: JMBCRU

Sold To: JMB CRUSHING SYSTEMS INC.
 PO BOX 6977
 BONNYVILLE, AB T9N 2H4

P.O. No.	Internal Ref:	Terms Code
		N30

Description/Comments	Unit Price	Amount
ATTENTION: JASON PANTER FILE NO: 5200-1 ELK POINT CRUSHER CONTROL FEBRUARY 2020		
1.00 MOB TO SITE - LAB TRAILER	1,200.00	1,200.00
5.00 DAILY RATE - DAY SHIFT - FEB 25-29	750.00	3,750.00
5.00 DAILY RATE - NIGHT SHIFT - FEB 25-29	750.00	3,750.00

This is Exhibit "A" referred to in the Affidavit of
JOHN SCHRODER
 Sworn before me this 5 day
 of NOVEMBER, 20-20

 A Notary Public, A Commissioner for Oaths
 in and for Alberta

MARK ALEXANDER SMITH
 Barrister & Solicitor

Remit To:
 J.R. Paine & Associates Ltd.
 17505 - 106 Avenue NW
 Edmonton, AB T5S 1E7
 Phone: 780-489-0700

G.S.T. # R102730207

Subtotal before taxes	8,700.00
Total taxes	435.00
Total amount	9,135.00
Invoice Amount	9,135.00

Interest of 1.5% per month will be charged on all overdue accounts
 Please include a copy of your invoice with your payment



J.R. Paine & Associates Ltd.
 17505 - 106 Avenue NW
 Edmonton, AB T5S 1E7
 Canada

Invoice

Number: IN016451
 Page: 1
 Date: 3/31/20
 Account Code: JMBCRU

Sold: JMB CRUSHING SYSTEMS INC.
 To: PO BOX 6977
 BONNYVILLE, AB T9N 2H4

P.O. No.	Internal Ref.	Terms Code
		N30

	Description/Comments	Unit Price	Amount
	ATTENTION: JASON PANTER		
	FILE NO: 5200-1		
	MD OF BONNYVILLE		
	1-12.5mm AGGREGATE		
1.00	DAY SHIFT TESTING - MARCH 31	750.00	750.00
2.00	NIGHT SHIFT TESTING - MARCH 30-31	750.00	1,500.00
1.00	STANDBY - MARCH 30 DS	500.00	500.00

Remit To:
 J.R. Paine & Associates Ltd.
 17505 - 106 Avenue NW
 Edmonton, AB T5S 1E7
 Phone: 780-489-0700

G.S.T. # R102730207

Subtotal before taxes	2,750.00
Total taxes	137.50
Total amount	2,887.50
Invoice Amount	2,887.50

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 Please include a copy of your invoice with your payment



J.R. Paine & Associates Ltd.
 17505 - 106 Avenue NW
 Edmonton, AB T5S 1E7
 Canada

Invoice

Number: IN016450
 Page: 1
 Date: 3/31/20
 Account Code: JMBCRU

Sold To: JMB CRUSHING SYSTEMS INC.
 PO BOX 6977
 BONNYVILLE, AB T9N 2H4

P.O. No.	Internal Ref:	Terms Code
		N30

	Description/Comments	Unit Price	Amount
	ATTENTION: JASON PANTER		
	FILE NO: 5200-1		
	MD OF BONNYVILLE		
	2-16mm AGGREGATEC		
24.00	DAY SHIFT TESTING MAR 1-12, 17-20, 22-29	750.00	18,000.00
22.00	NIGHT SHIFT TESTING MAR 1-6, 8-10, 12, 17-28	750.00	16,500.00
3.00	STANDBY - MARCH 7 NS, 11 NS, 21 DS	500.00	1,500.00
2.00	HRS. TECH. TRIP TO EDMONTON - RETURN MARCH 13-16 DAYS OFF	625.00	1,250.00

Remit To:
 J.R. Paine & Associates Ltd.
 17505 - 106 Avenue NW
 Edmonton, AB T5S 1E7
 Phone: 780-489-0700

G.S.T. # R102730207

Subtotal before taxes	37,250.00
Total taxes	1,862.50
Total amount	39,112.50
Invoice Amount	39,112.50

Interest of 1.5% per month will be charged on all overdue accounts
 Please include a copy of your invoice with your payment



J.R. Paine & Associates Ltd.
 17505 - 106 Avenue NW
 Edmonton, AB T5S 1E7
 Canada

Invoice

Number: IN016458
 Page: 1
 Date: 4/30/20
 Account Code: JMBCRU

Sold To: JMB CRUSHING SYSTEMS INC.
 PO BOX 6977
 BONNYVILLE, AB T9N 2H4

P.O. No.	Internal Ref.	Terms Code
		N30

Description/Comments	Unit Price	Amount
ATTENTION: JASON PANTER		
FILE NO: 5200-1		
MD OF BONNYVILLE		
1-12.5mm AGGREGATE		
8.00	DAY SHIFT TESTING - APRIL 1-8	750.00 5,000.00
7.00	NIGHT SHIFT TESTING APRIL 1-7	750.00 5,250.00
1.00	TRAILER MOB/DEMOB.	1,200.00 1,200.00

Remit To:
 J.R. Paine & Associates Ltd.
 17505 - 106 Avenue NW
 Edmonton, AB T5S 1E7
 Phone: 780-489-0700

G.S.T. # R102730207

Subtotal before taxes	12,450.00
Total taxes	622.50
Total amount	13,072.50
Invoice Amount	13,072.50

Interest of 1.5% per month will be charged on all overdue accounts
 Please include a copy of your invoice with your payment

Lienholder J.R. Paine & Associates Ltd.
Address 17505 106 Avenue
Edmonton, Alberta, T5S 1E7

claims a Lien under the Builders' Lien Act in the fee simple estate OR (specify if some other type of estate or interest applies)

Name The Municipal District of Bonnyville No. 87

Address 4905-50 Avenue, Bag 1010
Bonnyville, Alberta T9N 2J7

This is Exhibit "B" referred to in the Affidavit of

JOHN SCHRODER

Sworn before me this 5 day

of NOVEMBER, 2020

A Notary Public, A Commissioner for Oaths
In and for Alberta

In the following land:
Plan 09828625; Block 1; Lot 1
Excepting Thereout all Mines and Minerals
Area: 20.22 Hectares (49.96 Acres) More or Less

SEE ATTACHED SCHEDULE A

MARK ALEXANDER SMITH
Barrister & Solicitor

The Lien is claimed in respect of the following work or materials:
The work provided by the Claimant was the testing of aggregate materials.

which work or materials were or are to be provided for:
Name of Person or Corporation: JMB Crushing Systems Inc., The Municipal District of Bonnyville No. 87
Address 4905 - 50 Avenue, Bag 1010
Bonnyville, Alberta T9N 2J7

This lien is in respect of an improvement to an oil or gas well, or to an oil or gas well site, for which the lien may be registered in the Land Titles Office not later than 90 days from the last day that the work was completed or the materials were last furnished.

a) The work was completed or the materials were last furnished:
on April 8, 2020

- OR -

b) The work is not yet completed or all the materials have not yet been furnished.

The sum claimed as due or to become due is \$ 64,207.50

The address for service of the Lienholder in the Province of Alberta is
c/o Scott Law
17505 - 106 Avenue
Edmonton, AB T5S 1E7

this 12 day of May, 2020
(Signature of Lienholder or Agent)

at Edmonton, Alberta.

Affidavit Verifying Claim by Lienholder

I, John Schroder, Vice President, of Edmonton, Alberta named in the above (or annexed) statement make oath and say that the said claim is true.

Sworn before me at Edmonton, Alberta

on the 12 day of May, 2020

(Signature of Applicant)

(Signature of Commissioner)

Heidy Tolentino A Commissioner for Oaths in and for the Province of Alberta

May 18, 2023

Commissioner for Oaths in and for Alberta

(Expiry Date of Commission or Office)

- OR -

Affidavit Verifying Claim by Other Than Lienholder

I, _____, of _____, Alberta make oath and say: 1. That I am the agent (or assignee) of _____ named in the above (or annexed) statement and have full knowledge of the facts set forth in the above (or annexed) statement. - OR - I am informed by _____ and believe that the facts are as set forth in the above (or annexed) statement. 2. That the said claim is true (or when deponent has been informed, that I believe that the said claim is true).

Sworn before me at _____, Alberta

on the ___ day of _____, _____

(Signature of Applicant)

Commissioner for Oaths in and for Alberta

(Print or Stamp Name of Commissioner)

(Expiry Date of Commission or Office)

This information is being collected for the purposes of land titles records in accordance with the Builders' Lien Act and the Land Titles Act. Questions about the collection of this information can be directed to the Freedom of Information and Protection of Privacy Coordinator for Alberta Registries, Research and Program Support, Box 3140, Edmonton, Alberta T5J 2G7, (780) 427-2742.



Schedule "A"

LAND TITLE CERTIFICATE

S		
LINC	SHORT LEGAL	TITLE NUMBER
0034 014 183	0928625;1;1	102 054 177

LEGAL DESCRIPTION
 PLAN 0928625
 BLOCK 1
 LOT 1
 EXCEPTING THEREOUT ALL MINES AND MINERALS
 AREA: 20.22 HECTARES (49.96 ACRES) MORE OR LESS

ESTATE: FEE SIMPLE
 ATS REFERENCE: 4;5;61;19;NE

MUNICIPALITY: MUNICIPAL DISTRICT OF BONNYVILLE NO. 87

REFERENCE NUMBER: 092 310 481

REGISTERED OWNER(S)				
REGISTRATION	DATE (DMY)	DOCUMENT TYPE	VALUE	CONSIDERATION
102 054 177	17/02/2010	TRANSFER OF LAND	\$600,000	SEE INSTRUMENT

OWNERS
 THE MUNICIPAL DISTRICT OF BONNYVILLE NO. 87.
 OF 4905-50 AVE, BAG 1010
 BONNYVILLE
 ALBERTA T9N 2J7

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION	DATE (D/M/Y)	PARTICULARS
002 241 364	21/08/2000	CAVEAT RE : ROAD WIDENING CAVEATOR - THE MUNICIPAL DISTRICT OF BONNYVILLE NO. 87. BAG 1010 BONNYVILLE ALBERTA T9N2J7 AGENT - ROBERT A DOONANCO

(CONTINUED)

REGISTRATION
NUMBER DATE (D/M/Y) PARTICULARS

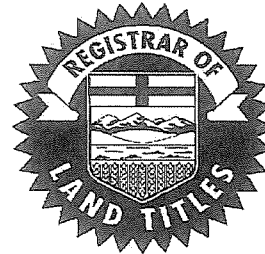
092 310 470 01/09/2009 CAVEAT
RE : ROADWAY
CAVEATOR - HER MAJESTY THE QUEEN IN RIGHT OF
ALBERTA
AS REPRESENTED BY MINISTER OF TRANSPORTATION
2ND FLOOR, TWIN ATRIA BUILDING
4999 - 98 AVENUE NW
EDMONTON
ALBERTA T6B2X3

TOTAL INSTRUMENTS: 002

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN
ACCURATE REPRODUCTION OF THE CERTIFICATE OF
TITLE REPRESENTED HEREIN THIS 12 DAY OF MAY,
2020 AT 01:53 P.M.

ORDER NUMBER: 39303053

CUSTOMER FILE NUMBER: JR Paine



END OF CERTIFICATE

THIS ELECTRONICALLY TRANSMITTED LAND TITLES PRODUCT IS INTENDED
FOR THE SOLE USE OF THE ORIGINAL PURCHASER, AND NONE OTHER,
SUBJECT TO WHAT IS SET OUT IN THE PARAGRAPH BELOW.

THE ABOVE PROVISIONS DO NOT PROHIBIT THE ORIGINAL PURCHASER FROM
INCLUDING THIS UNMODIFIED PRODUCT IN ANY REPORT, OPINION,
APPRAISAL OR OTHER ADVICE PREPARED BY THE ORIGINAL PURCHASER AS
PART OF THE ORIGINAL PURCHASER APPLYING PROFESSIONAL, CONSULTING
OR TECHNICAL EXPERTISE FOR THE BENEFIT OF CLIENT(S).

REGISTRATION

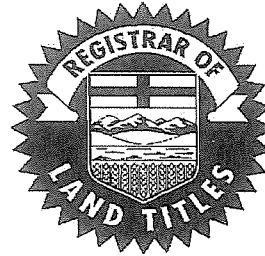
NUMBER	DATE (D/M/Y)	PARTICULARS
862 021 825	30/01/1986	UTILITY RIGHT OF WAY GRANTEE - ALBERTA POWER LIMITED. AS TO PORTION OR PLAN:4286EM
972 235 435	08/08/1997	CAVEAT RE : RIGHT OF WAY AGREEMENT CAVEATOR - CANADIAN NATURAL RESOURCES LIMITED. BOX 6926, STATION "D" CALGARY ALBERTA T2P2G1 AGENT - DONNA FELLOWS AFFECTED LAND: 4;7;56;21;SW (DATA UPDATED BY: CHANGE OF NAME 042462560)

TOTAL INSTRUMENTS: 002

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN
ACCURATE REPRODUCTION OF THE CERTIFICATE OF
TITLE REPRESENTED HEREIN THIS 12 DAY OF MAY,
2020 AT 02:07 P.M.

ORDER NUMBER: 39303296

CUSTOMER FILE NUMBER: JR Paine



END OF CERTIFICATE

THIS ELECTRONICALLY TRANSMITTED LAND TITLES PRODUCT IS INTENDED
FOR THE SOLE USE OF THE ORIGINAL PURCHASER, AND NONE OTHER,
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PART OF THE ORIGINAL PURCHASER APPLYING PROFESSIONAL, CONSULTING
OR TECHNICAL EXPERTISE FOR THE BENEFIT OF CLIENT(S).



LAND TITLE CERTIFICATE

S
LINC SHORT LEGAL TITLE NUMBER
0037 711 496 4;7;56;16;NW 172 269 783 +2

LEGAL DESCRIPTION

MERIDIAN 4 RANGE 7 TOWNSHIP 56

SECTION 16

QUARTER NORTH WEST

CONTAINING 64.7 HECTARES (160 ACRES) MORE OR LESS

EXCEPTING THEREOUT: HECTARES (ACRES) MORE OR LESS

- A) PLAN 4286BM - ROAD 0.0004 0.001
 - B) ALL THAT PORTION COMMENCING AT THE SOUTH WEST CORNER OF THE SAID SAID QUARTER SECTION; THENCE EASTERLY ALONG THE SOUTH BOUNDARY 110 METRES; THENCE NORTHERLY AND PARALLEL TO THE WEST BOUNDARY OF THE SAID QUARTER 110 METRES; THENCE WESTERLY AND PARALLEL TO THE SAID SOUTH BOUNDARY TO A POINT ON THE WEST BOUNDARY; THENCE SOUTHERLY ALONG THE SAID WEST BOUNDARY TO THE POINT OF COMMENCEMENT CONTAINING 1.21 3.00
 - C) PLAN 1722948 - ROAD 0.360 0.89
- EXCEPTING THEREOUT ALL MINES AND MINERALS

ESTATE: FEE SIMPLE

MUNICIPALITY: COUNTY OF ST. PAUL NO. 19

REFERENCE NUMBER: 072 148 823

REGISTERED OWNER(S)					
REGISTRATION	DATE (DMY)	DOCUMENT TYPE	VALUE	CONSIDERATION	
172 269 783	16/10/2017	ROAD PLAN			

OWNERS

HELEN HAVENER
OF BOX 598, ELK POINT
ALBERTA T0A 1A0
AS TO AN UNDIVIDED 1/2 INTEREST

GAIL CHARLENE HAVENER
OF BOX 608, ELK POINT
ALBERTA T0A 1A0
AS TO AN UNDIVIDED 1/2 INTEREST

(CONTINUED)

REGISTRATION

172 269 783 +2

NUMBER DATE (D/M/Y) PARTICULARS

882 162 859 19/07/1988 CAVEAT
RE : EASEMENT
CAVEATOR - JIMMY DAVID YARMUCE
BOX 645
ELK POINT
ALBERTA T0A1A0
(DATA UPDATED BY: TRANSFER OF CAVEAT
012383325)

972 003 876 06/01/1997 CAVEAT
RE : SURFACE LEASE
CAVEATOR - CANADIAN NATURAL RESOURCES LIMITED.
BOX 6926, STATION "D"
CALGARY
ALBERTA T2P2G1
AGENT - DONNA FELLOWS
(DATA UPDATED BY: CHANGE OF NAME 042462572)

972 229 534 05/08/1997 UTILITY RIGHT OF WAY
GRANTEE - CANADIAN NATURAL RESOURCES LIMITED.
BOX 6926, STATION "D"
CALGARY
ALBERTA T2P2G1
(DATA UPDATED BY: CHANGE OF NAME 042463878)

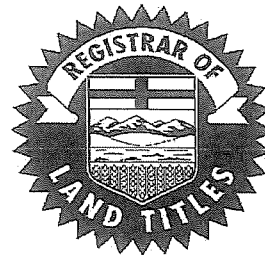
002 170 374 20/06/2000 CAVEAT
RE : ROYALTY AGREEMENT
CAVEATOR - JMB CRUSHING SYSTEMS LTD.
P O BOX 478
ELK POINT
ALBERTA T0A1A0

TOTAL INSTRUMENTS: 004

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN
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END OF CERTIFICATE

(CONTINUED)

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J.R. Paine & Associates Ltd.
17505 - 106 Avenue NW
Edmonton, AB T5S 1E7
Canada

invoice

Number:	IN016291
Page:	1
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Account Code	JMBCRU

Sold To: JMB CRUSHING SYSTEMS INC.
PO BOX 6977
BONNYVILLE, AB T9N 2H4

P.O. No.	Internal Ref:	Terms Code
		N30

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5.00 DAILY RATE - NIGHT SHIFT, - FEB 25-29	750.00	3,750.00

*This is Exhibit
to the "B"
A John Schneider
pursuant to 22 May 2020*

James R. Scott
James R. Scott
Barrister and Solicitor
17505 - 106th Avenue
Edmonton, Alberta T5S 1E7
jrm.scott@scottlaw.ca

Remit To:
J.R. Paine & Associates Ltd.
17505 - 106 Avenue NW
Edmonton, AB T5S 1E7
Phone: 780-489-0700

G.S.T. # R102730207

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Invoice

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P.O. No.	Internal Ref:	Terms Code
		N30

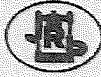
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Number:	IN016458
Page:	1
Date:	4/30/20
Account Code	JMBCRU

Sold To: JMB CRUSHING SYSTEMS INC.
 PO BOX 6977
 BONNYVILLE, AB T9N 2H4

P.O. No.	Internal Ref:	Terms Code
		N30

Description/Comments	Unit Price	Amount
ATTENTION: JASON PANTER		
FILE NO: 5200-1		
MD OF BONNYVILLE		
1-12.5mm AGGREGATE		
8.00 DAY SHIFT TESTING - APRIL 1-8	750.00	6,000.00
7.00 NIGHT SHIFT TESTING APRIL 1-7	750.00	5,250.00
1.00 TRAILER MOB/DEMOB.	1,200.00	1,200.00

Remit To:
 J.R. Paine & Associates Ltd.
 17505 - 106 Avenue NW
 Edmonton, AB T5S 1E7
 Phone: 780-489-0700

G.S.T. # R102730207

Subtotal before taxes	12,450.00
Total taxes	622.50
Total amount	13,072.50
Invoice Amount	13,072.50

Interest of 1.5% per month will be charged on all overdue accounts
 Please include a copy of your invoice with your payment

DETERMINATION NOTICE FOR LIEN CLAIMS AGAINST JMB CRUSHING SYSTEMS INC.
and 2161889 ALBERTA LTD. (COLLECTIVELY, "JMB")

DETERMINATION NOTICE

TO: J.R. Paine & Associates Ltd. (the "Lien Claimant")
c/o Scott Law
17505 – 106th Avenue
Edmonton, AB T5S 1E7
Attention: James Scott

DATE: July 27, 2020

LIEN CLAIM:

Date of Lien Notice / Registration: May 22, 2020

Quantum Originally Claimed: \$64,207.50

Affected Lands: 09828625

Block 1

Lot 1

Excepting Thereout All Mines and Minerals

Area: 20.22 Hectares (49.96 Acres) More or Less

AND

First

Meridian 4 Range 7 Township 56

Section 21

Quarter North West

Containing 64.7 Hectares (160 Acres) More or Less

Excepting Thereout: Hectares (Acres) More or Less

A) Plan 1722948 Road 0.417 1.03

Excepting Thereout All Mines and Minerals

And the Right to Work the Same

Second

Meridian 4 Range 7 Township 56

Section 21

Quarter South West

Containing 64.7 Hectares (160 Acres) More or Less

Excepting Thereout: Hectares (Acres) More or Less

A) Plan 1722948 Road 0.417 1.03

Excepting Thereout All Mines and Minerals

And the Right to Work the Same

AND

Meridian 4 Range 7 Township 56

Section 16

Quarter North West

This is Exhibit "C" referred to in the
Affidavit of

JOHN SCHROEDER

Sworn before me this 5 day

of NOVEMBER, 2020

A Notary Public, A Commissioner for Oaths
in and for Alberta

MARK ALEXANDER SMITH
Barrister & Solicitor

Containing 64.7 Hectares (160 Acres) More or Less		
Excepting Thereout: Hectares (Acres) More or Less		
A) Plan 4286BM Road	0.0004	0.0001
B) All That Portion Commencing at the South West Corner of the Said Quarter Section; Thence Easterly Along the South Boundary 110 Metres; Thence Northerly and Parallel to the West Boundary Of the Said Quarter 110 Meters; Thence Westerly And Parallel to the Said South Boundary to a Point On the West Boundary; Thence Southerly Along the Said West Boundary to the Point of Commencement Containing....		
C) Plan 1722948 Road	0.360	0.89

Take notice that FTI Consulting Canada Inc., in its capacity as the Court-appointed monitor (the “**Monitor**”) of JMB, pursuant to the CCAA Initial Order granted on May 1, 2020, as subsequently amended and restated on May 11, 2020 (the “**Amended and Restated CCAA Initial Order**”), has reviewed the Lien Claim you submitted, as part of its Lien Determination pursuant to the Order – Lien Claims – MD of Bonnyville issued by the Court of Queen’s Bench of Alberta on May 20, 2020 (the “**Bonnyville Lien Process Order**”). All capitalized terms used herein and not otherwise defined shall have the meaning ascribed to them in the Bonnyville Lien Process Order.

The Monitor has made the following Lien Determination concerning your Lien Claim:

Quantum:	<u>\$64,207.50</u>
Lien Determination:	<u>The above referenced Lien Claim is not a valid Lien or Lien Claim, for, among others, the following reasons: (i) it does not relate to work done or materials supplied on or in respect of an improvement; and, (ii) it was not registered against the Lands or any lands owned by the MD of Bonnyville which are not a municipal road or highway.</u>

IF YOU WISH TO DISPUTE THE LIEN DETERMINATION, AS SET FORTH HEREIN, YOU MUST TAKE THE STEPS OUTLINED BELOW.

The Bonnyville Lien Process Order provides that if you do not accept with the Monitor’s Lien Determination, as set out in this Determination Notice, you must, within fifteen days of receipt of this Determination Notice from the Monitor, file an application before the Court of Queen’s Bench of Alberta for the determination of your Lien and Lien Claim. If you fail to file an application before the Court of Queen’s Bench of Alberta, in the timeframe specified herein, the Lien Determination of the Monitor shall be final and neither you nor JMB shall have any further recourse to any remedies set out in the BLA with respect to the Liens or Lien Claims referenced herein or as and

against any of the Funds or the Holdback Amount, except as otherwise may be ordered by the Court.

If you have any questions regarding the claims process or the attached materials, please contact the Monitor's counsel, Pantelis Kyriakakis of McCarthy Tétrault LLP, at pkyriakakis@mccarthy.ca and the Monitor, Mike Clark of FTI Consulting Canada Inc., at mike.clark@fticonsulting.com.

Dated the 27th day of July, 2020 in Calgary, Alberta.

**FTI CONSULTING CANADA INC., in its
capacity as Monitor of JMB CRUSHING
SYSTEMS INC. and 2161889 ALBERTA LTD.**

Per: 

Mike Clark, Director