



Affidavit of Stuart Olley #1
affirmed: March 6, 2024

No: S238572
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 PLAN OF COMPROMISE AND ARRANGEMENT OF
MYRA FALLS MINE LTD.

AFFIDAVIT

I, **Stuart Olley**, of the **City of Calgary, Alberta**, AFFIRM THAT:

1. I am legal counsel for Myra Falls Mine Ltd. (referred to in this affidavit as the "**Company**" or "**MFM**") and have authority from the Company to make this affidavit. I have personal knowledge of the matters set out below save and except where I refer to matters based on information and belief, in which case I verily believe that information to be true.
2. Capitalized terms used in this affidavit and not otherwise defined have the meaning given to them in the affidavit of Hein Frey filed in these proceedings affirmed on February 21, 2024 (the "**Third Frey Affidavit**").
3. On February 22, 2024, the Company filed an application pursuant to the CCAA seeking, *inter alia*, an Approval and Vesting Order for the following relief:

Authorizing the Company to enter into the Breakwater Transaction contemplated by the Breakwater Agreement, between MFM, as vendor and the Purchaser, a party related to MFM, as purchaser, in respect of MFM's rights,

title and interest in the Epiroc Lease between MFM, as lessee, and Epiroc Canada Inc., ("**Epiroc**") as lessor, dated February 26, 2022 for a Simba M6 long-hole production drill rig leased by MFM (the "**Equipment**"), and vesting in the Purchaser all of MFM's right, title and interest in and to the Epiroc Lease, free and clear of all claims.

4. I am advised by Jonathan Ross, litigation counsel for MFM, that on February 27, 2024, Justice Fitzpatrick adjourned the Approval and Vesting Order hearing to the following week in order to provide the Company with an opportunity to make good faith efforts to sell or otherwise dispose the assets to a third party.

5. Following the hearing on February 27, 2024, I contacted counsel for Epiroc to solicit interest in purchasing the Equipment. On February 27, 2024, Epiroc's counsel advised me that Epiroc is not interested in any proposal to buy-back the Equipment.

6. Also on February 27, 2024, I am advised by a representative of the Company that he requested an estimate of the value of the Equipment from Amalgamated Mining and Tunnelling Inc. ("**Amalgamated**"). Amalgamated responded to that request. I have viewed that e-mail exchange and the fair market value of the Equipment set out therein is well below the value of the Breakwater Agreement.

7. I am advised by Tom Powell of the Monitor that on February 28, 2024, the Monitor, on MFM's behalf, contacted Ritchie Bros. Auctioneers, Maynards Liquidation Group, and McDougall Auctioneers Ltd. (collectively, the "**Auctioneers**") seeking non-binding bids on the Equipment by March 5, 2024.

8. On March 5, 2024, the Monitor received non-binding letters of intent from certain of the Auctioneers. I have reviewed the Monitor's request for bids and the non-binding letters of

