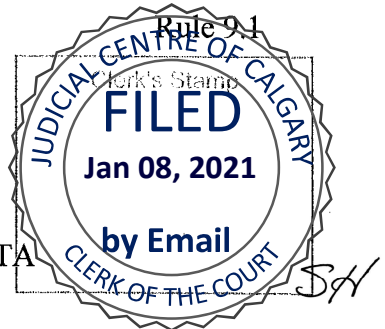


Order

Rule 9.1



COURT FILE NO.: 2001-05482
COURT COURT OF QUEEN'S BENCH OF ALBERTA
JUDICIAL CENTRE CALGARY

101363

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

AND IN THE MATTER OF THE COMPROMISE OR
ARRANGEMENT OF JMB CRUSHING SYSTEMS INC. and
2161889 ALBERTA LTD.

APPLICANT JMB CRUSHING SYSTEMS INC.

DOCUMENT **ORDER**

ADDRESS FOR
SERVICE AND
CONTACT
INFORMATION
OF PARTY
FILING THIS
DOCUMENT

Gowling WLG (Canada) LLP
1600, 421 – 7th Avenue S.W.
Calgary, AB T2P 4K9

Attn: Tom Cumming/Caireen E. Hanert/Alison J. Gray
Phone: 403.298.1938/403.298.1992/403.298.1841
Fax: 403.263.9193
File No.: A163514

**DATE ON WHICH ORDER WAS
PRONOUNCED:** **October 16, 2020**

**LOCATION AT WHICH ORDER WAS
MADE:** **Calgary, AB**

**NAME OF JUDGE WHO MADE THIS
ORDER:** **The Honourable Justice K. M. Eidsvik**

UPON THE APPLICATION of JMB Crushing Systems Inc. (“JMB”); **AND UPON THE APPLICATION** of 945411 Alberta Ltd. and Jerry Shankowski; **AND UPON HEARING** counsel for JMB and counsel for 945411 Alberta Ltd. and Jerry Shankowski; **AND UPON REVIEWING**

the Affidavit of Jason Panter sworn October 9, 2020; **AND UPON HEARING** counsel for those parties present;

IT IS HEREBY ORDERED THAT:

1. The time for service of notice of this Application is abridged and deemed good and sufficient;
2. The following Builders' Lien claims are declared to be invalid:
 - (a) by RBEE Aggregate Consulting Ltd. ("**RBEE**"):
 - (i) The lien registered as Instrument No. 202 106 449 on May 15, 2020; and
 - (ii) The lien claim asserted against JMB's registered interest in the Havener Land (defined herein), which interest is evidenced by a caveat registered as Instrument No. 002 170 374 on June 20, 2000, against the lands legally described as:

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
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

(the "**Havener Land**")

- (iii) The lien registered as Instrument No. 202 106 447 on May 15, 2020 against the land legally described as:

FIRST
MERIDIAN 4 RANGE 7 TOWNSHIP 56
SECTION 21
QUARTER NORTH WEST
CONTAINING 64.7 HECTARES (160 ACRES) MORE OR LESS
A) PLAN 1722948 – ROAD 0.417 1.03
EXCEPTING THEREOUT ALL MINES AND MINERALS
AND THE RIGHT TO WORK SAME

SECOND
MERIDIAN 4 RANGE 7 TOWNSHIP 56
SECTION 21
QUARTER SOUTH WEST
CONTAINING 64.7 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

(the "**Shankowski Land**")


- (b) by J.R. Paine & Associates Ltd. ("**J.R. Paine**"):
- (i) The Lien registered as Instrument No. 202 104 972 on May 13, 2020 against the Havener Land; and
- (ii) The Lien registered as Instrument No. 202 104 972 on May 13, 2020 against the Shankowski Land;

(the "**Lien Claims**")


3. The Builders' Liens filed by RBEE and J.R. Paine registered as Instrument No. 202 106 449 and Instrument No. 202 104 972 against the Havener Land and Instrument No. 202 106 447 and Instrument No. 202 104 972 against the Shankowski Land (the "**Liens**") are discharged;
4. The Registrar of Land Titles for the Northern Alberta Registration District is directed to, upon receipt of a certified copy of the Order, forthwith remove and discharge the registration of the Liens from title for the Havener Land and Shankowski Land pursuant to s. 191(3)(a) of the *Land Titles Act*, RSA 2000, c L-4; and

[Remainder of page is intentionally left blank]

5. Costs of this Application are granted to JMB and to 945411 Alberta Ltd. and Jerry Shankowski, against J.R. Paine. Costs with respect to RBEE are reserved, and if the parties are unable to come to an agreement as to costs, the parties may request this Honourable Court render a decision on costs.
6. This Order may be executed in counterpart and by facsimile or other electronic format.



Judge of the Court of Queen's Bench of Alberta

Approved as to form and content his 6th
day of January, 2020 

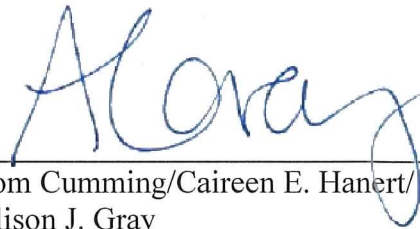
Counsel for 945411 Alberta Ltd. and
Jerry Shankowski

Approved as to form and content his 7th
day of January, 2020 1 **AJG**

Counsel for the Applicants, JMB Crushing
Systems Inc. and 2161889 Alberta Ltd.



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Hajduk Gibbs LLP



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Alison J. Gray
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