

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

CLAIMANT RBEE AGGREGATE CONSULTING LTD.

DOCUMENT **SUPPLEMENTAL AFFIDAVIT OF DAVID
HOWELLS**

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT Bishop & McKenzie LLP
2300, 10180 – 101 Street
Edmonton, AB, T5J 1V3
Telephone: 780-426-5550
Facsimile: 780-426-1305
Attention: Jerritt R. Pawlyk
File No. 110151-003 JRP/GWS

SUPPLEMENTAL AFFIDAVIT OF DAVID HOWELLS

Sworn on October 9, 2020

I, David Howells, of the City of Fort Saskatchewan, in the Province of Alberta, SWEAR OATH AND SAY THAT:

1. I am a Director and Vice President of the Claimant, RBEE Aggregate Consulting Ltd. ("RBEE"), and as such I have personal knowledge of the facts and matters hereinafter deposed to, except where stated otherwise, in which case I believe the same to be true.
2. The aggregate rock and gravel that was crushed by RBEE was crushed into two different sizes:
 - a. ½ inch base gravel with material number 112.5 ("112.5"); and
 - b. 5/8 inch base gravel with material number 216 ("216").
3. The aggregate rock and gravel that was crushed by RBEE was deposited onto the Municipality Lands, as defined in my affidavit sworn May 29, 2020. The ½ inch base



gravel with material number 112.5 was deposited on the Municipality Lands in one pile (the "112.5 Pile"). The 5/8 inch base gravel with material number 216 was deposited on the Municipality Lands in another pile (the "216 Pile").

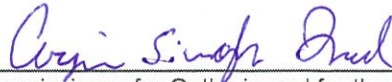
4. I am advised by my counsel, who have spoken with counsel for The Municipal District of Bonnyville No. 87 (the "Municipality"), and believe the following:
 - a. the Municipality entered into a contract with a third party at the end of February 2020 to mix a compound known as MC-250 for patching material using the 112.5 from the 112.5 Pile (the "Patching Material"). The Patching Material was mixed between May 15, 2020 and June 20, 2020 and it was added to the Municipality's already-existing stockpile. The Patching Material is used on various Municipality roads on an as-needed basis;
 - b. the Municipality entered into a contract with a third party at the end of February 2020 to mix a compound known as HF500 using the 216 from the 216 Pile ("Cold Mix"). The Cold Mix was mixed between May 15, 2020 and June 20, 2020. The Cold Mix was then used for the following projects around the Municipality for repairs of soft spot sections on each road with various lengths:
 - i. RR 443 from HWY 28 to TWP RD 614;
 - ii. RR 485 from HWY 28 to TWP RD 610;
 - iii. RR 483 from HWY 660 to TWP RD 611;
 - iv. RR 482 from TWP RD 594 to TWP RD 593A;
 - v. RR 470 from TWP RD 630 to HWY 55;
 - vi. TWP RD 610 from RR 483 to RR 484;
 - vii. RR 411 from TWP RD 630 to CHERRY RIDGE; and
 - viii. RR 484 from HWY 28 TWP RD 594; and
 - c. the 216 from the 216 Pile is also used by the Municipality on various Municipality roads on an as-needed basis to reduce dust.
5. I make this affidavit in support of the Application of RBEE to reverse the July 27, 2020 determination notice of the Monitor, FTI Consulting Canada Inc. with respect to the claim of RBEE.

[Remainder of page intentionally blank]

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

6. I swear this Affidavit despite not being physically present before the commissioner, but having been linked with the commissioner utilizing video technology and following the process described in the Notice to Profession NPP#2020-01: Remote Commissioning of Affidavits for Use in Civil and Family Proceedings During the COVID-19 Pandemic.

SWORN BEFORE ME at the City of
Edmonton, in the Province of Alberta
this 9 day of October, 2020



Commissioner for Oaths in and for the
Province of Alberta



DAVID HOWELLS

Arjun Deol
Student at Law

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SUPPLEMENTAL AFFIDAVIT OF DAVID HOWELLS

Sworn on October 4, 2020

I, David Howells, of the City of Fort Saskatchewan, in the Province of Alberta, SWEAR OATH AND SAY THAT:

1. I am a Director and Vice President of the Claimant, RBEE Aggregate Consulting Ltd. ("RBEE"), and as such I have personal knowledge of the facts and matters hereinafter deposed to, except where stated otherwise, in which case I believe the same to be true.
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A.D.

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SWORN BEFORE ME at the City of
Edmonton, in the Province of Alberta
this 9 day of October, 2020

Commissioner for Oaths in and for the
Province of Alberta

DAVID HOWELLS

A.D.

