

COURT OF APPEAL FOR BRITISH COLUMBIA

FORM 4

NOTICE OF APPLICATION (RULES 13(a), 20(3) and (4), 54(a), 58(1), 59(1), 60(2), 61(2), 63(2))



Court of Appeal File No.

Case File No. **CA49489**

The file number can be found on the upper right corner of the Notice of Appeal.

PARTIES TO THE APPEAL

Appellant(s)

List the name(s) of the appellant(s) named on Form 1: Notice of Appeal

M&M Business Group, L.P., Mufeed Haddad, and Mike Budka

Respondent(s)

List the name(s) of the respondent(s) named on Form 1: Notice of Appeal

NextPoint Financial, Inc., NPI Holdco LLC, LT Holdco, LLC, LT Intermediate Holdco, LLC, SiempreTax+ LLC, JTH Tax LLC, Liberty Tax Holding Corporation, Liberty Tax Service, Inc., JTH Financial, LLC, JTH Properties 1632, LLC, Wefile LLC, JTH Tax Office Properties, LLC, LTS Software LLC, JTH Court Plaza, LLC, 360 Accounting Solutions, LLC, LTS Properties, LLC, CTAX Acquisition LLC, Community Tax Puerto Rico LLC, Community Tax LLC, NPLM Holdco LLC, MMS Servicing LLC, LoanMe, LLC, LoanMe Funding, LLC, LM Retention Holdings, LLC, LoanMe Stores LLC, LM BP Holdings, LLC, InsightsLogic LLC, LM 2020 CM I SPE, LLC (Petitioners); FTI Consulting Canada Inc. (Monitor); BasePoint (Respondent); First Century Bank, N.A. (Respondent); Drake Enterprises Ltd. (Respondent); TMI Trust Company (Respondent); Chilmark Administrative Ltd. (Respondent); Frontier Capital Group Ltd. (Respondent), CMB Tax Service, LLC (Respondent); HMTK in Right of Canada (Respondent)

This application is in the jurisdiction of:

The Court (3 Justices)

A Chambers Justice

The Registrar

To the person(s) filing the application (the applicant):

If your application is before a chambers justice, check the [available chambers dates](#) on the court website and the timelines for bringing your application under the rules.

If your application is before the court or the registrar, contact the appropriate scheduler before completing this form.

Communicate with the other person(s) to ensure they are available on the requested date. Chambers applications are to be no more than 30 minutes.

Name(s) of person(s) bringing the application

M&M Business Group, L.P., Mufeed Haddad, and Mike Budka

Name(s) of responding person(s) to be served with the application

NextPoint Financial, Inc., NPI Holdco LLC, LT Holdco, LLC, LT Intermediate Holdco, LLC, SiempreTax + LLC, JTH Tax LLC, Liberty Tax Holding Corporation, Liberty Tax Service, Inc., JTH Financial, LLC, JTH Properties 1632, LLC, Wefile LLC, JTH Tax Office Properties, LLC, LTS Software LLC, JTH Court Plaza, LLC, 360 Accounting Solutions, LLC, LTS Properties, LLC, CTAX Acquisition LLC, Community Tax Puerto Rico LLC, Community Tax LLC, NPLM Holdco LLC, MMS Servicing LLC, LoanMe, LLC, LoanMe Funding, LLC, LM Retention Holdings, LLC, LoanMe Stores LLC, LM BP Holdings, LLC, InsightsLogic LLC, LM 2020 CM I SPE, LLC (Petitioners); FTI Consulting Canada Inc. (Monitor); BasePoint (Respondent); First Century Bank, N.A. (Respondent); Drake Enterprises Ltd. (Respondent); TMI Trust Company (Respondent); Chilmark Administrative Ltd. (Respondent); Frontier Capital Group Ltd. (Respondent), CMB Tax Service, LLC (Respondent); HMTK in Right of Canada (Respondent) and the Service List

Location where the application will be heard

Enter the address of the courthouse.

BC Court of Appeal
The Law Courts
Suite 400, 800 Hornby Street
Vancouver, BC V6Z 2C5

Date the application will be heard

December 14, 2023

Chambers applications begin at 9:30 am.

DD/MM/YYYY

Enter the section(s) or rule(s) that you are relying on for your application

E.g., If you are applying for leave to appeal, enter "Section 31 of the Court of Appeal Act". If you are applying for a stay of proceedings, enter "Section 33 of the Court of Appeal Act".

Sections 31 and 33 of the Court of Appeal Act; section 33 of the Companies' Creditors Arrangement Act.

Enter the order that you are seeking

E.g., "stay of proceedings" or "extension of time to file an appeal book" and any request with respect to costs. If you are seeking leave to appeal, enter "leave to appeal the order of _____."

Leave to appeal and a stay of the Order of Madam Justice Fitzpatrick, pronounced October 31, 2023.

Is an application book required?

See Rule 13 for leave applications and Division 2 of Part 9 of the Rules for other applications.

Yes No

If you are not required to file an application book, list the affidavit(s) in support of this application

Enter the name of each person whose affidavit is being filed and the date each affidavit was sworn.

The applicant anticipates that this application will be...

Check only one.

Contested Uncontested

Email address(es) for service of applicant(s)

If you provide an email address, you consent to have documents served on you by email.

wroberts@lawsonlundell.com
lbevan@lawsonlundell.com
shannigan@lawsonlundell.com

Date form completed

November 21, 2023

Name of lawyer or applicant authorizing filing of this form

Sarah Hannigan

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DD/MM/YYYY