



FORM 109 (RULE 22-2 (2) AND (7))

This is the 2nd Affidavit  
of FRANK SEMINARA in this case  
and was made on NOVEMBER 26, 2019

No. S1913345  
Vancouver Registry

**IN THE SUPREME COURT OF BRITISH COLUMBIA**

BETWEEN:

VANCOUVER CITY SAVINGS CREDIT UNION

Petitioner

AND:

356746 HOLDINGS INC. doing business as  
THE GEORGE DAWSON INN  
507016 B.C. LTD.  
LUXOR HOLDINGS INC.  
UMEDALLI THOBANI also known as  
UMED THOBANI and TONY THOBANI  
THE ESTATE OF AMINA THOBANI  
MANOHAR ALEXANDER SAVUNDRANAYAGAM  
BLUESHORE LEASING LTD.  
ROYNAT INC.  
1156600 B.C. LTD.  
GROUPEX SYSTEMS CANADA INC.

Respondents

**AFFIDAVIT**

I, FRANK SEMINARA, of 183 Terminal Avenue, in the City of Vancouver, in the Province of British Columbia, SWEAR THAT:

1. I am the Account Manager – Special Accounts Department – Risk Division of the petitioner herein, and as such, am authorized to swear this Affidavit on behalf of the petitioner and have personal knowledge of the matters and facts hereinafter set forth, except where the same are stated to be based upon information and belief, and where so stated I verily believe the same to be true.

2. Capitalized terms herein are as defined in the petition.

3. In the morning of November 26, 2019 I received a telephone call from Shabir Thobani, ("Shabir") the son of the Respondent, Umedalli Thobani, and had a conversation with him (the "Conversation"). I knew Shabir from previous communications as the person controlling the business operations of the Debtor.

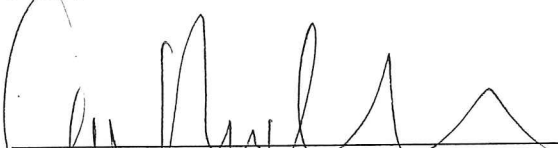
4. During the Conversation, Shabir told me that the sale of the Liquor Licence had closed about 10 days ago and that the sales proceeds had been received and some monies had been disbursed but that there was approximately \$400,000 ( the "Funds") remaining.

5. During the Conversation Shabir did told me that the Funds were deposited at the Royal Bank Of Canada ("RBC").

6. I have read Affidavit #2 of Alan Frydenlund Q.C. and believe that the sales proceeds from the sale of the Liquor Licence were diverted from the Debtor to Fairmark Investments Inc. which is also controlled by Shabir however they may have been moved to some account controlled by Shabir at RBC or elsewhere.

7. I swear this affidavit in support of an Order of the Court requiring Shabir and Fairmark Investments Inc. to deliver the Funds to the Receiver.

SWORN BEFORE ME at Vancouver, )  
British Columbia, this 26 day of November )  
2019. )

  
A Commissioner for taking Affidavits )  
within British Columbia )

**ALAN A. FRYDENLUND, Q.C.**  
**BARRISTER & SOLICITOR**  
29th FLOOR - 595 BURNARD ST.  
VANCOUVER, B.C. V7X 1J5  
(604) 691-7511

  
FRANK SEMINARA

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Respondents

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**AFFIDAVIT**

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**OWEN BIRD LAW CORPORATION**

P.O. Box 49130

Three Bentall Centre

2900 - 595 Burrard Street

Vancouver, BC V7X 1J5

Attention: Alan A. Frydenlund, Q.C.

File No. 23024-0091

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