

Affidavit #1 of Kwee Yock Lee
sworn the 23 day of August, 2021



No. S-214959
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

ADC HOLDINGS LTD.

PETITIONER

AND:

**JEANA VENTURES LTD.
1449 SANDHURST PLACE HOLDINGS LIMITED**

RESPONDENTS

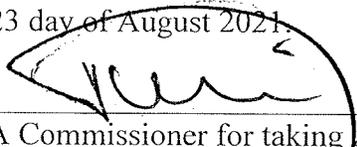
AFFIDAVIT

I, KWEE YOCK LEE, Legal Assistant, care of 500 – 4211 Kingsway, Burnaby, British Columbia make oath and say that:

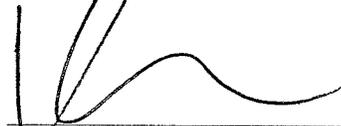
1. I am a legal assistant employed by Lundrie & Company, solicitors for John Hing Wong (the “Application Respondent”) and as such have personal knowledge of the facts and matters hereinafter deposed, except where the same are stated to be on information and belief and where so stated, I verily believe the same to be true.
2. The Application Respondent holds a second mortgage and assignment of rents (the “Second Mortgage and Assignment of Rents”) registered under No. CA8280518 and No. CA8280519 respectively encumbering the Lands as defined in the Notice of Application.
3. The Second Mortgage and Assignment of Rents has priority over the mortgage and assignment of rents held by Jeana Ventures Ltd. pursuant to priority agreements (the “Priority Agreements”) registered under No. CA8280842 and No. CA8280843 respectively.
4. The Application Respondent commenced a foreclosure in respect of the Second Mortgage and Assignment of Rents on April 20, 2021 in the Vancouver Registry, Action No. H-210216 (the “Second Mortgage Proceeding”) and was granted an Order Nisi on July 2, 2021.
5. Attached as Exhibit "A" to this my Affidavit is a true copy of the Order Nisi.

6. I verily believe that as of August 16, 2021 there was \$441,947.90 principal and interest due and owing on the Second Mortgage plus interest at 11.00% per annum thereafter or \$132.55 per day to the date of payment plus assessable costs

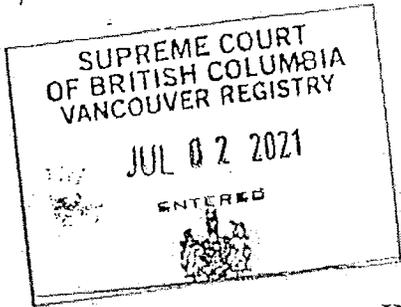
Sworn before me at Burnaby in the
Province of British Columbia this
23 day of August 2021.


A Commissioner for taking Affidavits

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KWEE YOCK LEE

PHILLIP R. LUNDRIE
BARRISTER & SOLICITOR
500 - 4211 KINGSWAY
BURNABY, B.C. CANADA V5H 1Z6
TEL: 604-257-3588 FAX: 604-257-3511



This is Exhibit "A" referred to in the affidavit of KWEE YOCK LEE sworn before me at BURNABY this 23 day of August 2021

Form 35 (Rules 8-4 (1), 13-1 (3), 17-1 (2) and 206 (2)) and a Commissioner for taking Affidavits for British Columbia

No. H-210216
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

JOHN HING WONG

PETITIONER

AND:

1449 SANDHURST PLACE HOLDINGS LIMITED,
PHILIP DEANE GARROW also known as PHILIP GARROW,
JEANA VENTURES LTD.,
J. ALAN SMITH doing business as AL'S ONE STOP SERVICES

RESPONDENTS

ORDER MADE AFTER APPLICATION
(ORDER NISI)

BEFORE MASTER AMERON)
)
) Friday, the 2nd day of
) July, 2021
)

ON THE APPLICATION of the Petitioner, JOHN HING WONG, coming on for hearing by telephone at 800 Smithe Street, Vancouver, British Columbia on this date and on hearing Phillip R. Lundrie, counsel for the Petitioner, and ~~Asim Jawaher, counsel for the Respondents 1449 SANDHURST PLACE HOLDINGS LIMITED and PHILIP DEANE GARROW also known as PHILIP GARROW,~~ and no one appearing for the other Respondents and upon reading the pleadings and materials filed herein: SL.

THIS COURT ORDERS AND DECLARES that:

1. A mortgage dated 22 June 2020 which was registered in the New Westminister Land Title Office on 3 July 2020 under number CA8280518 (the "Mortgage") and an assignment of rents which was registered in the New Westminister Land Title Office on 3 July 2020 under number CA8280519 (the "Assignment of Rents") are charges in favour of the

(c)

Petitioner upon the following lands and premises:

District of West Vancouver Assessment District
Parcel Identifier: 008-870-110
Lot 36 Block 50 Capilano Estates Extension No. 12 Plan 12621

(the "Lands")

which ranks in priority to the interests in the Lands of the Respondents and the heirs, executors, administrators, successors and assigns of the Respondents and all persons claiming by, through or under them;

2. A Declaration that the Mortgage is in default;
3. The amount of money both principal and interest due and owing to the Petitioner pursuant to the Mortgage as at the 2nd day of July, 2021 is \$436,018.82 with interest thereafter at 11.00% per annum or \$131.32 *per diem* compounded monthly, to accrue until the Lands are redeemed or sold, whether or not redemption or sale occurs prior to or after the last date for redemption herein, together with the Petitioners' costs of this proceeding (in the aggregate, the "Amount Required to Redeem");
4. The last date for redemption be set at six months to commence on the 24th day of June, 2021; *such that the last day for redemption is December 24, 2021.*
5. On the Respondents or any of them paying into Court or to the solicitors for the Petitioner prior to the pronouncement of Order Absolute or an Order approving a sale of the Lands the Amount Required to Redeem, then the Petitioner shall reconvey the Lands free and clear of encumbrances in favour of it or by any person claiming by, through or under it, to the Respondent or Respondents who made payment;
6. If the Lands are not redeemed, the Petitioner shall be at liberty to apply for an Order Absolute and on pronouncement of Order Absolute then the Respondents and the heirs, executors, administrators, successors and assigns of the Respondents and all persons claiming by, though or under them shall be foreclosed of all right, title, interest, estate and equity of redemption in and to the Lands, and shall immediately deliver to the Petitioner vacant possession of the Lands;
7. The Petitioner be at liberty to apply for a further summary accounting of any amounts of money which may become due to the Petitioner pursuant to the Mortgage;
8. The Petitioner be entitled to protective disbursements including but not limited to property taxes, strata fees, insurance, appraisal costs, property inspection charges, property maintenance charges, utilities and costs of securing the Lands during the redemption period;
9. Judgment in favour of the Petitioner, JOHN HING WONG, against the Respondents, 1449 SANDHURST PLACE HOLDINGS LIMITED and PHILIP DEANE GARROW also known as PHILIP GARROW, in the Amount Required to Redeem;

in the amount of 436,018.82

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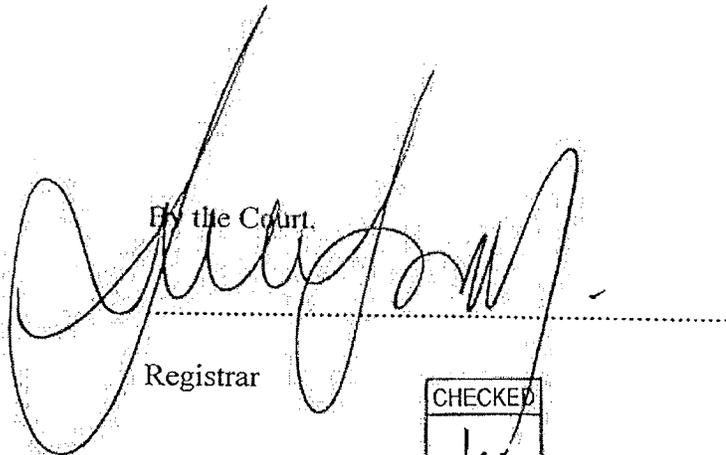
10. The Petitioner be granted its costs at Scale B up to and including Order Nisi;
11. The need to have this Order endorsed by the appearing Respondents or their counsel be dispensed with.

THE FOLLOWING PARTIES APPROVE THE FORM OF THIS ORDER AND CONSENT TO EACH OF THE ORDERS, IF ANY, THAT ARE INDICATED ABOVE AS BEING BY CONSENT:



Solicitor for the Petitioner,
Phillip R. Lundrie

By the Court.



Registrar

CHECKED
JL

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

JOHN HING WONG

PETITIONER

AND:

1449 SANDHURST PLACE HOLDINGS LIMITED,
PHILIP DEANE GARROW also known as PHILIP GARROW,
JEANA VENTURES LTD.,
J. ALAN SMITH doing business as AL'S ONE STOP SERVICES

RESPONDENTS

ORDER MADE AFTER APPLICATION
(ORDER NISI)

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Barristers & Solicitors
#500 – 4211 Kingsway
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Tel: (1-604) 257-3588
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Email: phillip@lundrielaw.com
Attention: Phillip R. Lundrie

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RESPONDENTS

AFFIDAVIT No #1
OF
KWEE YOCK LEE

Lundrie & Company
Barristers & Solicitors
#500 – 4211 Kingsway, Burnaby, B.C. V5H 1Z6
Tel: 604-431-8081
Fax: 604-431-8087
Attention: Phillip R. Lundrie