



Form 33 (Rule 8-1 (10))

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

APPLICATION RESPONSE

[Rule 22-3 of the Supreme Court Civil Rules applies to all forms.]

Application response of: JOHN HING WONG, (the "application respondent")

THIS IS A RESPONSE TO the notice of application of d. Manning & Associates Inc., as Receiver Manager of 1449 Sandhurst Place Holdings Limited filed August 17, 2021.

Part 1: ORDERS CONSENTED TO

The application respondent(s) consent(s) to the granting of the orders set out in the following paragraphs of Part 1 of the notice of application on the following terms: NONE.

Part 2: ORDERS OPPOSED

The application respondent opposes the granting of the orders set out in paragraphs 2 of Part 1 of the notice of application:

More specifically the Application Respondent opposes Paragraph 5 of the draft Order, appended as Schedule "A" to the Notice of Application filed August 17, 2021 herein unless paragraph 5 is amended as follows:

5. The net purchase price after adjustments shall be paid to Owen Bird Law Corporation, in trust, and shall be paid out in accordance with the following priorities without further order:
 - a) In payment of any outstanding property taxes, water and sewer rates;
 - b) In payment of real estate commission and GST, if payable;
 - c) GST, if payable;

- d) To Randie Wilson & Company, in trust for Pursuit Capital Corp. and VWR Capital Corp., the balance of their interest in Mortgage No. CA7644513 and Assignment of Rents No. CA7644514, plus interest to and including the date of payment, plus their assessable costs;
- e) To Lundrie & Company, in trust for John Hing Wong, the balance of his interest in Mortgage No. CA8280518 and Assignment of Rents No. CA8280519, plus interest to and including the date of payment, plus his assessable costs;
- f) The balance to the Receiver to the credit of this proceeding.

Part 3: ORDERS ON WHICH NO POSITION IS TAKEN

The application respondent takes no position on the granting of the orders set out in paragraphs 1 of Part 1 of the notice of application.

Part 4: FACTUAL BASIS

1. 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.
2. 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.
3. 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.
4. The Order Nisi provides for a Redemption Amount of \$436,018.82 as of July 2, 2021 with interest thereafter at 11.00 percent per annum, calculated monthly.
5. As of August 16, 2021 there was \$441,947.90 principal and interest due and owing on the Second Mortgage plus interest thereafter of \$132.55 per day to the date of payment plus assessable costs.
6. The Application Respondent seeks payment of the outstanding balance of the Second Mortgage and assessable costs from the proceeds of sale of the Lands.

Part 5: LEGAL BASIS

1. Rules 8-1, 13-2, 13-5, 14-1 and 217 of the Supreme Court Civil Rules.

Part 6: MATERIAL TO BE RELIED ON

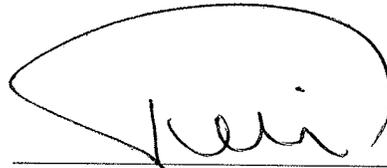
1. Affidavit of Kwee Yock Lee made August 23, 2021.

The application respondent(s) estimate(s) that the application will take 5 minutes.

The Application Respondent's Address for Service:

Lundrie & Company
Barristers & Solicitors
500 – 4211 Kingsway
Burnaby, B.C V5H 1Z6
Fax: 604-257-3511
Email: phillip@lundrielaw.com

Date: 23 August 2021

A handwritten signature in black ink, appearing to read 'Phillip', is written over a horizontal line. The signature is enclosed within a large, hand-drawn oval shape.

Signature of Solicitor for application respondent