

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.

CA 49175

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.

Joseph Wayne Palmer Sather
(Defendant)

Respondent(s)

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

Sather Ranch Ltd.
(Plaintiff)
C. Cheveldave & Associates Ltd.
(Court Appointed Receiver)

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

C. Cheveldave & Associates Ltd. (Court Appointed Receiver)
c/o Lawson Lundell LLP
Suite 403 – 460 Doyle Avenue, Kelowna, B.C., V1Y 0C2
Attention: Scott R. Andersen

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

Joseph Wayne Palmer Sather
c/o Fasken Martineau DuMoulin LLP
Suite 2900 - 550 Burrard Street, Vancouver, B.C., V6C 0A3
Attention: Tom Posyniak and Kaleigh Milinazzo

Location where the application
will be heard
*Enter the address of the
courthouse.*

BC Court of Appeal
Suite 400, 800 Hornby Street
Vancouver, B.C. V6Z 2C5

Date the application will be heard

8/12/2023

Chambers applications begin at 9:30 a.m.

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."*

Rule 58 of the *Court of Appeal Rules*
Sections 30 and 34 of the *Court of Appeal Act*

Enter the order(s) 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 _____."*

An order that:

1. the appellant be ordered to pay into court security for the costs of the appeal in the amount of \$18,000 and that such security be posted within 30 days;
2. the appeal be stayed until the security is posted;
3. if the security is not posted within 90 days, that the respondent be at liberty to apply to have the appeal dismissed as abandoned;
4. Joseph Sather pay the costs of this application to the Respondent in any event of the cause.

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.*

scott.andersen@lawsonlundell.com

Date form completed

20/11/2023

DD/MM/YYYY

Name of lawyer or applicant
authorizing filing of this form

Scott R. Andersen