



FORM 32 (RULE 8-1(4))

No. KEL-S-S-127397
Kelowna Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

ALBERT WEISSTOCK

PETITIONER

AND:

WALTER WEISSTOCK, ANTONY WEISSTOCK, SILVIA RITA GERARD, WITMAR HOLDINGS LTD., DONALD JAMES RAMSAY (ADMINISTRATOR OF THE ESTATE OF MARIA CONCETTA WEISSTOCK), 1100748 B.C. LTD., ANTONY WEISSTOCK (TRUSTEE OF THE WILLY AND MARIA CONCETTA WEISSTOCK TRUST), and ISLANDVIEW COUNTRY ESTATES LTD.

RESPONDENTS

NOTICE OF APPLICATION

Name of applicant: C. Cheveldave & Associates Ltd., Liquidator

To: The Respondents

TAKE NOTICE that an application will be made by the applicant to the presiding judge or associate judge at the courthouse at 1355 Water Street, Kelowna, British Columbia on February 25, 2026 at 9:45 a.m. for the orders set out in Part 1 below.

The applicant estimates that the application will take 15 minutes.

This matter is within the jurisdiction of an associate judge.

This matter is not within the jurisdiction of an associate judge.

Part 1: ORDERS SOUGHT

1. An order to approve the activities and pass the accounts for 2025 of the Liquidator in the terms of the attached form of order.

Part 2: FACTUAL BASIS

1. Pursuant to an Order pronounced by The Honourable Mr. Justice Betton on the 26th day of January, 2024 (the “**Order**”), C. Cheveldave & Associates Ltd. was appointed Liquidator, without security, of Witmar Holdings Ltd. (“**Witmar**”).
2. Since receipt of the entered Order on March 6, 2024, the Liquidator has operated the assets of Witmar, which include 176 apartment units, 10 residential homes and 2 hotels with a combined 99 units (the “**Property**”).
3. The Liquidator continued the operations of Witmar and the Dilworth JV during the course of the Liquidation during 2025. The Liquidator is of the view based on historical and current financial results and short-term forecasted liquidity positions, that continuing operating the active business components of Witmar and the Dilworth JV will maximize realization values.
4. The day-to-day operations were carried out by Witmar’s and Dilworth JV’s management and staff under Liquidator’s supervision in 2025, similar to 2024.
5. The Liquidator’s role in day-to-day operations is generally supervisory in nature. Where circumstances warrant, the Liquidator has become more involved in day-to-day operations to assist staff and management to resolve issues. Some of the specific tasks carried out by the Liquidator concerning day-to-day operations during 2025 included:
 - (a) Monitoring cash and liquidity positions on a daily basis.
 - (b) Updating and reconciling cash flow forecasts.
 - (c) Working with Witmar management to assist with resolving HR matters.
 - (d) Updating staff on the status of the Liquidation proceedings when significant milestones / developments have been achieved.
 - (e) Approving tenancy agreements for new tenancies.
 - (f) Approving staff compensation rate adjustments.
 - (g) Preparing for and attending weekly operations update meetings and assisting with strategy development and problem solving.
 - (h) Ongoing interaction with vendors for the continued supply of goods and services and attending to account maintenance matters.
 - (i) Addressing questions from shareholders from time to time on matters related to the Liquidation as well as operations.
 - (j) Reviewing and approving accounts payable and related disbursements.

- (k) Reviewing of monthly financial reports.
 - (l) Providing reporting and information to the shareholders.
 - (m) Working with management and staff to resolve maintenance and repair issues as they arise.
6. During the first few months of 2025, the shareholders continued their efforts to resolve issues concerning the equitable and fair disposition of assets amongst themselves. Despite continued efforts, a resolution to long-standing disputes among the shareholders was not reached.
 7. The Liquidator arranged for a meeting between the shareholders, legal counsel for the shareholders, the Liquidator and the Liquidator's legal counsel. This meeting took place on April 1, 2025. The purpose of this meeting was to discuss a sales process approach, the possibility of how assets could be distributed amongst the shareholders and the related matters thereof, the consequences of not being able to come to an agreement as between the shareholders, and to obtain the input from the shareholders on these matters.
 8. On April 28, 2025, the Liquidator obtained an Order from this Honourable Court approving an increase to its borrowing limit to \$1 million.
 9. On June 18, 2025, the Liquidator obtained an Order from this Honourable Court approving sales process to realize on Witmar's assets.
 10. The various routine administration matters that the Liquidator has dealt with and continues to deal with in administering the liquidation include:
 - (a) Preparing monthly statements of Receipts and Disbursements regarding the Liquidator's trust accounts.
 - (b) Attending to the payment of disbursements from Witmar and one of the hotels operating accounts and the Liquidator's trust account.
 - (c) Liaising with appraisers with respect to updating appraisal reports.
 - (d) Discussions with prospective real estate brokerages concerning the sales process and maintaining a list of interested brokerages wanting to provide listing proposals.
 - (e) Responding to questions from vendors and creditors.
 - (f) Assisting with obtaining financial supporting documentation from vendors.
 - (g) Attending to statutory reporting requirements.
 - (h) Reviewing various emails and related correspondence.

- (i) Attending to discussions with the shareholders and related correspondence with the shareholders.
- (j) Managing a large volume of correspondence and requisite digital files.
- (k) Preparation of affidavit materials and reports in support of the Liquidator's court application.
- (l) Maintaining the service list and the posting of documents to the Liquidator's website.

Part 3:LEGAL BASIS

- 1. Rules 8-1, 10-2 and 13-5 of the *Rules of Court*; and
- 2. The inherent jurisdiction of this Honourable Court.

Part 4: MATERIAL TO BE RELIED ON

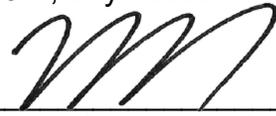
- 1. Order Made After Application granted January 26, 2024;
- 2. Order Made After Application granted February 12, 2025;
- 3. Order Made After Application granted April 28, 2025;
- 4. Order Made After Application granted June 18, 2025;
- 5. Second Report of the Liquidator dated June 2, 2025;
- 6. Affidavit #4 of Cecil Cheveldave;
- 7. Affidavit #2 of Hal Hicks; and
- 8. Third Report of the Liquidator dated January 28, 2026.

TO THE PERSONS RECEIVING THIS NOTICE OF APPLICATION: If you wish to respond to this Notice of Application, you must, within 5 business days after service of this Notice of Application or, if this application is brought under Rule 9-7, within 8 business days after service of this Notice of Application,

- (a) file an Application Response in Form 33,
- (b) file the original of every affidavit, and of every other document, that
 - (i) you intend to refer to at the hearing of this application, and
 - (ii) has not already been filed in this proceeding, and
- (c) serve on the applicant 2 copies of the following, and on every other party of record one copy of the following:

- (i) a copy of the filed Application Response;
- (ii) a copy of each of the filed affidavits and other documents that you intend to refer to at the hearing of this application and that has not already been served on that person;
- (iii) if this application is brought under Rule 9-7, any notice that you are required to give under Rule 9-7(9).

Date: February 3, 2026



Signature of Hal Hicks

applicant lawyer for applicant

To be completed by the court only:

Order made

in the terms requested in paragraphs _____ of Part 1 of this notice of application

with the following variations and additional terms:

Date: _____ . _____

Signature of Judge Associate Judge

APPENDIX

THIS APPLICATION INVOLVES THE FOLLOWING:

- discovery: comply with demand for documents
- discovery: production of additional documents
- other matters concerning document discovery
- extend oral discovery
- other matter concerning oral discovery
- amend pleadings
- add/change parties
- summary judgment
- summary trial
- service
- mediation
- adjournments
- proceedings at trial
- case plan orders: amend
- case plan orders: other
- experts
- none of the above.

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Kelowna Registry

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BETWEEN:

ALBERT WEISSTOCK

PETITIONER

AND:

**WALTER WEISSTOCK, ANTONY WEISSTOCK, SILVIA RITA
GERARD, WITMAR HOLDINGS LTD., DONALD JAMES
RAMSAY (ADMINISTRATOR OF THE ESTATE OF MARIA
CONCETTA WEISSTOCK), 1100748 B.C. LTD., ANTONY
WEISSTOCK (TRUSTEE OF THE WILLY AND MARIA
CONCETTA WEISSTOCK TRUST), and ISLANDVIEW
COUNTRY ESTATES LTD.**

RESPONDENTS

ORDER MADE AFTER APPLICATION

BEFORE



ASSOCIATE JUDGE



WEDNESDAY, THE 25th
DAY OF FEBRUARY, 2026

ON THE APPLICATION of C. Cheveldave & Associates Ltd., (the "**Liquidator**") as Liquidator of Witmar Holdings Ltd. ("**Witmar**") coming on for hearing at Kelowna, BC on February 25, 2026 and on hearing Hal Hicks on behalf of the Liquidator and upon reading the material provided in Affidavit #4 of Cecil Cheveldave (the "**Liquidator's Report**"); and on hearing _____; and no one else appearing;

THIS COURT ORDERS and DECLARES that:

1. The activities, fees, and disbursements of the Liquidator, as set out in the Liquidator's Third Report are hereby approved.

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.

Signature of Hal Hicks

party lawyer for the Liquidator, C.
Cheveldave & Associates Ltd.

By the Court

Registrar

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ORDER MADE AFTER APPLICATION

FILE NO. 077284-0002

HRH/dns

FULTON & COMPANY LLP
Lawyers & Trade-mark Agents
300 – 350 Lansdowne Street
Kamloops, B.C.
V2C 1Y1
Phone: (250) 372-5542

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Between:

ALBERT WEISSTOCK

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