

Affidavit #1 of H. Hicks January 30, 2025

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

AFFIDAVIT

- I, Hal Hicks, barrister and solicitor, of 300 -350 Lansdowne St. Kamloops, British Columbia, MAKE OATH AND SAY THAT:
- I am a lawyer in the law firm Fulton & Company LLP, which have acted as legal counsel for C. Cheveldave & Associates Ltd., in its capacity as the Liquidator of the Respondent, Witmar Holdings Ltd. (the "Liquidator"), and have knowledge of the facts set out in this affidavit.
- I was called to the British Columbia bar in 2010 and am a member in good standing
 of the Law Society of British Columbia. My primary practice areas are insolvency
 and finance related matters, which includes matters relating to foreclosure,
 commercial insolvency and unsecured indebtedness.
- 3. I have been involved with other commercial insolvency matters relating to the sale of real estate within the interior of British Columbia similar in some respects to the subject receivership. I have acted for secured lenders, liquidators and receivers in these matters.
- 4. The Fulton & Company LLP lawyers who worked on this file during February 13, 2024 to December 31, 2024 are as follows:

Lawyer	Year of Call	Primary Practice	Area	of

Hal Hicks	2010	Insolvency
Graham Mack	2016	Insolvency
Alexandra Johnston	2022	Insolvency

- 5. Graham Mack is a partner with Fulton & Company LLP and his primary area of practice is insolvency and finance.
- 6. Alexandra Johnston is an associate with Fulton & Company LLP and her primary area of practice is insolvency and finance.
- 7. Since it was retained by the Liquidator in at the beginning of 2024, Fulton & Company LLP invoiced the Liquidator periodically for legal fees, disbursements and applicable taxes. Fulton & Company LLP records time using a software accounting program called Soluno. Soluno identifies which Fulton & Company LLP lawyer or individual was responsible for an entry and allows for a description of the legal work and time performed. This program records time spent on files in hourly units so that a 1.0 unit amounts to one hour of time. The time recorded is multiplied by the standard hourly rate of the individual working on the matter. This program also records all disbursements incurred on a file and calculates the applicable taxes. Soluno also generates a "Statement of Account" document which is a legal account.

The Accounts

- 8. From February 13, 2024 to December 31, 2024, Fulton & Company issued 4 Statement of Accounts in respect of the legal services provided to the Liquidator in the subject proceeding (the "Accounts"). The Accounts include the date, time recorded, and a description of each time entry. A Copy of the Accounts are attached and marked as Exhibit "A" to my Affidavit.
- 9. The Accounts are summarized as follows:

Date of Account	Fees	Disbursements	Taxes	Total	
June 28, 2024	\$11,223.25	\$715.47	\$1,389.51	\$13,328.23	
November 4, 2024	\$2,072.50	\$8.50	\$249.14	\$2,330.14	
November 5, 2024	\$497.50	\$0.00	\$59.71	\$557.21	
January 10, 2025	\$5,687.75	\$54.00	\$684.23	\$6,425.98	_
TOTALS	\$19,481.00	\$777.97	\$2,382.59	\$22,641.56	

- 10. The Accounts related to providing services related to appointment of the Liquidator. The work performed included receipt and review of various land title searches, review of various agreements, drafting a notice of application and all correspondence to/from various parties
- 11. The Accounts included the time records from the individuals from Fulton & Company LLP working on the matter as follows:

	<u> </u>			
Name	Title	Hours	Rate	Value
Hal Hicks	Lawyer	32.20	\$475.00	\$15,295.00
Graham Mack	Lawyer	2.15	\$475.00	\$1,021.25
Alexandra Johnston	Lawyer	9.3	\$275.00	\$2,557.50
Denise Still	Paralegal	3.47	\$175.00	\$607.25

Attached hereto and collectively marked as **Exhibit "B"** to my Affidavit are copies of the reproduced Accounts which shows the individual time keeper's initials indicating the responsible time keeper for each time entry. The descriptions have been redacted as they are privileged and can be reproduced if necessary.

- 12. All the time that I and other individuals from Fulton & Company LLP have spent on this file has been, in my view, reasonably incurred in relation to the Liquidator's instructions and necessary to the liquidation.
- 13. This application is in support of the Liquidator's application for approval of its accounts and activities.

SWORN BEFORE ME at the City of Kamloops, in the Province of British Columbia, this 30th day of January, 2025

A Commissioner for taking Affidavits in the Province of British Columbia.

__

HAL HICKS

ERIN A. HRYCAN
BARRISTER & SOLICITOR
300-350 LANSDOWNE STREET
KAMLOOPS, BC V2C 1Y1
Telephone: 250 372-5542



Fulton & Company LLP 300 - 350 Lansdowne Street Kamloops, BC V2C1Y1

INVOICE

C. Cheveldave & Associates Ltd. Suite 600-I

235 - 1st Avenue Kamloops, BC V2C 3J4

This is Exhibit "A" referred to in the

affidavit of Hal Hicks sworn before me at Kamloops

in the Province of British Columbia, the 30 day of January, 2025

Invoice #:

389446

Inv Date:

June 28, 2024

File #: GST#: 119380350RT0001

077284-0002

PST#:

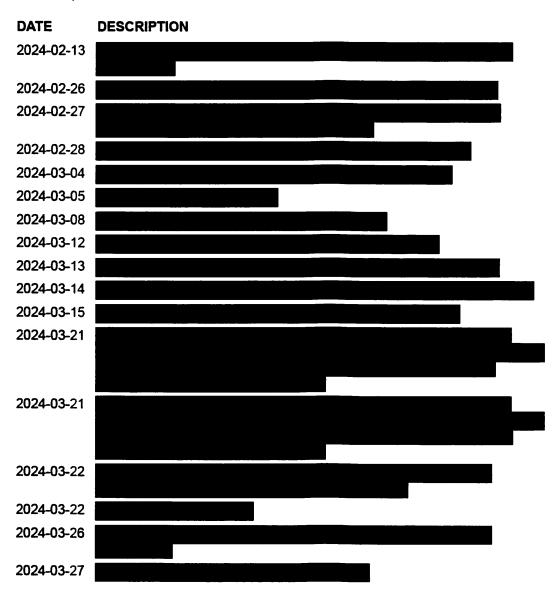
1052-9766

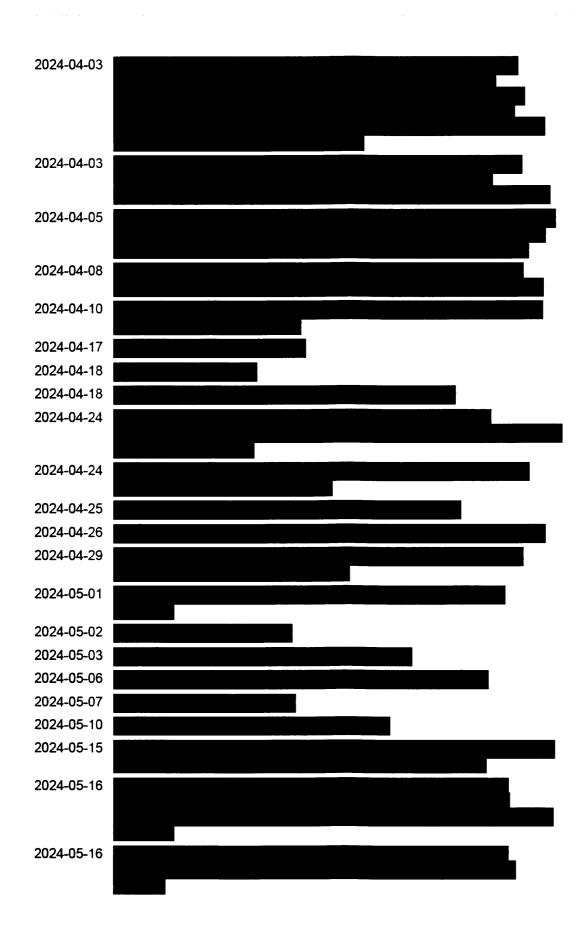
Attention: Cecil Cheveldave

A Commissioner for taking Affidavits

RE: Liquidation of Witmar Holdings Ltd for British Columbia

TO ALL PROFESSIONAL SERVICES RENDERED IN CONNECTION WITH THE ABOVE-NOTED MATTER, INCLUDING







TO ALL OTHER ATTENDANCES, WORK AND SERVICES PERFORMED ON YOUR BEHALF.

TO OUR FEES	\$11,223.25
DISBURSEMENTS	
#Copies	4.20 #
#File Opening Charge	100.00 #
*Court Costs	40.00 *
*Agents Disbursements - Non Taxable	20.00 *
Publications/Notices	112.05
#Westlaw Canada - Legal	30.00 #
Agents Disbursements - Taxable	326.22
#Agents Fees - Court Registry	8.00 #
Technology Fee	75.00
Total DISBURSEMENTS	\$715.47

GST payable on Fees	\$561.16
PST payable on Fees	\$785.63
Total Taxes Payable on Fees	\$1,346.79
GST payable on Disbursements	\$32.77
PST payable on Disbursements	\$9.95
Total Taxes Payable on Disbursements	\$42.72

Total Fees & Disbursements	\$11,938.72
GST	\$593.93
PST	\$795.58
Total	\$13,328.23

Tax Number: 119380350RT0001

* tax-exempt

GST and PST applied

FULTON

Per:

Harold Hicks

E. & O. E. ACCT2

PAYMENT IS DUE UPON RECEIPT INTEREST WILL BE CHARGED AT 1 0% PER MONTH ON ACCOUNT UNPAID 30 DAYS AFTER THE STATEMENT DATE (12% PER ANNUM)

PAYMENT OPTIONS:

CHEQUE: Payable to Fulton & Company LLP. Please reference invoice number.

E-TRANSFER: Please request instructions from a Fulton lawyer or staff member.

PHONE: 250.372.5542. Please provide credit card and invoice and/or file number.

CREDIT CARD: At fultonco.com and select Online Payment from the Menu items. Invoice and/or

Fulton.

Fulton & Company LLP 300 - 350 Lansdowne Street Kamloops, BC V2C1Y1

INVOICE

C. Cheveldave & Associates Ltd. Suite 600-I

235 - 1st Avenue Kamloops, BC V2C 3J4

Attention: Cecil Cheveldave

Invoice #:

394479

Inv Date: November 4, 2024

File #:

077284-0002

GST#: 119380350RT0001

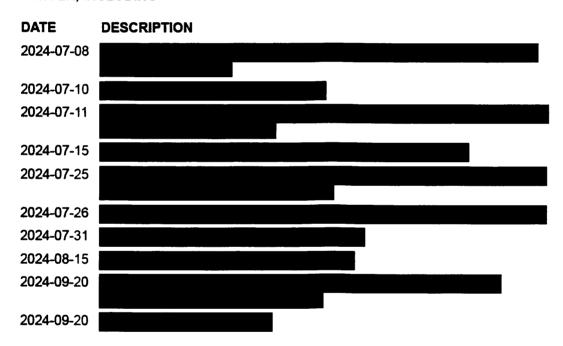
PST#:

1052-9766

RE:

Liquidation of Witmar Holdings Ltd

TO ALL PROFESSIONAL SERVICES RENDERED IN CONNECTION WITH THE ABOVE-NOTED **MATTER, INCLUDING**



TO ALL OTHER ATTENDANCES, WORK AND SERVICES PERFORMED ON YOUR BEHALF.

TO OUR FEES \$2,072.50

DISBURSEMENTS

Agents Disbursements - Taxable

8.50

Total DISBURSEMENTS

\$8.50

GST payable on Fees PST payable on Fees **Total Taxes Payable on Fees** \$103.63 \$145.08 \$248.71

Fulton &	Company	LLP
Page 2		

Invoice #: 394479 November 4, 2024

\$0.43
\$0.00
\$0.43

Total Fees & Disbursements	\$2,081.00
GST	\$104.06
PST	\$145.08
Total	\$2,330.14

Tax Number: 119380350RT0001

FULTON

Per:

Harold Hicks

E. & O. E. ACCT2

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Fulton & Company LLP 300 - 350 Lansdowne Street Kamloops, BC V2C1Y1

INVOICE

C. Cheveldave & Associates Ltd. Suite 600-I

235 - 1st Avenue

Kamloops, BC V2C 3J4

Attention: Cecil Cheveldave

Invoice #:

394509

Inv Date: November 5, 2024

File #:

077284-0002

GST#: 119380350RT0001

PST #:

1052-9766

RE:

Liquidation of Witmar Holdings Ltd

TO ALL PROFESSIONAL SERVICES RENDERED IN CONNECTION WITH THE ABOVE-NOTED **MATTER, INCLUDING**

DATE	DESCRIPTION
2024-10-18	
2024-10-23	
2024-10-30	·
2024-10-31	

TO ALL OTHER ATTENDANCES, WORK AND SERVICES PERFORMED ON YOUR BEHALF.

TO OUR FEES

\$497.50

Total Fees & Disbursements	\$497.50
GST	\$24.88
PST	\$34.83
Total	\$557.21

Invoice #: 394509 November 5, 2024

Tax Number: 119380350RT0001

FULTON

Per:

Harold Hicks

E. & O. E. ACCT2

PAYMENT IS DUE UPON RECEIPT. INTEREST WILL BE CHARGED AT 1.0% PER MONTH ON ACCOUNT UNPAID 30 DAYS AFTER THE STATEMENT DATE (12% PER ANNUM)

PAYMENT OPTIONS:

CHEQUE: Payable to Fulton & Company LLP. Please reference invoice number.

E-TRANSFER: Please request instructions from a Fulton lawyer or staff member.

PHONE: 250.372.5542. Please provide credit card and invoice and/or file number.

CREDIT CARD: At <u>fultonco.com</u> and select Online Payment from the Menu items. Invoice and/or

Fulton.

Fulton & Company LLP 300 - 350 Lansdowne Street Kamloops, BC V2C1Y1

INVOICE

C. Cheveldave & Associates Ltd. Suite 600-I

235 - 1st Avenue

Kamloops, BC V2C 3J4

Attention: Cecil Cheveldave

Invoice #:

397280

Inv Date:

January 10, 2025

File #: GST#: 119380350RT0001

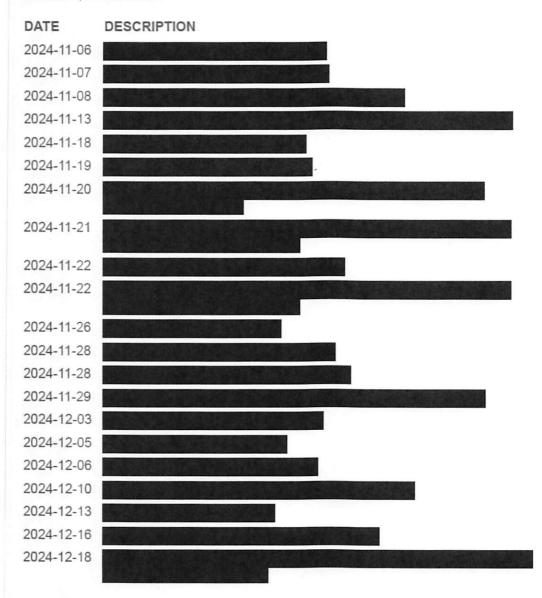
077284-0002

PST#:

1052-9766

RE: Liquidation of Witmar Holdings Ltd

TO ALL PROFESSIONAL SERVICES RENDERED IN CONNECTION WITH THE ABOVE-NOTED MATTER, INCLUDING



2024-12-18 2024-12-19

TO ALL OTHER ATTENDANCES, WORK AND SERVICES PERFORMED ON YOUR BEHALF.

TO OUR FEES		\$5,687.75
DISBURSEMENTS		
*Court Costs		20.00 *
Agents Disbursements - Taxable		34.00
Total DISBURSEMENTS	_	\$54.00
GST payable on Fees PST payable on Fees Total Taxes Payable on Fees		\$284.39 \$398.14 \$682.53
GST payable on Disbursements PST payable on Disbursements Total Taxes Payable on Disbursements		\$1.70 \$0.00 \$1.70
	Total Fees & Disbursements GST PST Total	\$5,741.75 \$286.09 \$398.14 \$6,425.98

Tax Number: 119380350RT0001

* tax-exempt

FULTON

Per:

Harold Hicks

E. & O. E. ACCT2

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CREDIT CARD: At fultonco.com and select Online Payment from the Menu items. Invoice and/or

389446



Fulton & Company LLP 300 - 350 Lansdowne Street Kamloops, BC V2C1Y1

INVOICE

This is Exhibit "B" referred to in the

C. Cheveldave & Associates Ltd. Suite 600-l 235 - 1st Avenue affidavit of Hal Hicks Invoice #:
sworn before me at Kamloops Inv Date:
in the Province of British Columbia, File #:
the 30 day of January, 2025

Inv Date: June 28, 2024 File #: 077284-0002

GST #: 119380350RT0001 PST #: 1052-9766

Attention: Cecil Cheveldave

Kamloops, BC V2C 3J4

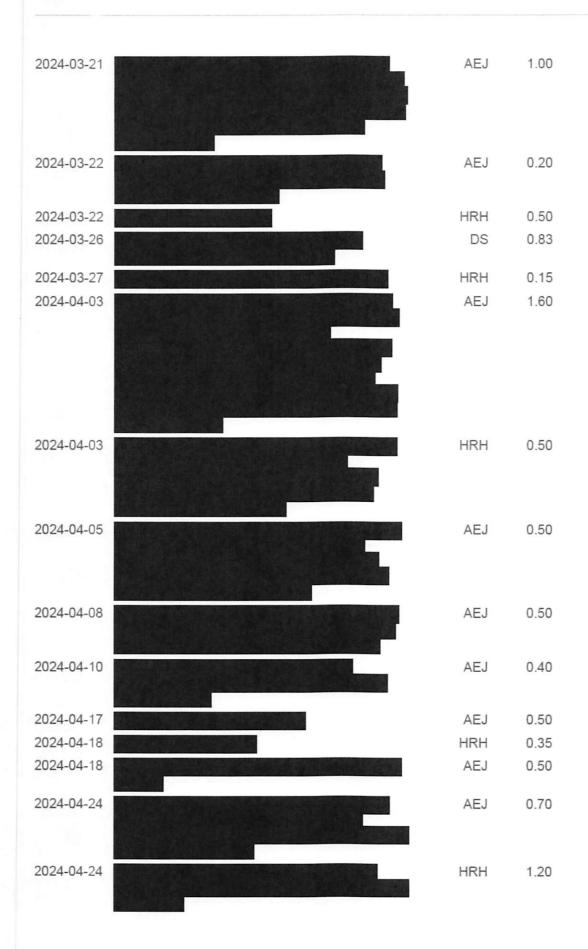
A Commissioner for taking Affidavits

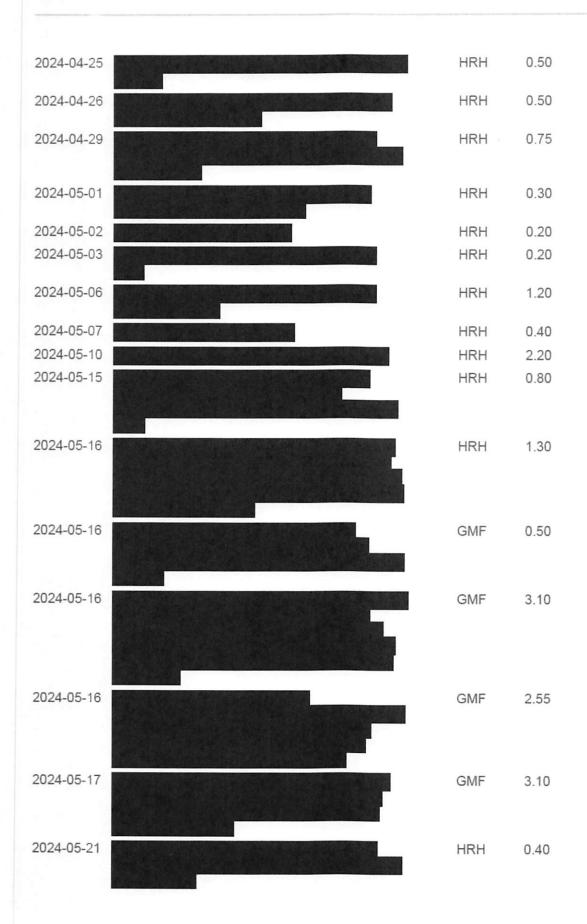
for British Columbia

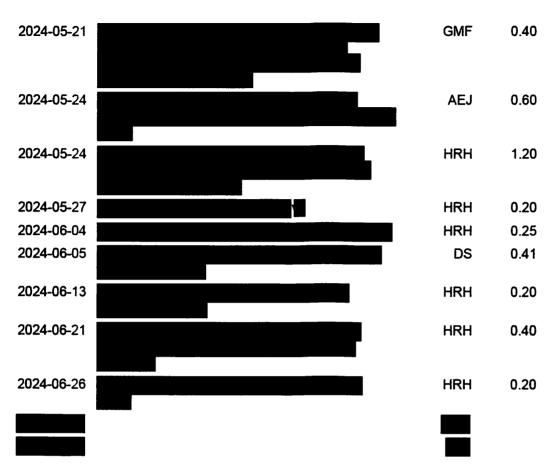
RE: Liquidation of Witmar Holdings Ltd

TO ALL PROFESSIONAL SERVICES RENDERED IN CONNECTION WITH THE ABOVE-NOTED MATTER, INCLUDING









TO ALL OTHER ATTENDANCES, WORK AND SERVICES PERFORMED ON YOUR BEHALF.

BILLING SUMMARY:			
Initials	Hours	Rate	Amount
HRH			148.05
HRH	18.25	475.00	8,668.75
AEJ AEJ	0.50	275.00	68.95
DS DS	8.50	275.00	2,337.50 -217.00
DS	1.24	175.00	217.00
GMF	9.65	0.00	0.00
	37.64		11,223.25
TO OUR FEES			\$11,440.25
LESS CLIENT DISCOUNT			(\$217.00)
TO OUR FEES AFTER DISCOUNT			\$11,223.25
DISBURSEMENTS			
#Copies			4.20 #
#File Opening Charge			100.00 #
*Court Costs			40.00 *

)5
)5
*Agents Disbursements - Non Taxable 20.00	
Publications/Notices 112.0	0 #
#Westlaw Canada - Legal 30.00	
Agents Disbursements - Taxable 326.2	22
#Agents Fees - Court Registry 8.00	00 #
Technology Fee 75.00	00
Total DISBURSEMENTS \$715.4	7
GST payable on Fees \$561	
PST payable on Fees \$785 Total Taxes Payable on Fees \$1,346	
GST payable on Disbursements \$32 PST payable on Disbursements \$9	2.77 9.95
Total Taxes Payable on Disbursements \$42	
RETAINERS	
Date Description Amou	
2024-11-08 Received on account 13,328	
Total RETAINERS \$13,328	3.23
Total Fees & Disbursements \$11,938. GST \$593.	
PST \$795.	
Sub Total \$13,328 Retainers -\$13,328	
).00

Fulton & Company LLP Page 6

Invoice #: 389446 June 28, 2024

Tax Number:	119380350RT0001
* tay ayamat	

* tax-exempt

ACCT5

GST and PST applied

FULTO	N	
Per:		
	Harold Hicks	
E. & O.	E.	

PAYMENT IS DUE UPON RECEIPT. INTEREST WILL BE CHARGED AT 1.0% PER MONTH ON ACCOUNT UNPAID 30 DAYS AFTER THE STATEMENT DATE (12% PER ANNUM)

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Fulton.

Fulton & Company LLP 300 - 350 Lansdowne Street Kamloops, BC V2C1Y1

INVOICE

C. Cheveldave & Associates Ltd. Suite 600-I 235 - 1st Avenue Kamloops, BC V2C 3J4

Attention: Cecil Cheveldave

Invoice #:

394479

Inv Date: November 4, 2024

File #:

077284-0002 GST#: 119380350RT0001

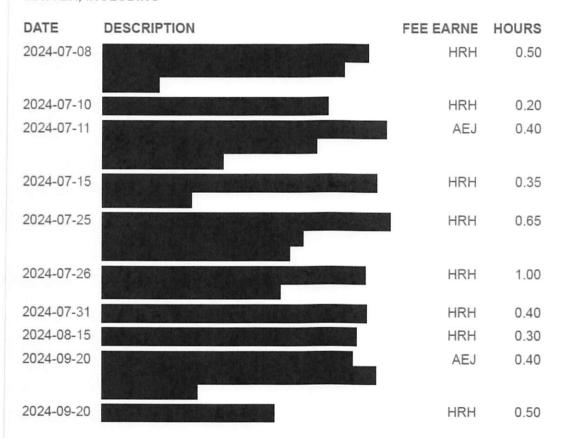
PST#:

1052-9766

RE:

Liquidation of Witmar Holdings Ltd

TO ALL PROFESSIONAL SERVICES RENDERED IN CONNECTION WITH THE ABOVE-NOTED MATTER, INCLUDING



TO ALL OTHER ATTENDANCES, WORK AND SERVICES PERFORMED ON YOUR BEHALF.

BILL Initia HRH AEJ		Hours 3.90 0.80 4.70	Rate 475.00 275.00	Amount 1,852.50 220.00 2,072.50
TO OUR FE	ES			\$2,072.50
DISBURSEN	MENTS			
Agents Disbu	ursements - Taxable			8.50
Total DISBU	IRSEMENTS			\$8.50
GST payable PST payable Total Taxes				\$103.63 \$145.08 \$248.71
PST payable	e on Disbursements on Disbursements Payable on Disbursemen	rs.		\$0.43 \$0.00 \$0.43
RETAINERS Date	Description			Amount
2024-11-08	Received on account			2,330.14
	Total RETAINERS			\$2,330.14
		GST PST Sub Total Retainers	& Disbursements	\$2,081.00 \$104.06 \$145.08 \$2,330.14 -\$2,330.14
		Total		\$0.00

Invoice #: 394479 November 4,2024

Tax Nur	mber: 119380350RT0001
FULTO	N
Per:	
	Harold Hicks

E. & O. E. ACCT5

PAYMENT IS DUE UPON RECEIPT. INTEREST WILL BE CHARGED AT 1.0% PER MONTH ON ACCOUNT UNPAID 30 DAYS AFTER THE STATEMENT DATE (12% PER ANNUM)

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CREDIT CARD: At fultonco.com and select Online Payment from the Menu items. Invoice and/or



Fulton & Company LLP 300 - 350 Lansdowne Street Kamloops, BC V2C1Y1

INVOICE

C. Cheveldave & Associates Ltd. Suite 600-I

235 - 1st Avenue Kamloops, BC V2C 3J4

Attention: Cecil Cheveldave

Invoice #:

394509

Inv Date: November 5, 2024

File #:

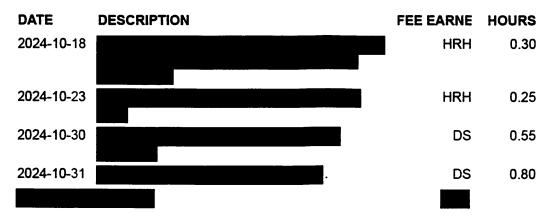
077284-0002 GST#: 119380350RT0001

PST #: 1052-9766

RE:

Liquidation of Witmar Holdings Ltd

TO ALL PROFESSIONAL SERVICES RENDERED IN CONNECTION WITH THE ABOVE-NOTED MATTER, INCLUDING



TO ALL OTHER ATTENDANCES, WORK AND SERVICES PERFORMED ON YOUR BEHALF.

BILLING SLIMMADY.

man term and the contract of t

BILLING SUMMART:			
Initials	Hours	Rate	Amount
HRH			236.25
HRH	0.55	475.00	261.25
DS			-236.25
DS	1.35	175.00	236.25
	1.90		497.50

TO OUR FEES \$733.75 LESS CLIENT DISCOUNT (\$236.25)TO OUR FEES AFTER DISCOUNT \$497.50

RETAINERS

Date **Description** Amount 2024-11-08 Received on account 557.21 **Total RETAINERS** \$557.21

Invoice #: 394509 November 5,22024

Total Fees & Disbursements	\$497.50
GST	\$24.88
PST	\$34.83
Sub Total	\$557.21
Retainers	-\$557.21
Total	\$0.00

Tax Number: 119380350RT0001

FULTO	N
Per:	
	Harold Hicks
E. & O. ACCT5	E.

PAYMENT IS DUE UPON RECEIPT. INTEREST WILL BE CHARGED AT 1.0% PER MONTH ON ACCOUNT UNPAID 30 DAYS AFTER THE STATEMENT DATE (12% PER ANNUM)

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CHEQUE: Payable to Fulton & Company LLP. Please reference invoice number.

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CREDIT CARD: At fultonco.com and select Online Payment from the Menu items. Invoice and/or



Fulton & Company LLP 300 - 350 Lansdowne Street Kamloops, BC V2C1Y1

INVOICE

C. Cheveldave & Associates Ltd. Suite 600-I 235 - 1st Avenue Kamloops, BC V2C 3J4

Attention: Cecil Cheveldave

Invoice #:

397280

Inv Date:

January 10, 2025

File #:

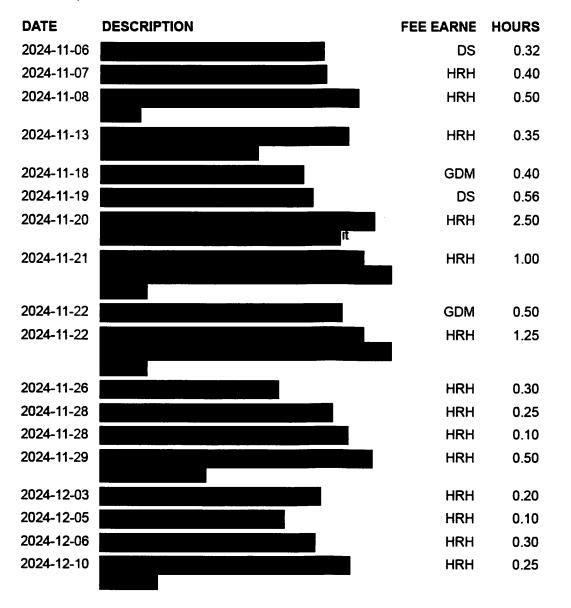
077284-0002 GST#: 119380350RT0001

PST#:

1052-9766

RE: Liquidation of Witmar Holdings Ltd

TO ALL PROFESSIONAL SERVICES RENDERED IN CONNECTION WITH THE ABOVE-NOTED **MATTER, INCLUDING**



2024-12-	13	HRH	0.40
2024-12-	16	HRH	0.25
2024-12-	18	GDM	1.25
2024-12-	8	HRH	0.20
2024-12-	9	HRH	0.65

TO ALL OTHER ATTENDANCES, WORK AND SERVICES PERFORMED ON YOUR BEHALF.

BILLING SUMMARY: Initials HRH	Hours	Rate	Amount 154.00
HRH DS	9.50	475.00	4,512.50
DS	0.88	175.00	-154.00 154.00
GDM	2.15 12.53	475.00	1,021.25 5,687.75
TO OUR FEES LESS CLIENT DISCOUNT			\$5,841.75 (\$154.00)
TO OUR FEES AFTER DISCOUNT			\$5,687.75
DISBURSEMENTS			
*Court Costs			20.00 *
Agents Disbursements - Taxable			34.00
Total DISBURSEMENTS			\$54.00
GST payable on Fees			\$284.39
PST payable on Fees Total Taxes Payable on Fees			\$398.14 \$682.5 3
GST payable on Disbursements			\$1.70
PST payable on Disbursements Total Taxes Payable on Disbursements			\$0.00 \$1.70
RETAINERS			
Date Description			Amount
2025-01-14 Received on account			6,425.98
Total RETAINERS		_	\$6,425.98

Total Fees & Disbursements	\$5,741.75
GST	\$286.09
PST	\$398.14
Sub Total	\$6,425.98
Retainers	-\$6,425.98
Total	\$0.00

Tax	Number:	119380350RT00	001

FULTO	ON		
Per:			
	Harold Hicks		
E. & O). E.		

PAYMENT IS DUE UPON RECEIPT. INTEREST WILL BE CHARGED AT 1.0% PER MONTH ON ACCOUNT UNPAID 30 DAYS AFTER THE STATEMENT DATE (12% PER ANNUM)

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^{*} tax-exempt

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

AFFIDAVIT

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