



NO. S1913131
VANCOUVER REGISTRY

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

MICHAEL NEIL STREET and MARIELLE JACQUELINE
ANGELLA BRULE

PLAINTIFFS

AND:

SATHER RANCH LTD. by its Court Appointment Receiver and Manager,
C. Cheveldave & Associates Ltd.

DEFENDANT

NOTICE OF APPLICATION

Name of Applicants: Sather Ranch Ltd. by its Court Appointment Receiver and
Manager, C. Cheveldave & Associates Ltd.

To: the Plaintiffs and their Counsel

And to: Joseph Sather and AMX Real Estate Inc.

TAKE NOTICE that an application will be made by the Applicant to the presiding judge at the Courthouse at 800 Smithe Street, in the City of Vancouver, in the Province of British Columbia on Friday, the 6th day of March, 2026 at 9:45am for the orders set out in Part 1 below.

The Applicant estimates that the application will take 10 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 substantially in the form attached hereto as **Schedule "A"** approving the Receiver's fees and disbursements for services rendered for the period January 1, 2023 to December 31, 2025, and the fees of its legal counsel for the

period January 1, 2021 to December 31, 2025 and approving an interim distribution herein.

2. Such further and other relief as this Honourable Court may deem just.

Part 2: FACTUAL BASIS

3. By an order made on September 17, 2018 (the “**First Receivership Order**”), G. Moroso & Associates Inc. (the “**Prior Receiver**”) was appointed receiver of all the assets, undertakings and properties of the Company.
4. By an order made on November 21, 2019 (the “**Second Receivership Order**”), the Receiver was effectively substituted as the Receiver although the Prior Receiver was not formally discharged and a separate stand alone receivership order was issued.
5. By an order made on October 28, 2020, the Prior Receiver was discharged.
6. On July 13, 2021 the Receiver applied for and this Honourable Court granted an Order (“**2020 Taxation Order**”) approving the Receiver’s activities, Receiver’s fees and disbursements and the Receiver’s legal counsel’s fees and disbursements for the period of November 21, 2019 to December 31, 2020.
7. On June 23, 2023 the Receiver applied for and this Honourable Court granted an Order (“**2023 Taxation Order**”) approving the Receiver’s activities, fees and disbursements for the period of January 1, 2021 to December 31, 2022.
8. On January 31, 2025 the Receiver applied for and this Honourable Court granted an Order (“**2024 Taxation Order**”) approving the Receiver’s activities, fees and disbursements for the period of January 1, 2024 to December 31, 2024. In addition, the 2024 Taxation Order approved an interim distribution to creditors with proven claims.
9. The Receiver now applies to approves its activities, fees and disbursements for the period January 1, 2025 to December 31, 2025. In addition, the Receiver applies to have the professional fees of its legal counsel approved for the period January 1, 2021 to December 31, 2025. The legal fees were not included in the 2023 or 2024 applications to maintain solicitor-client privilege in light of the ongoing litigation with Joseph Sather over the Grazing Lands. As that litigation has concluded, now is an appropriate time to have those professional fees approved by the Court.
10. As detailed in Fifth Report and Affidavit #5 of Cecil Cheveldave, most of the time spent was in regard to the claims process, adjudication of claims received, routine receivership administration matters and then in the litigation advanced by the Receiver against Joseph Sather regarding the Grazing Lands. The Receiver has billed \$28,545.00 (before disbursements and GST) for its fees for the period of January 1, 2025 to December 31, 2025. The Receiver spent 104.4 hours for an average hourly rate of \$273.42. The fees are fair and reasonable.

11. As noted, the legal fees cover a significantly longer period January 1, 2021 to December 31, 2025. The total legal fees, before taxes and disbursements, for this 5 calendar year period was \$271,088.00. Legal counsel spent 708.2 hours during the relevant period of time, for an average hourly rate of \$396.90.
12. As discussed in the Affidavit of #2 of Scott Andersen, the legal fees incurred pertained primary to the prosecution of the grazing lands action and subsequent appeal, which resulted in a judgment of \$692,216.79 (excluding interest and costs) in favour of the estate which is anticipated to be recovered in full from the grazing lands when they sell. There was a substantial net recovery for the estate from the legal fees incurred herein.
13. The Receiver has determined that it presently has \$75,000 of surplus funds such that it could make an interim distribution. Counsel for the largest creditors herein have requested that it make an interim distribution and accordingly, the Receiver, is applying for court approval to do so (as required by paragraph 12 of the Receivership Order).

Part 3: LEGAL BASIS

14. The application to approve the actions and fees of the Receiver and its legal counsel is brought pursuant to paragraph 21 of the Receivership Order herein.
15. In *Redcorp Ventures Ltd (Re)*, 2016 BCSC 188 (“**Redcorp**”) at ¶28, this Court held that the Receiver should apply from time to time to pass its accounts rather than waiting until the end of a matter. In accordance with that direction, the Receiver applies to pass its account on an interim basis.
16. The factors to be considered by the Court are set out in *Bank of Montreal v. Nican Trading Co. Limited* (1990), 43 B.C.L.R. (2d) 315 (C.A.), which factor support the accounts being taxed as rendered herein.
17. The evidence tendered in support of the application meets the requirements articulated by this Court in *Redcorp*. The accounts of the Receiver:
 - (a) have been properly incurred;
 - (b) were incurred at the standard rates and charges of the Receiver; and
 - (c) are fair and reasonable in the circumstances.
18. The actions advanced by the Receiver in 2025 sought to increase the net realization and recovery for the benefit of stakeholders herein. The legal fees incurred by the Receiver in 2021-2025, and in particular in regard to the grazing lands action, will produce a substantial net recovery for the benefit of the stakeholder herein.

19. The application to approve an interim distribution is brought pursuant to paragraph 12 of the Receivership Order herein. It is submitted that such an order is appropriate and in the interests of the affected stakeholders.

Part 4: MATERIAL TO BE RELIED ON

1. Order appointing Receiver made September 17, 2018;
2. Order appointing Receiver made November 21, 2019;
3. Receiver's Second Report dated May 11, 2021;
4. Receiver's Third Report dated April 25, 2023;
5. Receiver's Fourth Report dated January 9, 2025;
6. Receiver's Fifth Report dated February 23, 2026;
7. Affidavit #5 of C. Cheveldave, sworn herein;
8. Affidavit #2 of S. Andersen, sworn herein; and
9. Such further and other material as counsel may advise and this Honourable Court may consider.

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 every other document, that
 - (i) you intend to refer to at the hearing of this application, and
 - (ii) has not already been filed in the 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).

Dated at the City of Kelowna, in the Province of British Columbia, this 23rd day of February, 2026.



Scott R. Andersen
Solicitor for the Applicant

This Notice of Application is filed by Scott R. Andersen, of the law firm of Lawson Lundell LLP, whose place of business and address for delivery is 1800 – 1631 Dickson Avenue, Kelowna, British Columbia, V1Y 0B5, e-mail address: scott.andersen@lawsonlundell.com; telephone number: 250-979-8546.

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

The following information is provided for data collection purposes only and is of no legal effect.

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

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

MICHAEL NEIL STREET and MARIELLE JACQUELINE
ANGELLA BRULE

PLAINTIFFS

AND:

SATHER RANCH LTD. by its Court Appointment Receiver and Manager,
C. Cheveldave & Associates Ltd.

DEFENDANT

ORDER MADE AFTER APPLICATION

| | | |
|-----------------------|---|--------------------|
| BEFORE THE HONOURABLE |) | FRIDAY, THE 6TH |
| |) | |
| JUSTICE |) | DAY OF MARCH, 2026 |
| |) | |

The Notice of Application dated February 23, 2026 (the "**Application**") of C. Cheveldave & Associates Ltd., in its capacity as Court-appointed Receiver and Manager (the "**Receiver**") of the assets, undertakings and properties of Sather Ranch Ltd., coming on for hearing on March 6, 2026, at Vancouver, British Columbia; and on hearing Scott R. Andersen, counsel for the Receiver, and Steve Dvorak counsel for Michael Neil Street, Boundary Machine Ltd., Marielle Jacqueline Angella Brule, and Profectus Financial Inc., and nobody else appearing although duly served, and upon reading the materials filed, including the Affidavit #5 of Cecil Cheveldave and the Affidavit #2 of Scott Andersen (collectively, the "**Fee Affidavits**"), the Fifth Report of the Receiver dated February 23, 2026 (the "**Report**"), and the Other Materials referred to in the Application;

THIS COURT ORDERS that:

1. The activities of the Receiver, as set out in the Report and the Fee Affidavits, be and are hereby approved.

2. The fees and disbursements of the Receiver and its legal counsel Lawson Lundell LLP, as set out in the Report and the Fee Affidavits, be and are hereby approved.
3. This Order is without prejudice to the rights of the stakeholders herein to argue that the cost of the Receivership herein should be allocated differently as between them.
4. The Receiver be and is hereby authorized to make an interim distribution in the aggregate amount of \$75,000 to the proven creditors of Sather Ranch Ltd. to be paid *pro rata* based upon their claims as proven herein as follows:
 - (a) \$14,250 payable to Michael Neil Street;
 - (b) \$48,750 payable to Boundary Machine Ltd.;
 - (c) \$750 payable to Marielle Jacqueline Angella Brule;
 - (d) \$3,750 payable to Profectus Financial Inc.; and
 - (e) \$7,500 payable to Joseph Sather & AMX Real Estate Inc.

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:

Scott R. Andersen
Counsel for the Receiver

Steven Dvorak
Counsel for Michael Neil Street, Boundary
Machine Ltd., Marielle Jacqueline Angella
Brule, and Profectus Financial Inc.

BY THE COURT

REGISTRAR

NO. S1913131
KELOWNA REGISTRY

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

MICHAEL NEIL STREET and MARIELLE
JACQUELINE ANGELLA BRULE

PLAINTIFFS

AND:

SATHER RANCH LTD. by its Court
Appointment Receiver and Manager, C.
Cheveldave & Associates Ltd.

DEFENDANT

NOTICE OF APPLICATION



Barristers & Solicitors
1800 – 1631 Dickson Avenue
Kelowna, BC V1Y 0B5
Phone: 250-979-8546
Attention: Scott R. Andersen