

This is the 3rd affidavit of Colin Brousson in this case and was made on June 21, 2021

No. S186288 Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

REALCOR MORTGAGE CORP.

PETITIONER

AND:

MORNINGSTAR GOLF CLUB LTD.
CANADIAN WESTERN BANK
NATIONAL LEASING GROUP INC.
ROYNAT INC.
ICE CUBE LEASING INC.

RESPONDENTS

AFFIDAVIT

I, **COLIN D. BROUSSON,** Barrister and Solicitor, of 2800 Park Place, 666 Burrard Street, in the City of Vancouver, in the Province of British Columbia, MAKE OATH AND SAY AS FOLLOWS:

- 1. I am a lawyer at DLA Piper (Canada) LLP and have acted as counsel to. G. Powroznik Group Inc., the Receiver of Morningstar Golf Club Ltd., (the "Receiver"), and as such have personal knowledge of the facts and matters hereinafter deposed to save and except where the same are stated to be made upon information and belief and where so stated I verily believe them to be true.
- 2. Initially, Gowling WLG (Canada) LLP ("Gowling WLG") acted as counsel to the Receiver until on or about August 16, 2020, when I left Gowling WLG and joined the law firm of DLA Piper (Canada) LLP ("DLA"). The Receiver chose to have DLA represent the Receiver thereafter.

CAN: 37013202.1

3. The accounts of DLA issued to the Receiver for service from March 1, 2021 to April 3, 2021 can be summarized as follows:

| Invoice Period | Total | Fees | Disbursements | Taxes |
|----------------------------------|-------------|-------------|---------------|------------|
| March 1, 2021- March 31, 2021 | \$1,092.00 | \$975.00 | \$0.00 | \$117.00 |
| April 1, 2021 - April 30, 2021 | \$64,053.79 | \$56,977.50 | \$231.40 | \$6,844.89 |
| Totals: | \$65,145.79 | \$57,952.50 | \$231.40 | \$6,961.89 |

- 4. The fees and disbursements set out above were necessarily incurred in fulfilling the instructions of the Receiver and have been approved by the Receiver.
- 5. The services compromised in the accounts of DLA set out above relate to:
 - (a) reviewing and revising Receiver's reports;
 - (b) drafting Notice of Application and Affidavits in support of Court application;
 - (c) preparing submissions and attending in Court on application;
 - (d) correspondence and communication with the Receiver and other parties involved in the receivership;
 - (e) drafting and negotiating Purchase and Sale Agreement for golf course;
 - (f) reviewing and commenting on Development Cooperation Agreement; and
 - (g) advising on easements, land swaps, applications for zoning and other real estate related matters.
- 6. The total cumulative time comprised in the accounts of DLA is approximately 123.8 hours broken down as follows:

| Lawyer | Rate | Hours |
|--------------------------|-------|-------|
| Colin Brousson | \$650 | 23.7 |
| Robert Dallakyan | \$425 | 26.4 |
| Jeffrey Bradshaw | \$425 | 73.5 |
| Duncan Burns-Shillington | \$450 | 0.2 |

- 7. The legal advice and services were rendered to the Receiver at #250 750 W. Pender Street, Vancouver, British Columbia and since February 1, 2021, at #710 750 W. Pender Street, Vancouver, British Columbia.
- 8. I was called to the Bar and admitted as a solicitor in the Province of British Columbia in May 1996, and since that time have primarily acted in insolvency and realization matters and in financing issues, including advice to trustees in bankruptcy. I have written papers and lectured on insolvency and realization issues for the Continuing Legal Education Society and other groups.

SWORN BEFORE ME at Vancouver, British

Columbia, on June 21, 2021.

A Commissioner for taking Affidavits for

British Columbia.

COLIN BROUSSON

ALEXANDRA McCAWLEY
Barrister & Solicitor
DLA Piper (Canada) LLP
666 Burrard Street, Suite 2800
Vancouver, BC V6C 2Z7
604.687.9444

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DLA Piper (Canada) LLP Barristers & Solicitors 2800 Park Place 666 Burrard Street Vancouver BC V6C 2Z7

Tel. No. 604.687.9444 Fax No. 604.687.1612

Client Matter No. 074081-00004

CDB/day