

COURT FILE NUMBER QBG 569 of 2007

COURT OF QUEEN'S BENCH FOR SASKATCHEWAN

JUDICIAL CENTRE SASKATOON

APPLICANT: **CROWN INVESTMENTS
CORPORATION OF
SASKATCHEWAN**

RESPONDENT: **THE BENEFICIARIES OF THE
SURPLUS IN THE RETIREMENT
ANNUITY FUND OF THE CAPITAL
PENSION PLAN**

Clerk's Stamp

NOTICE OF APPLICATION

NOTICE TO RESPONDENT

This application is made against you. You are a respondent. You have the right to state your side of this matter before the Court.

To do so, you must be in Court when the application is heard as shown below:

Where: **COURT HOUSE, 520 SPADINA CRES. E, SASKATOON, SK**

Date: **At a date to be fixed by the Local Registrar**

Time: **At a time to be fixed by the Local Registrar**

(Read the Notice at the end of this document to see what else you can do and when you must do it.)

Remedy claimed or sought:

1. An Order pursuant to section 47 of *The Trustee Act, 2009*, and Rules 1-5(2)(c) and 10-11(1) of *The Queen's Bench Rules* providing the Applicant with further directions from the Court respecting the distribution of the surplus in the RAF. The specific directions sought are more particularly discussed in the Fourth Supplementary Affidavit of Ken Klein, filed concurrently with this application; and

2. An Order pursuant to Rule 12-10, dispensing with service of the within application and materials or, alternatively, an Order for substituted service through the posting of these materials on the portion of Capital Pension Plan's website respecting the Court action.

Grounds for making this application:

3. The grounds for the within application are as follows:

(a) By its Order dated August 31, 2009, the Court granted leave to CIC to return to the Court to seek such further advice and directions as may be necessary to carry out the terms of that Order;

(b) CIC has, since the date of the Order, been successful in distributing the vast majority of the surplus monies, but not all of it;

(c) Questions have arisen regarding how to attempt to locate approximately 284 remaining eligible individuals that cannot be reached, whether public advertising should be conducted and if so, the extent and content of that advertising, and what to do with the remainder of the funds for those that ultimately cannot be located;

(d) CIC requires further directions regarding the above so that it can fully and finally complete its distribution obligations as Trustee; and

(e) Respecting service of this application, copies of the within materials are being served on the counsel of record in these proceedings, and previous notifications to the beneficiaries – following initial service by regular mail – have occurred by posting updates to Capital Pension Plan's website, which CIC suggests be the appropriate method of service of these materials.

Material or evidence to be relied on:

4. (a) This Notice of Application with proof of service;
(b) The Fourth Supplementary Affidavit of Ken Klein;
(c) The pleadings and proceedings had and taken herein; and
(d) Such further and other material as counsel may advise and this Honourable Court may allow.

Applicable rules:

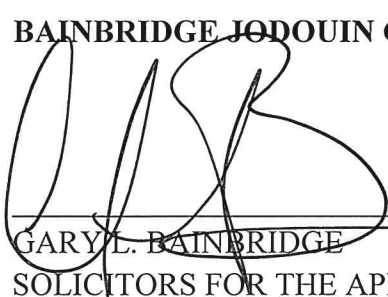
5. *The Queen's Bench Rules*, Rules 1-5(2)(c), 10-11(1) and 12-10.

Applicable Acts and regulations:

6 *The Trustee Act 2009*, SS 2009, c T-23.01

DATED at Saskatoon, Saskatchewan, this 6th day of July, 2015.

BAINBRIDGE JODOUIN CHEECHAM


GARY L. BAINBRIDGE
SOLICITORS FOR THE APPLICANT

NOTICE

If you do not come to Court either in person or by your lawyer, the Court may give the applicant(s) what they want in your absence. You will be bound by any order that the Court makes. If you want to take part in this application, you or your lawyer must attend in Court on the date and at the time shown at the beginning of the form. If you intend to rely on an affidavit or other evidence when the application is heard or considered, you must reply by giving reasonable notice of the material to the applicant.

CONTACT INFORMATION AND ADDRESS FOR SERVICE

If prepared by a lawyer for the party:

Name of firm:	BAINBRIDGE JODOUIN CHEECHAM
Name of lawyer in charge of file:	GARY L. BAINBRIDGE
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