

COURT FILE NUMBER 2101-00793
COURT COURT OF QUEEN'S BENCH OF ALBERTA
JUDICIAL CENTRE CALGARY
APPLICANT **THOMAS H. FERGUSON**
RESPONDENTS **ALI TEJPAN, ZAHRA TEJPAN, REGISTRAR OF TITLES for the LAND TITLES OFFICE, JOHN DOE, JANE DOE, and ABC CORPORATION**
DOCUMENT **AFFIDAVIT**
ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT Curtis E. Marble
Carbert Waite LLP
2300 Encor Place, 645 - 7th Avenue SW
Calgary, Alberta, T2P 4G8
Phone: 403-705-3642 Fax: 403-263-5553
File No.: 120632.001

Affidavit of Penny McConnell

Sworn on July 8, 2021


I, Penny McConnell, of Calgary, Alberta, make oath and say that:

1. I am a legal assistant with the law firm of Carbert Waite LLP, counsel for the Applicant. I have personal knowledge of the facts and matters deposed to below except where stated to be based on information and belief in which case I believe them to be true.
2. On July 8, 2021 I served via courier copies of:
 - (a) the letter addressed to all the Caveat holders dated July 8, 2021.
3. Attached as Exhibit A to this my Affidavit is a copy of the letter dated July 8, 2021 to the Caveat holders.
4. On July 8, 2021 I was advised by the former owner of the property legally described as Plan 3605FO, Block 80, Lot 2 that the property had been sold, and that they were no longer the registered owner of the property.
5. I did a land titles search of this property to identify the address for service for the new registered owner of the property. Attached hereto as Exhibit B to this my Affidavit is a copy of the Certificate of Title for lands legally described as Plan 3605FO, Block 80, Lot 2,

contains an address for service of Michael and Merrill Brescia, 6925 Livingstone Drive, S.W., Calgary, Alberta, T3E 6J6.

- 6. On July 8, 2021 I served, via courier, copies of:
 - (a) the letter addressed to all the Caveat holders dated July 8, 2021, attached as Exhibit A, to the address noted on the Certificate of Title referred to above.
- 7. Attached as Exhibit C to this my Affidavit is the email confirmation from Fireball Courier dated July 8, 2021 at 14:38 advising the documents were delivered to Michael and Merrill Brescia, 6925 Livingstone Drive, S.W., Calgary, Alberta, T3E 6J6. The documents were left in the mailbox.

SWORN BEFORE ME at Calgary, Alberta,)
on July 8, 2021.)



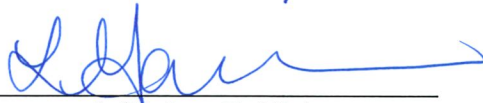
 A Commissioner for Oaths
 in and for the Province of Alberta



PENNY MCCONNELL

Lauren E. Garvie
Barrister & Solicitor

This is Exhibit "A"
referred to in the Affidavit of
Penny McConnell sworn before me
this 8th day of July, 2021.



A (Notary Public)
(Commissioner for Oaths)
in and for the Province of Alberta

Lauren E. Garvie
Barrister & Solicitor

CURTIS E. MARBLE
marble@carberrwaite.com
403.705.3642

CARBERT//WAITE LLP

File No: 120632.001

PLEASE READ – THIS NOTICE MAY IMPACT YOUR LEGAL RIGHTS

July 8, 2021

Hand Delivered

Dear Sir/Madam,

**Re: Amendment to Permanent Injunction Application
Court Action No. 2101-00793: Thomas H. Ferguson v. Ali Tejpar, Zahra Tejpar, et al.**

Further to our previous correspondence dated June 4, 2021, we are writing to advise you that:

1. The Permanent Injunction Application of Thomas H. Ferguson, referred to in our May 17, 2021 letter, will be heard by the Court on July 23, 2021. A Cross-Application commenced by Ali Tejpar and Zahra Tejpar will also be heard on July 23, 2021. Both the Application and the Cross-Application are presently being amended, and the materials in support of each are accessible on the Development tab of the Elbow Park Residents' Association Website;
2. New materials relevant to the Amended Permanent Injunction Application and the Amended Cross-Application will be posted as they become available on the Development tab of the Elbow Park Residents' Association website (<https://elbowpark.com/EPRADevelopment-Committee>); and
3. If you do not have internet access and wish to review these materials, please contact Hugoline Morton at 403-829-9549.

Yours truly,

CARBERT WAITE LLP



Curtis E. Marble

01091129.v1

APPENDIX "A"

Distribution List

902 Ridge Road SW
Calgary, AB

914 Ridge Road SW
Calgary, AB

926 Ridge Road SW
Calgary, AB

909 Ridge Road SW
Calgary, AB

925 Ridge Road SW
Calgary, AB

6925 Livingstone Drive, S.W.
Calgary, AB T3E 6J6

1014 32 Ave SW
Calgary, AB

3409 10 St SW
Calgary, AB

1826 37 Ave SW
Calgary, AB

3406 10 St SW
Calgary, AB

3406 9 St SW
Calgary, AB

3406 8A St SW
Calgary, AB

3412 8A St SW
Calgary, AB

124 Westview Dr SW
Calgary, AB

906 Ridge Road SW
Calgary, AB

918 Ridge Road SW
Calgary, AB

905 Ridge Road SW
Calgary, AB

917 Ridge Road SW
Calgary, AB

929 Ridge Road SW
Calgary, AB

1020 32 Ave SW
Calgary, AB

3403 10 St SW
Calgary, AB

3406 11 St SW
Calgary, AB

3407 9 St SW
Calgary, AB

3404 10 St SW
Calgary, AB

1013 32 Ave SW
Calgary, AB

3408 8A St SW
Calgary, AB

3414 8A St SW
Calgary, AB

910 Ridge Road SW
Calgary, AB

922 Ridge Road SW
Calgary, AB

907 Ridge Road SW
Calgary, AB

921 Ridge Road SW
Calgary, AB

933 Ridge Road SW
Calgary, AB

1016 32 Ave SW
Calgary, AB

3405 10 St SW
Calgary, AB

3404 11 St SW
Calgary, AB

3410 10 St SW
Calgary, AB

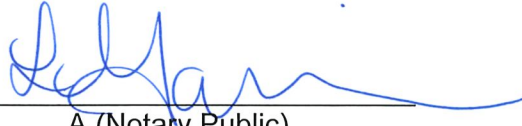
3401 8A St SW
Calgary, AB

3400 8A St SW
Calgary, AB

3410 8A St SW
Calgary, AB

3416 8A St SW
Calgary, AB

This is Exhibit "B"
referred to in the Affidavit of
Penny McConnell sworn before me
this 8th day of July, 2021.



A (Notary Public)
(Commissioner for Oaths)
in and for the Province of Alberta

Lauren E. Garvie
Barrister & Solicitor

REGISTRATION
NUMBER DATE (D/M/Y) PARTICULARS

2000, 401-9 AVE SW
CALGARY
ALBERTA T2P4Z4

211 064 466 26/03/2021 MORTGAGE
MORTGAGEE - ROYAL BANK OF CANADA.
10 YORK MILLS ROAD
TORONTO
ONTARIO M2P0A2
ORIGINAL PRINCIPAL AMOUNT: \$570,000

TOTAL INSTRUMENTS: 002

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN
ACCURATE REPRODUCTION OF THE CERTIFICATE OF
TITLE REPRESENTED HEREIN THIS 8 DAY OF JULY,
2021 AT 10:51 A.M.

ORDER NUMBER: 42101694

CUSTOMER FILE NUMBER: 120632.001

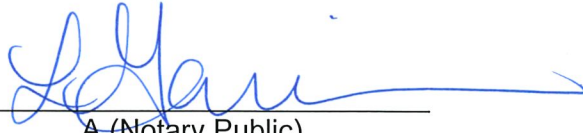


END OF CERTIFICATE

THIS ELECTRONICALLY TRANSMITTED LAND TITLES PRODUCT IS INTENDED
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SUBJECT TO WHAT IS SET OUT IN THE PARAGRAPH BELOW.

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APPRAISAL OR OTHER ADVICE PREPARED BY THE ORIGINAL PURCHASER AS
PART OF THE ORIGINAL PURCHASER APPLYING PROFESSIONAL, CONSULTING
OR TECHNICAL EXPERTISE FOR THE BENEFIT OF CLIENT(S).

This is Exhibit "C"
referred to in the Affidavit of
Penny McConnell sworn before me
this 8th day of July, 2021.

A handwritten signature in blue ink, appearing to read 'L. Garvie', written over a horizontal line.

A (Notary Public)
(Commissioner for Oaths)
in and for the Province of Alberta

Lauren E. Garvie
Barrister & Solicitor

Penny McConnell

From: donotreply@fireballcourier.com
Sent: July 8, 2021 2:39 PM
To: Penny McConnell
Subject: Auto-Notification Shipment #205.070821

The following shipment sent by Terry Eberhardt of Carbert Waite LLP has been delivered and signed for by: Mailbox @ 07/08/2021 14:38

OrderTrackingID: 205.070821
Ref#: 120632.001
Ref#2: Signature required
Pieces: 11

[Pickup]
Carbert Waite LLP
2300-645 7 Ave SW
Calgary AB, T2P 4G8

[Delivery]
Michael & Merill Brescia
6925 Livingstone Dr SW
Calgary AB, T3E 6J6

If you would like to track this shipment online, please visit:
<https://www.fireballexpress.net/ClientPortal?method=QuickTrack&OrderTrackingID=205.070821&Key=10DCD>

[Shipment handled by Fireball Express Courier Inc.]