

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. Attached as Exhibit B to this my Affidavit is the email confirmation from Fireball Courier dated July 8, 2021 at 8:59 am advising the documents were delivered to Royal Trust, 335 – 8<sup>th</sup> Avenue, S.W., Suite 2300, Calgary, Alberta, T2P 1C9, which is the address for service on the property legally described as Plan 3605FO, Block 80, Lot 2, excepting thereout all mines and minerals and the right to work the same.

5. Attached as Exhibit C to this my Affidavit is the email confirmation from Fireball Courier dated July 8, 2021 at 9:06 am advising the documents were delivered to Jennifer Mary Aikenhead, 124 Westview Drive, S.W., Calgary, Alberta, T3C 2R9, which is the address for service on the property legally described as Plan 3605FO, Block 79, that portion of Lot 5 which lies south of a line parallel with and distant 15 feet perpendicularly northerly from the southerly boundary of said Lot, and the whole of Lot 6 excepting thereout all mines and minerals and the right to work the same.

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

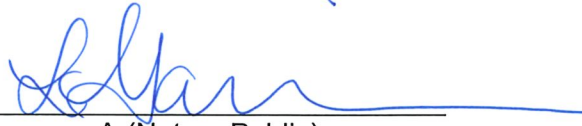


A Commissioner for Oaths )  
in and for the Province of Alberta )

  
**PENNY MCCONNELL**

**Lauren E. Garvie**  
Barrister & Solicitor

This is Exhibit "A"  
referred to in the Affidavit of  
Penny McConnell sworn before me  
this 8<sup>th</sup> 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

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

2300, 335 8 Ave SW  
Calgary, AB

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

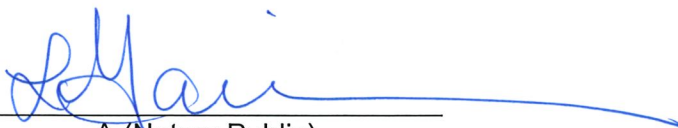
3401 8A St SW  
Calgary, AB

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 8<sup>th</sup> 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

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**From:** donotreply@fireballcourier.com  
**Sent:** July 8, 2021 9:00 AM  
**To:** Penny McConnell  
**Subject:** Auto-Notification Shipment #32.070821

The following shipment sent by Terry Eberhardt of Carbert Waite LLP has been delivered and signed for by: Left with Janua. P3 mailroom. @ 07/08/2021 08:59

OrderTrackingID: 32.070821  
Ref#: 120632.001  
Ref#2: Signature required  
Pieces: 1

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

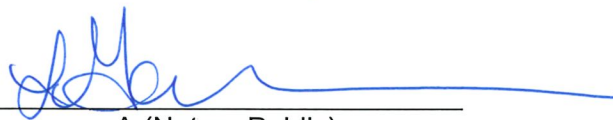
[Delivery]  
Royal Trust  
335 8 Ave SW  
Suite 2300  
Calgary AB, T2P 1C9

If you would like to track this shipment online, please visit:  
<https://www.fireballexpress.net/ClientPortal?method=QuickTrack&OrderTrackingID=32.070821&Key=1260B>

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[Shipment handled by Fireball Express Courier Inc.]

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

A handwritten signature in blue ink, consisting of stylized initials and a long horizontal flourish.

---

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

**Lauren E. Garvie**  
**Barister & Solicitor**



## Penny McConnell

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**From:** donotreply@fireballcourier.com  
**Sent:** July 8, 2021 9:07 AM  
**To:** Penny McConnell  
**Subject:** Auto-Notification Shipment #33.070821

The following shipment sent by Terry Eberhardt of Carbert Waite LLP has been delivered and signed for by: Front door @ 07/08/2021 09:06

OrderTrackingID: 33.070821  
Ref#: 120632.001  
Ref#2: Signature required  
Pieces: 11

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

[Delivery]  
Jennifer Aikenhead  
124 Westview Dr SW  
Calgary AB, T3C 2R9

If you would like to track this shipment online, please visit:  
<https://www.fireballexpress.net/ClientPortal?method=QuickTrack&OrderTrackingID=33.070821&Key=2F2DD>

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[Shipment handled by Fireball Express Courier Inc.]