



COURT FILE NUMBER 2101-00793

COURT COURT OF QUEEN'S BENCH OF ALBERTA

JUDICIAL CENTRE CALGARY

APPLICANT THOMAS H. FERGUSON 604076

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 Peter A. Johnson
Sworn on June 18, 2021

I, Peter A. Johnson, of Calgary, Alberta, make oath and say that:

1. I reside in Elbow Park at 918 Ridge Road, S.W., Calgary, Alberta.
2. 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.
3. I am a member of the Law Society of Alberta and was called to the bar in 1990. I am currently practicing law as in-house counsel.
4. I closed the purchase of my home on June 15, 1999.
5. On August 5, 1999, my legal counsel, Ronald M. Barron, of Bennett Jones LLP, (the "**Bennett Jones Letter**") sent me a letter enclosing a certified copy of the certificate of title.
6. Also included in the Bennett Jones Letter was Instrument #7648FT-Caveat-Canadian Pacific Railway ("**Caveat #7648FT**").
7. Also included in the Bennett Jones Letter was an acknowledgement, which I had signed June 8, 1999, acknowledging that I had reviewed Caveat #7648FT, that it would remain registered against the title to my home and that the same was acceptable to me (the "**Caveat Acknowledgement**").

8. I have kept the Bennett Jones Letter, the certified copy of the certificate of title, Caveat #7648FT and the Caveat Acknowledgement in my personal files since August 1999.
9. Attached hereto as **Exhibit "A"** is a copy of the Bennett Jones Letter.
10. Attached hereto as **Exhibit "B"** is a copy of the certified copy of the certificate of title.
11. Attached hereto as **Exhibit "C"** is a copy of Caveat #7648FT.
12. Attached hereto as **Exhibit "D"** is a copy of the Caveat Acknowledgement.

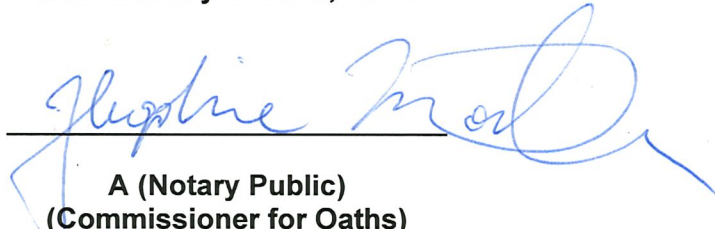
SWORN BEFORE ME at Calgary, Alberta,
on June 18, 2021.


HUGOLINE MORTON, Lawyer
A Commissioner for Oaths
in and for the Province of Alberta


PETER A. JOHNSON

HUGOLINE M.J. MORTON
A NOTARY PUBLIC
IN AND FOR THE PROVINCE OF ALBERTA
MY APPOINTMENT EXPIRES
AT THE PLEASURE OF HER MAJESTY

**This is Exhibit "A"
referred to in the Affidavit of
Peter A. Johnson sworn before me
this 18th day of June, 2021.**



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

HUGOLINE M.J. MORTON
A NOTARY PUBLIC
IN AND FOR THE PROVINCE OF ALBERTA
MY APPOINTMENT EXPIRES
AT THE PLEASURE OF HER MAJESTY

4500 Bankers Hall East
855 2nd Street SW
Calgary Alberta
Canada T2P 4K7
Tel: (403) 298-3100
Fax: (403) 265-7219

Ronald M. Barron

Direct Line: (403) 298-3491
e-mail: barronr@bennettjones.ca
Legal Assistant: Susan Holm
Direct Line: (403) 298-3261
e-mail: holms@bennettjones.ca

Our File No.: 43758-1

August 5, 1999

Mr. Peter Johnson
918 Ridge Road S.W.
Calgary, Alberta T2T 3E5

Dear Mr. Johnson:

**RE: JOHNSON Purchase from ARNETT
918 Ridge Road S.W., Calgary, Alberta
Closing Date: June 15, 1999**

We are pleased to advise that the above captioned transaction is now substantially complete and we enclose for your information and records the following:

1. Certified Copy of Certificate of Title, confirming title to be in the name of: PETER A. JOHNSON, subject to the following instruments, copies of which are enclosed:
 - (a) Instrument #7648FT - Caveat - Canadian Pacific Railway Company
 - (b) Instrument #991 161 220 - Mortgage - CIBC Mortgages Inc.
- a first financial charge upon the lands
2. Acknowledgment re: Instruments.
3. Statement of Adjustments.
4. Statement of Monies Received and Disbursed.
5. Mortgage Approval
6. Conflict Letter, duly acknowledged by you;
7. Irrevocable Assignment and Direction to Pay;
8. Acknowledgment of Receipt of Mortgage Documentation;



Mr. Peter Johnson
Page Two
August 5, 1999

9. Real Property Report, with The City of Calgary's Certificate of Compliance endorsed thereon. PLEASE NOTE: Retain this document in a safe place as it may be required in the event of a refinancing or sale;
10. Statutory Declaration regarding the changes to the property which have been accepted by you. I confirm my advice to you with respect to the future sale of this property that as part of any agreement of purchase and sale a specific exception should be inserted therein to the effect that the seller provides no representation or warranty with respect to compliance of the improvements constructed on the property with the provisions of any restrictive covenants registered against the title thereto and that the purchaser agrees to accept title to the property subject to all such restrictive covenants notwithstanding any possible non-compliance of the property and the improvements thereon with the provisions of this restrictive covenants.
11. Application for Tax Installment payment Plan. As we have not received a "Void" cheque from you, as requested, I return the application form to you to handle directly with The City of Calgary, if you have not already done so. You can call the City at 268-8118.

We will forward our Statement of Account to you in due course.

If you have any questions regarding the above enclosures, please contact the undersigned. We trust that all has been handled to your satisfaction and thank you for allowing our offices to be of service to you.

Yours truly,

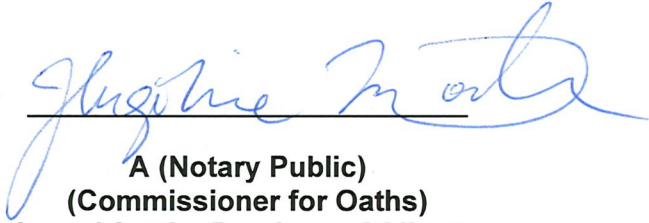
BENNETT JONES


RONALD M. BARRON

RMB/sjh
Encl.



**This is Exhibit "B"
referred to in the Affidavit of
Peter A. Johnson sworn before me
this 18th day of June, 2021.**



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

HUGOLINE M.J. MORTON
A NOTARY PUBLIC
IN AND FOR THE PROVINCE OF ALBERTA
MY APPOINTMENT EXPIRES
AT THE PLEASURE OF HER MAJESTY



CERTIFIED COPY OF
Certificate of Title

South Alberta Land Registration District

S

LINC SHORT LEGAL
0017 643 487 3605FO;78;5

TITLE NUMBER: 991 161 219
TRANSFER OF LAND
DATE: 09/06/1999

AT THE TIME OF THIS CERTIFICATION

PETER A JOHNSON
OF 918 RIDGE ROAD SW
CALGARY
ALBERTA T2T 3E5

IS THE OWNER OF AN ESTATE IN FEE SIMPLE
OF AND IN

PLAN 3605FO
BLOCK 78
LOT 5
EXCEPTING THEREOUT ALL MINES AND MINERALS
AND THE RIGHT TO WORK THE SAME

SUBJECT TO THE ENCUMBRANCES, LIENS AND INTERESTS NOTIFIED BY MEMORANDUM UNDER-
WRITTEN OR ENDORSED HEREON, OR WHICH MAY HEREAFTER BE MADE IN THE REGISTER.

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION

NUMBER	DATE (D/M/Y)	PARTICULARS
7648FT	21/05/1948	CAVEAT CAVEATOR - CANADIAN PACIFIC RAILWAY COMPANY.
991 161 220	09/06/1999	MORTGAGE MORTGAGEE - CIBC MORTGAGES INC. 800, 333-11 AVE SW CALGARY ALBERTA T2P2M7 ORIGINAL PRINCIPAL AMOUNT: \$200,000

I CERTIFY THE ABOVE TO BE AN ACCURATE REPRODUCTION OF THE CERTIFICATE OF TITLE REPRESENTED HEREIN. IN
WITNESS WHEREOF I HAVE SUBSCRIBED MY NAME AND AFFIXED MY OFFICIAL SEAL THIS 15 DAY OF JULY ,1999

..... A.D. REGISTRAR
SOUTH ALBERTA LAND REGISTRATION DISTRICT



Certificate of Title

TITLE NUMBER: 991 161 219

SUPPLEMENTARY INFORMATION

D.C.T. ISSUED: NO VALUE: \$485,000

CONSIDERATION: \$485,000

MUNICIPALITY: CITY OF CALGARY

REFERENCE NUMBER:

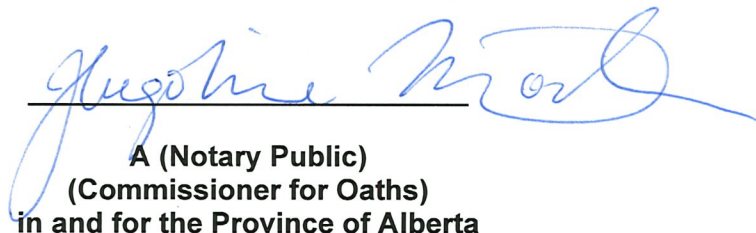
941 221 440

ATS REFERENCE:

5;1;24;9;SE

TOTAL INSTRUMENTS: 002

**This is Exhibit "C"
referred to in the Affidavit of
Peter A. Johnson sworn before me
this 18th day of June, 2021.**



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

HUGOLINE M.J. MORTON
A NOTARY PUBLIC
IN AND FOR THE PROVINCE OF ALBERTA
MY APPOINTMENT EXPIRES
AT THE PLEASURE OF HER MAJESTY

TO THE REGISTRAR
FOR THE SOUTH ALBERTA LAND REGISTRATION DISTRICT:

TAKE NOTICE that the CANADIAN PACIFIC RAILWAY COMPANY

claims an interest in:

- Lots One (1) to Seven (7), Block Seventy-eight (78);
- Lots One (1) to Nine (9), Block Seventy-nine (79);
- Lots One (1) to Five (5) and Lot Eight in Block Eighty (80);
- Lots Two (2), Three (3), Five (5), Six (6) and Seven (7),
Block Ninety (90);
- Lots One (1), Four (4) and Lots Eight (8) to Eleven (11)
inclusive, Block Ninety-one (91);
- Lots One (1), Seven (7), Eight (8) and Nine (9), Block
Ninety-two (92); and
- Lots One (1) to Eight (8) inclusive, Block Ninety-three (93),
according to a plan of part of the City of Calgary, of
record in the Land Titles Office for the South Alberta Land
Registration District as Plan 3605 F.O., all standing in the
register in the name of the Canadian Pacific Railway Company;

10,0746

10,0747

OK.
AS TO FORM
[Signature]
Assistant Solicitor

012

under and by virtue of an Agreement made between the Canadian Pacific Railway Company and Joseph J. Greenan, Barrister, and Mary P. Greenan (his wife), both of the City of Calgary, dated the 29th day of April, 1948, copy of which Agreement is hereto attached.

AND the Canadian Pacific Railway Company forbids the registration of any person as transferee or owner of, or of any instrument affecting the said estate or interest unless such instrument be expressed to be subject to its claim.

IT APPOINTS ~~the Office of its Department of Natural Resources~~ in the City of Calgary, in the Province of Alberta,

agrees to refund to them the proportion of the said taxes due from the 1st day of January, 1948, to the 31st day of March, 1948.

X
3. The Owner hereby agrees to insert in all Agreements for Sale entered into by the Owner for the sale of any one of the following lots or parcels of land, namely:

- Lots One (1) to Seven (7), Block Seventy-eight (78).
- x Lots One (1) to Nine (9), Block Seventy-nine (79).
- Lots One (1) to Five (5) and Lot Eight (8) in Block Eighty (80).
- Lots Two (2), Three (3), Five (5) and Six (6), Block Ninety (90).
- Lots One (1), Four (4), and Lots Eight (8) to Eleven (11), Block Ninety-one (91).
- Lots One (1), Seven (7), Eight (8) and Nine (9), Block Ninety-two (92); and
- Lots One (1) to Eight (8), Block Ninety-three (93), as shown on said plan No. 3605 F.O.,

restrictive covenants similar to the covenants hereinafter contained.

IT IS HEREBY COVENANTED AND AGREED with the Owner by the above mentioned Purchasers on behalf of themselves, their executors, administrators and assigns, and successors in title, as follows:

(a) That there shall not be erected or suffered or permitted to be erected or used or placed upon the said Lot Seven (7), Block Ninety (90), Plan 3605 F.O., any building whatsoever except for the purposes of a private residence and private garage in connection therewith.

(b) That there shall not be erected upon the said Lot more than one (1) such residence and garage.

(c) That there shall not be erected on the said lot any dwelling house to cost less than Seven Thousand Dollars (\$7,000.00), and same shall be of a neat design and completed in a proper and workmanlike manner.

(d) That if the said dwelling house consists of basement and one floor, the ground area occupied by same shall not be less than Twelve Hundred (1200) square feet, exclusive of the garage, and if it consists of One and a Half ($1\frac{1}{2}$) or more storeys, said dwelling house shall occupy a ground area of not less than One Thousand (1,000) square feet, exclusive of the garage.

(e) That no house or other building shall be located or placed on the said lot within Twenty-five (25) feet of the Street or Avenue, and ^{any dwelling house} shall be not less than Twenty-five (25) feet from the rear of said lot.

(f) That the said lot shall not be used for the purpose of a sand or gravel pit or quarry, and there shall not be removed or suffered or permitted to be removed any sand, gravel, stone or other material, except such as may be necessary for improving the lot or building thereon.

(g) That no house or other building on the said lot shall be used for mercantile, business or manufacturing purposes, and no work of an offensive, dangerous or noisy character shall be carried on which may be or become an annoyance or nuisance.

(h) That all work done on the said lot shall comply in all

respects with By-laws or Building Regulations of the City of Calgary.

(i) That covenants similar to the above shall be inserted in all Agreements for Sale made by the Purchasers for a resale of the said lot.

(j) That the Purchasers and their executors, administrators and assigns, and successors in title, shall observe the aforesaid restrictions applicable to the said lot, and that same shall be enforceable against him or them or on behalf of the owner or owners from time to time of any of the said lots or parcels of land referred to in Paragraph 3 hereof.

(k) That the restrictions aforementioned as imposed on each of the said lots or parcels of land referred to in Paragraph 3 hereof shall be enforceable by or on behalf of or against the owner or owners from time to time of any one or more of the said lots or parcels of land referred to in said Paragraph 3.

(l) The Purchasers shall be entitled to register in the Land Titles Office a Caveat protecting the restrictions above set out, and the transfer by the owner to the purchasers of the said lots or parcels of land referred to in Paragraph 3

hereof shall be expressed to be subject to said Caveat to be registered as aforesaid. X

IN WITNESS WHEREOF the Owner has caused these presents to be executed by the Manager of its Department of Natural Resources, and the Purchasers have hereunto set their hands and seals, all on the day and year first above written.

CANADIAN PACIFIC RAILWAY COMPANY

Per Leslie Munroe
Leslie Munroe, Manager,
Department of Natural Resources.

Betty Gablehouse
Witness.

Joseph J. Greenan
Joseph J. Greenan.

Betty Gablehouse
Witness.

Mary P. Greenan
Mary P. Greenan.

THIS AGREEMENT made in duplicate this 29th of
April, A.D.1948.

BETWEEN:

CANADIAN PACIFIC RAILWAY COMPANY,
(hereinafter called "the Owner"),

OF THE FIRST PART,

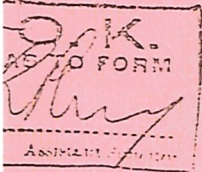
- and -

JOSEPH J. GREENAN, Barrister,
and MARY P. GREENAN, (his wife),
both of the City of Calgary, in
the Province of Alberta, (herein-
after called "the Purchasers"),

OF THE SECOND PART.

IN CONSIDERATION of the sum of Nine Hundred Dollars
(\$900.00) paid by the Purchasers to the Owner, receipt of which
sum is hereby acknowledged, the Owner has sold and agreed to
transfer to the Purchasers Lot Seven (7), in Block Ninety (90),
according to a plan of part of the City of Calgary of record
in the Land Titles Office for the South Alberta Land Registra-
tion District as Plan No. 3605 F.O., subject to the following
covenants, terms and conditions:

1. That the Owner shall, as and when requested by the
Purchasers, transfer to the Purchasers said Lot Seven (7),
Block Ninety (90), Plan No. 3605 F.O.
2. As the amount of the 1948 taxes in respect of the
said Lot is not yet known, the Purchasers agree to pay the full
year's taxes for the year 1948 in respect of the said lot, and
upon production by them of their Tax Receipt, the Owner hereby



as the place at which notices and proceedings relating hereto may be served.

DATED this 29th day of April, A.D.1948.

CANADIAN PACIFIC RAILWAY COMPANY

[Handwritten signature]

Witness.

Per *Leslie Munroe*
Leslie Munroe, Manager,
Department of Natural Resources.

CANADA)
PROVINCE OF ALBERTA)
TO WIT:)

I, Leslie Munroe, of the City of Calgary, in the Province of Alberta, Manager, make oath and say:

1. THAT I am agent of the above-named Caveator.
2. THAT I believe I have a good and valid claim upon the said lands and I say this Caveat is not being filed for the purpose of delaying or embarrassing any person interested therein or proposing to deal therewith.

SWORN before me at the City)
of Calgary, in the Province)
of Alberta, this 21st day)
of May, A.D.1948.

Leslie Munroe

E. D. Munroe

A COMMISSIONER FOR OATHS in and for the
Province of Alberta.

CANADA)
PROVINCE OF ALBERTA)
TO WIT:)

I, Cecil J. Weob, of the City
of Calgary, in the Province of Alberta, Secretary,
make oath and say:

1. THAT I was personally present and did see Leslie
Munroe, Manager of the Department of Natural Resources of the
Canadian Pacific Railway Company at Calgary, in the Province
of Alberta, named in the within instrument, who is personally
known to me to be the person named therein, duly sign and
execute same for the purposes named therein.

2. THAT the same was executed at the City of Calgary,
in the Province of Alberta, and that I am the subscribing
witness thereto.

3. THAT I personally know the said Leslie Munroe,
and he is in my belief of the full age of twenty-one years.

SWORN before me at the City
of Calgary, in the Province
of Alberta, this 21st day
of May, A.D. 1948.

Cecil J. Weob

E. W. Minnevell

A COMMISSIONER FOR OATHS in ed for the
Province of Alberta.

CANADA)
PROVINCE OF ALBERTA)
TO WIT:)

I, Betty Galtchoune, of the City of
Calgary, in the Province of Alberta, stenographer ,
make oath and say:

1. THAT I was personally present and did see Joseph J. Greenan and Mary P. Greenan named in the within instrument, who are personally known to me to be the persons named therein, duly sign and execute the same for the purposes named therein.
2. THAT the same was executed at the City of Calgary, in the Province of Alberta, and I am the subscribing witness thereto.
3. THAT I personally know the said Joseph J. Greenan and Mary P. Greenan, and they are in my belief of the full age of twenty-one years.

SWORN before me at the City)
of Calgary, in the Province)
of Alberta, this 5th day)
of May, A.D. 1948.)

Betty Galtchoune

A. R. Baird

A COMMISSIONER FOR OATHS in and for the
Province of Alberta.

7648 F.T. 28.194

REGN. FEE
EXTRA REF. CERT.
EXTRA NEW TITLE
CONTACT

CLERK
CHARGE TO
D.P.
Value
Fees
Legal

Re: Lots 1 to 7, Block 78; Lots 1 to 9, Block 79; Lots 1 to 5, and Lot 8, in Block 80; Lots 2, 3, 5, 6 and 7 in Block 89; Lots 1, 4, and Lots 8 to 11 inclusive, Block 91; Lots 1, 7, 8 and 9, Block 92; and Lots 1 to 8 inclusive, Block 93.

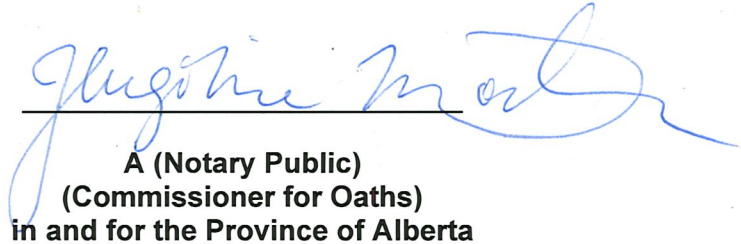
CAVEAT.

I certify that the within instrument is duly Entered and Registered in the Land Titles Office for the South Alberta Land Registration District at Calgary, in the Province of Alberta at _____ o'clock _____ on the _____ day of _____ A.D., 19____ Number _____ Book _____ Folio _____
[Signature] Registrar
S. A. L. R. B.

File 16129
RM/JAF

JAMES McCAIG, K.C.
C.P.R. SOLICITOR
CALGARY, ALBERTA

**This is Exhibit "D"
referred to in the Affidavit of
Peter A. Johnson sworn before me
this 18th day of June, 2021.**


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

HUGOLINE M.J. MORTON
A NOTARY PUBLIC
IN AND FOR THE PROVINCE OF ALBERTA
MY APPOINTMENT EXPIRES
AT THE PLEASURE OF HER MAJESTY

ACKNOWLEDGMENT

Re : 918 Ridge Road S.W., Calgary, Alberta

I, PETER A. JOHNSON, hereby acknowledge that I have reviewed the attached instrument(s):

INSTRUMENT #7648FT - CAVEAT - CANADIAN PACIFIC RAILWAY COMPANY

which will remain registered against the title to the property after I become the registered owner and find the same to be acceptable.

DATED this 5th day of June, 1999.



PETER A. JOHNSON