

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 **RESPONSES TO UNDERTAKINGS GIVEN BY THOMAS H. FERGUSON**

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

Responses to Undertakings given by Thomas H. Ferguson at his cross-examination held on April 7, 2021:

Undertaking #1:	To produce the documents related to the service of Justice Malik's December 16, 2020 Order being served on the Registrar of Land Titles.
Response:	Please see the attached, unsworn Affidavit of Penny McConnell. My counsel advises that they will provide a sworn and filed copy of same in due course.
Undertaking #2:	To make inquiries and advise if Justice Malik's December 16, 2020 Order was served on any other parties, and if so, to advise when, to whom, and how.
Response:	As advised by my counsel during the cross-examination held on April 7, 2021, the December 16, 2020 Order of Justice Malik was not served on any parties other than the Land Titles Office.
Undertaking #3:	To make inquiries and to advise when the Registrar changed the status of the purported Caveat from lost, mislaid or destroyed and had not been microfiche to including a copy of the purported Caveat that is included at Exhibit B of Thomas Ferguson's Affidavit. Review and make inquiries as to when the Registrar of Land Titles changed the status of the Caveat. <u>TAKEN UNDER ADVISEMENT</u>

Response:	I am advised by my counsel that the Land Titles records do not show when the Registrar changed the status of the caveat.
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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 OF SERVICE**

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 April __, 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 Plaintiff. 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 January 6, 2021, I did serve the Defendant, the Registrar of Titles for the Land Titles Office (the "**Land Titles Office**") with the Order of Justice Malik, granted on December 16, 2020 and filed on December 22, 2020 (the "**Order**") as follows:
 - (a) by email to LTOS@gov.ab.ca; and
 - (b) by courier to the Land Titles Office.
3. Attached as **Exhibit "A"** is a copy of the email I sent to LTOS@gov.ab.ca enclosing an electronic copy of the Order.
4. Attached as **Exhibit "B"** is a copy of the email confirmation I received from Fireball Express Courier Inc. that a hard copy of the Order was deposited in the drop box at the Land Titles Office located at 710 – 1st Avenue SW, Calgary, Alberta.
5. I have reviewed the file and do verily believe that on January 11, 2021, Anita Nowinka, a student-at-law at Carbert Waite LLP, did speak over the phone with Robert Simpson, a manager at the Land Titles Office. I was advised, and do verily believe, that Anita Nowinka

emailed Robert Simpson an electronic copy of the Order on January 11, 2011. Attached as **Exhibit "C"** is a copy of the email sent from Anita Nowinka to Robert Simpson.

6. On January 12, 2021, I received an email from Donna Burtoway from the Land Titles Office confirming receipt of the Order and indicating it had been escalated to the Director of Land Titles, James Borrowman, for his review. Attached as **Exhibit "D"** is a copy of the email from Donna Burtoway.
7. On January 13, 2021, I received a Document Submission Notice from the Land Titles Office indicating that the hard copy of the Order had been received by the Land Titles Office mail room on January 6, 2021. Attached as **Exhibit "E"** is a copy of the Document Submission Notice.
8. I have reviewed the file and do verily believe that on February 3, 2021, Anita Nowinka followed up with Robert Simpson regarding the status of the Order. Attached as **Exhibit "F"** is an email exchange between Anita Nowinka and Robert Simpson regarding the status of the document upload to be completed pursuant to the Order.

SWORN BEFORE ME at Calgary, Alberta,)
on April ____, 2021.)

ANITA NOWINKA, Student-at-law)
A Commissioner for Oaths)
in and for the Province of Alberta)

PENNY MCCONELL

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

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

Jennifer Miller

From: Penny McConnell
Sent: Wednesday, January 6, 2021 9:55 AM
To: LTOS@gov.ab.ca
Cc: Curtis E. Marble; Anita Nowinka
Subject: Action No. 2001-14291 Re: Instrument Number 7648 FT
Attachments: To Land Titles Office (00965035xD2D44).PDF; Order (00960477xD2D44).PDF; Caveat (00919955xD2D44).PDF

Good Morning,

Please see attached which is forwarded to you on behalf of Curtis Marble.

Regards,
Penny

Penny McConnell Legal Assistant to Matt Bobawsky and Curtis E. Marble
D: 403.705.3630 | F: 403.263.5553

CARBERT//WAITE LLP

CARBERT WAITE LLP
2300 Encor Place | 645 - 7 Ave SW | Calgary, AB T2P 4G8
T: 403.263.5656 | F: 403.263.5553 | carbertwaite.com

If this email is not intended for you, please do not read it or otherwise deal with it. Its contents are confidential and privileged. As a courtesy, please reply by email to advise that this email has been miscommunicated. Thank you.

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

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

Jennifer Miller

From: donotreply@fireballcourier.com
Sent: Wednesday, January 6, 2021 12:06 PM
To: Penny McConnell
Subject: Auto-Notification Shipment #941.010621

The following shipment sent by Terry Eberhardt of Carbert Waite LLP has been delivered and signed for by: Dropbox @ 01/06/2021 12:06

OrderTrackingID: 941.010621
Ref#: 120632.001
Ref#2: Signature required
Pieces: 1

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

[Delivery]
Registrar of Titles for the Alberta Land Titles Office
710 4 Ave SW
Service Alberta Building
Calgary AB, T2P 0K3

If you would like to track this shipment online, please visit:
<https://www.fireballexpress.net/ClientPortal?method=QuickTrack&OrderTrackingID=941.010621&Key=63209>

[Shipment delivered by Fireball Express Courier Inc.]

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

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

Jennifer Miller

From: Anita Nowinka
Sent: Monday, January 11, 2021 10:34 AM
To: 'robert.simpson@gov.ab.ca'
Subject: FW: Action No. 2001-14291 Re: Instrument Number 7648 FT
Attachments: To Land Titles Office (00965035xD2D44).PDF; Order (00960477xD2D44).PDF; Caveat (00919955xD2D44).PDF

Hi Bob,

Further to our phone conversation this morning, please see below the email that was sent to the general Land Titles email last Wednesday, January 6.

I am also attaching all documents that were provided. Copies have been sent via courier and left in the drop box.

Please let me know if you have any questions or concerns. Alternatively, let me know if there are any additional steps involving a Document Registration Request that you would require prior to processing.

Thanks very much!

Regards,

ANITA NOWINKA Student at Law
D: [403.705.3662](tel:403.705.3662) | F: [403.263.5553](tel:403.263.5553)

CARBERT//WAITE LLP

From: Penny McConnell <mconnell@carbertainwaite.com>
Sent: January 6, 2021 9:55 AM
To: LTOS@gov.ab.ca
Cc: Curtis E. Marble <marble@carbertainwaite.com>; Anita Nowinka <nowinka@carbertainwaite.com>
Subject: Action No. 2001-14291 Re: Instrument Number 7648 FT

Good Morning,

Please see attached which is forwarded to you on behalf of Curtis Marble.

Regards,
Penny

Penny McConnell Legal Assistant to Matt Bobawsky and Curtis E. Marble
D: [403.705.3630](tel:403.705.3630) | F: [403.263.5553](tel:403.263.5553)

CARBERT//WAITE LLP

CARBERT WAITE LLP

2300 Encor Place | 645 - 7 Ave SW | Calgary, AB T2P 4G8

T: 403.263.5656 | F: 403.263.5553 | carbertwaite.com

If this email is not intended for you, please do not read it or otherwise deal with it. Its contents are confidential and privileged. As a courtesy, please reply by email to advise that this email has been miscommunicated. Thank you.

This is Exhibit "D"
referred to in the Affidavit of
Penny McConnell sworn before me
this ____ day of April, 2021.

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

Jennifer Miller

From: Land Titles Office South <LTOS@gov.ab.ca>
Sent: Tuesday, January 12, 2021 4:03 PM
To: Penny McConnell
Cc: James Borrowman; Robert Simpson
Subject: FW: Action No. 2001-14291 Re: Instrument Number 7648 FT
Attachments: To Land Titles Office (00965035xD2D44).PDF; Order (00960477xD2D44).PDF; Caveat (00919955xD2D44).PDF

Hi Penny,

I apologize for the delay as it was required this request be escalated to the Director of Land Titles, James Borrowman.
I've also cc'd Bob Simpson as well as I understand he was also dealing with this request.

James, as we discussed today, please find attached the requisition letter, the court order and the Caveat for your review

The logo for the province of Alberta, featuring the word "Alberta" in a stylized, cursive font with a small square to the right.

Donna Burtoway
Examination Team Lead & Accounting Supervisor, Land Titles South
donna.burtoway@gov.ab.ca

Classification: Protected A

From: Penny McConnell <mccConnell@carbortwaite.com>
Sent: Wednesday, January 06, 2021 9:55 AM
To: Land Titles Office South <LTOS@gov.ab.ca>
Cc: Curtis E. Marble <marble@carbortwaite.com>; Anita Nowinka <nowinka@carbortwaite.com>
Subject: Action No. 2001-14291 Re: Instrument Number 7648 FT

CAUTION: This email has been sent from an external source. Treat hyperlinks and attachments in this email with care.

Good Morning,

Please see attached which is forwarded to you on behalf of Curtis Marble.

Regards,
Penny

Penny McConnell Legal Assistant to Matt Bobawsky and Curtis E. Marble
D: 403.705.3630 | F: 403.263.5553

CARBERT//WAITE LLP

CARBERT WAITE LLP

2300 Encor Place | 645 - 7 Ave SW | Calgary, AB T2P 4G8

T: 403.263.5656 | F: 403.263.5553 | carbertwaite.com

If this email is not intended for you, please do not read it or otherwise deal with it. Its contents are confidential and privileged. As a courtesy, please reply by email to advise that this email has been miscommunicated. Thank you.

This is Exhibit "E"
referred to in the Affidavit of
Penny McConnell sworn before me
this ____ day of April, 2021.


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



DOCUMENT SUBMISSION NOTICE

- All documents and/or plans presented for registration must be submitted using the Electronic Document Registration Request.

Registrants must log onto the Spin 2 website (www.spin.gov.ab.ca) and use the on-line Document Registration Request (DRR) application to generate a copy of an electronic DRR which is to be attached to the document package.

- Document Registration Request form submitted has been modified. Require most current version to be submitted.
 - Document Registration Request form submitted has been purged or is older than 90 days. Require newly created Document Registration Request form to be submitted.
 - Document Registration Request form submitted has already been registered or has been previously used. Require newly created Document Registration Request form to be submitted.
 - Duplicate Document Registration Requests have been submitted. Require newly created Document Registration Request form to be submitted for attached documents.
 - Duplicate DRR number (Land Titles Prepayments)
 - Other _____
 - Approved by Land Titles 
 - Comments _____
- _____

CURTIS E. MARBLE
marble@carberrwaite.com
403.705.3642

CARBERT//WAITE LLP

File No: 120632.001

January 6, 2021

Via Email: LTOS@gov.ab.ca

Land Titles Office
710 4 Ave SW,
Calgary, AB T2P 0K3

Re: **Thomas H. Ferguson, QC v. Registrar of Titles for the Land Titles Office**
Action No. 2001-14291
Instrument Number 7648 FT

We represent Mr. Ferguson in the above noted matter. Please find enclosed for service on the Land Titles Office an Order pronounced by Justice Malik on December 16, 2020 (the "Order") certifying our client's copy of Instrument Number 7648 FT (the "Instrument") as a true copy of the original (the "True Copy").

The Land Titles Office previously issued a Section 21 Certificate for the Instrument indicating that the document had been lost, mislaid, or destroyed (Order Number 40493750). We obtained the attached Order so as to rectify the missing document status of the Instrument.

Thank you for attending to the rectification of the missing document status of the Instrument and filing the True Copy accordingly.

Please contact me if you have any additional questions or concerns.

Yours truly,

CARBERT WAITE LLP



Curtis E. Marble

Enclosure

2300 Encor Place, 645 - 7 Ave SW
Calgary, AB T2P 4G8

T: 403.283.5558
F: 403.283.5553

CARBERTWAITE.COM

COURT FILE NUMBER

COURT

COURT OF QUEEN'S
BENCH OF ALBERTA

JUDICIAL CENTRE

CALGARY

APPLICANT

THOMAS H. FERGUSON, Q.C.

RESPONDENTS

REGISTRAR OF TITLES for the LAND
TITLES OFFICE
ORDER

DOCUMENT

ADDRESS FOR SERVICE AND
CONTACT INFORMATION OF PARTY
FILING THIS DOCUMENT

Curtis E. Marble
Carbert Walte LLP
2300 Encor Place,
645 - 7th Ave SW
Calgary, AB T2P 4G8

Tel: 403-705-3642
Fax: 403-263-5553
File: 120632.001



DATE ON WHICH ORDER WAS PRONOUNCED: *December 16, 2020*

NAME OF JUSTICE WHO MADE THIS ORDER: *C. P. Marble*

LOCATION WHERE ORDER WAS PRONOUNCED: CALGARY

UPON the Application of the Applicant, Mr. Thomas H. Ferguson, Q.C. (the "Applicant"), for an Order declaring his copy of Instrument Number 7648 FT is a true copy of such Instrument, and directing the registrar to rectify the missing document status of said Instrument; AND UPON having read the Affidavit of the Applicant, sworn November 24, 2020, filed, AND UPON having read the Affidavit of Mr. Robert Engbloom, Q.C., sworn November 24, 2020, AND UPON having noted that the Registrar takes no position on this application;

IT IS HEREBY ORDERED AND DECLARED THAT:

1. The Applicant's copy of Instrument Number 7648 FT, appended hereto at Schedule "A" to this Order is declared to be a true copy of the original (the "True Copy"); and
2. The Registrar shall rectify the missing document status of the Caveat and file the True Copy as Instrument 7648FT.

Per:

OPM

J.C.Q.B.A.

C A V E A T.

7648 1/1

THE REGISTRAR
FOR THE SOUTH ALBERTA LAND REGISTRATION DISTRICT:

TAKE NOTICE that the CANADIAN PACIFIC RAILWAY COMPANY

claims an interest in:

- 70.0 mlb
70.0 mlb
- 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;

P.K.
FORM
Assistant Solicitor

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.

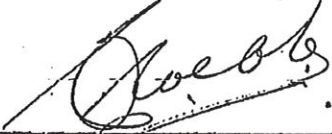
IT APPOINTS the Office of its Department of Natural Resources in the City of Calgary, in the Province of Alberta,

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

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


Witness.

7648 F.T.

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



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.

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, ^{any dwelling house} and 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.

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.

Betty Gablehouse
Witness.

Joseph J. Greenan
Joseph J. Greenan.

Mary P. Greenan
Mary P. Greenan.

CANADA)
PROVINCE OF ALBERTA)
TO WIT: v)

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. Minnell

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

CANADA)
PROVINCE OF ALBERTA)
TO WIT:)

I, Betty Galbreath, 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 Galbreath

A. C. Bury

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

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. m

Leslie Munroe

J. D. Munroe

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

DATED

1914

BETWEEN:

CANADIAN PACIFIC RAILWAY COMPANY,

OF THE FIRST PART,

- and -

JOSEPH J. GREENAN & MARY P. GREENAN,

OF THE SECOND PART.

A G R E E M E N T .

File 16129

RRM/JAF

JAMES Mc CAIG, K.C.
C.P.R. SOLICITOR
CALGARY, ALBERTA.

This is Exhibit "F"
referred to in the Affidavit of
Penny McConnell sworn before me
this ____ day of April, 2021.

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

Jennifer Miller

From: Robert Simpson <Robert.Simpson@gov.ab.ca>
Sent: Wednesday, February 3, 2021 11:16 AM
To: Anita Nowinka
Subject: RE: Action No. 2001-14291 Re: Instrument Number 7648 FT

Good morning,

The document is in the process of being electronically added to the SPIN data base but it is not an easy process. We are waiting on the data group to format and then upload the document to the SPIN data base so it will show on SPIN. We don't have an ETA on the upload as of now.

Bob Simpson

Team Lead & Technical Advisor
Consumer, Registry and
Strategic Services Division
Land Titles and Survey Calgary
Tel 403-355-4824
robert.simpson@gov.ab.ca
Upcoming absents: Jan. 4-8, 2021

The logo for the province of Alberta, featuring the word "Alberta" in a stylized, cursive font with a small square to the right.

Classification: Protected A

From: Anita Nowinka <nowinka@carbortwaite.com>
Sent: Wednesday, February 03, 2021 11:12 AM
To: Robert Simpson <Robert.Simpson@gov.ab.ca>
Subject: RE: Action No. 2001-14291 Re: Instrument Number 7648 FT

CAUTION: This email has been sent from an external source. Treat hyperlinks and attachments in this email with care.

Hi Bob,

I hope you're doing well. I wanted to touch base with you to see if you've heard of any progress on the rectification of the "missing" status of Instrument Number 7648 FT and "re-attachment" to land titles?

I would be happy to give you a call to discuss, if that's easier.

Thanks very much,

ANITA NOWINKA Student at Law
D: [403.705.3662](tel:403.705.3662) | F: [403.263.5553](tel:403.263.5553)

CARBERT//WAITE LLP

From: Anita Nowinka
Sent: January 11, 2021 10:34 AM
To: 'robert.simpson@gov.ab.ca' <robert.simpson@gov.ab.ca>
Subject: FW: Action No. 2001-14291 Re: Instrument Number 7648 FT

Hi Bob,

Further to our phone conversation this morning, please see below the email that was sent to the general Land Titles email last Wednesday, January 6.

I am also attaching all documents that were provided. Copies have been sent via courier and left in the drop box.

Please let me know if you have any questions or concerns. Alternatively, let me know if there are any additional steps involving a Document Registration Request that you would require prior to processing.

Thanks very much!

Regards,

ANITA NOWINKA Student at Law
D: [403.705.3662](tel:403.705.3662) | F: [403.263.5553](tel:403.263.5553)

CARBERT//WAITE LLP

From: Penny McConnell <mcconnell@carbertwaite.com>
Sent: January 6, 2021 9:55 AM
To: LTOS@gov.ab.ca
Cc: Curtis E. Marble <marble@carbertwaite.com>; Anita Nowinka <nowinka@carbertwaite.com>
Subject: Action No. 2001-14291 Re: Instrument Number 7648 FT

Good Morning,

Please see attached which is forwarded to you on behalf of Curtis Marble.

Regards,
Penny

Penny McConnell Legal Assistant to Matt Bobawsky and Curtis E. Marble
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