

COURT FILE
NUMBER QBG 915 OF 2019

COURT OF QUEEN'S BENCH FOR SASKATCHEWAN
IN BANKRUPTCY AND INSOLVENCY

JUDICIAL CENTRE SASKATOON

IN THE MATTER OF THE RECEIVERSHIP OF
BECKERLAND FARMS INC.

TRANSCRIPT OF CROSS-EXAMINATION ON AFFIDAVIT OF
TYSON BECKER BY MR. OLFERT - Vol 1

Held at Saskatoon, Saskatchewan on
September 3, 2019

APPEARANCES:

P. OLFERT

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LTD.

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(via teleconference)

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INC.

INDEX OF UNDERTAKINGS

(Undertakings are inserted and indexed by your Court Reporter as a courtesy service to be utilized at the discretion of Counsel).

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PROVIDE THE NUMBER OF THE NUMBERED COMPANY'S BANK ACCOUNT TOGETHER WITH ACCOUNT STATEMENTS FOR THE MONTHS BEGINNING AUGUST 1, 2018

UNDERTAKING NO. 2: 22

PROVIDE COPIES OF ALL INSURANCE DOCUMENTS THAT CAN BE LOCATED IN RELATION TO THE GRAIN STORAGE BUSINESS SINCE AUGUST 1, 2018 INCLUDING COPIES OF ALL POLICIES, CERTIFICATES OF INSURANCE, RECEIPTS AND WRITTEN AND EMAIL CORRESPONDENCE WITH INSURANCE AGENT

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PROVIDE COPIES OF ALL OF THE NUMBERED COMPANY'S GRAIN STORAGE CONTRACTS THAT CAN BE LOCATED

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PROVIDERS UPON REQUEST TO RELEASE ALL
UTILITY ACCOUNT INFORMATION RESPECTING THE
CANORA FACILITY OR THE WROXTON FACILITY TO
THE RECEIVER

UNDERTAKING NO. 6: 28

PROVIDE COPIES OF ALL RECEIPTS OR OTHER
DOCUMENTS THAT CAN BE LOCATED IN RELATION
TO MAINTENANCE COSTS PAID BY THE NUMBERED
COMPANY FOR THE GRAIN STORAGE BUSINESS

UNDERTAKING NO. 7: 29

PROVIDE COPIES OF ALL RECEIPTS OR OTHER
DOCUMENTS THAT CAN BE LOCATED IN RELATION
TO TRUCKING COSTS PAID BY THE NUMBERED
COMPANY FOR THE GRAIN STORAGE BUSINESS

UNDERTAKING NO. 8: 29

PROVIDE COPIES OF ALL RECEIPTS AND OTHER
DOCUMENTS THAT CAN BE LOCATED IN RELATION
TO OPERATING COSTS FOR THE GRAIN STORAGE

BUSINESS INCLUDING GRAIN AUGERS, BEARINGS
THAT BLOW, CHAINS THAT BLOW UP, GENERAL
WEAR, FILTERS, OIL CHANGES, FUEL, TIRES,
SNOW REMOVAL AND PROPANE

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LOCATED WITH JENNIFER KOH OF BDC IN
RELATION TO BECKERLAND AND THE NUMBERED
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OTHER DOCUMENTS THAT CAN BE LOCATED IN
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AFFIDAVIT OF TYSON BECKER SWORN JULY 8,
2019

1 (Proceedings commenced at 1:34 p.m.)

2 **TYSON BECKER**, Sworn,

3 Questioned by **MR. OLFERT**:

4 Q Thank you, Mr. Becker, you spelled your name
5 for us. Could I ask for your date of birth
6 as well?

7 A December 27th, 1972.

8 Q Thank you. If at any point you don't hear or
9 don't understand a question I have asked, can
10 you let me know, and I'll repeat the
11 question?

12 A Okay.

13 Q Thank you. Your home address is 150 York
14 Road East, Yorkton, Saskatchewan?

15 A No. My home address or my box number?

16 Q Both ideally.

17 A Box number is 1167 Yorkton, S3N 2X3, and my
18 physical location is Lot 19 York Lake Road.

19 Q Thank you. So prior to the receivership
20 proceedings that we're dealing with here, you
21 were the president, secretary and sole
22 director of Beckerland Farms Inc., correct?

23 A Yes.

24 Q And you were also the president, secretary
25 treasurer and sole director of 102016217

1 Saskatchewan Ltd., correct?

2 A Yes.

3 Q I'm going to refer to that as the numbered
4 company just to save time there.

5 A Yeah.

6 Q Beckerland Farms Inc., which I'll refer to as
7 Beckerland, again, to save time, is the
8 subject of receivership proceedings in an
9 action Saskatchewan Court of Queen's Bench
10 number 915 of 2019, Judicial Centre of
11 Saskatoon. You understand that?

12 A Yes.

13 Q And you're represented by Mr. Rusnak. He's
14 here on the phone. Mr. Becker, could you
15 please describe your educational background
16 for me?

17 A Just high school graduate.

18 Q Okay. And what have you done for a living
19 since your graduation there?

20 A Pretty much a realm of everything from worked
21 in sales for Flaman Group of Companies for 18
22 years, farm, farmed farmland, cattle,
23 trucking and storage business, grain drying
24 business, and sales. Typically what I fall
25 back on all the time is sales, ag sales.

1 Q Okay. So Beckerland was initially a farming
2 corporation, was it?

3 A Beckerland started off being a farm, yes.

4 Q Okay. And it sort of transitioned to a
5 service provider, grain storage and drying?

6 A Grain storage provider, service provider,
7 correct.

8 Q And when would that have been?

9 A 2007.

10 Q Thank you. So, Mr. Becker, you swore an
11 affidavit in these receivership proceedings
12 on August 20th, 2019, correct?

13 A Mhmm, yes.

14 Q I've got a copy of that here I'm going to
15 hand to you and ask you to look at couple of
16 places there, and, actually, I should mark
17 that as an Exhibit, or do we do that when
18 we're done with it?

19 COURT REPORTER: Whenever you want.

20 MR. OLFERT: Maybe we'll do it right
21 away just so we know which are which because
22 there's going to be a few here, so can I
23 actually have that back for a second so you
24 can mark it?

25 COURT REPORTER: Yes. Do you want that as

1 Exhibit P-1 or D-1 or --

2 MR. OLFERT: P-1, sure.

3 **EXHIBIT P-1:**

4 AFFIDAVIT OF TYSON BECKER SWORN ON

5 AUGUST 20, 2019

6 Q So you recognize that document?

7 A Yes.

8 Q And that's your signature there on the last
9 page of it?

10 A Yes.

11 Q All right. So you're also aware that there
12 is a court order in these proceedings that
13 was dated August 23rd of 2019 requiring you
14 to attend this cross-examination and to
15 answer the questions that I ask of you?

16 A Correct.

17 Q All right. I'm going to ask the court
18 reporter to mark that as an exhibit as well,
19 and I'll give you a copy of that as well.

20 **EXHIBIT P-2:**

21 COURT ORDER DATED AUGUST 23, 2019

22 Q And we're going to refer mainly to the
23 affidavit. So you swore this affidavit in
24 response to the application by the receiver,
25 Beckerland MNP Ltd., to receive the proceeds

1 from the sale of some grain which had
2 belonged to S&D Solonenko Farms Ltd. and to
3 Clarence Perpeluk, correct?

4 A Yes.

5 Q And it was the lawyer Shawn Patenaude that
6 prepared this affidavit for you; is that
7 right?

8 A I can't -- yes, I can't recall if Shawn
9 Patenaude -- yes.

10 Q Did you swear that at Mr. Patenaude's office
11 in Yorkton?

12 A Yes.

13 Q Okay. And you read that document before you
14 signed it?

15 A Mhmm.

16 COURT REPORTER: I need a yes or a no.

17 A Yes.

18 MR. RUSNAK: Let me interrupt. I
19 think if you're referring to the August 20th
20 affidavit, I believe that affidavit was sworn
21 at my office. If you show him who the
22 commissioner for oaths was, it was Gail
23 Sletten.

24 A Yes. Sorry. Yes, right here at the back.

25 Q Yeah, it looks like it says Gail Sletten, so

1 it might have been at your office.

2 A Yes, it -- it was -- it was sworn at Wayne's
3 office, yes, not Shawn Patenaude's.

4 Q So do you know whether Shawn Patenaude
5 prepared that document?

6 A I don't know. No, I do not know.

7 Q Okay, but --

8 A I don't know if Shawn Patenaude did it or if
9 Wayne did it.

10 Q Okay, but you read that before you signed it?

11 A Yes.

12 Q And did you speak to anyone that wasn't a
13 lawyer about this document?

14 A No.

15 Q Okay. So at paragraph 5 the affidavit says
16 that it pertains to grain storage
17 arrangements for the 2018/2019 season,
18 correct?

19 A Yes.

20 Q So what timeframe are you referring to when
21 you talk about the 2018/2019 season?

22 A Typically that's referring to harvest of '18
23 until the spring, until about July, of '19.
24 It's a typical crop year.

25 Q Okay. So beginning with harvest, though, so

1 beginning in --

2 A So typically your new crop year always starts
3 typically August 1st.

4 Q August 1st.

5 A And it ends usually July 31st of the
6 following year.

7 Q Thank you. Mr. Becker, were there any
8 written contracts or agreements between
9 Beckerland and the numbered company?

10 A No.

11 Q No. Was there any other kind of contractor
12 agreement, written or unwritten, between
13 Beckerland and that numbered company?

14 A Yes. There is a verbal agreement because I
15 own both companies.

16 Q Right. So what were the contents of that
17 verbal agreement?

18 A Basically that Beckerland is a holding asset
19 company, and the numbered company is an op's
20 company.

21 Q Okay. So Beckerland was -- so the operating
22 company was using assets that were owned by
23 Beckerland, you say?

24 A The assets were always owned by Beckerland,
25 and the operation and the services were

1 typically always done by an op's company,
2 which originally was Tyland until the end of
3 the forbearance, and then became the numbered
4 company.

5 Q And what payment or other consideration was
6 given by the numbered company to Beckerland
7 for the use of Beckerland's assets?

8 A Nothing.

9 Q Okay.

10 A Nor was there anything paid between Tyland
11 and Beckerland during the forbearance period.

12 Q Okay. So then I think you have answered some
13 of my next ones, but I'll run through them
14 anyway. The numbered company does not own
15 any land, correct?

16 A The numbered company does not own any land,
17 no.

18 Q The numbered company does not own any grain
19 or fertilizer bins?

20 A No.

21 Q The numbered company does not own any grain
22 drying or aeration equipment?

23 A No.

24 Q The numbered company does not own any trucks,
25 trailers or other transportation equipment,

1 does it?

2 A The numbers company owns -- say that again,
3 please?

4 Q Does the numbered company own any trucks,
5 trailers or other transportation equipment?

6 A No.

7 Q Does the numbered company own any augers?

8 A No.

9 Q Does the numbered company have an accountant?

10 A It's the same accountant.

11 Q And who is that?

12 A It would be Baker Tilly.

13 MR. RUSNAK: I didn't hear that.

14 A Baker Tilly.

15 Q And that's in Yorkton?

16 A Yeah.

17 Q Do they prepare financial statements for the
18 numbered company?

19 A They haven't yet. My financial statements
20 are all way behind.

21 Q Is it your intention to have financial
22 statements prepared for the numbered company?

23 A Eventually when I get more money to pay them
24 because they're not working anymore until
25 they get more money.

1 Q Understood. Does the numbered company have a
2 business license from the Town of Canora?

3 A No.

4 Q Does the numbered company have a business
5 license from the RM of Calder No. 241?

6 A No.

7 Q Does the numbered company have any bank
8 accounts?

9 A The numbered company has a bank account, yes.

10 Q Okay. And where is that bank account
11 located?

12 A TD.

13 Q TD. Do you know the account number for that
14 account?

15 A No.

16 MR. RUSNAK: I can't hear that.

17 A No, I don't.

18 MR. RUSNAK: I didn't hear the
19 question.

20 MR. OLFERT: The question was whether
21 the numbered company has any bank accounts
22 and whether he has --

23 MR. RUSNAK: Okay. I heard that
24 question. Sorry, I thought that you had
25 another one.

1 Q Mr. Becker, will you undertake to provide us
2 with the number of the numbered company's
3 bank account together with account statements
4 for the months beginning August 1st of 2018?

5 MR. RUSNAK: We'll take that under
6 advisement.

7 MR. OLFERT: Thank you, Mr. Rusnak.

8 **UNDERTAKING NO. 1:** (UNDER ADVISEMENT)
9 PROVIDE THE NUMBER OF THE NUMBERED
10 COMPANY'S BANK ACCOUNT TOGETHER WITH
11 ACCOUNT STATEMENTS FOR THE MONTHS
12 BEGINNING AUGUST 1, 2018

13 Q Does the numbered company have any credit
14 history?

15 A Little.

16 Q Has the numbered company borrowed money?

17 A No.

18 Q So what is the nature of its credit history?

19 A Just with local -- local -- like, it would be
20 just local businesses, I guess.

21 Q Okay.

22 A Parts, hardware, maintenance companies that I
23 charge accounts with, et cetera.

24 Q Okay. So why was that numbered company
25 initially created?

1 A That numbered company was initially created
2 because I was in the sales and distributing
3 and importing of Safety Zone calf catchers,
4 so I was importing them from the US, and I
5 was distributing them throughout Canada to
6 dealers and sales, so that's why that company
7 was started.

8 Q And you were doing that prior to August 1st
9 of 2018?

10 A Yes.

11 Q And then after August 1st the grain storage
12 business aspects of it were being operated
13 through the numbered company?

14 A Once the forbearance period ended and Tyland
15 Management, which typically was the op's
16 company -- that company had no money. Tyland
17 had no money in it. It couldn't -- wasn't
18 able to cash flow any operations, and since
19 the numbered company did have cash flow to
20 carry on operations, that's why it just
21 naturally went over to that company.

22 Q So prior to August 1st of 2018 the grain
23 storage contracts were with Tyland Management
24 Inc.?

25 A There was contracts prior to August of '18

1 that were done to Tyland Management, yes.

2 **Q** All of them?

3 **A** All of them. The majority -- I shouldn't say
4 all of them. The majority of them, the
5 majority of them because Tyland Management
6 was the op's company right from the start.

7 **Q** You state that the numbered company paid
8 insurance expenses in relation to the grain
9 storage business. Can you tell me who was
10 the insurance agent for the numbered company?

11 **A** Mark's Agency, Melville.

12 **Q** Who was the named insured on the policies of
13 insurance?

14 **A** I believe -- I believe it's Beckerland
15 because Beckerland would hold the assets, so
16 Beckerland would be the named insured. The
17 premiums got paid by the numbered company
18 because it was the op's company.

19 **Q** Right. What insurance company provided those
20 policies?

21 **A** Originally it was SGI, and then it became
22 Wawanesa here at the end.

23 **Q** Okay. Mr. Becker, will you undertake to
24 provide to our office copies of all insurance
25 documentation in relation to the grain

1 storage business since August 1st, 2018
2 including copies of all policies,
3 certificates of insurance, receipts and
4 written and email correspondence with
5 insurers or insurance agents?

6 A I already --

7 MR. RUSNAK: Yeah, we'll take that
8 under advisement.

9 A Yes. I believe I already provided the
10 contact information to Rick Anderson when he
11 asked for it.

12 MR. OLFERT: And, Mr. Rusnak, I
13 apologize if I'm inexperienced at this, but
14 we're in court on this next week, when you
15 say you're taking undertakings under
16 advisement, I'm going to interpret that as a
17 refusal to give that undertaking.

18 MR. RUSNAK: No, you don't need to --
19 this may or may not be outside the purview of
20 his August 20th affidavit, and that's what I
21 want to review. If it's within the purview
22 of his August 20th affidavit that you've got
23 the right to cross-examine him on, then we'll
24 give it to you, but I just don't know whether
25 it is or isn't at this time. But if he has

1 already given the information to
2 Mr. Anderson, why do you need it a second
3 time?

4 MR. OLFERT: Are we off the record
5 here now? I didn't say that, but maybe we
6 should go off the record for this bit.

7 *(Off the record momentarily)*

8 Q So, Mr. Becker, I'll ask that again here:
9 Will you undertake to provide copies of all
10 insurance documentation in relation to the
11 grain storage business since August 1st, 2018
12 including copies of all policies,
13 certificates of insurance, receipts and
14 written and email correspondence with your
15 insurance agent?

16 A And I'll -- I'll repeat what I said, I gave
17 it all to Rick Anderson already, so he has --
18 he asked for the emails, the email address of
19 my insurance broker, he asked for the phone
20 number and the address and email -- his email
21 contact, so --

22 Q Well, I --

23 A So I guess I'm asking you the same thing, if
24 Rick Anderson already has this information,
25 why do you need it again?

1 Q Well --

2 A Why can't you just get it from him?

3 Q Well, first, Mr. Becker, I'm the one asking
4 the questions here, and, second of all, it's
5 not actually the same thing for you to
6 provide Mr. Anderson with contact information
7 versus to provide me with the documents
8 themselves.

9 MR. RUSNAK: Well, we'll provide you
10 with what documents he has, yes.

11 MR. OLFERT: Okay.

12 **UNDERTAKING NO. 2:**

13 PROVIDE COPIES OF ALL INSURANCE
14 DOCUMENTS THAT CAN BE LOCATED IN
15 RELATION TO THE GRAIN STORAGE BUSINESS
16 SINCE AUGUST 1, 2018 INCLUDING COPIES OF
17 ALL POLICIES, CERTIFICATES OF INSURANCE,
18 RECEIPTS AND WRITTEN AND EMAIL
19 CORRESPONDENCE WITH INSURANCE AGENT

20 Q So back to the affidavit, Mr. Becker, you
21 state at paragraph 5, and, again, at
22 paragraph 7 that all customers who utilized
23 the grain storage facilities for the
24 2018/2019 season paid the numbered company
25 for grain storage services. Does that

1 include anyone other than S&D Solonenko Farms
2 Ltd., which I'll just call Solonenko Farms,
3 and Mr. Perpeluk?

4 A Yes.

5 Q And how many others would there be?

6 A I'd be guessing. I don't know.

7 Q More or less than ten?

8 A There would -- there would be more.

9 Q Okay. Can you tell me any of their names?

10 A No, not at this time.

11 Q How much did those others pay to the numbered
12 company for grain storage?

13 A Again, I would be just guessing.

14 Q You don't know?

15 A Well, I -- I didn't bring those with me, so I
16 would be picking numbers out of the sky just
17 to fulfill your request.

18 Q Did you have written contracts with any of
19 those others?

20 A Just invoices.

21 Q Will you undertake to provide to our office
22 copies of all the numbered company's grain
23 storage contracts?

24 MR. RUSNAK: We will take that under
25 advisement.

1 MR. OLFERT: Very well.

2 **UNDERTAKING NO. 3:** (UNDER ADVISEMENT)
3 PROVIDE COPIES OF ALL OF THE NUMBERED
4 COMPANY'S GRAIN STORAGE CONTRACTS THAT
5 CAN BE LOCATED

6 Q Does the numbered company have any employees?

7 A No.

8 Q Has it ever had any employees?

9 A No.

10 Q At paragraph 5 of your affidavit it states
11 that the numbered company paid wages on
12 behalf of the grain storage business. Who
13 were those wages paid to?

14 A It would be paid to me, and I guess wages,
15 meaning short-term wages, if you're asking if
16 there was a T4 provided, no.

17 Q There were no T4s?

18 A No. It would be short-term wages, so it
19 would be cash.

20 Q And who were those short-term wages paid to
21 other than to yourself?

22 A Not disclosing.

23 Q So you're refusing to answer that question?

24 A I'm refusing to give you the names of the
25 people I paid the cash to, yes.

1 Q Okay. So how much were these individuals
2 paid, yourself and the others?

3 A It would be very minimal.

4 Q Like, how much?

5 A Under 10,000 combined.

6 Q And how were those amounts paid?

7 A Like I told you, in cash.

8 Q Oh, yes, you did tell me. Sorry. You stated
9 that there were no T4s. I take it that there
10 were no payroll deductions such as Canada
11 Pension, Employment Insurance or taxes
12 either, correct?

13 A Correct.

14 Q Mr. Becker, what is the numbered company's
15 yearend for tax purposes?

16 A I don't know.

17 Q Did the numbered company submit a tax return
18 for its last tax year?

19 A No.

20 Q Has the numbered company ever submitted a tax
21 return?

22 A No.

23 Q You state in your affidavit that the utility
24 accounts for the grain storage business were
25 held in the name of the numbered company.

1 Will you undertake to provide to our office
2 copies of all utility bills including power
3 bills for both the Canora and Wroxton
4 facilities since August 1st, 2018?

5 MR. RUSNAK: Yes, he will.

6 **UNDERTAKING NO. 4:**

7 PROVIDE COPIES OF ALL UTILITY BILLS THAT
8 CAN BE LOCATED INCLUDING POWER BILLS FOR
9 BOTH THE CANORA AND WROXTON FACILITIES
10 SINCE AUGUST 1, 2018

11 Q And with that said, Mr. Becker, I am going to
12 suggest to you that the numbered company did
13 not actually hold utility accounts for either
14 the Canora or the Wroxton facility and that,
15 in fact, those utility accounts were held in
16 the name of another person or corporation, I
17 don't know who, so if you are able to, I
18 would ask you to clarify what individual or
19 company held the utility accounts for, first,
20 the Canora facility?

21 A If I -- I don't recall. The power has been
22 shut off in Canora for over a year already,
23 so --

24 Q Okay.

25 A -- so it either was in Beckerland or Tyland,

1 the power for Canora.

2 Q Okay.

3 A And at one time the power was in Beckerland
4 or Tyland for Wroxton, which a year ago got
5 switched over to the numbered company because
6 presently in the numbered company right
7 now -- because I think they're switching it
8 to the receiver. I'm unclear if it's
9 Beckerland or Tyland that was on the account
10 or if it was my name personally on the
11 account.

12 Q Mr. Becker, will you undertake to provide
13 your written consent to all utility providers
14 upon our request to release all utility
15 account information respecting the Canora
16 facility or the Wroxton facility to the
17 receiver MNP Ltd.?

18 A Yes.

19 Q Thank you.

20 **UNDERTAKING NO. 5:**

21 PROVIDE WRITTEN CONSENT TO ALL UTILITY
22 PROVIDERS UPON REQUEST TO RELEASE ALL
23 UTILITY ACCOUNT INFORMATION RESPECTING
24 THE CANORA FACILITY OR THE WROXTON
25 FACILITY TO THE RECEIVER

1 Q You state that the numbered company paid for
2 maintenance costs for the grain storage
3 business?

4 A Mhmm.

5 Q Will you undertake to provide to our office
6 copies of all receipts or other documentation
7 in relation to maintenance costs paid by the
8 numbered company for the grain storage
9 business?

10 MR. RUSNAK: Yeah, he'll provide that
11 undertaking.

12 MR. OLFERT: Thank you.

13 **UNDERTAKING NO. 6:**

14 PROVIDE COPIES OF ALL RECEIPTS OR OTHER
15 DOCUMENTS THAT CAN BE LOCATED IN
16 RELATION TO MAINTENANCE COSTS PAID BY
17 THE NUMBERED COMPANY FOR THE GRAIN
18 STORAGE BUSINESS

19 Q You state that the numbered company paid for
20 the trucking costs of the grain storage
21 business. Will you undertake to provide to
22 our office copies of all receipts or other
23 documentation in relation to trucking costs
24 paid by the numbered company for the grain
25 storage business?

1 A Yes.

2 **UNDERTAKING NO. 7:**

3 PROVIDE COPIES OF ALL RECEIPTS OR OTHER
4 DOCUMENTS THAT CAN BE LOCATED IN
5 RELATION TO TRUCKING COSTS PAID BY THE
6 NUMBERED COMPANY FOR THE GRAIN STORAGE
7 BUSINESS

8 Q You state that the numbered company paid for
9 all other operating costs of the grain
10 storage business as they arose. What are
11 those other operating costs?

12 A General maintenance on grain augers, bearings
13 that blow, chains that blow up, general wear,
14 filters, oil changes, fuel, tires, snow
15 removal, propane.

16 Q Will you undertake to provide to our office
17 copies of all receipts, other documentation
18 in relation to those other operating costs
19 that you just mentioned paid by the numbered
20 company for the grain storage business?

21 A Yes.

22 **UNDERTAKING NO. 8:**

23 PROVIDE COPIES OF ALL RECEIPTS AND OTHER
24 DOCUMENTS THAT CAN BE LOCATED IN
25 RELATION TO OPERATING COSTS FOR THE

1 GRAIN STORAGE BUSINESS INCLUDING GRAIN
2 AUGERS, BEARINGS THAT BLOW, CHAINS THAT
3 BLOW UP, GENERAL WEAR, FILTERS, OIL
4 CHANGES, FUEL, TIRES, SNOW REMOVAL AND
5 PROPANE

6 Q Mr. Becker, you have already stated that the
7 numbered company didn't pay anything or
8 compensate Beckerland for the use of its
9 assets, correct?

10 A Correct.

11 Q I just had a question here. Did the numbered
12 company pay anything to anyone else for the
13 use of its land, bins or other assets?

14 A No, not that I'm aware of.

15 Q All right. I've got here the first report of
16 the receiver in these proceedings dated
17 August 16th, 2019. I'm going to hand that to
18 you as well, Mr. Becker, after giving it to
19 the court reporter to mark as an Exhibit.

20 MR. RUSNAK: I'm sorry, you said what
21 date?

22 MR. OLFERT: First report of the
23 receiver dated August 16th, 2019.

24 MR. RUSNAK: The one I've got is dated
25 the 8th, 9th of July, 2019. Is there another

1 one?

2 MR. OLFERT: That's probably the first
3 report of the interim receiver.

4 MR. RUSNAK: Yes.

5 MR. OLFERT: So, yeah, once they were
6 appointed receiver, they start again at 1.
7 It's a little confusing.

8 MR. RUSNAK: I don't have that other
9 one that you mentioned, the August 6th [sic]
10 one. I couldn't find it.

11 MR. OLFERT: I'm sorry, Mr. Rusnak.
12 I'm not going to refer to anything too
13 esoteric in here, just this is where I have
14 the grain storage contracts at issue here.

15 MR. RUSNAK: Okay. That's fine. And
16 so when you get a chance, send me that August
17 6th one?

18 MR. OLFERT: Will do. August 16th.

19 MR. RUSNAK: I'm sorry, August 16th,
20 yeah, I don't have that one, and I have
21 hunted high and low for it this morning.

22 MR. OLFERT: Yeah. They'll be on
23 MNP's website as well, but I'll send you a
24 copy.

25 MR. RUSNAK: All right.

EXHIBIT P-3:

FIRST REPORT OF THE RECEIVER DATED

AUGUST 16, 2019

1
2
3
4 **Q** So I've handed that to you, Mr. Becker, that
5 first report. It's a bit of an abridged
6 version. It has a lot of Exhibits. I've
7 just got F and H there as you can see from
8 the tabs, but I'll ask you to flip to F, and
9 that's the storage contract, I believe, with
10 S&D Solonenko Farms, correct?

11 **A** Yes.

12 **Q** And there is a part there in the handwritten
13 part where it says, customer fills bins with
14 his own equipment, correct?

15 **A** Yes.

16 **Q** Could I then ask you to flip to tab H there,
17 Exhibit H. This is the storage contract with
18 Clarence Perpeluk, correct?

19 **A** Yes.

20 **Q** There are no references in this agreement to
21 any services other than storage, correct?

22 **A** Yes.

23 **Q** Okay. So those two storage contracts with
24 Solonenko Farms and Mr. Perpeluk, they each
25 indicate that GST, goods and services tax,

1 was charged in relation to the services
2 provided, correct?

3 A Mhmm, yes.

4 Q Does the numbered company have a GST number?

5 A Yes.

6 Q Does the numbered company have a GST account
7 with Canada Revenue Agency?

8 A If I have a number, wouldn't I have an
9 account? I don't know. Like I said, I don't
10 know.

11 Q Fair enough. Who is in charge of
12 administering GST remittances for the
13 numbered company?

14 A It would be me -- or, no, well, it wouldn't
15 be me. It would be my bookkeeper at the
16 time, but she no longer works for -- for a
17 while now, so I guess it would have to be,
18 then, Baker Tilly.

19 Q So did the numbered company remit GST to
20 Canada Revenue Agency for 2018?

21 A No.

22 Q Did the numbered company remit GST to Canada
23 Revenue Agency in any year prior to 2018?

24 A Unaware.

25 Q That's actually all I have for that document,

1 Mr. Becker.

2 A Okay.

3 Q I'm going to hand you another one here yet
4 after I give it to the court reporter.

5 **EXHIBIT P-4:**

6 INVOICE NUMBER 109 TO AFAB INDUSTRIES

7 MR. RUSNAK: Did you mark that as an
8 exhibit, the last one?

9 MR. OLFERT: The receiver's report?
10 The receiver's report is P-3.

11 MR. RUSNAK: P-3?

12 MR. OLFERT: Yes.

13 MR. RUSNAK: All right.

14 MR. OLFERT: And P-4 here is a single
15 page, Mr. Rusnak. This would have come to
16 you a bit late, but this is -- it would have
17 come in your email this morning.

18 MR. RUSNAK: Okay. Which one is it?

19 MR. OLFERT: It's an invoice numbered
20 109.

21 MR. RUSNAK: You're cutting out on me.
22 Sorry.

23 MR. OLFERT: It's an invoice numbered
24 109.

25 MR. RUSNAK: All right. I think I

1 have it, yes.

2 MR. OLFERT: It's to AFAB Industries.

3 MR. RUSNAK: I have it.

4 MR. OLFERT: Okay.

5 MR. RUSNAK: I don't know if

6 Mr. Becker has seen it because I think I got
7 it after when he was on the road.

8 Q Okay. So, Mr. Becker, this is an invoice
9 issued by Beckerland Farms, correct?

10 A Correct.

11 Q That's your signature on there?

12 A Yes.

13 Q So I have to ask, can you describe for me
14 what a Nash Car Aluminator enclosed trailer
15 is?

16 A It's a snowmobile trailer.

17 Q Oh, okay. And Beckerland sold this trailer
18 to AFAB Industries, correct?

19 A Correct.

20 Q And AFAB Industries is a building contractor?

21 A Correct.

22 Q And the total price including taxes was
23 \$34,464.78?

24 A That's the amount put on the invoice,
25 correct.

1 Q Right. Mr. Becker, whose handwriting is it
2 at the top of the contract here -- or the
3 invoice?

4 A That is Laura's, the girl that worked for me.

5 Q Okay. And what's her last name?

6 A Krantz, K-R-A-N-T-Z.

7 Q That's your former bookkeeper?

8 A Yeah.

9 Q And when did she leave Beckerland Farms?

10 A I want to say it was July of last year, of
11 '18.

12 Q July of '18?

13 A Yeah.

14 Q And was she an employee of Beckerland or a
15 contractor?

16 A She was an employee of Beckerland.

17 Q Okay. Full time?

18 A Full time.

19 Q And that handwritten note on that page says,
20 offset against cabin return, correct?

21 A Correct. There was no money exchanged.

22 Q Right. So what happened there? I guess I'll
23 let you explain that.

24 A I owed AFAB Industries for a pull shed that
25 they had built on the southeast 32-26-31

1 quarter of land, and I gave him the cabin in
2 lieu of payment, and then he returned the
3 cabin and took the trailer in lieu of
4 payment.

5 Q So you refer to the pull shed as a cabin?

6 A No, no. He built me a cattle pull shed,
7 like, a building, and his labour and material
8 costs were roughly that amount of money, and
9 since I couldn't afford to pay him, I gave
10 him a cabin that I had owned personally, and
11 then that cabin, he returned it, and I then
12 gave him the trailer because it worked better
13 for him than the cabin.

14 Q Okay. So the pull shed that was built, was
15 that for Beckerland or for you personally?

16 A It was for Beckerland, for the cattle
17 operation.

18 Q Okay.

19 A Which is built, like it says, on a different
20 quarter of land than what the bins are on.

21 Q Okay. Thank you, Mr. Becker. We're done
22 with this document. So, Mr. Becker, I have
23 now a set of six invoices issued by
24 Beckerland to a Mr. Dale Thomaschewski, and,
25 Mr. Rusnak, those are the other six invoices.

1 So I had sent you seven invoices, and one,
2 one-page contract, so I just referred to 109,
3 and here I've got 114 through 119, so I'm
4 kind of referring to all of those
5 collectively.

6 MR. RUSNAK: Yeah, I have those.

7 MR. OLFERT: Okay. I'll hand them
8 here to the court reporter.

9 **EXHIBIT P-5:**

10 INVOICES NUMBERED 114 THROUGH 119 TO
11 DALE THOMASCHEWSKI

12 Q All right. So, Mr. Becker, I'll get you to
13 flip through those with me to confirm the
14 invoice number and date. The first there is
15 number 114 dated May 1st of 2018, correct?

16 A Yeah, yes.

17 Q The second, number 115, dated May 10th, 2018?

18 A Yes.

19 Q Number 116 dated May 10th, 2018?

20 A Yes.

21 Q Number 117 dated May 10th, 2018?

22 A Yes.

23 Q Number 118 dated May 30th, 2018?

24 A Yes.

25 Q And number 119 dated May 30th, 2018?

1 A Yes.

2 Q And those are invoices issued by Beckerland
3 Farms Inc. to Dale Thomaschewski?

4 A Correct.

5 Q All right. Each of those invoices has a
6 handwritten note at the top, correct?

7 A Yes.

8 Q And that's Laura Krantz's handwriting again?

9 A Yes.

10 Q That note says, transfer from 102016217 on
11 each of the six, correct?

12 A Yes.

13 Q Mr. Becker, is it correct that
14 Mr. Thomaschewski paid the amounts of each of
15 those invoices to the numbered company and
16 not to Beckerland?

17 A He paid them to the numbered company because
18 the numbered company was the operation
19 company. Beckerland Farms is the asset
20 company and the brand.

21 Q So these invoices are dated in May of 2018?

22 A Yes.

23 Q When were they paid?

24 A I'm assuming just prior to that.

25 Q You assume those invoices were paid prior to

1 May of 2018?

2 A Well, if it says transfer, it means they had
3 been paid already. Yeah, I -- yeah, I'm only
4 assuming.

5 Q Okay. I think we're done with those invoices
6 there, Mr. Becker. I'll now direct your
7 attention to a custom grain storage service
8 agreement between Beckerland and Garnet
9 Lacusta dated August 26th, 2017, and,
10 Mr. Rusnak, that's the last attachment from
11 my email this morning.

12 MR. RUSNAK: That would be P-6?

13 MR. OLFERT: Yes.

14 MR. RUSNAK: Yeah, I have it.

15 **EXHIBIT P-6:**

16 CUSTOM GRAIN STORAGE SERVICE AGREEMENT
17 BETWEEN BECKERLAND AND GARNET LACUSTA
18 DATED AUGUST 26, 2017

19 Q Mr. Becker, this is a custom grain storage
20 service agreement between Beckerland and
21 Garnet Lacusta dated August 26th, 2017,
22 correct?

23 A Correct.

24 Q And that's your signature there on behalf of
25 Beckerland?

1 A Mhmm.

2 Q The agreement defines the company as
3 Beckerland, correct?

4 A Yeah.

5 Q It says here that the company, that is
6 Beckerland, owns the Wroxton storage
7 facility, correct?

8 A Yes.

9 Q And that was true as well on August 26th of
10 '17 when the contract was signed, correct?

11 A Yes.

12 Q And other than a sale of a couple of bins to
13 Flaman Sales Inc., Beckerland has not sold or
14 transferred the Wroxton storage facility or
15 any part of that facility to anyone else,
16 correct?

17 A Transferred it, no.

18 Q I think we're done with that one as well,
19 and, actually, you can probably hand back
20 those other two as well. I think we're done
21 with those. I'll give them back if you need
22 them. All right. Mr. Becker, I've got
23 another document here. This is your
24 affidavit sworn December 5th, 2018 filed in
25 the proceedings brought in the Judicial

1 Centre of Yorkton by Beckerland against
2 Business Development Bank of Canada, which
3 I'll refer to as BDC, Q.B. number 241 of
4 2018. I'll have that marked and hand it to
5 you.

6 **EXHIBIT P-7:**

7 AFFIDAVIT OF TYSON BECKER SWORN DECEMBER
8 5, 2018 IN Q.B. NO. 241 OF 2018

9 Q Mr. Becker, this is your affidavit sworn
10 December 5th of 2018. Do you remember
11 signing that?

12 A Yes.

13 Q That's your signature there that you were
14 looking at?

15 A Yes.

16 Q The only parties to this court matter are the
17 Business Development Bank of Canada and
18 Beckerland, correct?

19 A In this affidavit, yes.

20 Q And at the beginning of the affidavit you
21 state that you were making the affidavit in
22 your capacity as president of Beckerland,
23 correct?

24 A Yes.

25 Q All right. Could I ask you to turn to

1 paragraph 8? I'm going to take you through a
2 couple parts of this, Mr. Becker. You said
3 at that time that, quote: (as read)

4 As a result of the wet weather in
5 September and October 2018 I was
6 approached by Wroxton and area farmers
7 to dry grain. The storage facilities
8 that I have at Wroxton total 750,000
9 bushels, and I have a commercial grain
10 dryer at the storage facility premises
11 located on the northeast 29-26-31 west
12 of the 2nd.

13 End quote. And skipping ahead to paragraph 9
14 you say, quote: (as read)

15 At the current time I have completed
16 approximately 65 percent of the drying,
17 and I anticipate having the balance of
18 drying completed by February 15th, 2019;
19 however, this is dependent upon weather
20 conditions as I cannot dry grain if the
21 weather gets below minus 20 degrees
22 Celsius.

23 End quote. You will notice there that I'm
24 emphasizing your use of "I," Mr. Becker. It
25 was not you, Tyson Becker the individual, who

1 brought this application in December of 2016,
2 was it?

3 A I'm unclear how to answer that. I don't
4 understand.

5 Q Well, Business Development Bank of Canada had
6 employed a bailiff, Mr. Gabrysh, to seize
7 certain assets of Beckerland, correct?

8 A Correct.

9 Q And Beckerland instructed its counsel to
10 bring a court application to prevent
11 Beckerland from doing so, at least in the
12 short term, correct?

13 A Correct.

14 Q And those weren't your assets that Business
15 Development Bank of Canada was seizing; it
16 was Beckerland's assets, correct?

17 A Correct.

18 Q So it wasn't you, Tyson Becker, bringing that
19 application; it was Beckerland?

20 A Correct.

21 Q Right.

22 A They referred to it as Beckerland, yes.

23 Q Right. It also was not the numbered company
24 having its assets seized, and it was not the
25 numbered company bringing that application,

1 correct?

2 A I was only referring back to what they were
3 referring to, so they referred to it as
4 Beckerland. It should have been referred to
5 back as Beckerland, but the services here,
6 again, were services provided by the numbered
7 company. The asset, again, is Beckerland.

8 Q And when you say the services here, you're
9 pointing at paragraph 8 of your affidavit,
10 correct?

11 A 8, yes.

12 Q Mr. Becker, you're aware that when those
13 prior proceedings came before the Court,
14 Mr. Rusnak asked Mr. Justice Megaw of the
15 Court of Queen's Bench to conclude that
16 Beckerland was earning income from drying
17 grain?

18 A Again, referred to as Beckerland.

19 Q I don't follow. Mr. Rusnak was referring to
20 the numbered company as Beckerland?

21 A The -- what got brought up in the proceedings
22 has always been Beckerland because that's
23 what BDC always refers it to is Beckerland,
24 but BDC all knew through that whole court
25 with Megaw that -- that there was Beckerland

1 and that Tyland was not really a company and
2 that there was a numbered company. BDC was
3 aware of this from day one.

4 Q BDC was aware that the income coming in from
5 the grain storage and drying operation was
6 going to the numbered company and not to
7 Beckerland?

8 A Correct, absolutely 100 percent.

9 Q Okay, but you do know -- and maybe you
10 answered this already, but you do know that
11 Mr. Rusnak asked the judge, Mr. Justice
12 Megaw, to conclude that Beckerland was
13 earning income from drying grain, correct?

14 A I am -- I'm aware that the Beckerland Farms
15 name is used in more than one meaning. It's,
16 like, many McDonald's restaurants or hotels
17 operate by the tradename that you go to, but
18 if you go walk to the counter, there's always
19 a thing on the wall that says operating as
20 Sask limited blah, blah, blah, blah number.
21 You'll see that in most hotels, but you don't
22 go tell wherever you went that you stayed at
23 that number, do you? You say you stayed at
24 the Holiday Inn.

25 Q But your bank cares very much about that

1 difference, Mr. Becker, and that's why I'm
2 asking you --

3 A And this is what I'm trying to relay. I'm
4 trying to relay that Beckerland -- that's
5 what BDC referred it to, as Beckerland, and
6 that's what we responded to back as
7 Beckerland, but the truth of the matter is,
8 is that BDC knew from -- right from the start
9 that the contracts for the grain services
10 provided were always through Tyland
11 Management, and when Tyland Management ended
12 and had no more money in it the numbered
13 company picked it up from there because it
14 had money to keep operating. That was as
15 clear as is black and white to BDC.

16 Q But, Mr. Becker, I am going to suggest to you
17 that Mr. Rusnak did invite Mr. Justice Megaw
18 to draw that inference that Beckerland was
19 earning income from the grain drying
20 operation and that he did so in order to
21 argue that the Court should prevent BDC from
22 seizing the grain drying equipment from
23 Beckerland; isn't that right?

24 A Again, and I'm going to say, he referred to
25 it as Beckerland. Yes, he referred to it as

1 LOCATED WITH JENNIFER KOH OF BDC IN
2 RELATION TO BECKERLAND AND THE NUMBERED
3 COMPANY

4 Q Did the numbered company grant a general
5 security agreement in favour of BDC?

6 MR. RUSNAK: No, they did not.

7 A No.

8 MR. RUSNAK: Unless you know
9 otherwise.

10 A I don't know, so I would say no.

11 Q All right, Mr. Becker, I've got another
12 document here. I'll switch you out after the
13 court reporter has marked this last one,
14 please.

15 **EXHIBIT P-8:**

16 AFFIDAVIT OF JOHN GABRYSH SWORN JUNE 27,
17 2019

18 Q P-8 is the affidavit of John Gabrysh sworn
19 June 27th, 2019, and that's in the
20 receivership proceedings?

21 A Yes.

22 Q Mr. Becker has the John Gabrysh affidavit
23 there. Mr. Becker, you have reviewed this
24 John Gabrysh affidavit before, correct?

25 A Yes.

1 Q In fact, the affidavit we were just looking
2 at -- and I shouldn't have taken it away from
3 you; I'm going to give it back because we're
4 going to go back and forth for a little bit
5 here. I haven't given you that one yet. You
6 filed an affidavit in response to this one in
7 the course of the receivership proceedings,
8 correct?

9 A Where is that affidavit that I filed?

10 Q Well, I'll show it to you here.

11 A Okay.

12 Q I have it here.

13 A Okay.

14 Q I'll get it marked, and then I'll show it to
15 you.

16 **EXHIBIT P-9:**

17 AFFIDAVIT OF TYSON BECKER SWORN JULY 8,
18 2019

19 Q P-9 is the affidavit of Tyson Becker sworn
20 July 8th, 2019, and I'll give you that as
21 well. Might have to flip around a little
22 bit. So this affidavit is your affidavit,
23 and that's sworn July 8th of 2018, correct?

24 A Yeah, yes.

25 Q Okay, so you have both of them there. Going

1 back to Mr. Gabrysh's affidavit,
2 Mr. Gabrysh's affidavit at paragraph 2, he
3 talks about two lists, a list of equipment at
4 Exhibit A and a list of bins at Exhibit B,
5 correct?

6 A Mhmm, yes.

7 Q So if you flip to Exhibit A of the tab there,
8 there is a list of equipment there, right?

9 A Correct.

10 Q 20-foot gravel trailer tandem and dump and on
11 continuing to the top of the second page if
12 you flip it, correct?

13 A Correct.

14 Q And at Exhibit B there is a list of bins,
15 correct?

16 A Correct.

17 Q Westeel bins, Twister bins, Titan bins, and
18 that goes on for two pages and the top of the
19 third page, correct?

20 A Correct.

21 Q All right. So if you flip back to the body
22 of Mr. Gabrysh's affidavit before the
23 exhibits, back to paragraph 8 --

24 A Yeah.

25 Q -- Mr. Gabrysh describes paying a visit to

1 the Wroxton facility and seizing some assets
2 which he says he lists in Exhibit E, right?

3 That's what he says?

4 A Yes.

5 Q So going now to Exhibit E, I think you've got
6 schedule A and a schedule B, so we want
7 schedule B. Yeah, maybe that's it.

8 A Schedule B, yeah.

9 Q Yeah, there it is, schedule B.

10 A Yes.

11 Q So he lists 81 items seized at the Wroxton
12 facility, correct?

13 A Yes.

14 Q All right. And on the first four pages
15 there, there are bins, yes?

16 A Yes.

17 Q And then starting at 61, item 61, there is a
18 John Deere 4-wheel-drive tractor, and it
19 starts going into equipment, correct?

20 A There is a John Deere front wheel assist
21 tractor, yes, correct, yes.

22 Q Front wheel assist, sorry. 62(a), do you
23 have it there?

24 A Yes.

25 Q There is a reference to a 2013 Volvo VNL64T

1 highway tractor being held at Dave's Diesel
2 with a mechanic's lien against it, correct?

3 A Correct.

4 Q All right. And if you go now to Exhibit F of
5 Mr. Gabrysh's affidavit there is a list from
6 SGI of vehicles registered to Beckerland,
7 correct?

8 A Yes.

9 Q And that list includes a 2013 Volvo heavy
10 vehicle bearing serial number
11 4V4NC9KK6DN563499?

12 A Yes.

13 Q Okay. Bear with me here. So back with your
14 July 8th affidavit, at paragraph 2 you state
15 that this affidavit is made in response to
16 Mr. Gabrysh's affidavit that we were just
17 looking at, correct?

18 A Correct.

19 Q And at paragraph 4 of your July 8th affidavit
20 you note that certain bins formerly owned by
21 Beckerland were sold to Flaman Sales Inc., 30
22 bins in total, correct?

23 A Correct.

24 Q And you refer to items 54 to 65 and 79 to 98.
25 That has to be, I think, Exhibit A to

1 Mr. Gabrysh's affidavit because if you look
2 at A, it actually has those numbers in the
3 list?

4 A No, it's not Exhibit A. It would be B.

5 Q It would be, sorry, B, yes.

6 A Yes.

7 Q B has numbers in the list, W --

8 A Yes, yes, yes, B.

9 Q Because it goes up to -- it goes up past 98,
10 correct?

11 A 98, yeah, correct.

12 Q Up to 98?

13 A Yes, correct.

14 Q And Exhibit E doesn't have those numberings
15 if you flip to it. I'm just trying to be
16 clear here because in the body you say
17 paragraph 8, and I think --

18 A Correct.

19 Q Yeah, but I think it's got to be at schedule
20 B that we were looking at because this one
21 doesn't go up to 98.

22 A No, because it lists everything else too.

23 Q Right.

24 A Yeah.

25 Q So that list of bins back in B is the list

1 that you're talking about when you talk about
2 the bins that were sold to Flaman, correct?

3 A Correct. He sees bins that weren't there,
4 and I told him that over and over, so his --
5 his bailee seizure was not accurate
6 whatsoever because how do you see something
7 that you don't see?

8 Q Right.

9 A He seized -- he seized 20 bins that he did
10 not see.

11 Q Yeah, no. Okay. Just answer the questions
12 if you would. So you were aware at the time
13 you swore this affidavit, Mr. Becker, that
14 BDC had filed Mr. Gabrysh's affidavit in
15 support of its application for receivership
16 order over the assets of Beckerland, correct?

17 A Correct.

18 Q And you were aware that BDC was not asking
19 for a receivership order over the assets of
20 any person or company other than Beckerland?

21 A Correct.

22 Q And you're aware that if Mr. Gabrysh had
23 assumed that Beckerland owned an asset or a
24 group of assets but really Beckerland had
25 not, then you had an obligation to correct

1 Mr. Gabrysh, correct?

2 A I'm unaware of that.

3 Q Yeah, I think you've already answered it
4 because you've made it clear that you picked
5 out parts of these that you disagreed with.
6 Where you disagreed with something in
7 Mr. Gabrysh's affidavit you let him know,
8 and, in fact, you put it in your later
9 affidavit, correct?

10 A Right. Correct, yes.

11 Q Yes. Thank you, Mr. Becker. We're almost
12 done here. Was the numbered company losing
13 money on all of its grain storage contracts
14 in 2018 and 2019, that year starting August
15 1st, 2018?

16 A Did I lose money?

17 Q Was the numbered company losing money on all
18 of its grain storage contracts starting
19 August 1st, 2018?

20 A No.

21 Q So the numbered company was making money on
22 some or all of its grain storage contracts?

23 A Some or all, yes.

24 Q Right. Where was that money paid?

25 A It was paid through the numbered company.

1 Q Right. So is that money still being held in
2 a numbered company bank account?

3 A No. There is no money in the numbered
4 company bank account. It paid expenses, it
5 paid bills, and we all know lawyers aren't
6 cheap.

7 Q Understood. Will you undertake to our office
8 to provide all bank records and other
9 documentation in relation to the proceeds of
10 the grain storage contract since August 1st,
11 2018?

12 MR. RUSNAK: We'll take that under
13 advisement. I think you have almost asked a
14 similar question.

15 MR. OLFERT: You may be right,
16 Mr. Rusnak, but you have taken it under
17 advisement.

18 **UNDERTAKING NO. 10:** (UNDER ADVISEMENT)
19 PROVIDE COPIES OF ALL BANK RECORDS AND
20 OTHER DOCUMENTS THAT CAN BE LOCATED IN
21 RELATION TO THE PROCEEDS OF THE GRAIN
22 STORAGE CONTRACT SINCE AUGUST 1, 2018

23 Q So, Mr. Becker -- and Mr. Rusnak and I have
24 discussed this, but the matter is back in
25 court on Thursday, September 12th. I think

1 the Solonenkos and the Perpeluks would like
2 to see the matter resolved, and they want it
3 coming back pretty quickly, but we're in
4 court on September 12th. I would like you to
5 make your best efforts to complete these
6 undertakings, and if Mr. Rusnak determines
7 you're going to comply with some of the
8 others as well, to complete all those no
9 later than Monday, September 9th. Will you
10 agree to do that?

11 A I'm going to try.

12 MR. OLFERT: Thank you. All right. I
13 think that should be it. I propose to
14 adjourn the Cross-examination pending
15 compliance with those undertakings.

16 *(Adjourned at 2:35 p.m.)*

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CERTIFIED COURT REPORTER'S CERTIFICATE

I, LISA MacDONALD, CSR, Certified Court Reporter,
hereby certify that the foregoing pages contain a
true and correct transcription of the recorded
proceedings herein to the best of my knowledge,
skill and ability.

LISA MacDONALD, CSR

CERTIFIED COURT REPORTER

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