

Form 13-31
(Rule 13-31)

COURT FILE NUMBER Q.B. No. 733 of 2021
COURT OF QUEEN'S BENCH FOR SASKATCHEWAN
IN BANKRUPTCY AND INSOLVENCY
JUDICIAL CENTRE SASKATOON
APPLICANT ABBEY RESOURCES CORP.

IN THE MATTER OF THE *COMPANIES' CREDITORS ARRANGEMENT ACT*,
RSC 1985, c C-36, AS AMENDED (the "CCAA")

AND IN THE MATTER OF A PLAN OF COMPROMISE OR ARRANGEMENT
OF ABBEY RESOURCES CORP.

FOURTH AFFIDAVIT OF JAMES GETTIS

I, James Gettis, of the City of Calgary, in the Province of Alberta, make oath and say as follows:

1. I am the President and sole director of Abbey Resources Corp. (the "**Company**"), and as such, I have personal knowledge of the facts and matters hereinafter deposed to, except where stated to be on information and belief, and whereso stated, I verily believe the same to be true.
2. Capitalized terms in this Affidavit have the same meanings ascribed to them in my Affidavit dated July 13, 2021, (the "**First Gettis Affidavit**") filed in these proceedings.
3. I make this Affidavit in response to the August 3, 2021, Affidavit of Brad Wagner (the "**Second Wagner Affidavit**"), filed on behalf the Ministry of Energy and Resources (the "**MOER**") in these proceedings.
4. I can confirm that, on July 30, 2021, the Company received the July 29, 2021, letter from the MOER and enclosure thereto attached as Exhibit "A" to the Second Wagner Affidavit. I note that the said July 29, 2021, letter appears to indicate that the MOER now values the Company's total assets at \$6,844,726. Previously, such assets were valued by the MOER at approximately \$45,000,000 for the purposes of calculating the Company's LLR. The MOER has not previously, at any point, indicated to the Company that it would be necessary to revalue the Company's total assets on a substantially different basis for the purpose of LLR calculation.
5. The Company disputes the \$6,844,726 valuation of its total assets. However, without additional details from the MOER, I am unable to provide comment on the Company's view of a quantification of its total asset value at a figure of substantially less than the Company's annual gross sales revenues.
6. I have read the memorandum, dated July 28, 2021, appended to the Second Wagner Affidavit as Exhibit "B" thereof. While I acknowledge that the spills in question identified therein occurred, the Company


maintains that it has appropriately and diligently responded to all such spills substantially in compliance with all applicable regulations.

7. Further, the Company disputes the MOER's characterization as to the severity of the spills in question in the MOER's July 28, 2021, memorandum. The Company has been in direct communication on these points with the MOER in recent months and has not been compelled by the MOER to take immediate and significant steps to address reclamation issues arising from past spills. Similarly, the MOER has not previously directed the Company to depart from or modify its existing plan to reduce future spills.
8. Indeed, representatives from the Company attended a meeting with the MOER on May 5, 2021, to discuss issues generally pertaining to spills. I am attaching a copy of a meeting agenda provided to the Company by a representative from the MOER as Exhibit "A" of this Affidavit. I note that the meeting agenda indicated that it was the MOER's intention to discuss a possible agreement to address restoration historical spills within three years.
9. To be clear, the Company takes all spills very seriously and will continue to take all reasonable steps to avoid such spills and to appropriately respond to the same. The Company has the resources and personnel to continue to identify any further spills, should they occur.
10. Additionally, I note that the Company maintains sudden and accidental pollution insurance in the amount of \$1,000,000 as part of its commercial general liability insurance policy. It would be the Company's intention to rely on this policy in the event that of significant spill.

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11. I make this Affidavit in support of the Company's Application for an Initial Order under the CCAA and for no other or improper purpose.

SWORN before me at the City of)
Calgary, in the Province of)
Alberta, this 3rd day of)
August, 2021.)
_____)



James Gettis

A Commissioner for Oaths for
the Province of Alberta
My appointment expires: _____
Or Being a Solicitor

CONTACT INFORMATION AND ADDRESS FOR SERVICE

Name of Firm:	DLA PIPER (CANADA) LLP
Name of lawyer in charge of file:	Jerritt R. Pawlyk / Kevin Hoy
Address of legal firm:	Suite 2700 10220 - 103rd Ave NW Edmonton, AB T5J 0K4
Telephone number:	780.429.6835
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CAN: 37844382.1

FORM PD1

(Enacted March 25, 2020)

(Amended August 7, 2020)

DECLARATION OF LAWYER WHO HAS WITNESSED DOCUMENTS

VIA ELECTRONIC MEANS

I Kevin Hoy, of Calgary, in the Province of Alberta, a Lawyer, did on August 3, 2021, witness James Gettis sign the following documents via electronic means:

- 1. Fourth Affidavit of James Gettis
- 2.
- 3.

Pursuant to Law Society of Saskatchewan Practice Directive 1, issued March 25, 2020 and amended on August 7, 2020, I have turned my mind to the risks associated with the witnessing of documents via electronic means. I have assessed the following risks, and have answered "yes" or "no" to indicate where I have identified concerns:

- 1. Have I identified any indicia that the transaction might be fraudulent? No
- 2. Did I identify concerns, including the physical presence of a third party in the company of my client while they were signing the documents, suggesting that there is a risk that the client may be subject to undue influence or duress? No
- 3. Did I identify concerns about my client's understanding about the documents they are executing? No
- 4. Did I identify concerns about my client not having an adequate opportunity to ask questions about the document being signed? No

Where I have indicated "yes" to the statements above, I managed the risks by the following means:

Attached hereto is a screen capture of my client with their photo identification that was presented to me via electronic means during the session where the above noted documents were executed.

I DO SOLEMNLY DECLARE that the statements contained in this form are complete and true in every respect. AND I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

August 3, 2021

DATE



Signature of Lawyer



support of the Company's Application for an Initial Order under the CCAA and
purpose.

City of



James Gettis

for

AND ADDRESS FOR SERVICE

of file:

DLA PIPER (CANADA) LLP
Jerritt R. Pawlyk / Kevin Hoy
Suite 2700
10220 - 103rd Ave NW
Edmonton, AB T5J 0K4



This is **Exhibit A** referred to in the Affidavit of JAMES GETTIS, sworn before me on this 3rd day of August, 2021.



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

Hoy, Kevin

From: Hoy, Kevin <kevin.hoy@ca.dlapiper.com>
Sent: Tuesday, August 03, 2021 6:01 PM
To: kevin.hoy@dlapiper.com
Subject: RE: Meeting information

From: Fenn, Jonas ER [<mailto:jonas.fenn@gov.sk.ca>]
Sent: Thursday, April 22, 2021 8:52 AM
To: Fenn, Jonas ER; Brian Christianson; Lowe, Tiffany ER; Lenz, Scott ER
Subject: [EXTERNAL] Abbey
When: Wednesday, May 5, 2021 11:00 AM-12:00 PM (UTC-06:00) Saskatchewan.
Where: Microsoft Teams Meeting

Brian,

Scott and Tiffany would like to discuss with you the following items listed below. It will be a high level discussion and feel free to invite whomever you would like. From ER it will only be the three of us.

- 1) Commitment to address restoration of historical spills
 - Review of incidents that have occurred in the past five years, to ascertain if vegetation has been established on the site.
 - ER would like to set a reasonable time frame for Abbey to have this completed, ie) three years
 - Priority should be placed on sites within native pasture and sites that are still open in IRIS
- 2) Waste Processing Facility
 - At the moment Abbey's waste processing facility has been cited as not being compliant as impacted material has been stockpiled off of the pad
 - ER would like a commitment from Abbey to ensure that all impacted material is on pad and that the site is compliant
- 3) Commitment to complete third party gas migrations on all of their wells
 - On some of Abbey wells there were commitments made for yearly gas migrations. ER would like to have gas migrations completed in these areas again and frequency determined by the first survey
 - ER would like to set a reasonable time frame for Abbey to have this completed, ie) three years
- 4) Reduce the number of spills and the sized of the releases
 - Flow line breaks on the landscape for long periods, need to ensure Abbey is properly inspecting their wells and facilities
 - Abbey had committed to completed some work on their flow lines to have less releases, ER would like an update on how that is progressing
 - Can Abbey formulate a plan to reduce the number of spills on the landscape
- 5) Commitment to address minor field inspection issues
 - ie) lack of proper signage
 - ER would like to set a reasonable time frame for Abbey to have this completed, ie) three years

Thanks,