

Form 6-5
(Rule 6-5)

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

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

NOTICE OF APPLICATION
(Re: Application for First Extension Order)

NOTICE TO THE RESPONDENT

This application is made against you. You are a respondent.

You have the right to state your side of this matter before the Court. To do so, you must be in Court when the application is heard as shown below:

Where	Court of Queen's Bench 520 Spadina Crescent East, Saskatoon Saskatchewan
Date	Monday, August 23, 2021
Time	10:00. A.M.

Proceeding by WebEx Hearing

Due to the health risks posed by the COVID-19 pandemic, all chambers applications will be heard by telephone unless the presiding judge has decided otherwise. To confirm the telephone number where you can be reached on the date of the application, you must immediately contact the office of the local registrar at (306) 933-5135 and provide your telephone number. You must remain available by telephone at that number on that date until your matter is heard.

Go to the end of this document to see what you can do and when you must do it.

**APPLICATION FOR FIRST EXTENSION ORDER AND OTHER RELIEF PURSUANT TO THE
*COMPANIES' CREDITORS ARRANGEMENT ACT***

Remedy claimed or sought:

1. The Applicant, Abbey Resources Corp., seeks an Order pursuant to sections 11 and 11.02 of

the *Companies' Creditors Arrangement Act*, RSC 1985 c C-36, (the "**CCAA**") and the inherent jurisdiction of this Honourable Court, substantially in the form of the draft First Extension Order filed herewith:

- a. affirming the relief granted in the August 13, 2021, Initial Order of the Honourable Mr. Justice G.A. Meschishnick (the "**Initial Order**") granted in these proceedings;
- b. providing that the stay of proceedings imposed in the Initial Order shall be extended up to and including 11:59 p.m. on the 7th day of October 2021;
- c. directing, pursuant to section 11 of the CCAA, that the sum of \$100,000.00 paid into trust to the office of Miller Thomson LLP pursuant to paragraph 2 of the July 20, 2021, Order (the "**Adjournment Order**") of the Honourable Mr. Justice G.A. Meschishnick granted in these proceedings be paid to the Applicant;
- d. approving the fees and disbursements of MNP Ltd. (the "**Monitor**"); and
- e. providing such further and other relief that Court may deem appropriate or necessary.

Grounds for making this application:

First Extension

2. Section 11.02(3) of the CCAA empowers this Honourable Court with the authority to extend the stay of proceedings imposed in the Initial Order provided that it is satisfied that appropriate circumstances exist to extend the stay and that the Applicant has continued to act in good faith and with due diligence.
3. The Applicant, working in consultation with the Monitor, has continued to act in good faith and due diligence and has taken material steps towards the completion of the work necessary to implement its restructuring plan in these proceedings.
4. It is, therefore, submitted that this Honourable court should afford the Applicant the reasonable opportunity to restructure in these proceedings and exercise its discretion to extend the stay of proceedings - inclusive of the stay of proceedings against the Applicant's director pursuant to CCAA section 11.03(1) and the regulatory stay imposed pursuant to CCAA section 11.1(3) - for a period of 45 days, ending on Thursday, October 7, 2021.

Distribution of Funds Paid Into Trust

5. Paragraph 2 of the Adjournment Order provided that funds payable to the Rural Municipality

of Lacadena No. 228 (the “**R.M. of Lacadena**”) by Twin Eagle Resource Management (“**Twin Eagle**”) Canada, LLC pursuant to a Direction to Pay, dated May 10, 2021, may be paid to the trust account of the law office of Miller Thomson LLP.

6. It is submitted that the stay of proceedings imposed pursuant to the Initial Order now prohibits the R.M. of Lacadena from claiming any funds paid into the trust account of Miller Thompson LLP by Twin Eagle, and that such funds are now properly payable to the Applicant.
7. It is, therefore, submitted that this Honourable Court may exercise its broad discretionary authority under section 11 of the CCAA to direct that funds paid to Miller Thompson LLP by Twin Eagle pursuant to the Adjournment Order are immediately payable to the Applicant.

Material or evidence to be relied on:

8. The Applicant relies on the following materials in support of its Application:
 - a. Notice of Application;
 - b. Affidavits of James Gettis, dated July 13, 2021, July 15, 2021, July 28, 2021, August 3, 2021, and August 10, 2021;
 - c. The First Report of the Monitor, MNP Ltd., dated August 19, 2021;
 - d. Draft CCAA First Extension Order;
 - e. Service List; and
 - f. Such further and other material as counsel may advise and the Court may allow.

Applicable rules:

9. N/A

Applicable Acts and regulations:

10. *Companies Creditors' Arrangement Act*, RSC 1985, c C-36, at s 11, 11.02(2), 11.03(1), and 11.1(3).

DATED at Edmonton, Alberta, this 19th day of August, 2021.

DLA PIPER (CANADA LLP)

Per:



Jerritt R. Pawlyk and Kevin N. Hoy,
Counsel to Abbey Resources Corp.

CONTACT INFORMATION AND ADDRESS FOR SERVICE

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