

COURT FILE NUMBER

9401-15941

COURT

COURT OF QUEEN'S BENCH OF ALBERTA

JUDICIAL CENTRE

CALGARY

PLAINTIFF

CHUN HUNG LAWRENCE HO, KWONG YUN CHEE CHAN, TING CHING CHAN, PING LEUNG LAU, SHUI HAN GRACE WONG, CHUI YAN KO, MING LEUNG FONG, CHUN KWOK WILLIAM LEE, LING SAN YEUNG, FOOK KWONG CHAI, YET YUONG CHAI, LO YEE LOUISE CHAN, SHU HAN CHRISTINE TSE, SYLVIA TAK WING TANG, YUN MAN FUNG, HOR YUNG WONG, YUEN MAN MARINA CHAN, MUN YIN GRACE NG, MING KAI NG, YUK CHING TSE, LAM SHUN YING CHAN, SHUI KEE CHAN, KAM WAH STEWART YAO, STEPHEN YAO, KA YI CHEUNG, CHUN LAN WEN, YEUN PING TAM, MEI LING MILLIE CHUN, WAI MING LEUNG, MAN LAI NG, KWOK WAI CHU, LAI KAM HELEN FOK, MAN YIU LEE, YEE WA LAM, CHING HAN SIU, TAK CHEUNG HUI, KWOK FAI WAN, SUM NING CHENG, SUN MAN SHERIFA ALI TUET, CHING HAN YEUNG, CHING CHI YEUNG, SIU SHEUNG SUSANNA WONG, WAI MAN WONG, SUK HING AU, LAI BING ADELA LEE SIN, SHIU WAH BETTY YAO, YVONNE YAO, WAI SHING ARTHUR TO, LAI KWAN SINDY TO, BIG HAR GRACE TAI, KWOK WING CHAN, CHI FUN WONG, SAU LEE SHIRLEY KAM, BING WANG HO, YUK MING TSE, LO YEE LOUISE CHAN, LAI MUI CHAN, KA MEI CHUNG, SAI KEUNG WONG, MAN YUNG CHENG, SUI MAN MARY WONG, LAM CHI WONG, TAI KUN LAM, CHANG CONSTANCE CHUN HSI JEN, SHU TONG JEN, YUK LIN LI, KAM YUK JENNIFER LI, SING WING TSANG, KIT YING JUANITA CHOW, TAK WAH CHAN, FUNG KING AU, WING WAH AU, SUK YEE WONG, WING YEE WONG, KIN LEE KWAN, KIT YEE WONG, CHIN WING WONG, HUNG KAY SHUM, CHI SANG YEUNG, MUI HA CHU, MAN CHI LAI, YUEN BILL MOK, KAR WAI LEE, PUI LEE LEE, KAM YIN CHAN, KAM SHING CHENG, LAI NGAN LEE, PO KING ELAINE CHAN, WUN CHEN, GRACE AU-YEUNG, CHEONG MING SHUM, SHU PUI LAM, WING HONG TAM, SUK YEE EILEEN CHAN, LI KA HONG, MUI TAI IVY SUM, KAM HUNG LO, KIN TAT SHUM, KA YAN LEE, PO SIU

ELLEN SIU, PAK MING SIU, KWOK KEI AU, LAI HING WONG, KIT FOON LAM, SING YEUNG, LAI MING LIZA PUN, WAI KA CHIU, YUEN YEE LEE, SIU CHING LAI, KA HONG LI, PUI KUEN MAK, CHI MAN FOK

DEFENDANTS

AMIGA INVESTMENT AND PROPERTY MANAGEMENT INC. AND RICHARD WONG

MATTER

IN THE MATTER OF THE RECEIVERSHIP OF AMIGA INVESTMENT AND PROPERTY MANAGEMENT INC.

DOCUMENT

KPMG INC., IN ITS CAPACITY AS COURT APPOINTED RECEIVER OF AMIGA INVESTMENT AND PROPERTY MANAGEMENT INC.

FIRST REPORT OF THE RECEIVER

DATE

NOVEMBER 15, 2021

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT:

KPMG INC.
Suite 3100, Bow Valley Square II
205 - 5th Ave SW
Calgary, Alberta T2P 4B9
Attn: Neil Honess / Joseph Sitholé
Tel: (403) 691-8014 / (403) 691-8070
neilhoness@kpmg.ca / jsithole@kpmg.ca

PARLEE McLAWS LLP
Suite 3300, 421 – 7th Ave SW
Calgary, Alberta T2P 4K9
Brent Mescall
Tel: (403) 294-7544
bmescall@parlee.com

Table of Contents

Page

1. INTRODUCTION AND PURPOSE OF REPORT	1
2. BACKGROUND AND ACTIVITIES OF THE RECEIVER	3
3. RECEIVER'S REQUESTS.....	7

Listing of Appendices

Appendix "A" – Receivership Order

Appendix "B" – Discharge Order

1. INTRODUCTION AND PURPOSE OF REPORT

Introduction

1. By Order (the “**Receivership Order**”) of the Court of Queen’s Bench of Alberta (the “**Court**”) dated November 21, 1994, KPMG Peat Marwick Thorne Inc. (“**KPMG**”) was appointed receiver and manager (the “**Receiver**”) of all of the rentals due and accruing now or hereinafter from the lands and premises described as Condominium Plan 9010203, Unit Nos. 1, 8, 11, 15, 17, 18, 20, 21, 22, 24, 25, 26, 29, 30, 34, 35, 36, 38, 39, 43, 44, 45, 46, 47, 50, 51, 52, 53, 54, 55, 56, 57, 58, 60, 62, 63, 64, 65, 66, 69, 70, 76, 77, 79, 80, 81, 82, 83, 84, 87, 88, 90, 92, 93, 94, 95, 97, 99, 100, 103, 104, 110, 111, 117, 121, 122, 123, 127, 130, 131, 132, 133, 134, 136, 138, 140, 143, 144, 145, 146, 147, 149, 150, 151, 152, 153, 154, 155, and 165 (together, the “**Plaintiffs’ Units**” or “**Gladstone Park**”) pursuant to an application brought by the Plaintiffs under section 243(1) of the *Bankruptcy and Insolvency Act*, RSC 1985, c B-3 (“**BIA**”), section 13(2) of the *Judicature Act*, RSA 2000, c J-2, section 99(a) of the *Business Corporations Act*, RSA 2000, c B-9 and section 65(7) of the *Personal Property Security Act*, RSA 2000 c P-7.

Purpose of the Report

2. This is the Receiver’s first report to the Court (the “**First Report**” or this “**Report**”) which has been prepared to provide the Court with:
 - a) Background information on the Company;
 - b) An update on the actions of the Receiver since the Receivership Date; and
 - c) Request for advice and direction regarding remaining funds held in trust.

Terms of Reference

3. In preparing this Report, the Receiver has been provided with, and has relied upon, unaudited and other financial information, books and records (collectively, the “**Information**”) prepared by the Company and/or its representatives, and discussions with the Company’s management and/or representatives.
4. The Receiver has reviewed the Information for reasonableness, internal consistency and use in the context in which it was provided. The Receiver has not audited, reviewed or otherwise attempted to

verify the accuracy or completeness of the Information in a manner that would wholly or partially comply with Canadian Auditing Standards pursuant to the Chartered Professional Accountants Handbook, and accordingly the Receiver expresses no opinion or other form of assurance in respect of the Information.

5. Unless otherwise stated, all monetary amounts noted herein are expressed in Canadian dollars.

2. BACKGROUND AND ACTIVITIES OF THE RECEIVER

6. The Plaintiffs' Units form part of a 165-unit complex of 2-, 3- and 4-bedroom condominiums located at 4810 – 40th Avenue SW, Calgary, Alberta T3E 1E5.
7. Prior to the date of the Receivership Order, the management of Gladstone Park was alleged by the Plaintiffs to be “in disarray”, in that there was not a functioning condominium corporation, there were no funds set aside by the Property Manager, Amiga Investment and Property Management Inc. (“**Amiga**”) for security deposits, and minimal repairs had been performed in respect of any of the units. In addition, it was alleged by certain of the unit owners that Amiga and the Defendant Wong had misappropriated funds belonging to the Plaintiffs.
8. On November 21, 1994, KPMG was appointed Receiver and Manager of Gladstone Park, and KPMG began management duties on the condo units immediately afterwards. These duties included, but were not limited to:
 - a) Collecting current and outstanding rent on condo units;
 - b) Payments of utilities and condo expenditures;
 - c) Performing general repair and maintenance activities as needed; and
 - d) Other management tasks as necessary.
9. In addition to the Plaintiffs' Units subject to the Receivership Order, KPMG collected rents in respect of Units 67, 74, 85, 96 and 114 (the “**Third Party Units**”) at the request of Norman Ng (“**Mr. Ng**”) who had been appointed agent for the owners of these units (the “**Third Party Owners**”), as well as appointed as representative of the Plaintiffs (together, the “**Unitholders**”).
10. The remaining units in Gladstone Park which were not owned by the Unitholders were owned by the Bank of Montreal (“**BMO**”), who obtained ownership of approximately 52 units pursuant to separate foreclosure proceedings. BMO engaged a separate property manager, with KPMG having no management oversight or rental collections on these units.
11. KPMG's activities as Manager continued until October 4, 1995 at which time KPMG was discharged by the Court (the “**Discharge Order**”) from its duties as Manager of the Plaintiffs' Units and replaced with a third-party property manager. The Discharge Order is attached as Appendix “**B**”.

12. KPMG continued to act as the Receiver with respect to the receivership estate funds held in trust and retained the powers of the Receiver as set out in the Receivership Order.
13. In June of 1996, KPMG prepared a draft statement of receipts and disbursements, in anticipation of a full and final distribution of receivership estate trust funds held in trust. At this time, the Receiver held a balance of approximately \$66,805.
14. Unfortunately, the Receiver was unable to proceed with the final distribution, due to \$10,723 of collections related to the Third-Party Units, which funds are owed to the Third-Party Owners. Distribution of receivership trust funds to parties other than the Plaintiffs was not contemplated by the Receivership Order at the time, and accordingly, certain Court approvals would be required prior to concluding the administration of the receivership, specifically:
 - a) Repayment of \$10,723 of funds to the Third-Party Owners;
 - b) Distribution of the remaining balance of the funds after the above-mentioned repayments to the Plaintiffs or their representatives; and
 - c) Taxation of the Receiver's and it's counsel's fees.
15. The majority of Unitholders were non-resident investors from Hong Kong. As their representative, Mr. Ng provided instructions on their behalf. Accordingly, KPMG sought instructions from Mr. Ng as to how best to proceed with a Court application and distribution of the funds to the Unitholders.
16. However, Mr. Ng passed away subsequent to KPMG's correspondence to him in June of 1996, prior to KPMG receiving any instructions on the distribution of funds. With no other individual available to provide distribution instructions on behalf of the Unitholders to KPMG, ultimately KPMG was unable to conclude the receivership at that time.
17. In early 2010, the Receiver began a second attempt to finalize the receivership estate. This included discussions with KPMG's counsel on the steps required to effect a distribution of the funds held, including those in trust for the Unitholders.
18. An updated distribution schedule was prepared, however, updated title searches performed on the condo units revealed that none of the Unitholders now owned any of the condo units.

19. In addition, no contact information could be located for over one third of the Unitholders. Most of the remaining Unitholders had a listed address in Hong Kong, but despite significant efforts, KPMG was unable to locate any of the owners, and once again was unable to make a final distribution at this time.
20. Subsequently, the matter was revisited in 2020, when KPMG and its counsel made further enquiries in another attempt to complete a final distribution of the remaining funds held in trust or to identify some other mechanism to conclude the receivership.
21. In early 2021, Receiver's counsel suggested engaging MDSI, an investigative services firm, to attempt to track down the Unitholders. MDSI proposed using social media and internet searches to look for workplace information, phone listings, and family members of the Unitholders, as well as searching foreign public registries. However, MDSI indicated that such a search would require approximately \$300 per person (plus disbursements) and therefore given the 165 unitholders could incur a cost of upwards of \$50,000.
22. Ultimately a cost of this magnitude would require most of the remaining funds held in trust with no guarantees for locating any of the unitholders due to the amount of time passed.
23. Accordingly, the Receiver did not proceed with utilizing MDSI.
24. As of November 15, 2021, KPMG holds \$79,233. Approximately \$33,215 of Receiver's and counsel's fees have been accrued and unpaid, leaving surplus funds for distribution of \$46,018.
25. In discussions with its counsel, the Receiver has formulated the following plan in a final attempt to locate the Unitholders to allow a distribution of the funds remaining and close this matter:
 - a) Send a notice of final distribution to all previously known addresses of the Unitholders;
 - b) Place an advertisement in a well-known Hong Kong area publication notifying Unitholders of the final distribution; and
 - c) Thereafter, following a specified period of time, forward all funds allocated to Unitholders who cannot be found after completing the above to the Alberta Tax and Revenue Administration as unclaimed property, or to a charity.
26. Given that prior attempts to locate the Unitholders have been unsuccessful, and as the cost of further investigative efforts would be unreasonable given the amount of funds remaining, the Receiver is

seeking the Court's approval for the suggested actions above, or other advice and direction as deemed fit by the Court.

27. Following the completion of the distribution of the surplus funds in the manner directed by this Court, it is the Receiver's intention to promptly thereafter apply for discharge, in conclusion of this Receivership.

3. RECEIVER'S REQUESTS

28. The Receiver submits this First Report, respectfully requesting that the Court:
- a) Approve the Receiver's suggested actions as a final attempt to locate the Unitholders and distribute the surplus funds held in trust as follows:
 - i. Send a notice of final distribution to all previously known addresses of the Unitholders;
 - ii. Place an advertisement in a well-known Hong Kong area publication notifying Unitholders of the final distribution; and
 - iii. Forward all funds allocated to owners who cannot be found after completing the above to the Alberta Tax and Revenue Administration as unclaimed property, or to a charity; or
 - b) Provide such other advice and direction to the Receiver regarding the distribution of the surplus funds held in trust as deemed fit by the Court.

This Report is respectfully submitted this 15th day of November, 2021.

KPMG Inc.

**In its capacity as Court-appointed Receiver of
Amiga Investment and Property Management Inc.
and not in its personal or corporate capacity**



Per: Neil Honess
Senior Vice President

APPENDIX "A"
RECEIVERSHIP ORDER

IN THE COURT OF QUEEN'S BENCH OF ALBERTA
JUDICIAL DISTRICT OF CALGARY

BETWEEN:

CHUN HUNG LAWRENCE HO, KWONG YUN CHEE CHAN, TING CHING CHAN, PING LEUNG LAU, SHUI HAN GRACE WONG, CHUI YAN KO, MING LEUNG FONG, CHUN KWOK WILLIAM LEE, LING SAN YEUNG, FOOK KWONG CHAI, YET YUONG CHAI, LO YEE LOUISE CHAN, SHU HAN CHRISTINE TSE, SYLVIA TAK WING TANG, YUN MAN FUNG, HOR YUNG WONG, YUEN MAN MARINA CHAN, MUN YIN GRACE NG, MING KAI NG, YUK CHING TSE, LAM SHUN YING CHAN, SHUI KEE CHAN, KAM WAH STEWART YAO, STEPHEN YAO, KA YI CHEUNG, CHUN LAN WEN, YEUN PING TAM, MEI LING MILLIE CHUN, WAI MING LEUNG, MAN LAI NG, KWOK WAI CHU, LAI KAM HELEN FOK, MAN YIU LEE, YEE WA LAM, CHING HAN SIU, TAK CHEUNG HUI, KWOK FAI WAN, SUM NING CHENG, SUN MAN SHERIFA ALI TUET, CHING HAN YEUNG, CHING CHI YEUNG, SIU SHEUNG SUSANNA WONG, WAI MAN WONG, SUK HING AU, LAI BING ADELA LEE SIN, SHIU WAH BETTY YAO, YVONNE YAO, WAI SHING ARTHUR TO, LAI KWAN SINDY TO, BIG HAR GRACE TAI, KWOK WING CHAN, CHI FUN WONG, SAU LEE SHIRLEY KAM, BING WANG HO, YUK MING TSE, LO YEE LOUISE CHAN, LAI MUI CHAN, KA MEI CHUNG, SAI KEUNG WONG, MAN YUNG CHENG, SUI MAN MARY WONG, LAM CHI WONG, TAI KUN LAM, CHANG CONSTANCE CHUN HSI JEN, SHU TONG JEN, YUK LIN LI, KAM YUK JENNIFER LI, SING WING TSANG, KIT YING JUANITA CHOW, TAK WAH CHAN, FUNG KING AU, WING WAH AU, SUK YEE WONG, WING YEE WONG, KIN LEE KWAN, KIT YEE WONG, CHIN WING WONG, HUNG KAY SHUM, CHI SANG YEUNG, MUI HA CHU, MAN CHI LAI, YUEN BILL MOK, KAR WAI LEE, PUI LEE LEE, KAM YIN CHAN, KAM SHING CHENG, LAI NGAN LEE, PO KING ELAINE CHAN, WUN CHEN, GRACE AU-YEUNG, CHEONG MING SHUM, SHU PUI LAM, WING HONG TAM, SUK YEE EILEEN CHAN, LI KA HONG, MUI TAI IVY SUM, KAM HUNG LO, KIN TAT SHUM, KA YAN LEE, PO SIU ELLEN SIU, PAK MING SIU, KWOK KEI AU, LAI HING WONG, KIT FOON LAM, SING YEUNG, LAI MING LIZA PUN, WAI KA CHIU, YUEN YEE LEE, SIU CHING LAI, KA HONG LI, PUI KUEN MAK, CHI MAN FOK

Plaintiffs

- and -

AMIGA INVESTMENT AND PROPERTY MANAGEMENT INC.
and RICHARD WONG

Defendants

BEFORE *THE HONOURABLE MR.*
JUSTICE *JOHN D. ROOKE*
IN CHAMBERS

) AT THE COURT HOUSE, IN THE CITY OF
) CALGARY, IN THE PROVINCE OF ALBERTA,
) ON MONDAY, THE 21ST DAY OF NOVEMBER,
) 1994.
)

ORDER

UPON THE APPLICATION of the Plaintiffs; AND UPON being referred to the Statement of Claim herein; AND UPON reading the Affidavits of Ming Kai Ng and Vincent Emms, filed; AND UPON hearing counsel for the Plaintiffs; AND UPON the Court being of the opinion that exceptional circumstances are present allowing this application to be made without notice to the Defendants; AND UPON being advised of the consent of KPMG Peat Marwick Thorne Inc. to act in this matter; AND UPON the Plaintiffs undertaking:

- (a) to abide by any Order that this Court may make as to damages if it shall hereafter appear that the Defendants or others have sustained any damages resulting from the granting of this Order, which the Plaintiffs ought to pay;
- (b) that any documents obtained as a result of this Order shall be retained in safe custody by KPMG Peat Marwick Thorne Inc. ("KPMG");
- (c) not to use any documents or information obtained as a result of the execution of this Order except for the purposes of civil proceedings related hereto without leave of this Honourable Court;
- (d) that the Plaintiffs' solicitor will forthwith serve this Order upon the Defendant, Amiga Investment and Property Management Inc. ("Amiga"), and the Defendant, Richard Wong, at the registered office of Amiga and also a copy of the Order will be forwarded to Harold Vickers, who has acted as solicitors for Amiga.



THIS COURT DOES HEREBY ORDER THAT:

Appointment of Receiver and Manager

1. KPMG Peat Marwick Thorne Inc. (hereinafter called the "Receiver and Manager") be and is hereby appointed as Receiver of all of the rentals due and accruing due now or hereinafter from the lands and premises described as

CONDOMINIUM PLAN 9010203
UNIT NOS.

1, 8, 11, 15, 17, 18, 20, 21, 22, 24, 25, 26, 29, 30, 31, 34, 35, 36,
38, 39, 43, 44, 45, 46, 47, 50, 51, 52, 53, 54, 55, 56, 57, 58, 60,
62, 63, 64, 65, 66, 69, 70, 76, 77, 79, 80, 81, 82, 83, 84, 87, 88,
90, 92, 93, 94, 95, 97, 99, 100, 103, 104, 110, 111, 117, 121, 122,
123, 127, 130, 131, 132, 133, 134, 136, 138, 140, 143, 144, 145,
146, 147, 149, 150, 151, 152, 153, 154, 155, 165

EXCEPTING THEREOUT ALL MINES AND MINERALS

(hereinafter referred to as the "Plaintiffs' Lands")

and appointed as Manager of the undertaking property and assets situated upon or relating to the Plaintiffs' Lands.

2. The Receiver and Manager shall have all such powers as this Court may from time to time deem expedient, or as are inherent in the office, and without the generality of the foregoing, shall have the power from time to time:

- (a) to manage, administer, maintain and operate the Plaintiffs' Lands;
- (b) to lease and relet the Plaintiffs' Lands, or any part thereof and to renegotiate the leases thereof, as it may in its discretion deem advisable;

- (c) to terminate leases or obtain possession, or both, with respect to the Plaintiffs' Lands, or any part thereof;
- (d) to collect the rents, profits and other receipts arising from the Plaintiffs' Lands, or any part thereof;
- (e) to distrain and pursue other remedies available at law or in equity for rent in arrears in the same manner and with the same right of recovery as a landlord;
- (f) from time to time to borrow monies for the purposes of carrying out duties and powers hereunder, provided that no more than \$10,000.00 in the aggregate shall be borrowed without further leave of this Court, and to repay and again borrow monies within the aforesaid limits;
- (g) to effect repairs and to make improvements needed to render the Plaintiffs' Lands rentable and to pay for the cost of same;
- (h) to collect and administer damage deposits and other security deposits;
- (i) such other powers as may be just and necessary by this Court from time to time;

3. The Receiver and Manager shall be at liberty to employ such agents and assistants, including the appointment of solicitors, as it may consider necessary for the purposes of preserving the property and assets on the Plaintiffs' Lands, carrying on the business and undertaking related to the Plaintiffs' Lands, and exercising any of the powers granted hereunder.



4. The Defendant, Amiga, shall at once deliver over to the Receiver and Manager, all of the books, documents and papers of every kind, and all damage or security deposits received from or in respect of the Plaintiffs' Lands, all post-dated cheques and any and all rent and other payments which may hereafter fall due from the tenants in respect of the Plaintiffs' Lands, which the Defendant, Amiga, has or will have in its power or possession, related to the business and undertaking on the Plaintiffs' Lands.

5. The Receiver and Manager shall pay the proceeds of any rents, profits and other monies collected or received by it as follows:

(a) first, towards fees and disbursements allowed to the Receiver and Manager as and by way of remuneration for services as Receiver and Manager, including any disbursements for normal operating expenses and utilities;

(b) second, towards costs and expenses associated with the ongoing management of the Plaintiffs' Lands;

(c) third, to repay any monies borrowed by the Receiver and Manager as permitted hereby;

(d) fourth, in payment of taxes accruing due on the Plaintiffs' Lands; and

(e) fifth, any surplus to be paid ~~to the Plaintiffs.~~ ^{QJR ✓} into court to the ^{QJR ✓} credit of this Action. ^{QJR}

6. Prior to discharge, the Receiver and Manager shall have its accounts approved by the Court.

QJR

7. The Receiver and Manager shall not be required to furnish any security or bond for the due performance of its duties.

8. A true copy of this Order shall be served upon the person appointed or employed currently by the Defendant, Amiga, to collect the rents and other payments from the Plaintiffs' Lands, or alternatively, upon the tenants presently or in future occupying the units on the Plaintiffs' Lands, which service may be effected by personally serving the said employee, or alternatively, any adult apparently living in the units in question or by leaving a true copy of this Order at the units in question, as the case may be.

9. Forthwith upon service of a true copy of this Order as aforesaid, any and all rental payments which may then be due or may thereafter fall due from time to time relating to the Plaintiffs' Lands, or any part thereof, shall be paid to the Receiver and Manager, and that payment of the rentals to the Receiver and Manager as aforesaid shall be deemed, as to those rentals received, to be an effective payment of such rentals to the landlord.

10. The Receiver and Manager may from time to time apply to this Honourable Court for direction and guidance in the discharge of its duties as Receiver and Manager.

Delivery Up of Documents

11. The Defendants, which shall include the Defendants' employees, officers, servants, agents, representatives or assigns, upon being served with a copy of this Order, do forthwith permit entry to the premises specifically set out below for the search, detention and retention of documents and things as hereinafter specifically set out. The premises to which the Defendants are to permit entry in accordance with

DR

the Order are 74, 4810 - 40th Avenue S.W., Calgary, Alberta T3E 1E5, including any storage space associated with those premises.

12. Entry to the premises may be conducted on any business day between the hours of 9:00 a.m and 5:00 p.m.

13. The Defendants shall grant entry to each of the following persons (referred to hereinafter as the "authorized persons") in respect of the search referred to above:

- (a) Up to two employees, associates or partners of KPMG Peat Marwick Thorne Inc. for the purposes of searching for and identifying documents and things;
- (b) One solicitor who is an associate or partner of the law firm of Parlee McLaws, solicitors for the Plaintiffs; and
- (c) If required, a representative of the Office of the Sheriff of the Judicial District of Calgary.

14. At the time of entry to the premises, the Defendants shall grant access to the authorized persons (and shall operate any computer) for the purposes of searching and removing into custody of KPMG the following things:

- (a) any books, documents, papers and records or things of the Defendants or copies of books, documents, papers and records or things of the Defendants related to the management of Gladstone Park by Amiga and Richard Wong, including any documents, papers or records related to any payments by Amiga to Richard Wong, or people related to or associated with Richard Wong.



15. The Defendants shall disclose to the Plaintiffs' authorized person the whereabouts of any of the Plaintiffs' documents or copies thereof not in the Defendants' possession or control nor on the premises identified herein.

16. KPMG on behalf of the Plaintiffs, is to maintain the possession of and the integrity of the books, documents, papers and records of any kind as is obtained by them in accordance with the terms of this Order, with KPMG Peat Marwick Thorne Inc. being allowed to conduct such inspections, perform such analysis and review of the books, documents, papers and records as may be required by the Plaintiffs.

17. The Defendants are hereby enjoined and restrained from parting with possession, custody or control of any of the documents or papers referred to herein or hiding, defacing or destroying any documents or things as referred to herein;

Order Freezing Assets

18. The Defendants shall preserve the undertaking, property and assets of Amiga and Wong and not sell off, or encumber or otherwise dissipate such undertaking, property and assets until further order of this Honourable Court.

19. The Bank of Montreal is hereby directed to preserve and not release any funds held on deposit for the Defendants, Amiga or Wong, and the Bank of Montreal is specifically directed to preserve and not release or disburse any funds from account nos. 2970-1025-061, 2790-8012-810 and 2790-1024-229 without the prior approval by Order of this Honourable Court.

20. The Canadian Imperial Bank of Commerce is hereby directed to preserve and not release any funds held on deposit for the Defendant, Wong, without the prior approval by Order of this Honourable Court.



Other Matters

21. The following parties are hereby directed to maintain the possession of and integrity of the books, documents, papers and records of every kind of Amiga and Wong, and not to release such records to Amiga or Wong without prior approval of this Court:

- (a) Rahal Chugh and Warren, accountants for Amiga and Wong;
- (b) Harold Vickers, Vickers & Associates, Solicitors for Amiga and Wong;
- (c) Cook Duke and Cox, Solicitors Wong.

22. The Plaintiffs shall be entitled to file a certificate of lis pendens against the property formerly owned by Richard Wong located at:

PLAN 8810001
BLOCK 16
LOT 101
EXCEPTING THEREOUT ALL MINES AND MINERALS

and municipally described as 63 Edenstone View N.W., Calgary, Alberta.

23. The Defendants, or any party affected by this Order are at liberty to apply to this Court to discharge or vary this Order upon giving one day's notice to the Plaintiffs' solicitors.



J.C.O.B.A.

ENTERED this 21st day of
November, 1994.

JAMES McLAUGHLIN

Clerk of the Court

Action No. 9401-15941

IN THE COURT OF QUEEN'S BENCH
OF ALBERTA
JUDICIAL DISTRICT OF CALGARY

BETWEEN:

CHUN HUNG LAWRENCE HO, KWONG YUN CHEE CHAN, TING CHING CHAN, PING LEUNG LAU, SHUI HAN GRACE WONG, CHUI YAN KO, MING LEUNG FONG, CHUN KWOK WILLIAM LEE, LING SAN YEUNG, FOOK KWONG CHAI, YET YUONG CHAI, LO YEE LOUISE CHAN, SHU HAN CHRISTINE TSE, SYLVIA TAK WING TANG, YUN MAN FUNG, HOR YUNG WONG, YUEN MAN MARINA CHAN, MUN YIN GRACE NG, MING KAI NG, YUK CHING TSE, LAM SHUN YING CHAN, SHUI KEE CHAN, KAM WAH STEWART YAO, STEPHEN YAO, KA YI CHEUNG, CHUN LAN WEN, YEUN PING TAM, MEI LING MILLIE CHUN, WAI MING LEUNG, MAN LAI NG, KWOK WAI CHU, LAI KAM HELEN FOK, MAN YIU LEE, YEE WA LAM, CHING HAN SIU, TAK CHEUNG HUI, KWOK FAI WAN, SUM NING CHENG, SUN MAN SHERIFA ALI TUET, CHING HAN YEUNG, CHING CHI YEUNG, SIU SHEUNG SUSANNA WONG, WAI MAN WONG, SUK HING AU, LAI BING ADELA LEE SIN, SHIU WAH BETTY YAO, YVONNE YAO, WAI SHING ARTHUR TO, LAI KWAN SINDY TO, BIG HAR GRACE TAI, KWOK WING CHAN, CHI FUN WONG, SAU LEESHIRLEY KAM, BING WANG HO, YUK MING TSE, LO YEE LOUISE CHAN, LAI MUI CHAN, KA MEI CHUNG, SAI KEUNG WONG, MAN YUNG CHENG, SUI MAN MARY WONG, LAM CHI WONG, TAI KUN LAM, CHANG CONSTANCE CHUN HSI JEN, SHU TONG JEN, YUK LIN LI, KAM YUK JENNIFER LI, SING WING TSANG, KIT YING JUANITA CHOW, TAK WAH CHAN, FUNG KING AU, WING WAH AU, SUK YEE WONG, WING YEE WONG, KIN LEE KWAN, KIT YEE WONG, CHIN WING WONG, HUNG KAY SHUM, CHI SANG YEUNG, MUI HA CHU, MAN CHI LAI, YUEN BILL MOK, KAR WAI LEE, PUI LEE LEE, KAM YIN CHAN, KAM SHING CHENG, LAI NGAN LEE, PO KING ELAINE CHAN, WUN CHEN, GRACE AU-YEUNG, CHEONG MING SHUM, SHU PUI LAM, WING HONG TAM, SUK YEE EILEEN CHAN, LI KA HONG, MUI TAI IVY SUM, KAM HUNG LO, KIN TAT SHUM, KA YAN LEE, PO SIU ELLEN SIU, PAK MING SIU, KWOK KEI AU, LAI HING WONG, KIT FOON LAM, SING YEUNG, LAI MING LIZA PUN, WAI KA CHIU, YUEN YEE LEE, SIU CHING LAI, KA HONG LI, PUI KUEN MAK, CHI MAN FOK

Plaintiffs

- and -

AMIGA INVESTMENT AND PROPERTY MANAGEMENT INC. and RICHARD WONG

Defendants

ORDER

PARLEE McLAWS
BARRISTERS & SOLICITORS
3400 WESTERN CANADIAN PLACE
707 - 8th AVENUE, S.W.
CALGARY, ALBERTA
T2P 1H5

Gregory D. M. Stirling/294-7033
FILE NO. 49884-1/GDS

CLERK OF THE COURT

NOV 21 1994

CALGARY, ALBERTA

APPENDIX "B"
DISCHARGE ORDER

IN THE COURT OF QUEEN'S BENCH OF ALBERTA
JUDICIAL DISTRICT OF CALGARY

BETWEEN:

CHUN HUNG LAWRENCE HO, KWONG YUN CHEE CHAN, TING CHING CHAN, PING LEUNG LAU, SHUI HAN GRACE WONG, CHUI YAN KO, MING LEUNG FONG, CHUN KWOK WILLIAM LEE, LING SAN YEUNG, FOOK KWONG CHAI, YET YUONG CHAI, LO YEE LOUISE CHAN, SHU HAN CHRISTINE TSE, SYLVIA TAK WING TANG, YUN MAN FUNG, HOR YUNG WONG, YUEN MAN MARINA CHAN, MUN YIN GRACE NG, MING KAI NG, YUK CHING TSE, LAM SHUN YING CHAN, SHUI KEE CHAN, KAM WAH STEWART YAO, STEPHEN YAO, KA YI CHEUNG, CHUN LAN WEN, YEUN PING TAM, MEI LING MILLIE CHUN, WAI MING LEUNG, MAN LAI NG, KWOK WAI CHU, LAI KAM HELEN FOK, MAN YIU LEE, YEE WA LAM, CHING HAN SIU, TAK CHEUNG HUI, KWOK FAI WAN, SUM NING CHENG, SUN MAN SHERIFA ALI TUET, CHING HAN YEUNG, CHING CHI YEUNG, SIU SHEUNG SUSANNA WONG, WAI MAN WONG, SUK HING AU, LAI BING ADELA LEE SIN, SHIU WAH BETTY YAO, YVONNE YAO, WAI SHING ARTHUR TO, LAI KWAN SINDY TO, BIG HAR GRACE TAI, KWOK WING CHAN, CHI FUN WONG, SAU LEE SHIRLEY KAM, BING WANG HO, YUK MING TSE, LO YEE LOUISE CHAN, LAI MUI CHAN, KA MEI CHUNG, SAI KEUNG WONG, MAN YUNG CHENG, SUI MAN MARY WONG, LAM CHI WONG, TAI KUN LAM, CHANG CONSTANCE CHUN HSI JEN, SHU TONG JEN, YUK LIN LI, KAM YUK JENNIFER LI, SING WING TSANG, KIT YING JUANITA CHOW, TAK WAH CHAN, FUNG KING AU, WING WAH AU, SUK YEE WONG, WING YEE WONG, KIN LEE KWAN, KIT YEE WONG, CHIN WING WONG, HUNG KAY SHUM, CHI SANG YEUNG, MUI HA CHU, MAN CHI LAI, YUEN BILL MOK, KAR WAI LEE, PUI LEE LEE, KAM YIN CHAN, KAM SHING CHENG, LAI NGAN LEE, PO KING ELAINE CHAN, WUN CHEN, GRACE AU-YEUNG, CHEONG MING SHUM, SHU PUI LAM, WING HONG TAM, SUK YEE EILEEN CHAN, LI KA HONG, MUI TAI IVY SUM, KAM HUNG LO, KIN TAT SHUM, KA YAN LEE, PO SIU ELLEN SIU, PAK MING SIU, KWOK KEI AU, LAI HING WONG, KIT FOON LAM, SING YEUNG, LAI MING LIZA PUN, WAI KA CHIU, YUEN YEE LEE, SIU CHING LAI, KA HONG LI, PUI KUEN MAK, CHI MAN FOK

Applicants
(Plaintiffs)

- and -

AMIGA INVESTMENT AND PROPERTY MANAGEMENT INC.
and RICHARD WONG

Respondents
(Defendants)

BEFORE

JUSTICE S. M. BENSLEY

IN CHAMBERS

) AT THE COURT HOUSE, IN THE CITY OF
) CALGARY, IN THE PROVINCE OF ALBERTA,
) ON WEDNESDAY, THE 4TH DAY OF OCTOBER,
) 1995.
)

ORDER

UPON THE APPLICATION of the Applicants; AND UPON hearing read the Affidavit of Guy Odhams, filed; AND UPON hearing counsel for the Applicants; IT IS HEREBY ORDERED THAT:

1. KPMG Peat Marwick Thorne Inc. ("KPMG") is hereby discharged as Manager of the Plaintiffs' Lands effective as at October 4, 1995;
2. KPMG is released and discharged from its obligations as Manager as set out in the November 21, 1994 of Justice Rooke;
3. KPMG is authorized to transfer security deposits collected by it to Prosperity Management Services Ltd, the property managers appointed by the Applicants.
4. The distribution of surplus funds to the unit holders, as identified in Schedule 1 attached hereto, is hereby approved.
5. KPMG will continue to act as Receiver with respect to the documents and funds in its possession, and shall continue to have the powers of the Receiver set out in Justice Rooke's Order of November 21, 1994.



J.C.C./Q.B.A.

ENTERED this 13 day of
October, 1995.

JAMES McLAUGHLIN
Clerk of the Court



Action No. 9401-15941

IN THE COURT OF QUEEN'S BENCH
OF ALBERTA
JUDICIAL DISTRICT OF CALGARY

BETWEEN:

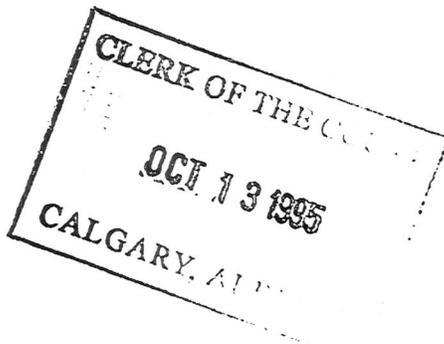
CHUN HUNG LAWRENCE HO, KWONG YUN CHEE CHAN, TING CHING CHAN, PING LEUNG LAU, SHUI HAN GRACE WONG, CHUI YAN KO, MING LEUNG FONG, CHUN KWOK WILLIAM LEE, LING SAN YEUNG, FOOK KWONG CHAI, YET YUONG CHAI, LO YEE LOUISE CHAN, SHU HAN CHRISTINE TSE, SYLVIA TAK WING TANG, YUN MAN FUNG, HOR YUNG WONG, YUEN MAN MARINA CHAN, MUN YIN GRACE NG, MING KAI NG, YUK CHING TSE, LAM SHUN YING CHAN, SHUI KEE CHAN, KAM WAH STEWART YAO, STEPHEN YAO, KA YI CHEUNG, CHUN LAN WEN, YEUN PING TAM, MEI LING MILLIE CHUN, WAI MING LEUNG, MAN LAI NG, KWOK WAI CHU, LAI KAM HELEN FOK, MAN YIU LEE, YEE WA LAM, CHING HAN SIU, TAK CHEUNG HUI, KWOK FAI WAN, SUM NING CHENG, SUN MAN SHERIFA ALI TUET, CHING HAN YEUNG, CHING CHI YEUNG, SIU SHEUNG SUSANNA WONG, WAI MAN WONG, SUK HING AU, LAI BING ADELA LEE SIN, SHIU WAH BETTY YAO, YVONNE YAO, WAI SHING ARTHUR TO, LAI KWAN SINDY TO, BIG HAR GRACE TAI, KWOK WING CHAN, CHI FUN WONG, SAU LEE SHIRLEY KAM, BING WANG HO, YUK MING TSE, LO YEE LOUISE CHAN, LAI MUI CHAN, KA MEI CHUNG, SAI KEUNG WONG, MAN YUNG CHENG, SUI MAN MARY WONG, LAM CHI WONG, TAI KUN LAM, CHANG CONSTANCE CHUN HSI JEN, SHU TONG JEN, YUK LIN LI, KAM YUK JENNIFER LI, SING WING TSANG, KIT YING JUANITA CHOW, TAK WAH CHAN, FUNG KING AU, WING WAH AU, SUK YEE WONG, WING YEE WONG, KIN LEE KWAN, KIT YEE WONG, CHIN WING WONG, HUNG KAY SHUM, CHI SANG YEUNG, MUI HA CHU, MAN CHI LAI, YUEN BILL MOK, KAR WAI LEE, PUI LEE LEE, KAM YIN CHAN, KAM SHING CHENG, LAI NGAN LEE, PO KING ELAINE CHAN, WUN CHEN, GRACE AU-YEUNG, CHEONG MING SHUM, SHU PUI LAM, WING HONG TAM, SUK YEE EILEEN CHAN, LI KA HONG, MUI TAI IVY SUM, KAM HUNG LO, KIN TAT SHUM, KA YAN LEE, PO SIU ELLEN SIU, PAK MING SIU, KWOK KEI AU, LAI HING WONG, KIT FOON LAM, SING YEUNG, LAI MING LIZA PUN, WAI KA CHIU, YUEN YEE LEE, SIU CHING LAI, KA HONG LI, PUI KUEN MAK, CHI MAN FOK

Applicants
(Plaintiffs)

- and -

AMIGA INVESTMENT AND PROPERTY MANAGEMENT INC. and RICHARD WONG

Respondents
(Defendants)



ORDER

PARLEE McLAWS
BARRISTERS & SOLICITORS
3400 WESTERN CANADIAN PLACE
707 - 8th AVENUE, S.W.
CALGARY, ALBERTA
T2P 1H5
Gregory D. M. Stirling/294-7033
FILE NO. 49884-1/GDS