

CERTIFIED *E. Wheaton*  
by the Court Clerk as a true copy of the  
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2022

Attachment 3

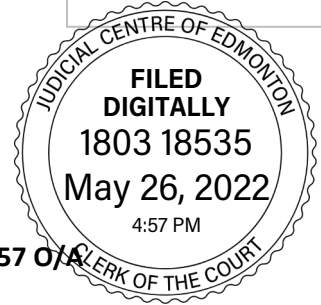
Clerk's Stamp

COURT FILE NUMBER: 1803-18535

COURT OF QUEEN'S BENCH  
OF ALBERTA

JUDICIAL CENTRE: EDMONTON

APPLICANT: **THE OWNERS: CONDOMINIUM PLAN No. 8120257 OF  
HANGINGSTONE POINT**



RESPONDENTS:

[Redacted names of respondents]

[REDACTED]

[REDACTED]

GENWORTH CANADA CORPORATION, CANADA  
GUARANTY MORTGAGE INSURANCE COMPANY, ROYAL BANK OF  
CANADA, BANK OF NOVA SCOTIA, BANK OF MONTREAL, THE  
TORONTO-DOMINION BANK, SCOTIA MORTGAGE CORPORATION,  
ATB FINANCIAL, CANADIAN IMPERIAL BANK OF COMMERCE,  
NATIONAL BANK OF CANADA, SERVUS CREDIT UNION LTD., MCAP  
SERVICE CORPORATION, FIRST NATIONAL FINANCIAL GP  
CORPORATION AND CANADA MORTGAGE AND HOUSING  
CORPORATION

DOCUMENT:

ORDER

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

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File No. 64855-1

DATE THIS ORDER WAS PRONOUNCED:

May 26, 2022.

LOCATION WHERE THIS ORDER WAS  
PRONOUNCED:

Edmonton, Alberta

NAME OF JUSTICE WHO MADE THIS ORDER:

Justice R.A. Graesser

**UPON** the application of the Applicant, Condominium Corporation No. 812 0257 o/a Hangingstone Point ("**Hangingstone**"); **AND UPON NOTING** that service of this Application upon all interested parties, including all unit owners and holders of registered encumbrances, is good and effective; **AND UPON HAVING READ** the Affidavit of Charles Scott in support of the Application; **AND UPON** it appearing that no interested party is in attendance and/or has objected to the relief sought in the within Application;

**IT IS HEREBY ORDERED AND DIRECTED THAT:**

1. service of the within Application and any supporting materials is hereby deemed to be good and sufficient;
2. it is hereby declared that it shall be lawful for Hangingstone to enter onto and take possession of the units within Condominium Plan 812 0257 described as follows (the "**Abandoned Units**"), for the purpose of inspecting and preserving the Abandoned Units:

MUNICIPAL ADDRESS	LEGAL DESCRIPTION
132 Acacia Drive	Condominium Plan 812 0257 Unit 31
137 Alderwood Drive	Condominium Plan 812 0257 Unit 46
114 Almond Crescent	Condominium Plan 812 0257 Unit 176

3. it is hereby declared that it shall be lawful for Hangingstone to enter onto and take possession of the units whose mortgages are to be transferred by the Royal Bank of Canada to Hangingstone (the "**RBC Units**") for the purpose of inspecting and preserving the RBC Units:

MUNICIPAL ADDRESS	LEGAL DESCRIPTION
116 Acacia Drive	Condominium Plan 812 0257 Unit 23
106 Almond Crescent	Condominium Plan 812 0257 Unit 172
146 Alderwood Drive	Condominium Plan 812 0257 Unit 59
110 Acacia Drive	Condominium Plan 812 0257 Unit 20
148 Alderwood Drive	Condominium Plan 812 0257 Unit 58
128 Acacia Drive	Condominium Plan 812 0257 Unit 29
122 Almond Crescent	Condominium Plan 812 0257 Unit 180
108 Alderwood Drive	Condominium Plan 812 0257 Unit 91
148 Applewood Drive	Condominium Plan 812 0257 Unit 100
156 Alderwood Drive	Condominium Plan 812 0257 Unit 54
164 Almond Crescent	Condominium Plan 812 0257 Unit 201
121 Alderwood Drive	Condominium Plan 812 0257 Unit 76
138 Almond Crescent	Condominium Plan 812 0257 Unit 188
112 Alderwood Drive	Condominium Plan 812 0257 Unit 93

136 Applewood Drive	Condominium Plan 812 0257 Unit 106
122 Applewood Drive	Condominium Plan 812 0257 Unit 113
132 Almond Crescent	Condominium Plan 812 0257 Unit 185
162 Alderwood Drive	Condominium Plan 812 0257 Unit 51
116 Alderwood Drive	Condominium Plan 812 0257 Unit 95
126 Almond Crescent	Condominium Plan 812 0257 Unit 182
182 Almond Crescent	Condominium Plan 812 0257 Unit 210

4. it is hereby declared that it shall be lawful for Hangingstone, or its designated representatives, to enter onto and take possession of the Abandoned Units and the RBC Units for the purposes of renting and administering the Abandoned Units and the RBC Units, as agent of their owners, under a periodic tenancy from month to month, year to year or on any other term as Hangingstone may deem advisable, with any revenue generated from such activities to be applied as follows:
- i. first, towards the costs, if any, of fitting out the units for rental along with any associated costs towards repairs, maintenance and cleaning as required to maintain the unit in upstanding condition for subsequent rentals or sales;
  - ii. second, towards the costs, if any, of commissions or other fees paid to real estate agents or brokers in connection with the rental of such unit;
  - iii. third, towards property taxes, utilities or other expenses paid or incurred by Hangingstone as agent of the owner pursuant to the rental contract;
  - iv. fourth, to pay any arrears of special assessments or condominium fees, including interest payable in accordance with Hangingstone's by-laws;
  - v. fifth, to pay current condominium fees; and
  - vi. finally, to the owner or any other person who may be entitled thereto at law;
5. service of this Order and all subsequent documents in this Action may be effected upon the Respondents by posting of the same to the CondoGenie website; and
6. there shall be no costs for this Application.



**Justice of the Court of Queen's Bench of  
Alberta**

Graesser J