

| <b>SUMMARY OF CURRENT DOCUMENT</b>                                |  |
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| Name of Issuing Party or Person:                                  | Canadian Imperial Bank of Commerce ("CIBC")  |
| Date of Document:   | February 7 <sup>th</sup> , 2003  |
| Summary of Order/Relief Sought or statement of purpose in filing: | Notice of Objection by CIBC: CIBC objects to the Interlocutory Application (Inter Partes) of Royal Bank of Canada ("RBC") for payment to RBC of the proceeds from the sale by the Receiver of the property referenced in the Application |
| Court Sub-File Number   | 7:27   |

2002 01T 0352

**IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR**

**IN THE MATTER OF** the *Companies' Creditors Arrangement Act*, Chapter C-36 of the Revised Statutes of Canada 1985, as amended

**AND IN THE MATTER OF** the plan of compromise or arrangement of Hickman Equipment (1985) Limited

**AND IN THE MATTER OF** Rule 25 of the *Rules of the Supreme Court*, 1986 under the *Judicature Act*, R.S.N. 1990, c. J-4, as amended

**AND IN THE MATTER OF** the *Bankruptcy and Insolvency Act*, Chapter B-3 of the Revised Statutes of Canada, 1985, as amended

**AND**

District of Newfoundland  
Court No. 9733  
Estate No. 100813

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**NOTICE OF OBJECTION**

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BENSON • MYLES  
Suite 900, Atlantic Place  
P.O. Box 1538  
St. John's, NF A1C 5N8  
Attention: Geoffrey L. Spencer  
Solicitors for Canadian Imperial Bank of Commerce

**2002 01T 0352**

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**District of Newfoundland  
Court No. 9733  
Estate No. 100813**

**NOTICE OF OBJECTION**

1. CIBC objects to the Interlocutory Application (Inter Partes) of RBC for payment to RBC of the proceeds from the sale by the Receiver of the property referenced in the Application for the reasons set out in CIBC's Notice of Objection, and supporting Affidavit of Jennifer Lee, filed in response to the Interlocutory Application (Inter Partes) of John Deere Credit Inc., Court Sub-File No. 7:25.
2. CIBC repeats the contents of the materials which it filed in Court Sub-File No. 7:25 and requests that RBC's Application for Proceeds be dismissed.

**ALL OF WHICH IS RESPECTFULLY SUBMITTED.**

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**DATED** at St. John's, in the Province of Newfoundland and Labrador, this 7<sup>th</sup> day of February, 2003.

**BENSON•MYLES**

Per:   
Geoffrey L. Spencer

Solicitors for Canadian Imperial  
Bank of Commerce  
whose address for service is:  
Suite 900, Atlantic Place  
P.O. Box 1538  
St. John's, NL A1C 5N8

**To:**

|  |   |                                  |
|--|---|----------------------------------|
| ABN Amro Bank Canada/<br>ABN Amro Leasing &<br>Tramac Equipment Ltd.   | Aubrey L. Bonnell, Q.C./<br>Brian Winsor<br>David Timms<br>Brent Keenan | 722-7521<br><br><br>905-331-2020 |
| Bombardier Capital Leasing<br>& Culease Financial Services   | John French   | 754-2701                         |
| Caterpillar Equipment  | Colin D. Grant  | 905-849-5512                     |
| CAT Finance  | James Smyth, Q.C./<br>Philip Warren                                     | 754-5662                         |
| Cedarrapids  | Nathan Mixdorf/<br>Francoise Belzil                                     | 319-399-4760<br>780-413-3152     |
| CIBC Equipment Finance<br>Ltd./CIT Financial Ltd./   | Gregory W. Dickie   | 722-9210                         |
| Contract Funding Group Inc.  | Mark G. Klar  | 416-218-1831                     |
| Daimler Chrysler Financial<br>Services/ Daimler Chrysler<br>Capital Services/ Mercedes-<br>Benz of Canada Inc. | Philip Buckingham/<br>Peter O'Flaherty<br>Elaine Gray                   | 722-4720<br>416-863-3527         |
| Fabtek Corp.   | Linc A. Rogers<br>Rhodie E. Mercer, Q.C.                                | 416-863-2653<br>726-5705         |

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|---|--|------------------------------|
| GE Capital  | Harvey Chaiton<br>Frederic Scalabrini        | 416-218-1849<br>905-319-4855 |
| GMAC  | Thomas R. Kendell, Q.C.                      | 722-1763                     |
| Group Holdings Ltd./<br>Hickman Equipment/<br>Hickman Holdings Ltd. | Robert Stack/<br>Griffith D. Roberts         | 726-2992                     |
| Ingersoll-Rand Canada Inc.  | R. Barry Learmonth, Q.C.<br>Jonathan Wigley  | 739-8151<br>416-863-6275     |
| John Deere Ltd./<br>John Deere Credit Inc.                          | Neil L. Jacobs/<br>Bruce Grant/ Maureen Ryan | 722-4565                     |
| MTC Leasing Inc./<br>National Leasing Group Inc.                    | R. Paul Burgess                              | 754-0915                     |
| ORIX Financial Services<br>Canada Ltd.                              | Donald Yaeck                                 | 416-236-3010                 |
| Goodman Associates  | Paul G. Goodman                              | 902-425-3777                 |
| PricewaterhouseCoopers Inc.   | Frederick Constantine<br>Carl Holm           | 722-0483<br>902-429-8215     |
| Royal Bank of Canada  | Thomas O. Boyne, Q.C.                        | 902-463-7500                 |
| TD Asset Finance Corp.  | D. Bradford L. Wicks                         | 753-5221                     |
| Wells Fargo Equipment<br>Finance Co.                                | Richard B. Jones                             | 416-361-6303                 |