

<b>SUMMARY OF CURRENT DOCUMENT</b>	
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 TD Asset Finance Corp. ("TD") for payment to TD of the proceeds from the sale by the Receiver of the property referenced in the Application
Court Sub-File Number	7:47

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

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

# White Ottenheimer & Baker

BARRISTERS & SOLICITORS

Charles W. White, Q.C.  
John A. Baker  
Daniel W. Simmons  
W. John Pratt  
Trudy L. Button  
Geoffrey K. Penney  
Kerry R. Hatfield

Wayne F. Spracklin, Q.C.  
John L. Joy  
William C. Boyd  
Robert J. Hickey  
Rosalie E. McGrath  
Neil F. Pittman

Robert B. Andrews, Q.C.\*  
Gregory W. Dickie  
John W. Lavers\*  
Darren C. Stratton  
Stacy L. Feltham  
Sheri H. Wicks

Hon. Gerald R. Ottenheimer, Q.C. (1934-1998)

\* Certificates in Mediation

February 7, 2003

(Via Courier)

**Patterson Palmer**  
**Attention: Fred Constantine**  
Barristers and Solicitors  
Scotia Centre  
235 Water Street  
St. John's, NL

Dear Sir:

- Re: (1) GMAC Application for proceeds  
Court Sub-File Number 7:34**  
**(2) CIBC Application for proceeds  
Court Sub-File Number 7:49**  
**(3) CIBC Application for proceeds  
Court Sub-File 7:28A**  
**(4) Bombardier Application for proceeds  
Court Sub-File 7:38**
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Please find enclosed herewith Notices of Objection filed by CIT Financial Ltd. and/or CIBC Equipment Finance Ltd. in the matter of three applications for proceeds, and in the matter of the application by CIBC appealing its final determination. Please also note that in the Bombardier Capital Leasing Limited Application (7.38), we have incorporated by reference the Affidavit of Donald MacKinnon filed in the Wells Fargo application (Court Sub-File Number 7.05).

Documentation has not been filed in these matters since the success or failure of the applications which have been made depend upon the documentation made available by the applicants, or upon the discovery of witness deponents, discovery of further and additional documentation as may be obtained, and from the interpretation of documentation and evidence.

We trust that you will find the enclosed to be in order.

Yours very truly

WHITE, OTTENHEIMER & BAKER



Gregory W. Dickie

GWD/bd  
Encl.